

AGENDA
REGULAR MEETING
DES MOINES CITY COUNCIL

May 24, 2012 - 7:00 p.m.

CALL TO ORDER - Mayor Kaplan

PLEDGE OF ALLEGIANCE

ROLL CALL

CORRESPONDENCE

COMMENTS FROM THE PUBLIC:

At this time the audience is invited to comment on any topic to bring it to Council's attention. Please sign in prior to the meeting and limit comments to three minutes or less.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

CONSENT CALENDAR

Item 1: **APPROVAL OF VOUCHERS**

Motion is to approve for payment vouchers and payroll transfers described as follows:

Claim checks \$ 865,385.08

Payroll fund transfers in the total amount of \$ 851,557.34,

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$ 1,716,942.42

EXECUTIVE SESSION - Potential Litigation RCW 42.30.110(1)(i)

PUBLIC HEARING

Page 2

1. **MULTI-FAMILY TAX EXEMPTION DRAFT ORDINANCE NO. 12-058**
Staff Presentation: Economic Development Manager Marion Yoshino

Page 15

2. **DRAFT ORDINANCE NO. 12-026 INSTITUTIONAL CAMPUS ZONING**
Staff Presentation: Senior Planner Jason Sullivan

NEXT MEETING DATE June 7, 2012, City Council Regular Meeting

ADJOURNMENT

DISBURSED 05/18/12					Amounts
Payroll Vouchers:					
Payroll Checks	17651		17671	=	21
Direct Deposit	200001	-	200138	=	138
Payroll Taxes					
Wage/Garnishments					
Voids					0
Electronic Wire Transfers					
ICMA 401 Forfeitures					
Total Claims					
Total certified Wire Transfers, Voids, A/P & Payroll vouchers for May 24, 2012					

**CITY OF DES MOINES
CLAIM CHECKS - May 24, 2012**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Des Moines, and that I am authorized to authenticate and certify to said Claim Checks and Electronic Wire Transfers listed below.

Auditing Officer:

Paula Henderson, Finance Director

The vouchers below have been reviewed and certified by individual departments and the City of Des Moines Auditing Officer.

Claims Vouchers:		Numbers		Amounts
Total A/P Checks/Vouchers		132070	132370 301	838,192.44
Electronic Wire Transfers	2	KEYBANK MASTERCARD, BANK OF AMERICA VISA		27,192.64
Subtotal for this Council Packet				865,385.08
Voided Claim Checks this check run:				
Voided Claim Checks from previous check runs				
Total Claims/Wire Transfers/Voids			303	865,385.08

Total certified A/P vouchers, Voids and electronic wire transfers for May 24, 2012 are:

\$865,385.08

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Multifamily Tax Exemption Zone

FOR AGENDA OF: May 24, 2012

ATTACHMENTS:

DEPT. OF ORIGIN: Economic Development

1. Draft Ordinance No. 12-058
2. Map One; Existing Multifamily
Tax Exemption Zone - Residential
Targeted Areas
3. Map Two; 2012 Proposed MFTE
Area RTA's

DATE SUBMITTED: May 15, 2012

CLEARANCES:

- [X] Legal DB
[] Finance _____
[X] Economic Development MY
[] Parks, Recreation & Senior Services _____
[X] Planning, Building & PW KA

APPROVED BY CITY MANAGER

FOR SUBMITTAL: [Signature]

Purpose and Recommendation

The proposed ordinance extends the boundaries of the Multifamily Tax Exemption zones to include an expanded area of the Pacific Ridge neighborhood, as designated in the attached map.

Suggested Motions

First Motion: I move to suspend Rule 26(a) to pass Draft Ordinance No 12-058 on the first reading.
And

Second Motion: I move to enact Draft Ordinance No 12-058 amending DMMC 3.96 to expand the boundaries of the Residential Target Area for the Multifamily Tax Exemption to include the entire area of the Pacific Ridge Neighborhood.

And/Or

Third Motion: I move to direct staff to draft an ordinance modifying the Pacific Ridge -Residential zone to allow apartment project development over 35 ft in height.

Background

In 2009 the Council of the City of Des Moines created Multifamily Tax Exemption zones in the Pacific Ridge neighborhood for the purpose of encouraging large-scale residential development in that area. The exemption is allowed by a State statute that provides for the City to waive the improved portion of property taxes for eight years with construction of a qualifying project.

The Des Moines MFTE applies to a limited area, an approximately five-block radius that is the northeast corner of the Pacific Ridge neighborhood, between by S. 216th and S. 221st Streets, and between Pacific Hwy and I-5 (see Map One). The MFTE area is comprised of two zones, each with different criteria for the exemption.

In MFTE Zone One, which applies to the PR-C1 (Pacific Ridge Commercial) properties that border directly on Pacific Hwy, the exemption is allowed for apartment or condominium projects that are 50 ft or higher. The projects must be mixed use, with non-residential component on the ground floor and residential units above. (The PR-C1 zone allows building heights of up to 85 ft for properties adjacent to Pacific Hwy on the east side).

In MFTE Zone Two, which applies to the PR-R (Pacific Ridge Residential) properties in the residential area between I-5 and Pacific Hwy, the exemption is only available for projects 100 ft or higher. The exemption is available to condominium projects, and not apartment projects, because apartment projects are only allowed to go up to 35 ft in height according to the current PR-R zoning code. (The PR-R code allows condominium projects to go up to 200 ft. in height).

The property owner must submit an application for an MFTE, and the City will determine if it is a qualifying project. After approval the property owner must submit a declaration each year indicating that the property is still in compliance with the requirements for the exemption.

To date there have been no developments that have used the MFTE in the City of Des Moines, although there is one approved PUD, the Waterview Crossing project, that has been designed to benefit from it.

Discussion

Draft Ordinance No. 12-058 expands the size of the current MFTE zones to encompass the remainder of the Pacific Ridge neighborhood (See Map Two). Feedback from property owners, developers and realtors has indicated that the exemption would be a good incentive for development in this expanded area if it were available.

In addition, stakeholders have commented that apartment development is restricted in the PR-R because of the 35 ft height limit. In today's economic climate apartment complexes are in demand, and many apartment projects are currently under construction in the Puget Sound region. Condominium projects are not supported by the present economic conditions, and those that were coming on the market before the recession have typically been converted to apartment rental units instead.

Because apartment development is restricted, and the MFTE incentive only supports condominiums over 100 ft in height, stakeholders in the PR-R zone do not feel that the zoning encourages

redevelopment for the area. The cost of constructing a very large-scale project, of 100 ft or higher, is expensive on a per-unit basis. The less expensive 'five over two' wood frame construction (five wood-frame stories over two concrete stories) allows the per-unit cost to come down and makes the units affordable and profitable. According to feedback, seven stories is a practical scale for development, and the 100 ft height minimum has discouraged taking advantage of the MFTE exemption.

A suggested amendment to the Draft Ordinance could lower the minimum for a qualifying condominium project to 50 ft and above in Zone Two, just as it is in Zone One - substituting for the 100 ft minimum mandated on page six of the Draft Ordinance.

To summarize, comments from owners and commercial realtors have indicated:

- 1) They would like to see the existing MFTE area expand.
- 2) The Pacific Ridge area would benefit from new upscale apartment complexes, and they would like to see the incentives for apartments equal to those of condominiums in order to encourage projects.
- 3) The expense of constructing a very large-scale project, of 100 ft or higher, is currently prohibitive as the retail price of units will not cover the expense. 50 ft or higher would be a more practical minimum for the incentive.

Alternatives

First Alternative: Adopt Draft Ordinance 12-058 as currently written.

Second Alternative: Adopt Draft Ordinance 12-058 with amendments (such as revise the minimum qualifying condominium project to 50 ft and above in Zone Two, instead of the 100ft minimum).

Third Alternative: Do not adopt Draft Ordinance 12-058.

Fourth Alternative: Direct staff to draft a new PR-R zoning ordinance for Council consideration, allowing apartment projects over 35 feet. This would support redevelopment projects in the residential area of Pacific Ridge zone, rather than disallowing the type of project that is economically practical. Subsequently, a new MFTE ordinance could then be drafted that would apply to both apartments and condominiums 50 ft and above (or as Council directs) in Zone 2.

Financial Impact

If the tax exemption encourages a project that would not be constructed without the MFTE incentive, then the impact on the City finances is positive, as the City still receives the benefit of all of the tax generated by the construction, as well as B&O and sales taxes generated by businesses in mixed-use developments. The City will still receive its share of property tax generated by the land portion of the parcel value. And the City may benefit from an increase in the land value created by the development.

However, the City will lose its share of the 'improvement portion' of the property tax, for the eight-year exemption period, on all new developments in the new MFTE zones.

Recommendation/Conclusion:

Economic Development recommends the Second and Fourth Alternatives.

ATTACHMENT 1

ECONOMIC DEVELOPMENT FIRST DRAFT 05/15/12

DRAFT ORDINANCE NO. 12-058

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, expanding the boundaries of the current Multi-Family Tax Exemption and amending DMMC 3.96.040.

WHEREAS, the purpose of the Multifamily Tax Exemption as established by RCW 84.14.007 is to encourage and stimulate the construction of new multifamily housing opportunities in cities that are required to plan under the Growth Management Act where the governing authority of the affected city has found that there are insufficient housing opportunities, and

WHEREAS, the City of Des Moines adopted Ordinance No. 1457 in 2009, creating a new chapter in Title 3 of the DMMC providing a tax exemption as an incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines, and

WHEREAS, the Council Finance and Economic Development Committee recommends that the boundaries created by Ordinance No. 1457 be expanded, and

WHEREAS, the City has identified the Pacific Ridge Neighborhood as the area to provide the majority of the new housing necessary and to achieve the City's mandated 2020 growth targets,

WHEREAS, the City seeks to encourage and promote new multifamily developments, and

WHEREAS, the City seeks to stimulate the construction of new multifamily housing, and

WHEREAS, the City seeks to increase the supply of multifamily housing opportunities within the City, and

WHEREAS, The *Des Moines Comprehensive Plan* Strategy 2-04-08 of Land Use Element states that the City should "[E]ncourage improvement of the ... Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan", and

WHEREAS, The *Des Moines Comprehensive Plan* Policy 7-03-06 of the Housing Element states that the City should, "[P]romote compatible residential development that is affordable to all economic segments of the Des Moines community", and

WHEREAS, the intent of the Pacific Ridge Neighborhood as established by the *Des Moines Comprehensive Plan* Goal 11-01-01 of the Pacific Ridge Element is "...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", and

WHEREAS, The *Des Moines Comprehensive Plan* Policy 11-03-07 of the Pacific Ridge Element provides that the City should "[P]romote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge", and

WHEREAS, The *Des Moines Comprehensive Plan* Strategy 11-04-02 of the Pacific Ridge Element provides that the City should "[E]ncourage land assemblage so that larger-scale development proposals can be considered...", and

WHEREAS, The *Des Moines Comprehensive Plan* Strategy 11-04-04 of the Pacific Ridge Element states that the City should "[E]ncourage new residential development to offer owner-occupied dwellings", and

WHEREAS, DMMC 18.31.010, et seq., was enacted by the City to implement the *Des Moines Comprehensive Plan*, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge, and

WHEREAS, other objectives and purposes of DMMC 18.31.010, et. seq., are to, *inter alia*, provide development regulations to promote redevelopment of properties within Pacific Ridge to create attractive, safe, and desirable areas to work and reside; to establish higher density development to

meet or exceed the City's population and employment growth targets specified by the countywide planning policies for King County; and

WHEREAS, the SEPA Planned Action evaluated a build out scenario for Pacific Ridge which assumed the development of 5,541 residential units and was adopted by Des Moines Ordinance No. 1298 as required by WAC 197-11-168, and

WHEREAS, the area identified as the Pacific Ridge Neighborhood meets the standard of a blighted area as defined in RCW 35.81.015, and

WHEREAS, the City Council finds that this Ordinance is appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 3.96.010 and section 1 of Ordinance No. 1457 are each amended to read as follows:

Findings of fact. This chapter shall be known as the multifamily tax exemption ordinance (hereinafter MFTE). The findings of fact set forth in Exhibit 1, attached to the ordinance codified in this chapter and incorporated by this reference, are adopted in full by the city council in support of its decision to designate areas of the Pacific Ridge neighborhood as illustrated in ~~Exhibit 2~~ DMMC 3.96.040 Figure 1 ~~to the ordinance codified in this chapter as a residential target area as required by chapter 84.14 RCW.~~

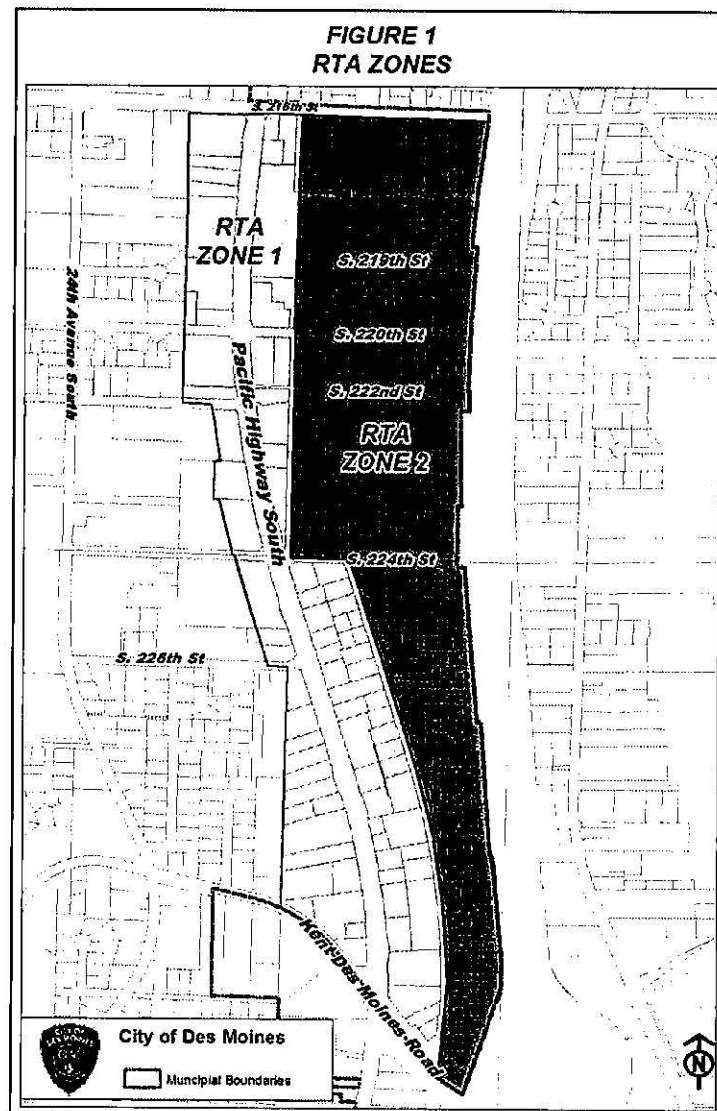
Sec. 2. DMMC 3.96.040 and section 4 of Ordinance No. 1457 are each amended to read as follows:

Project eligibility. To be eligible for the MFTE the property sought to be exempted shall satisfy all of the following requirements:

- (1) The property shall be located within the RTA area, which is ~~the area within the~~ portion of the Pacific Ridge neighborhood

Neighborhood as established by the Des Moines Comprehensive Plan (2012), south of South 216th Street and north of South 221st Street as extended westerly to Pacific Highway South, east of Pacific Highway and west of Interstate 5. The RTA is illustrated on Exhibit 2 to Ordinance No. 1457

(a) The RTA consists of two subareas identified as Zone 1 and Zone 2 as illustrated on Figure 1 below: on Exhibit 2.



~~(b) If there is a conflict between the above narrative description of the boundaries and Exhibit 2, Exhibit 2 controls.~~

~~(c) If a part of any legal lot is within the RTA as shown on Exhibit 2 then the entire lot shall be deemed to lie within the RTA.~~

(d) The MFTE shall only be available for a maximum of 3,000 residential units or 10 years after the approval date of Ordinance No.1457, whichever occurs first.

(2) The property sought to be exempted shall be developed in a manner that furthers the city's goals and objectives for the Pacific Ridge neighborhood in the Des Moines comprehensive plan, the Pacific Ridge neighborhood improvement plan and integrated draft environmental impact statement, and DMMC 18.31.010 as adopted or subsequently amended.

(3) The project sought to be exempted must be multifamily housing within a residential structure or as part of a mixed use development consistent with the following requirements:

(a) Zone 1 Standards.

(i) Building(s) shall be a minimum of 50 feet in height as calculated by DMMC 18.31.090(7)(b).

(ii) Building(s) shall contain a minimum of 80 residential units.

(iii) A minimum of 50 percent of the space within such residential

structure or mixed use building shall be for permanent residential occupancy.

(b) Zone 2 Standards.

(i) Building(s) shall be a minimum of 100 feet in height as calculated by DMMC 18.31.090(7)(a).

(ii) Building(s) shall contain a minimum of 160 residential units.

(iii) A minimum of 50 percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.

(iv) Building(s) shall be constructed as condominiums for individual ownership.

(4) The property owner(s) shall be required to have 24-hours-a-day/seven-days-a-week on-site property management by a professional management company with a minimum of five years of experience in providing property management for large-scale residential projects. The property owner(s) shall also be required to provide 24-hours-a-day/seven-days-a-week private security on site, to include on-site security offices, office space for public safety use, and video camera monitoring.

(5) The property sought to be exempted shall be developed in a manner that increases or preserves property valuation, and the development of the property must represent an increased investment in the property that results in an

increase in the overall property values in the area.

(6) The taxes collected during the MFTE period shall be sufficient to cover the city's costs required to provide necessary services to the residents of the property sought to be exempted. If taxes collected do not cover the City's costs required to provide necessary services to the residents of the property sought to be exempted, the property owner(s) shall make an annual payment in lieu of taxes to cover the estimated difference.

(7) The project shall comply with all applicable Des Moines Zoning Code, land use regulations, and other requirements, including those contained in Titles 12, 14, 16, 17, and 18 DMMC.

(8) Construction of any project approved with an MFTE shall be completed within three years from the date of approval of the MFTE by City Council as provided in DMMC 3.96.060.

Sec. 3. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

Sec. 4. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

Draft Ordinance No. 12-058
Page 8 of 8

PASSED BY the City Council of the City of Des Moines this
_____ day of _____, 2012 and signed in authentication thereof
this _____ day of _____, 2012.

M A Y O R

APPROVED AS TO FORM:

Assistant City Attorney

ATTEST:

City Clerk

Effective Date:

Published:

ATTACHMENT 2



Existing Multi-Family Tax Exemption

Residential Targeted Areas

Legend

Residential Targeted Area

MFTE RTA Zones

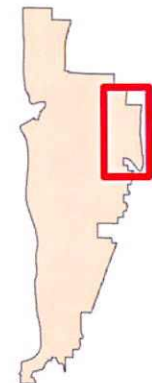
RTA Zone 1

RTA Zone 2

Pacific Ridge Zoning

PR-C1

PR-R



21630 11th Ave S
Des Moines, WA 98198-6398
PHONE: (206) 878-4595 | FAX: (206) 870-7626
WEB: <http://www.desmoineswa.gov>

File: MFTE_Map.mxd
Map Generated: Sept 24, 2008
Product of City of Des Moines Development Services

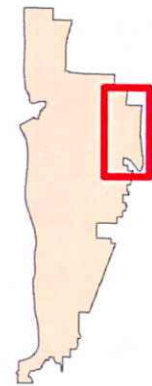
ATTACHMENT 3



2012 Proposed MFTE Area

Legend

-  Zone 1
-  Zone 2



21630 11th Ave S
Des Moines, WA 98198-6398
PHONE: (206) 878-4595 | FAX: (206) 870-7626
WEB: <http://www.desmoineswa.gov>

File: MFTE_Map.mxd
Map Generated: Sept 24, 2008
Product of City of Des Moines Development Services

A G E N D A I T E M

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Institutional – Campus Zoning

FOR AGENDA OF: May 24, 2012

ATTACHMENTS:

DEPT. OF ORIGIN: Planning, Building and
Public Works

1. Draft Ordinance 12-026
2. Resolution 1190
3. North American Industry Classification
System Excerpts (Educational Services –
Sector 61, Nursing and Residential Care
Facilities – NAICS Subsector 623 and
Religious, Grantmaking, Civic,
Professional, and Similar Organizations
NAICS 813
4. Map of Existing Educational and
Retirement Facilities
5. Planning Agency Minutes (Draft)
6. Finance and Economic Development
Committee Minutes
7. Public Hearing Notice
8. SEPA Determination of Nonsignificance

DATE SUBMITTED: May 14, 2012

CLEARANCES:

- ☒ Legal VG
☐ Finance N/A
☐ Marina N/A
☐ Parks, Recreation & Senior Services N/A
☒ Planning, Building & Public Works HA
☐ Police N/A
☐ Courts N/A

APPROVED BY CITY MANAGER
FOR SUBMITTAL: HA

Purpose and Recommendation

The purpose of this agenda item is to facilitate the City Council's discussion of the creation of an Institutional – Campus (I-C) Zone. Staff is recommending that the City Council adopt Draft Ordinance 12-026 to create an I-C Zone establishing development regulations for Educational and Retirement Facilities. If the City Council concurs with staff's recommendation, the City Council should pass the following motion. Draft Ordinance 12-026 cannot be adopted until after the conclusion of the required 60 Day Department of Commerce review which concludes on June 11, 2012.

Suggested Motion

Motion: "I move to pass Draft Ordinance 12-026 amending the Zoning Code, Title 18 DMMC by adding a new chapter entitled Institutional Campus Zone to a second reading on June 28, 2012."

Background

The existing development regulations provide no consistency in the regulation of large regional institutional uses like Highline Community College, Wesley Homes, Judson Park or Landmark on the

Sound. The requirements are based on a number of different zoning classifications and on what a use is called rather than how big it is or the breadth of its impacts. The impacts from these uses are more closely related to the number of users, the number of cars and trips, the size of the building, the noise and visual intrusion, and other physical issues. For example a school with 16 students has the same requirements as one with 1600, while the uses are the same; the nature of the impact is vastly different.

In 2012, the City Council took the first step towards addressing these unique uses by amending the *Des Moines Comprehensive Plan* to add Policy 2-03-014 to the Land Use Element which charges Development Services (DS) with the task of working with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan.

In order to implement the policy direction provided by the City Council, DS has developed Draft Ordinance 12-026 which establishes regulations for large institutional campus uses. These draft regulations were developed to ensure that large regional institutional uses are planned, designed, and managed in a way that minimizes objectionable impacts on adjacent communities.

State Environmental Policy Act

Draft Ordinance 12-026 contains substantive standards respecting the use or modification of the environment which require review under the State Environmental Policy Act (SEPA) – Chapter 43.21C RCW as a non-project action.

A SEPA checklist was completed for Draft Ordinance 12-026 and reviewed by City staff to determine if significant adverse environmental impacts would occur as the result of the adoption of the Draft Ordinance. The SEPA Official (the Planning, Building, and Public Works Director) determined that the adoption of the Draft Ordinance did not result in significant adverse environmental impacts and subsequently issued a Determination of Non-Significance (DNS) on May 8, 2012 (Attachment 8). The comment and appeal periods for the DNS will conclude on May 23, 2012 and June 4, 2012 respectively. Since the appeal period will not conclude until the June 4th, the City Council cannot take final action on the Draft Ordinance until after June 4, 2012.

Notice Requirements

Amendments to Title 18 DMMC (Zoning) are considered Type VI Land Use Actions pursuant to DMMC 18.56.080(1) and as such require a public hearing with the City Council pursuant to DMMC 18.56.200 and 18.60.040. The date of the public hearing to consider Draft Ordinance 12-026 was set by the City Council on April 23, 2012 pursuant to Resolution 1190 (Attachment 2) as required by DMMC 18.60.120(3). Notice of the public hearing was posted at the City's official posting locations, the City website, Channel 21, and the Seattle Times as required by DMMC 18.60.120(3). In addition to these required notifications, staff mailed a copy of the notice and the Draft Ordinance to Wesley Homes, Landmark on the Sound, Judson Park, Highline Community College, the Highline School District and the Federal Way School District.

Department of Commerce Review

The regulations within the I-C zone are classified as development regulations under the Growth Management Act as defined in RCW 36.70A.030(7); therefore, the Draft Ordinance was required to be

provided to the Department of Commerce for review and comment by the Department and other State agencies. This mandatory 60 day review and comment period commenced on April 12, 2012 and will conclude on June 11, 2012. To date, no comments have been received from the Department regarding the Draft Ordinance. The City Council is able to hold the public hearing on May 24, 2012, but would not be able to take final action that night. If the City Council desires to move the Draft Ordinance forward, the Council can move the Draft Ordinance to a second reading to a date after June 11, 2012 for final adoption.

Planning Agency Review

The Planning Agency reviewed the Draft Ordinance during its regular meeting on March 5, 2012. The Agency made minor modifications to the Draft Ordinance which include removing the term "other institutional uses" from the Section 2(1) and including additional noise and light standards to prevent impacts on the adjacent neighborhoods. Following discussion on the Draft Ordinance, the Agency recommended that the City Council adopt the Draft Ordinance.

Discussion

To prepare the Draft Ordinance, DS staff engaged in data collection comprising a basic catalogue of the City's institutional uses and analysis of other cities' regulatory policies regarding large institutional uses. Combined, this analysis process led to the Draft Ordinance.

Initially staff proposed to include all institutional uses within the same zoning classification which would have included colleges and universities, hospitals, retirement facilities, governmental facilities, and public schools. However, during the policy discussion on April 24, 2012, the City Council decided to limit the I-C Zone to only educational and retirement facilities. This modification has been made to the current version of the Draft Ordinance.

As the Draft Ordinance references the North American Industry Classification System (NAICS), the City Council also had questions regarding what uses would be allowed under the boarder NACIS categories for Educational Services – NACIS Sector 61 and Nursing and Residential Care Facilities – NAICS Subsector 623. In general, NACIS defines Educational Services as non-profit, for-profit and public owned schools, colleges, universities, and training centers that provide instruction and training in a wide variety of subjects and may also offer food and/or accommodation services to their students. In regards to Nursing and Residential Care Facilities, the NAICS defines these facilities as establishments that provide residential care combined with either nursing, supervisory, or other types of care that is a mix of other health and social services. A complete list of the uses allowed within these two NAICS classifications is provided in Attachment 3.

The Draft Ordinance also requires a Master Plan for campuses with over 150,000 square feet of total gross floor area to address the full range of possible cumulative impacts. The Master Plan would be reviewed by the Hearing Examiner instead of the City Council. The decision to approve the Master Plan would be based on enumerated criteria established in the I-C Zone that include qualitative performance standards to reduce impacts associated with light, noise, parking, loading areas, etc. Properties subject to the Master Plan can file for an Administrative review for minor changes to previously reviewed Master Plan.

The amendments to allow approval of Master Plans by the Hearing Examined would be part of a separate draft ordinance which would amend the Land Use Review Procedures. This draft ordinance is on the Council Work program and will be brought forward later this year.

Initially the maximum building height was established at 65 feet, provided that the building was set back approximately 35 feet from all property lines. However, the Planning Agency and Finance and Economic Development Committee expressed concerns with this standard. Based on their input a tiered building height was established for the I-C Zone based on the size of the property and the proposed use. The goal of the tiered system was to limit institutional uses on smaller campus within residential neighborhoods from building to a height that is out of scale with the surrounding neighborhood. The revised building heights for the I-C Zone are provided in Section 6 of the Draft Ordinance.

Alternatives

The City Council has the following alternatives:

- (1) The City Council may move Draft Ordinance 12-026 to a second reading.
- (2) The City Council may amend Draft Ordinance 12-026 and then send the amended version of Draft Ordinance 12-026 to a second reading.
- (3) The City Council may decline to act on Draft Ordinance 12-026.

Financial Impact

Establishment of the I-C Zone will not have a direct financial impact, but could facilitate redevelopment of these campus properties which would have both direct and in-direct beneficial financial impacts on the City.

Recommendation and Conclusion

Staff recommends City Council move Draft Ordinance 12-026 establishing an I-C Zone providing standardized development regulations for educational and retirement facilities to a second reading after June 11, 2012. Adopting the Draft Ordinance would implement *Des Moines Comprehensive Plan* Policy 2-03-014 by establishing a zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan. The Draft Ordinance also furthers the *Des Moines Comprehensive Plan* Strategy 1-04-03 by establishing development standards that are clear and predictable and simplify the review process.

Concurrence

The Draft Ordinance has received a do pass recommendation from both the Planning Agency and the Finance and Economic Development Committee.

CITY COUNCIL'S FIRST DRAFT
05/09/2012

DRAFT ORDINANCE NO. 12-026

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON adding a new Chapter to Title 18 DMMC entitled I-C Institutional Campus Zone, establishing new development standards for a new Institutional Campus Zone (I-C) in the City of Des Moines and amending DMMC 18.06.020 and 18.06.030 to add the new I-C zone to the list of existing zoning categories in the City.

WHEREAS, clear and predictable development regulations to encourage efficient permitting is a planning goal established by the Growth Management Act, Chapter 36.70A RCW, and

WHEREAS, the *Des Moines Comprehensive Plan* Policy 2-03-14 directs the City to establish an Institutional Campus land use designation and zone that supports Highline Community's College Master Plan, and

WHEREAS, there are other large institutional facilities in the City that serve a regional clientele that include Wesley Homes, Judson Park, and the Highline School District that also require the development of a land use designation and zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in agency Master Plans, and

WHEREAS, the Des Moines Planning Agency at its March 5, 2012 meeting recommended that the City Council adopt a zoning classification to accommodate large institutional campus uses that serve regional clientele, and

WHEREAS, the Finance and Economic Development Committee has determined that modifications to the City's development regulations are required to accommodate large institutional campus uses that serve regional clientele, and

WHEREAS, pursuant to DMMC 18.56.080 amendment of the zoning code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearing was held on May 24, 2012, and all persons wishing to be heard were heard

WHEREAS, the textual code amendments proposed by this ordinance have been processed in accordance with the requirements of the State Environmental Policy Act (SEPA), and

WHEREAS, the SEPA review determined that there is adequate water, sewer, utility and transportation capacity to serve the potential growth associated with the proposed zoning amendments as determined by the relevant capital facility plans, and

WHEREAS, a Determination of Non-significance was issued on May 8, 2012 by the SEPA Responsible Official, and the applicable SEPA comment period has concluded, and

WHEREAS, the textual code amendments proposed in this ordinance were provided to the Department of Commerce as required by RCW 36.70A.106, and

WHEREAS, the City Council finds that the amendments to Title 18 DMMC contained in this ordinance are appropriate to provide clear and predictable development regulations for institutional campus uses in a manner that promotes the health, safety, and welfare of the citizens of the City; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Findings of fact and Conclusions. The findings of fact set forth in Exhibit 1, attached hereto and incorporated by this reference, are adopted in full by the City Council in support of its decision to establish an Institutional Campus zoning designation.

Sec. 2. A new chapter is added to Title 18 DMMC entitled "I-C Institutional Campus Zone" to read as follows

1. Purpose of zone.

(a) To provide a zoning district for colleges, universities, educational facilities, and retirement facilities.

(b) To ensure that colleges, universities, educational facilities, and retirement facilities that occupy large sites are planned, designed, and managed in a way that minimizes impacts on adjacent areas.

(c) To ensure that the expansion of existing institutional uses does not significantly adversely impact quality of life in adjacent residential areas.

2. Permitted uses. Only those uses listed below, shall be permitted in the I-C Zone. Each use is more fully described in the United States Office of Management and Budget, North American Industry Classification System (2007) or as subsequently revised. The numbers in parentheses following each of the listed uses refer to the North American Industry Classification System (NAICS) code numbers:

(a) Educational Services (61)

(b) Nursing and Residential Care Facilities (623);

(c) Religious, Grant-making, Civic, And Professional Organizations (813)

3. Master Plans.

(a) Purpose. The purpose of the master plan is to define the development of property promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes.

(b) Master Plan Required. Master plan approval shall be required for all institutional uses with 150,000 square feet of total gross floor area or more. The calculation of the total gross floor area is calculated by combining the total gross floor area of all the buildings located within a contiguous campus area.

(c) Contents of Master Plan. A master plan shall consist of the following:

(i) Site plans drawn at a maximum scale of 1:40 and illustrating the following:

(A) Boundaries, dimensions, and acreage of the site;

(B) Location of lot lines, rights-of-way, easements, and tracts within the site;

(C) Location and nature of planned improvements to the vehicular and pedestrian circulation system within and abutting the site;

(D) Location of planned buildings, structures, parking areas, and other improvements within the site;

(E) Location of proposed landscaped areas, recreation areas, and areas to be left undisturbed;

(ii) Conceptual landscaping plans for all required landscaping areas, exterior boundaries, internal streets, and common open space areas. The conceptual landscaping plans shall be drawn at a maximum scale of 1:20 and shall be prepared by a Licensed Landscape Architect; and

(iii) Conceptual utilities plan drawn at a maximum scale of 1:20;

(iv) Environmental checklist;

(v) Vicinity map(s) showing existing conditions within and surrounding the site including: land uses, zoning, buildings, vehicular and pedestrian circulation systems, existing topography indicated with five-foot contours, environmentally critical areas, and significant natural vegetation. The Vicinity Map shall be drawn at a maximum scale of 1:100;

(vi) A narrative description of the proposal, including a discussion of how it is consistent with applicable comprehensive plan policies; how any off-site environmental impacts will be mitigated; and a description of planned improvements, including the maximum site coverage, maximum gross square feet of occupiable floor area and the maximum floor area to be occupied by different types of uses, maximum building height for each building location, the nature and extent of off-site improvements, and development phasing; and

(vii) A traffic analysis and report indicating the following: current and future traffic volumes and levels of service on the street system; planned and programmed traffic improvements and their relationship to any adopted state, local, and/or regional transportation plans or programs; anticipated traffic volumes and distribution; impacts generated by the proposal on future traffic volumes and levels of service; measures necessary to mitigate the proposal's effects on traffic and traffic systems, including the proposal's pro rata share of identified traffic improvements; a proposed transportation demand management (TDM) plan to reduce traffic impacts; and such other information as may be required by the City.

(viii) A technical information report containing the elements required by the City's adopted Surface Water Design Manual.

(ix) Covenants, conditions, and restrictions proposed by the applicant to control future development of the area subject to the master plan;

(x) A sign program indicating the general location, dimensions, height, and materials of signs consistent with the requirements for a Comprehensive Sign Review provided in Article III of Chapter 18.42 DMMC.

4. Master Plan Decision Criteria. A master plan approval shall be granted by the City only if the applicant demonstrates that:

(a) The master development plan includes a general phasing timeline of development and associated mitigation.

(b) The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.

(c) There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development

plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

(d) There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.

(e) The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.

(f) The applicant shall demonstrate that proposed commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

5. Master Plan Amendments. Minor amendments to an approved master development plan may be approved by the City Manager or designee if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

(a) An increase in the square footage of any proposed building or structure by 10 percent or less; or

(b) A change of 15 percent or less in the number of new parking spaces, parking spaces created by re-striping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles; or

(c) A change in the original phasing timeline for mitigation of the master development plan; or

(d) Changes to building placement when located outside of the required setbacks and any required setbacks for critical areas; or

(e) A cumulative increase in impervious surface of 10 percent or less or a cumulative decrease in tree cover of 10 percent or less; or

Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master development plan. Major amendments to an approved master development plan shall be processed as a new master plan.

6. Property Development Standards. All properties zoned I-C shall be subject the following development standards:

(a) The maximum building height for master plan sites of 10 acres or more shall be as follows

(i) The maximum building height for multi-unit residential buildings shall be 65 feet as measured from the average finished grade,

(ii) The maximum building height for all other buildings and structures shall be 45 feet as measured from the average finished grade.

(b) The maximum building height for master plan sites of less than 10 acres shall be as follows:

(i) The maximum building height for multi-unit residential buildings shall be 45 feet as measured from the average finished grade,

(ii) The maximum building height for all other buildings and structures shall be 35 feet as measured from the average finished grade.

(c) Buildings with a height of 35 feet or less shall be setback a minimum of 20 feet from all property lines. Buildings with a height above 35 feet shall be setback 20 feet

for the first 35 feet plus one foot for every 2 feet of height above 35 feet.

(d) Buildings, parking areas, and other paved surfaces, exclusive of public rights-of-way and recreation areas developed and accessible to the public, shall cover no more than seventy-five (75) percent of the building site.

7. Performance Standards. Every property within the I-C zone shall conform to the following performance standards:

(a) Nuisances. No use, activity, or equipment shall be permitted which creates a nuisance or is offensive, objectionable, or hazardous by reason of creation of odors, noise, sound, vibrations, dust, dirt, smoke, or other pollutants, noxious, toxic, or corrosive fumes or gases, radiation, explosion or fire hazard, or by reason of the generation, disposal, or storage of hazardous or dangerous wastes or materials.

(b) Loading and Parking Areas.

(i) Loading areas shall be set back, recessed and/or screened so as not to be visible from adjacent public rights-of-way or properties designated as Single-Family, Multifamily, or Park by the City of Des Moines Comprehensive Plan.

(ii) Load areas shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no loading areas are allowed between a building and a side street lot line.

(c) All uses shall conform to the off-street parking and loading area requirements as set forth in Chapter 18.44 DMMC, or as hereinafter amended; provided, however, employee parking may be reduced through implementation of a transportation demand management (TDM) program.

(d) Landscaping.

(i) All uses shall conform to the landscaping and buffering requirements as set forth in Chapter 18.41 DMMC.

(ii) Landscaping shall be designed to achieve an aesthetically pleasing park-like setting; integrate landscaping in master plan design; preserve significant trees, particularly tree clusters; reinforce the relationship to its natural setting; soften building masses; provide visual screening from, and provide transition to, adjacent residential areas, and noise and wind buffering; define automobile and pedestrian circulation patterns; maintain and strengthen public vistas; provide screening for on-site parking areas, and refuse and recycling receptacles; create functional and accessible active and passive outdoor activity spaces; and create linkages, where feasible, to City and regional parks and trail systems.

(e) Trash and Recycling Receptacles. Trash and recycling receptacles shall be a minimum of 15 feet from any properties designated as Single-Family, Multifamily, or Park by the City of Des Moines Comprehensive Plan.

(f) Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall comply with the Maximum Environmental Noise Levels established by Chapter 173-60 WAC as presently constituted or as may be subsequently amended.

(g) Exterior Lighting.

(i) Lighting shall comply with the Zone 2 requirements for exterior light established by the 2009 Washington State Energy Code as presently adopted or as subsequently amended;

(ii) Lighting shall be fully shielded in such a manner that the bottom edge of the shield shall be below the light source so no light is emitted above the horizontal plane of the lighting fixture.

(iii) Ground-mounted floodlighting shall only be used to illuminate landscaping areas, accentuate key architectural features or illuminate flag poles.

(iv) Exterior lighting shall provide a minimum of at least 1.5 foot candles for parking lots and walkways.

(v) Exterior Lighting shall be less than 0.2 foot candles at the property lines which abut properties designated as Single-Family, Multifamily, or Park by the Des Moines Comprehensive Plan.

(vi) A Photometric Plan and Exterior Lighting Summary shall be required and shall be submitted as part of the Building Permit application.

Sec. 3. DMMC 18.06.020 and section 1 of Ordinance No. 1397 are each amended to read as follows:

Names of zones. To accomplish the purpose of this title, the following use zones are established and regulations are set forth therein defining the permissible uses, the height and bulk of buildings, the area of yards and other open spaces about buildings, and the density of population; such zones are known as follows:

(1) Residential Zones.

(a) Single-family residential zones:

- (i) R-SR Residential: Suburban Residential;
- (ii) R-SE Residential: Suburban Estate;
- (iii) RS-15,000 Residential: Single-Family
15,000;
- (iv) RS-9,600 Residential: Single-Family 9,600;
- (v) RS-8,400 Residential: Single-Family 8,400;
- (vi) RS-7,200 Residential: Single-Family 7,200;
- (vii) RS-4,000 Residential: Single-Family 4,000;

(b) Multifamily residential zones:

- (i) RA-3,600 Residential: Attached Townhouse and
Duplex 3,600;
- (ii) RM-2,400 Residential: Multifamily 2,400;

- (iii) RM-1,800 Residential: Multifamily 1,800;
- (iv) RM-900 Residential: Multifamily 900;
- (v) RM-900A Residential: Multifamily 900A;
- (vi) RM-900B Restricted Service Zone.

(2) Commercial Zones.

- (a) N-C Neighborhood Commercial;
- (b) B-C Business Commercial;
- (c) C-C Community Commercial;
- (d) D-C Downtown Commercial;
- (e) C-G General Commercial
- (f) I-C Institutional Campus;
- (g) B-P Business Park;
- (h) H-C Highway Commercial.

Sec. 4. DMMC 18.06.030 and section 2 of Ordinance No. 1397 are each amended to read as follows:

Degree of restrictiveness. In the different major categories of zones established by this title, the residential zones are considered the most restrictive and other zones are less restrictive. Although the elements of required minimum lot areas and open spaces are involved in varying degrees in determining the position of uses in the scale of restrictiveness, the characteristics of uses as set forth in the various individual zones are the primary criteria. In the commercial zones the uses permitted actually determine the sequence of restrictiveness. To further distinguish the degree of restrictiveness in the various major categories of zones within which there is more than one zone, the sequence is as follows:

(1) In the residential zones, the zone that establishes the lowest population density and requires the highest standards of lot area, yards, and open spaces is considered to be the most restrictive, and the uses permitted in such zone are considered to be the lightest and most restricted. The single-family residential zones and the uses permitted therein are considered to be the lightest and most restrictive, and in this category there is a further distinction in terms of required minimum lot area and open spaces that establish a degree of less restrictiveness in the following sequence: R-SR, R-SE, RS-15,000, RS-9,600, RS-8,400, RS-7,200, and RS-4000, the numeral suffix referring to required minimum lot areas. As greater population density is permitted by zone, the uses permitted are considered to be heavier and less restrictive in the following sequence: RA-3,600, RM-2,400, RM-1,800, RM-900A, RM-900B, and RM-900. In the residential zones the numeral suffix refers to required lot area per dwelling unit.

(2) In the commercial zones the zone that establishes the most stringent performance standards is considered to be the lightest and most restrictive zone, and the uses permitted in such zone are considered to be the lightest and most restrictive commercial uses. In the commercial zones set forth in this title the N-C zone and the uses permitted therein are the lightest and most restricted, and the zones become heavier and less restrictive in the following sequence: B-C, C-C; D-C, C-G, I-C, B-P, and H-C.

Sec 5. Codification. Section 2 of this ordinance shall be codified as a new chapter in Title 18 DMMC entitled "I-C Institutional Campus Zone."

Sec. 6. Severability - Construction.

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

Sec. 7. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this ____ day of ____, 2012 and signed in authentication thereof this ____ day of ____, 2012.

M A Y O R

APPROVED AS TO FORM:

City Attorney

ATTEST:

City Clerk

Published: _____

EXHIBIT A TO DRAFT ORDINANCE NO. 12-026

FINDINGS of FACT

1. The Des Moines Planning Agency held a public meeting on March 5, 2012 and recommended that the City Council adopt a zoning classification to accommodate large institutional campus uses that serve regional clientele.
2. A SEPA Determination of Nonsignificance (LUA2012-0004) was issued on May 8, 2012.
3. Pursuant to the Growth Management Act - Chapter 36.70A RCW the Draft Ordinance was provided to the Department of Commerce for review and comment by the Department and other State agencies. This mandatory 60 day review and comment period commenced on April 12, 2012 and concluded on June 11, 2012.
4. A public hearing with the City Council was held on May 24, 2012 as required by DMMC 18.56.200 and 18.60.040.
5. The date of the public hearing to consider the Draft Ordinance was set by the City Council on April 23, 2012 pursuant to Resolution 1190 as required by DMMC 18.60.120(3).
6. Notice of the public hearing was posted at the City's official posting locations, the City website, Channel 21, and the Seattle Times as required by DMMC 18.60.120(3).
7. Staff mailed a copy of the notice and the Draft Ordinance to Wesley Homes, Landmark on the Sound, Judson Park, Highline Community College, the Highline School District and the Federal Way School District.
8. The *Des Moines Comprehensive Plan*, Strategy 1-04-03(2) states that the City should "review and amend as appropriate the Zoning Code, Subdivision Code and other development regulations to establish development standards that are clear and predictable, that simplify the review process, and adapt to varied site or neighborhood conditions.
9. The *Des Moines Comprehensive Plan*, Strategy 1-04-03(2) states that the City should, "[C]onsistently and equitably enforce development standards. If such enforcement is not

possible, re-evaluate the standards and amend them to be more precisely defined.

10. The *Des Moines Comprehensive Plan*, Policy 2-03-03 states that the City should, "[E]nsure that future development has adequate public facilities and services or such services can be concurrently provided.
11. The *Des Moines Comprehensive Plan* Policy 2-03-014 states the City should, "[W]orking with Highline Community College to establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan."
12. The *Des Moines Comprehensive Plan*, Strategy 2-04-16 states that the City should, [E]stablish standards for new development to provide on- and off-site roadways, utilities and other public facilities as necessary to serve the additional demand generated by the development.

RESOLUTION NO. 1190

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, fixing a time for a public hearing to consider Draft Ordinance No. 12-026 which amends the Zoning Code - Title 18 of the Des Moines Municipal Code by adding a new chapter entitled Institutional-Campus Zone and amending DMMC 18.06.020 and 18.06.030 to add the new Institutional-Campus Zone to the list of existing zoning classifications within the City of Des Moines.

WHEREAS, the City Council is considering amendments to Title 18 DMMC relating to the establishment of a new chapter to establish a zoning classification entitled Institutional-Campus Zone, and

WHEREAS, the City Council will also need to consider amendments DMMC 18.06.020 and 18.06.030 to add the Institutional-Campus Zone to the list of existing zoning classifications, and

WHEREAS, a public hearing is necessary to receive public comment regarding this proposal, and

WHEREAS, a public hearing is required for adoption of an ordinance which amends a portion of the Title 18 DMMC commonly referred to as the Zoning Code; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

The matter of amending to Title 18 DMMC to create a new chapter to establish the Institutional-Campus Zone and the amendments to chapter 18.06 DMMC *Zones, Maps, and Boundaries* is set for a public hearing before the City Council on Thursday,

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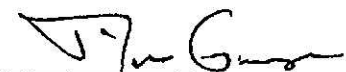
Resolution No. 1190
Page 2 of 2

May 24, 2012, at 7:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 21630 11th Avenue South, suite B, Des Moines, Washington.

ADOPTED BY the City Council of the City of Des Moines, Washington this 26th day of April, 2012 and signed in authentication thereof this 26th day of April, 2012.


MAYOR

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Sector 61--Educational Services

The Sector as a Whole

The Educational Services sector comprises establishments that provide instruction and training in a wide variety of subjects. This instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers. These establishments may be privately owned and operated for profit or not for profit, or they may be publicly owned and operated. They may also offer food and/or accommodation services to their students.

Educational services are usually delivered by teachers or instructors that explain, tell, demonstrate, supervise, and direct learning. Instruction is imparted in diverse settings, such as educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods. It can be adapted to the particular needs of the students, for example sign language can replace verbal language for teaching students with hearing impairments. All industries in the sector share this commonality of process, namely, labor inputs of instructors with the requisite subject matter expertise and teaching ability.

611 Educational Services

Industries in the Educational Services subsector provide instruction and training in a wide variety of subjects. The instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers.

The subsector is structured according to level and type of educational services. Elementary and secondary schools, junior colleges and colleges, universities, and professional schools correspond to a recognized series of formal levels of education designated by diplomas, associate degrees (including equivalent certificates), and degrees. The remaining industry groups are based more on the type of instruction or training offered and the levels are not always as formally defined. The establishments are often highly specialized, many offering instruction in a very limited subject matter, for example ski lessons or one specific computer software package. Within the sector, the level and types of training that are required of the instructors and teachers vary depending on the industry.

Establishments that manage schools and other educational establishments on a contractual basis are classified in this subsector if they both manage the operation and provide the operating staff. Such establishments are classified in the educational services subsector based on the type of facility managed and operated.

6111 Elementary and Secondary Schools

This industry comprises establishments primarily engaged in furnishing academic courses and associated course work that comprise a basic preparatory education. A basic

preparatory education ordinarily constitutes kindergarten through 12th grade. This industry includes school boards and school districts.

- Academies, elementary or secondary
- Boarding schools, elementary or secondary
- Elementary and secondary schools
- Elementary schools
- Finishing schools, secondary
- Handicapped, schools for, elementary or secondary
- High schools
- High schools offering both academic and technical courses
- High schools offering both academic and vocational courses
- Junior high schools
- Kindergartens
- Middle schools
- Military academies, elementary or secondary
- Montessori schools, elementary or secondary
- Parochial schools, elementary or secondary
- Preparatory schools, elementary or secondary
- Primary schools
- Private schools, elementary or secondary
- School boards, elementary and secondary
- School districts, elementary or secondary
- Schools for the handicapped, elementary or secondary
- Schools for the mentally retarded (except preschool, job training, vocational rehabilitation)
- Schools for the physically disabled, elementary or secondary
- Schools, elementary
- Schools, secondary
- Secondary schools offering both academic and technical courses
- Seminaries, below university grade

6112 Junior Colleges

This industry comprises establishments primarily engaged in furnishing academic, or academic and technical, courses and granting associate degrees, certificates, or diplomas below the baccalaureate level. The requirement for admission to an associate or equivalent degree program is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

- Academies, junior college
- Colleges, community
- Colleges, junior
- Community colleges
- Community colleges offering a wide variety of academic and technical training
- Junior colleges
- Junior colleges offering a wide variety of academic and technical training
- Schools, junior college
- Schools, junior college vocational

6113 Colleges, Universities, and Professional Schools

This industry comprises establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

- Academies, college or university
- Academies, military service (college)
- Business colleges or schools offering baccalaureate or graduate degrees
- Colleges (except junior colleges)
- Colleges, universities, and professional schools
- Conservatories of music (colleges or universities)
- Dental schools
- Hospital management schools offering baccalaureate or graduate degrees
- Hospitality management schools offering baccalaureate or graduate degrees
- Law schools
- Medical schools
- Military academies, college level
- Military service academies (college)
- Parochial schools, college level
- Private colleges (except community or junior college)
- Professional schools (e.g., business administration, dental, law, medical)
- Schools, correspondence, college level
- Schools, medical
- Schools, professional (colleges or universities)
- Seminaries, theological, offering baccalaureate or graduate degrees
- Theological seminaries offering baccalaureate or graduate degrees
- Universities

6114 Business Schools and Computer and Management Training

61141 Business and Secretarial Schools

This industry comprises establishments primarily engaged in offering courses in office procedures and secretarial and stenographic skills and may offer courses in basic office skills, such as word processing. In addition, these establishments may offer such classes as office machine operation, reception, communications, and other skills designed for individuals pursuing a clerical or secretarial career. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

- Business colleges or schools not offering academic degrees
- Business schools not offering academic degrees
- Court reporting schools
- Schools, business, not offering academic degrees
- Secretarial schools.

61142 Computer Training

This industry comprises establishments primarily engaged in conducting computer training (except computer repair), such as computer programming, software packages, computerized business systems, computer electronics technology, computer operations, and local area network management. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

- Computer operator training
- Computer programming schools
- Computer software training
- Computer training (except repair)
- Local area network (LAN) management training
- Software application training

61143 Professional and Management Development Training

This industry comprises establishments primarily engaged in offering an array of short duration courses and seminars for management and professional

development. Training for career development may be provided directly to individuals or through employers training programs; and courses may be customized or modified to meet the special needs of customers. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

- Management development training
- Professional development training
- Quality assurance training

6115 Technical and Trade Schools

61151 Technical and Trade Schools

This industry comprises establishments primarily engaged in offering vocational and technical training in a variety of technical subjects and trades. The training often leads to job-specific certification. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods

611511 Cosmetology and Barber Schools

This U.S. industry comprises establishments primarily engaged in offering training in barbering, hair styling, or the cosmetic arts, such as makeup or skin care. These schools provide job-specific certification.

- Barber colleges
- Beauty schools
- Colleges, barber and beauty
- Cosmetology schools
- Manicure and pedicure schools
- Schools, barber
- Schools, beauty
- Schools, cosmetology

611512 Flight Training

This U.S. industry comprises establishments primarily engaged in offering aviation and flight training. These establishments may offer vocational training, recreational training, or both.

- Aviation schools
- Flight training schools
- Flying instruction
- Schools, aviation

611513 Apprenticeship Training

This U.S. industry comprises establishments primarily engaged in offering apprenticeship training programs. These programs involve applied training as well as course work.

- Apprenticeship training programs
- Carpenters' apprenticeship training
- Craft union apprenticeship training programs
- Electricians' apprenticeship training
- Mechanic's apprenticeship training
- Plumbers' apprenticeship training
- Sheet metal workers' apprenticeship training
- Steam fitters' apprenticeship training
- Trade union apprenticeship training programs
- Vocational apprenticeship training

611519 Other Technical and Trade Schools

This U.S. industry comprises establishments primarily engaged in offering job or career vocational or technical courses (except cosmetology and barber training, aviation and flight training, and apprenticeship training). The curriculums offered by these schools are highly structured and specialized and lead to job-specific certification.

- Air traffic control schools
- Art schools, commercial or graphic
- Banking schools (training in banking)
- Bartending schools
- Broadcasting schools
- Bus driver training
- Chauffeur training

- Computer repair training
- Cooking schools
- Culinary arts schools
- Dental hygienist schools
- Dental technician schools
- Electronic equipment repair training
- Fire fighter training schools
- Flight attendant schools
- Graphic arts schools
- Heavy equipment operation schools
- Heavy equipment repair training
- Home health aide schools
- Hospital management schools (except academic)
- Hospitality management schools (except academic)
- Marine navigational schools
- Massage therapist instruction
- Mechanic's schools (except apprenticeship)
- Medical technician schools
- Modeling schools
- Nurse's aides schools
- Nursing schools (except academic)
- Photography schools, commercial
- Police training schools
- Real estate schools
- Restaurant management schools (except academic)
- Security guard training
- Truck driving schools

6116 Other Schools and Instruction

This industry group comprises establishments primarily engaged in offering or providing instruction (except academic schools, colleges, and universities; and business, computer, management, technical, or trade instruction). Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

61161 Fine Arts Schools

This industry comprises establishments primarily engaged in offering instruction in the arts, including dance, art, drama, and music.

- Art (except commercial or graphic) instruction
- Art schools (except academic), fine
- Ballet schools (except academic)
- Ceramics instruction
- Conservatory of music (except academic)
- Dance instruction
- Dance schools
- Dance studios
- Drama schools (except academic)
- Fine arts schools (except academic)
- Handicrafts instruction
- Music instruction (e.g., guitar, piano)
- Music schools (except academic)
- Performing arts schools (except academic)
- Photography schools, art
- Schools, drama (except academic)
- Schools, music (except academic)
- Sculpture instruction
- Theater schools
- Voice instruction

61162 Sports and Recreation Instruction

This industry comprises establishments, such as camps and schools, primarily engaged in offering instruction in athletic activities to groups of individuals. Overnight and day sports instruction camps are included in this industry.

- Academies, riding instruction
- Automobile racing schools
- Baseball instruction, camps, or schools
- Basketball instruction, camps, or schools
- Baton instruction
- Bowling instruction
- Boys' camps, sports instruction
- Boys' camps, sports instructor
- Camps, sports instruction
- Cheerleading instruction, camps, or schools
- Football instruction, camps, or schools
- Girls' camps, sports instruction
- Golf instruction, camps, or schools
- Gymnastics instruction, camps, or schools
- Hockey instruction, camps, or schools

- Jai alai instruction, camps, or schools
- Judo instruction, camps, or schools
- Karate instruction, camps or schools
- Martial arts instruction, camps, or schools
- Professional sports (e.g., golf, skiing, swimming, tennis) instructors (i.e., not participating in sporting events)
- Riding instruction academies or schools
- Schools, sports instruction
- Scuba instruction, camps, or schools
- Skiing instruction, camps, or schools
- Skin diving instruction, camps, or schools
- Sky diving instruction, camps, or schools
- Soccer instruction, camps, or schools
- Sports camps (e.g., baseball, basketball, football), instructional
- Sports instruction, camps, or schools
- Sports instructors, independent (i.e., not participating in sporting events)
- Swimming instruction
- Tennis instruction, camps, or schools

61163 Language Schools

This industry comprises establishments primarily engaged in offering foreign language instruction (including sign language). These establishments are designed to offer language instruction ranging from conversational skills for personal enrichment to intensive training courses for career or educational opportunities.

- Foreign language schools
- Language schools
- Schools, language
- Second language instruction
- Sign language instruction
- Sign language schools

61169 All Other Schools and Instruction

This industry comprises establishments primarily engaged in offering instruction (except business, computer, management, technical, trade, fine arts, athletic, and language instruction). Also excluded from this industry are academic schools, colleges, and universities.

611691 Exam Preparation and Tutoring

This U.S. industry comprises establishments primarily engaged in offering preparation for standardized examinations and/or academic tutoring services.

- Academic tutoring services
- Adult literacy instruction
- College board preparation centers
- College entrance exam preparation instruction
- Exam preparation services
- Learning centers offering remedial courses
- Professional examination review instructions
- Tutoring, academic

611692 Automobile Driving Schools

This U.S. industry comprises establishments primarily engaged in offering automobile driving instruction.

- Automobile driving schools
- Driver education
- Driver training schools (except bus, heavy equipment, truck)

611699 All Other Miscellaneous Schools and Instruction

This U.S. industry comprises establishments primarily engaged in offering instruction (except business, computer, management, technical, trade, fine arts, athletic, language instruction, tutoring, and automobile driving instruction). Also excluded from this industry are academic schools, colleges, and universities.

- Bible schools (except degree granting)
- Bridge and other card game instruction
- Charm schools
- CPR (cardiac pulmonary resuscitation) training and certification
- Diction schools
- First aid instruction
- Life guard training
- Public speaking training
- Self defense (except martial arts) instruction
- Speed reading instruction
- Survival training instruction
- Yoga instruction, camps, or schools

6117 Educational Support Services

This industry comprises establishments primarily engaged in providing non-instructional services that support educational processes or systems.

- College selection services
- Educational consultants
- Educational guidance counseling services
- Educational support services
- Educational testing evaluation services
- Educational testing services
- School bus attendant services
- Student exchange programs
- Test development and evaluation services, educational
- Testing services, educational

Sector 62--Health Care and Social Assistance

The Sector as a Whole

The Health Care and Social Assistance sector comprises establishments providing health care and social assistance for individuals. The sector includes both health care and social assistance because it is sometimes difficult to distinguish between the boundaries of these two activities. The industries in this sector are arranged on a continuum starting with those establishments providing medical care exclusively, continuing with those providing health care and social assistance, and finally finishing with those providing only social assistance. The services provided by establishments in this sector are delivered by trained professionals. All industries in the sector share this commonality of process, namely, labor inputs of health practitioners or social workers with the requisite expertise. Many of the industries in the sector are defined based on the educational degree held by the practitioners included in the industry.

Excluded from this sector are aerobic classes in Subsector 713, Amusement, Gambling and Recreation Industries and nonmedical diet and weight reducing centers in Subsector 812, Personal and Laundry Services. Although these can be viewed as health services, these services are not typically delivered by health practitioners.

621 Ambulatory Health Care Services

NONE OF THE USES IN THIS SUBSECTOR ARE INCLUDED IN THE PERMITTED USES FOR THR I-C ZONE AS THE USES ARE NOT RELATED TO RETIREMENT FACILITIES SO THE INDIVIDUAL USES ARE NOT LISTED.

622 Hospitals

NONE OF THE USES IN THIS SUBSECTOR ARE INCLUDED IN THE PERMITTED USES FOR THR I-C ZONE AS THE USES ARE NOT RELATED TO RETIREMENT FACILITIES SO THE INDIVIDUAL USES ARE NOT LISTED.

623 Nursing and Residential Care Facilities

Industries in the Nursing and Residential Care Facilities subsector provide residential care combined with either nursing, supervisory, or other types of care as required by the residents. In this subsector, the facilities are a significant part of the production process and the care provided is a mix of health and social services with the health services being largely some level of nursing services.

6231 Nursing Care Facilities

This industry comprises establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time

to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.

- Convalescent homes or convalescent hospitals (except psychiatric)
- Group homes for the disabled with nursing care
- Homes for the aged with nursing care
- Homes for the elderly with nursing care
- Hospices, inpatient care
- Nursing care facilities
- Nursing homes
- Rest homes with nursing care
- Retirement homes with nursing care
- Skilled nursing facilities

6232 Residential Mental Retardation, Mental Health and Substance Abuse Facilities

This industry group comprises establishments primarily engaged in providing residential care (but not licensed hospital care) to people with mental retardation, mental illness, or substance abuse problems.

62321 Residential Mental Retardation Facilities

This industry comprises establishments (e.g., group homes, hospitals, intermediate care facilities) primarily engaged in providing residential care services for persons diagnosed with mental retardation. These facilities may provide some health care, though the focus is room, board, protective supervision, and counseling.

- Group homes, mental retardation
- Homes with or without health care, mental retardation
- Hospitals, mental retardation
- Intermediate care facilities, mental retardation
- Mental retardation intermediate care facilities
- Mental retardation facilities (e.g., homes, hospitals, intermediate care facilities), residential
- Mental retardation homes
- Mental retardation hospitals

62322 Residential Mental Health and Substance Abuse Facilities

This industry comprises establishments primarily engaged in providing residential care and treatment for patients with mental health and substance abuse illnesses. These establishments provide room, board, supervision, and counseling services.

Although medical services may be available at these establishments, they are incidental to the counseling, mental rehabilitation, and support services offered. These establishments generally provide a wide range of social services in addition to counseling.

- Alcoholism rehabilitation facilities (except licensed hospitals), residential
- Convalescent homes or hospitals for psychiatric patients
- Drug addiction rehabilitation facilities (except licensed hospitals), residential
- Halfway houses for patients with mental health illnesses
- Halfway houses, substance abuse (e.g., alcoholism, drug addiction)
- Homes for emotionally disturbed adults or children
- Homes, psychiatric convalescent
- Hospitals, psychiatric convalescent
- Mental health facilities, residential
- Mental health halfway houses
- Psychiatric convalescent homes or hospitals
- Residential group homes for the emotionally disturbed
- Substance abuse (i.e., alcoholism, drug addiction) halfway houses
- Substance abuse facilities, residential

6233 Community Care Facilities for the Elderly

62331 Community Care Facilities for the Elderly

This industry comprises establishments primarily engaged in providing residential and personal care services for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services. In some instances these establishments provide skilled nursing care for residents in separate on-site facilities.

623311 Continuing Care Retirement Communities

This U.S. industry comprises establishments primarily engaged in providing a range of residential and personal care services with on-site nursing care facilities for (1) the elderly and other persons who are unable to fully care for themselves and/or (2) the elderly and other persons who do not desire to live independently. Individuals live in a variety of residential settings with meals, housekeeping, social, leisure, and other services available to assist residents in daily living. Assisted-living facilities with on-site nursing care facilities are included in this industry.

- Assisted-living facilities with on-site nursing facilities
- Continuing care retirement communities
- Retirement communities, continuing care

623312 Homes for the Elderly

This U.S. industry comprises establishments primarily engaged in providing residential and personal care services (i.e., without on-site nursing care facilities) for (1) the elderly or other persons who are unable to fully care for themselves and/or (2) the elderly or other persons who do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping services.

- Assisted-living facilities without on-site nursing care facilities
- Homes for the aged without nursing care
- Homes for the elderly without nursing care
- Old age homes without nursing care
- Old soldiers' homes without nursing care
- Rest homes without nursing care
- Retirement homes without nursing care
- Senior citizens' homes without nursing care

6239 Other Residential Care Facilities

This industry group comprises establishments of residential care facilities (except residential mental retardation, mental health, and substance abuse facilities and community care facilities for the elderly).

This industry comprises establishments primarily engaged in providing residential care (except residential mental retardation facilities, residential health and substance abuse facilities, continuing care retirement communities, and homes for the elderly). These establishments also provide supervision and personal care services.

- Boot camps for delinquent youth
- Boys' and girls' residential facilities (e.g., homes, ranches, villages)
- Camps, boot or disciplinary (except correctional), for delinquent youth
- Child group foster homes
- Children's villages
- Delinquent youth halfway group homes
- Disabled group homes without nursing care
- Disciplinary camps for delinquent youth
- Group foster homes for children
- Group homes for the disabled without nursing care
- Group homes for the hearing impaired

- Group homes for the visually impaired
- Halfway group homes for delinquents and ex-offenders

Sector 81--Other Services (except Public Administration)

The Sector as a Whole

The Other Services (except Public Administration) sector comprises establishments engaged in providing services not specifically provided for elsewhere in the classification system. Establishments in this sector are primarily engaged in activities, such as equipment and machinery repairing, promoting or administering religious activities, grantmaking, advocacy, and providing drycleaning and laundry services, personal care services, death care services, pet care services, photofinishing services, temporary parking services, and dating services.

Private households that engage in employing workers on or about the premises in activities primarily concerned with the operation of the household are included in this sector.

Excluded from this sector are establishments primarily engaged in retailing new equipment and also performing repairs and general maintenance on equipment. These establishments are classified in Sector 44-45, Retail Trade.

811 Repair and Maintenance

NONE OF THE USES IN THIS SUBSECTOR ARE INCLUDED IN THE PERMITTED USES FOR THR I-C ZONE AS THE USES ARE NOT RELATED TO RETIREMENT FACILITIES SO THE INDIVIDUAL USES ARE NOT LISTED

812 Personal and Laundry Services

NONE OF THE USES IN THIS SUBSECTOR ARE INCLUDED IN THE PERMITTED USES FOR THR I-C ZONE AS THE USES ARE NOT RELATED TO RETIREMENT FACILITIES SO THE INDIVIDUAL USES ARE NOT LISTED

813 Religious, Grantmaking, Civic, Professional, and Similar Organizations

Industries in the Religious, Grantmaking, Civic, Professional, and Similar Organizations subsector group establishments that organize and promote religious activities; support various causes through grantmaking; advocate various social and political causes; and promote and defend the interests of their members.

The industry groups within the subsector are defined in terms of their activities, such as establishments that provide funding for specific causes or for a variety of charitable causes; establishments that advocate and actively promote causes and beliefs for the public good; and establishments that have an active membership structure to promote causes and represent the

interests of their members. Establishments in this subsector may publish newsletters, books, and periodicals, for distribution to their membership.

8131 Religious Organizations

This industry comprises (1) establishments primarily engaged in operating religious organizations, such as churches, religious temples, and monasteries and/or (2) establishments primarily engaged in administering an organized religion or promoting religious activities.

- Merchandise Stores.
- Bible societies
- Convents (except schools)
- Missions, religious organization
- Monasteries (except schools)
- Mosques, religious
- Places of worship
- Religious organizations
- Retreat houses, religious
- Shrines, religious
- Synagogues
- Temples, religious

8132 Grantmaking and Giving Services

This industry comprises (1) establishments known as grantmaking foundations or charitable trusts and (2) establishments primarily engaged in raising funds for a wide range of social welfare activities, such as health, educational, scientific, and cultural activities

813211 Grantmaking Foundations

This U.S. industry comprises establishments known as grantmaking foundations or charitable trusts. Establishments in this industry award grants from trust funds based on a competitive selection process or the preferences of the foundation managers and grantors; or fund a single entity, such as a museum or university.

- Charitable trusts, awarding grants
- Community foundations
- Corporate foundations, awarding grants
- Educational trusts, awarding grants
- Grantmaking foundations
- Philanthropic trusts, awarding grants
- Scholarship trusts (i.e., grantmaking, charitable trust foundations)

- Trusts, charitable, awarding grants
- Trusts, educational, awarding grants
- Trusts, religious, awarding grants

813212 Voluntary Health Organizations

This U.S. industry comprises establishments primarily engaged in raising funds for health related research, such as disease (e.g., heart, cancer, diabetes) prevention, health education, and patient services.

- Disease awareness fundraising organizations
- Disease research (e.g., cancer, heart) fundraising organizations
- Health research fundraising organizations
- Voluntary health organizations

813219 Other Grantmaking and Giving Services

This U.S. industry comprises establishments (except voluntary health organizations) primarily engaged in raising funds for a wide range of social welfare activities, such as educational, scientific, cultural, and health.

- Community chests
- Federated charities
- United fund councils
- United funds for colleges

8133 Social Advocacy Organizations

This industry comprises establishments primarily engaged in promoting a particular cause or working for the realization of a specific social or political goal to benefit a broad or specific constituency. These organizations may solicit contributions and offer memberships to support these goals.

813311 Human Rights Organizations

This U.S. industry comprises establishments primarily engaged in promoting causes associated with human rights either for a broad or specific constituency. Establishments in this industry address issues, such as protecting and promoting the broad constitutional rights and civil liberties of individuals and those suffering from neglect, abuse, or exploitation; promoting the interests of specific groups, such as children, women, senior citizens, or persons with disabilities; improving relations between racial, ethnic, and cultural groups; and promoting voter education and registration. These organizations may solicit contributions and offer memberships to support these causes.

- Associations for retired persons, advocacy
- Civil liberties organizations
- Developmentally disabled advocacy organizations
- Human rights advocacy organizations
- Mentally retarded advocacy groups
- Senior citizens advocacy organizations
- Veterans' rights organizations

813312 Environment, Conservation and Wildlife Organizations

This U.S. industry comprises establishments primarily engaged in promoting the preservation and protection of the environment and wildlife. Establishments in this industry address issues, such as clean air and water; global warming; conserving and developing natural resources, including land, plant, water, and energy resources; and protecting and preserving wildlife and endangered species. These organizations may solicit contributions and offer memberships to support these causes.

- Animal rights organizations
- Animal welfare associations or leagues
- Conservation advocacy organizations
- Environmental advocacy organizations
- Humane societies
- Natural resource preservation organizations
- Wildlife preservation organizations

813319 Other Social Advocacy Organizations

This U.S. industry comprises establishments primarily engaged in social advocacy (except human rights and environmental protection, conservation, and wildlife preservation). Establishments in this industry address issues, such as peace and international understanding; community action (excluding civic organizations); or advancing social causes, such as firearms safety, drunk driving prevention, or drug abuse awareness. These organizations may solicit contributions and offer memberships to support these causes.

- Accident prevention associations
- Antipoverty advocacy organizations
- Aviation advocacy organizations
- Community action advocacy organizations
- Drug abuse prevention advocacy organizations
- Drunk driving prevention advocacy organizations

- Firearms advocacy organizations
- Gun control organizations
- Neighborhood development advocacy organizations
- Peace advocacy organizations

8134 Civic and Social Organizations

This industry comprises establishments primarily engaged in promoting the civic and social interests of their members. Establishments in this industry may operate bars and restaurants for their members.

- Alumni associations
- Alumni clubs
- Automobile clubs (except road and travel services)
- Book discussion clubs
- Booster clubs
- Boy guiding organizations
- Civic associations
- Classic car clubs
- Computer enthusiasts clubs
- Ethnic associations
- Farm granges
- Fraternal associations or lodges, social or civic
- Fraternal lodges
- Fraternal organizations

8139 Business, Professional, Labor, Political, and Similar Organizations

This industry group comprises establishments primarily engaged in promoting the interests of their members (except religious organizations, social advocacy organizations, and civic and social organizations). Examples of establishments in this industry are business associations, professional organizations, labor unions, and political organizations.

813910 Business Associations

This industry comprises establishments primarily engaged in promoting the business interests of their members. These establishments may conduct research on new products and services; develop market statistics; sponsor quality and certification standards; lobby public officials; or publish newsletters, books, or periodicals for distribution to their members.

- Agricultural organizations (except youth farming organizations, farm granges)
- Animal breeders' associations
- Bankers' associations
- Better business bureaus
- Boards of trade
- Business associations
- Chambers of commerce
- Construction associations
- Contractors' associations
- Distributors' associations
- Farmers' associations

813920 Professional Organizations

This industry comprises establishments primarily engaged in promoting the professional interests of their members and the profession as a whole. These establishments may conduct research; develop statistics; sponsor quality and certification standards; lobby public officials; or publish newsletters, books, or periodicals, for distribution to their members.

- Accountants' associations
- Architects' associations
- Bar associations
- Consultants' associations
- Dentists' associations
- Dietitians' associations
- Educators' associations
- Engineers' associations
- Health professionals' associations
- Hospital administrators' associations
- Learned societies
- Medical associations
- Nurses' associations
- Occupational therapists' associations
- Optometrists' associations
- Peer review boards

813930 Labor Unions and Similar Labor Organizations

This industry comprises establishments primarily engaged in promoting the interests of organized labor and union employees.

- Employees' associations for improvement of wages and working conditions
- Federation of workers, labor organizations
- Federations of labor
- Industrial labor unions
- Labor federations
- Labor unions (except apprenticeship programs)
- Trade unions (except apprenticeship programs)
- Trade unions, local
- Unions (except apprenticeship programs), labor

813940 Political Organizations

This industry comprises establishments primarily engaged in promoting the interests of national, state, or local political parties or candidates. Included are political groups organized to raise funds for a political party or individual candidates.

- Campaign organizations, political
- Constituencies' associations, political party
- Local political organizations
- Political action committees (PACs)
- Political campaign organizations
- Political organizations or clubs
- Political parties

813990 Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)

This industry comprises establishments (except religious organizations, social advocacy organizations, civic and social organizations, business associations, professional organizations, labor unions, and political organizations) primarily engaged in promoting the interests of their members.

- Athletic associations, regulatory
- Athletic leagues (i.e., regulating bodies)
- Condominium corporations
- Condominium owners' associations

814 Private Households

NONE OF THE USES IN THIS SUBSECTOR ARE INCLUDED IN THE PERMITTED USES FOR THE I-C ZONE AS THE USES ARE NOT RELATED TO RETIREMENT FACILITIES SO THE INDIVIDUAL USES ARE NOT LISTED

City of Des Moines

Education and Retirement Facilities



DRAFT
DES MOINES PLANNING AGENCY REGULAR MEETING

7:00 p.m.

March 5, 2012

At 7:00 p.m., Planning Agency Chair Shan Hoel called the Des Moines Planning Agency meeting to order in the City Council Chambers, 21630 11th Avenue South, Suite B, Des Moines, WA.

PLEDGE OF ALLEGIANCE led by Agency Member Scott Evans.

ROLL CALL—Present: Agency Members William Hopp, Christine Hall, Scott Evans, and Shelley Murray, Chair Shannon Hoel and Vice Chair Mel McDonald. Staff attendance included Development Services Manager Robert Ruth, Planning Manager Denise Lathrop, Senior Planner Jason Sullivan and Agency Clerk David Steen. Also present was City Council Liaison, Councilmember Jeannette Burrage.

MOTION by Chair Hoel, second by Vice Chair McDonald, to excuse the absence of Agency Member Cass Prindle, passed unanimously.

MINUTES

Minutes from the February 6, 2012 Planning Agency meeting were available for review. Agency Member Murray suggested she could not have led the Pledge of Allegiance at that meeting since she was not present. The correction will be made to show that Agency Member Hall led the Pledge of Allegiance.

MOTION by Chair Hoel, second by Vice Chair McDonald, to accept the minutes with the noted correction, passed unanimously.

COMMENTS FROM THE PUBLIC

City Council Member Jeanette Burrage (905 S. 209th St., Des Moines) introduced herself as the newly appointed liaison to the Planning Agency from the City Council.

ADMINISTRATION REPORTS

Development Services Manager Ruth briefly discussed four items:

1. 2012-2013 City Council work program
2. Council Goals and Strategic Objectives
3. Information packet from "Boot Camp for Planners," a workshop offered by the Planning Association of Washington, attended recently by Agency Member Hopp and Vice Chair McDonald
4. Staff was recently directed by the Finance and Economic Development Committee of the City Council to work on the Fence Code so that it might be less restrictive for homeowners.

OLD BUSINESS

Continued Discussion: Business Park Land Use and Zoning

MOTION by Chair Hoel, second by Vice Chair McDonald, to return the motion regarding the adoption of Draft Ordinance No. 12-019 back to the table for further discussion, passed unanimously.

Senior Planner Sullivan led discussion and fielded questions from Agency Members regarding the proposed ordinance. A number of changes suggested by Agency Members were noted by Senior Planner Sullivan for inclusion in the final document.

MOTION by Chair Hoel, second by Vice Chair McDonald, to recommend that City Council adopt Draft Ordinance No. 12-019 amending Chapter 18.25 DMMC relating to development standards for the Business Park Zone in the City of Des Moines, including a number of minor amendments suggested through the Planning Agency discussion and consensus, passed unanimously.

NEW BUSINESS

Introduction of Institutional Campus Zoning—Draft Ordinance

Senior Planner Sullivan introduced Draft Ordinance No. 12-026, establishing an Institutional-Campus zoning designation in the City of Des Moines, for consideration by the Planning Agency. He mentioned that the City Council had amended the Des Moines Comprehensive Plan by adding a policy to the Land Use Element which directs the Development Services Division to work with Highline Community College to establish such a zoning designation that would facilitate the redevelopment plans as established in the College's Master Plan. He added that other specific uses to be included in the zone would be government facilities (City Hall, SCORE, fire stations), educational facilities (Highline and Federal Way schools), convalescent/retirement housing (Wesley Homes, Judson Park, Masonic Home), and other institutional uses.

During discussion, consensus was reached to apply many of the same changes to site design guidelines that were just discussed regarding the Business Park Land Use and Zoning. Chair Hoel also secured consensus of the group to delete "and other institutional uses" found in (a) and (b) under "Sec. 1.1. Purpose of zone" as well as changing "these" to "existing" in (c) of the same section.

MOTION by Chair Hoel, seconded by Agency Member Hopp, to recommend that City Council adopt Draft Ordinance No. 12-026 amending Title 18 DMMC by establishing an Institutional – Campus zoning designation in the City of Des Moines, passed unanimously.

NEXT MEETING DATE—June 4, 2012 (Development Services Manager Ruth indicated he would provide at least three weeks' notice if a May meeting is needed.)

ADJOURNMENT

Chair Hoel stated that this meeting was adjourned.

Respectfully Submitted,

David Steen, Agency Clerk

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

February 21, 2012

South Conference Room

21630 11th Avenue South, Des Moines, WA

Council Members

Chair Bob Sheckler-Chair

Matt Pina

Carman Scott

City Staff

Tony Piasecki – City Manager

Grant Fredricks – PBPW Director

Marion Yoshino – Economic Development Mgr

Robert Ruth – Development Services Manager

Paula Henderson – Finance Director

Jason Sullivan – Senior Planner

Joe Dusenbury – Harbormaster

1. Call to Order

Meeting called to order at 5:02 pm by Chair Sheckler.

2. Economic Development Update

ED Manager Yoshino discussed a meeting she had with Mr. Ed Young, a local property owner who hopes to build a hotel on his property on Pacific Highway. Mr. Young indicated that he thought the hotel/motel tax incentive would help with efforts to market projects using the EB-5 program.

3. Institutional Campus Zoning Policy Discussion

Senior Planner Jason Sullivan presented and summarized the draft ordinance for the Committee's consideration. One key policy issue is whether or not to have the hearing examiner approve master plans for either institutional zones or business spark zones. The Committee directed that the ordinance go forward with the hearing examiner having approval authority.

4. Master Builders Association Breakfast 2/16/12 Debrief

Everyone agreed that the Master Builders Association breakfast held on February 16th went very well.

5. Jail Costs

City Manager Tony Piasecki and Finance Director Paula Henderson brief the Committee on the situation with anticipated 2012 jail costs. When putting together the 2012 budget, staff assumed that jail costs would be based on the City's 2011 average daily population (ADP). However, this turns out to be incorrect. According to the SCORE interlocal agreement, costs for 2012 are based on the City's 2007 APD, which was substantially higher than 2011's ADP (17 versus 5). The City's jail costs for 2012 may be more than \$100,000 over budget. SCORE is also not bringing in the anticipated contract revenue it included in its budget so all member city's costs could go even higher. To soften the impact of this, SCORE anticipates budgetary savings for 2011 that may be applied to these higher costs and possibly the use of unexpended fund balance.

6. Committee member comments

Councilmember Scott commented that she had met with Mr. Young and she reiterated his support for an ordinance that provides relief from the hotel/motel tax for new or remodeled hotels and motels. She also noted that she needs to see an analysis of the revenue impact of such an ordinance before she can vote on whether or not to approve it.

7. Future meetings

The Committee's next meeting is scheduled for Tuesday, March 27th at 5:00 p.m.

Adjourned at 6:20 p.m.

Respectfully submitted by:
Tony Piasecki, City Manager



CITY OF DES MOINES, WASHINGTON

Planning, Building, and Public Works Department
21630 11th Avenue South, Suite D
Des Moines, WA 98198
Phone: (206) 870-7576 Fax: (206) 870-6544

COMBINED NOTICE OF APPLICATION, PUBLIC HEARING AND DETERMINATION OF NONSIGNIFICANCE

The public is invited to review contents of the official file for the proposal. Written comments are also encouraged and will be accepted for consideration if filed with the Planning, Building, and Public Works Department on or before 4:30 PM on May 23, 2012.

APPLICATION SUBMITTAL:	February 13 , 2012	APPLICATION COMPLETE:	N/A
NOTICE OF APPLICATION DATE:	May 8, 2012	COMMENT DUE DATE:	May 23, 2012
PROPOSAL:	Draft Ordinance 12-026 amending the Zoning Code – Title 18 DMMC by creating a new chapter to establish a new zoning classification entitled Institutional-Campus Zone establishing development regulations for educational and retirement facilities.		
APPLICANT:	City of Des Moines		
LOCATION:	City-wide		
FILE NUMBER:	LUA2012-0004 (I-C Zone)		
ENVIRONMENTAL REVIEW:	The City of Des Moines Responsible SEPA Official has determined that the following described proposal is not anticipated to create significant adverse environmental impacts and will not require preparation of an environmental impact statement. This determination shall become final and effective, provided a proper and complete appeal has not been filed, on <u>June 4, 2012.</u> Written comments concerning the DNS may be submitted to the Des Moines Planning, Building, and Public Works Department, located at 21630 11th Avenue South, Suite D, Des Moines, WA 98198, by 4:30 p.m., <u>May 23, 2012.</u> Comments should discuss specific environmental issues associated with this proposal and identify how the DNS does or does not address those issues.		
PUBLIC HEARING:	Notice is also hereby given that the Des Moines City Council will conduct a Public Hearing to evaluate Draft Ordinance 12-026 on <u>May 24, 2012 at 7:00 p.m.</u> or as soon thereafter as the matter may be heard in the Council Chambers, 21630 11th Avenue South, Suite B, Des Moines, WA 98198.		
REQUIRED PERMITS:	N/A		
CITY CONTACT:	For further information contact Jason Sullivan, Senior Planner by phone 206-870-6551 or by email address jsullivan@desmoineswa.gov .		
EXISTING DOCUMENTATION AVAILABILITY :	The plans, environment studies , and documents submitted to the City for the review of this application and the current status of the application are available at the following website: www.desmoineswa.gov/mypermits Once on the above website, please click on <u>Click to Search</u> under the Permit Search Section and then enter the File Number identified above in <u>The Search By ID Number</u> box and then click <u>Search</u> to access the information.		



CITY OF DES MOINES, WASHINGTON
Planning, Building, and Public Works Department
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Des Moines, WA 98198
Phone: (206) 870-7576 Fax: (206) 870-6544

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: Non-project action amending the Zoning Code – Title 18 DMMC to create a new chapter to establish a new zoning classification entitled Institutional-Campus Zone. This new zoning classification would establish development regulations for educational and retirement facilities.

Proponent: City of Des Moines

Location of proposal, including street address, if any: Citywide

Project File No: LUA2012-0004 (I-C Zone)

Lead Agency: City of Des Moines

The City of Des Moines has determined that the above-described proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

The City of Des Moines as the lead agency has also determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

This DNS is issued under 197-11-340. This DNS is issued under 197-11-340. The lead agency will not take final action on this proposal for 25 days from the date below*. Comments must be submitted by June 4, 2012.

Responsible Official:

Grant Fredricks

Position/Title:

Planning, Building, and Public Works Director
21650 11th Avenue South, Suite D
Des Moines, WA 98198

May 8, 2012

(Date *)

(Signature)

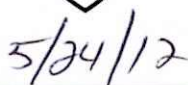
Project Lead Contact: Jason Sullivan, Senior Planner, Phone (206) 870-6551

AGENCY APPEAL

APPEAL: Any agency or person may appeal this SEPA determination by filing a written appeal with the Des Moines City Clerk. Such appeal must be filed within ten (10) days of the date this Determination of Nonsignificance (DNS) is final and shall be consistent with all provisions of sections 16.04.210 and 18.94.113, if applicable, of the Des Moines Municipal Code. The last

date for filing such an appeal as to this proposal will be 4:30 p.m. on June 4, 2012. Procedural determinations include the adequacy of the DNS, whether proper notice has been given, and whether the commenting period has been observed. The pendency of a procedural appeal shall stay any action on a permit/approval until a final determination on the appeal is issued by the Hearing Examiner; except if the City Council is required to issue the determination of the underlying permit/approval. In such cases, the City Council will issue the final determination of the appeal concurrently with its determination on the underlying permit/approval.

[illegible]



MULTI-FAMILY TAX EXEMPTION
(DATE)

[illegible]

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: DES MOINES

CITY MANAGER

TONY PIASECKI

21630 11TH AVE SOUTH

DES MOINES, IA 50319

2. Article Number

(Transfer from service label)

7007 1490 0003 8559 2122

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature



B. Received by (Printed Name)

DAVID STEVEN

C. Date of Delivery

5/21/12

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Mr. Tony Piasecki
Des Moines City Manager
21630 11th Ave South
Des Moines, WA 98198

May 21, 2012
Certified Mail 7007 1490 0003 8559 2112
Return Receipt Requested

Subject: Application Status

Dear Mr. Piasecki:

I'm requesting the "**processing status**" of my Reasonable Accommodation/Modification Request, dated April 21, 2012. It's been four (4) weeks since your office received my requested accommodation and I have not received any City of Des Moines correspondence regarding my application requesting that a reasonable accommodation/modification be granted.

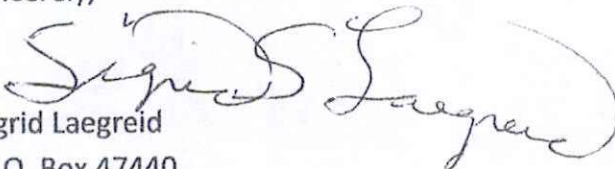
As you know, on April 13, 2012, the City of Des Moines denied me any further utilization of the Des Moines Beach Park to access my beach front property located in the City of Normandy Park. Furthermore, as you also know there is no viable alternate way for me to access my property other than by vehicle through the Des Moines Beach Park, as such, the current City Council position to not issue any additional access permits through the Beach Park has essentially denied me **all use** of my beach property.

Please be aware, that my obtaining a City of Des Moines Permanent Beach Park Access Road Permit (like every other neighboring beach front property owner of mine has been previously provided) is of the utmost importance to me, therefore, I'm requesting "**expedited review and processing**" of my request for Reasonable Accommodation/Modification, dated, April 21, 2012; pursuant to the City Council's "position to not issue and additional access permits through the Beach Park."

It's also worth noting that many Courts have held that a Jurisdictions "delay may constitute a failure to provide a reasonable accommodation." *Groome Res. Ltd. V. Parish of Jefferson*, 235 F.3d 192, 199 (5th Cir, 2000)

I look forward to your response and appreciate your prompt attention in this matter.

Sincerely,


Sigrid Laegreid
P. O. Box 47440
Seattle, WA 98146

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. TONY PIASECKI
DES MOINES CITY MANAGER
21630 11TH AVE SOUTH
DES MOINES, WA 98198

2. A

7

PS F

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

DAVID C STEEN

C. Date of Delivery

4/23/12

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Registered

☐ Insured Mail

☐ Express Mail

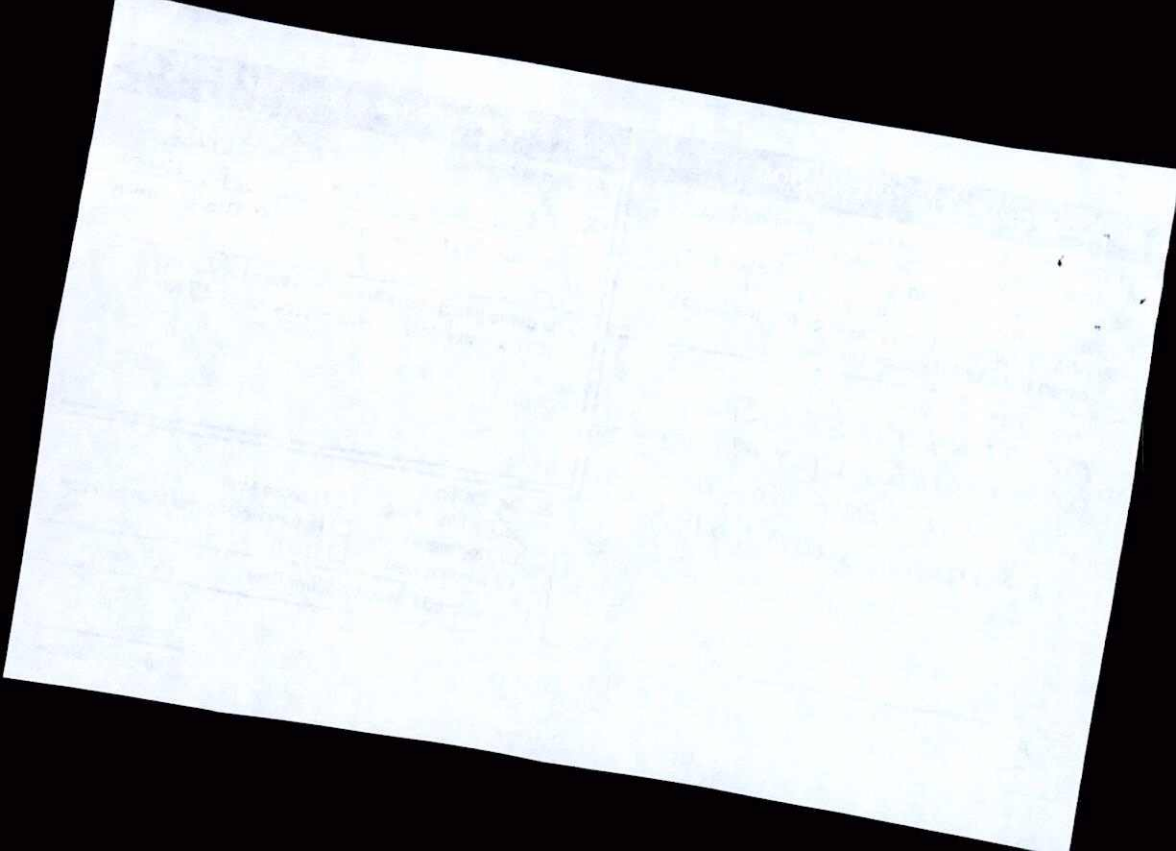
☐ Return Receipt for Merchandise

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

102595-02-M-1540



Mr. Tony Piasecki
Des Moines City Manager
21630 11th Ave South
Des Moines, WA 98198

April 21, 2012
Certified Mail 7011 2000 0001 8290 9244
Return Receipt Requested

Subject: Reasonable Accommodation/Modification Request (Parcel #664180-0060)

Dear Mr. Piasecki:

On April 13, 2012, you informed me that my "current possession of a key or ownership of property does not in itself authorize an individual to use the Beach Park for access for their property." Furthermore, you stated, "Unless you can provide the City with a signed Access Permit previously issued by the City, any access through the Des Moines Park would not be allowed."

In addition, you stated, "Over ten years ago the City of Des Moines issued a number of Access Permits to property owners to assist in accessing their property through the Des Moines Beach Park." "Since the issuance of those permits, it has been the position of the City Council to not issue any additional access permits through the Beach Park."

There is no viable alternate way for me to access my property other than by vehicle through the Des Moines Beach Park, therefore; I'm requesting that the City of Des Moines provide me with a Reasonable Accommodation/Modification to the current City Council position to not issue any additional access permits through the Beach Park. Being quadriplegic and confined to a wheelchair my requested Accommodation/Modification is made pursuant to **Title II of the American with Disabilities Act (ADA) Reasonable Modification Procedure** - states in part, "prohibits discrimination on the basis of disability in the programs, services, activities of state and local entities" and "requires public entities to make reasonable modifications to their policies, practices, and procedures, including their zoning policies, practices, and procedures, when such modifications are necessary to ensure that individuals with disabilities are not subjected to discrimination because of their disabilities." 28 C.F.R. & 35.130(b)(7)

(ADA) Title II (42 U.S.C. & 12131-65) and Section 504 of the Rehabilitation Act (29 U.S.C. & 794), which have also been found to apply to zoning ordinances and requires local jurisdictions to make reasonable modifications in their code and zoning requirements for disabled persons. See Bay Area Addiction Research v. City of Antioch (9th Cir. 1999) 179 F.3d 725; see 28 C.F.R. & 35.130(b)(7) (1997).

In addition, my requested Accommodation/Modification is also made pursuant to **The Federal Fair Housing Act Reasonable Accommodation Procedure** – states in part, "is intended to prohibit the application of special requirements through land use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community." [H.R. Rep. No 711, 100th Cong., 2d Sess., reprinted in 1988 U.S.C.C.A.N. 2173, 2185 ("House Report").]

Furthermore, the **Federal Fair Housing Act** imposes an "affirmative duty on local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and afford disabled persons an equal opportunity to use and enjoy a dwelling." (42 U.S.C. & 3604(F)(3)(B), and the Courts have also consistently applied the Act to state and local governments. See e.g., *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 729 (1995); *Project Life v. Glendening*, 139 F. Supp. 703, 710 (D. Md 2001), *affd* 2002 WL 2012545 (4th Cir.) *Children's Alliance v. City of Bellevue* [W.D.WASH. Case No. C95-905Z].

In construing the Act, Courts have given it broad application in order to prohibit discriminatory housing practices, and have required "a generous construction...in order to carry out a policy that Congress considered to be of the highest priority." [*United States v. Columbus County Club*, 915 F.2d 877, 883 (3rd Cir. 1990).]

The Washington State Legislature added a new section to **RCW 35.63** during the 1993 session, which states, "No city may enact or maintain an ordinance, development regulation, zoning regulation or official control, policy, or administrative practice which treats a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals." [1993 Wash. Laws, 478, & 20 (also known as the Washington Housing Policy Act); see also Wash. Admin. Code 365-195-860; Wash. Rev. Code & & 35.63.220, 35A.63.240.] [emphasis added.]

As a result, Washington State has established an anti-discrimination policy that supports individuals who fall under the **Federal Fair Housing Act** definition of "handicapped," by prohibiting land use regulations and policies which treat such individuals differently than "non-handicapped."

Reasonable Accommodation according to a majority of Courts "is one which would not impose an undue hardship or burden upon the entity making the accommodation." [*United States v. Village of Marshall*, 787 F. Supp. 872, 878 (W.D. Wis. 1991)]

There are three (3) required elements to a Reasonable Accommodation/Modification claim: the accommodation must be (1) reasonable and (2) necessary (3) to provide equal opportunity.

Reasonable: if it does not impose an undue hardship or burden upon the entity making the accommodation.

Necessary: if, but for the accommodation/modification, the applicant is likely to be denied an equal opportunity to enjoy the housing of their choice.

Equal Opportunity: under the American with Disabilities Act and the Federal Fair Housing Act it generally means providing people with disabilities with the right to choose to live in single-family neighborhoods so as to end their exclusion from the American mainstream.

Page 3

Eligibility: I have substantiated that I'm disabled.

Need: I have identified the nexus between my requested accommodation/modification and my disability

Reasonable: my requested accommodation/modification does not impose an undue hardship or burden on the City of Des Moines.

I'm requesting the minimum necessary to accommodate my need and the current position of the City Council to not issue any additional access permits through the Beach Park is incompatible with my being quadriplegic and the limitations it imposes; therefore, I'm respectfully requesting that the City of Des Moines vests upon receipt my Permanent and Temporary accommodation/modification request(s) and grants my request for two (2) Permanent Beach Park Access Permits; one (1) for myself and one (1) for my rotating 24/7 medical caregiver(s).

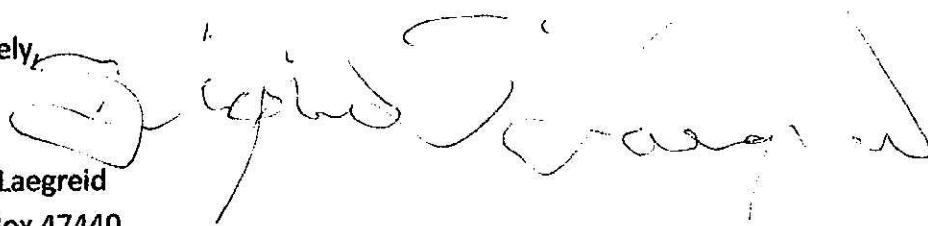
I'm also requesting the issuance of a Temporary Beach Park Access Permit to authorize one (1) standard size cement truck and one (1) Lindal Cedar Homes material truck to utilize the Beach Park access road on or after May 15, 2012. I will provide the City of Des Moines advance notice of the exact dates access is required and the name of the cement company (both are unknown at present). The approximate length of time at the project site is estimated at four (4) to eight (8) hours and consisting of one (1) roundtrip per truck on separate days.

In addition, construction vehicle access through Des Moines Beach Park will not take place prior to the City of Des Moines receiving authorization from the City of Normandy Park that they have granted permission for the construction activity described above to access their shoreline.

The Reasonable Accommodation/Modification I've requested requires granting as a matter of both State and Federal Law.

I look forward to your response and appreciate your prompt attention in this matter.

Sincerely,



Sigrid Laegreid
P. O. Box 47440
Seattle, WA 98146

Attachment: Proof of Disability
Proof of Property Ownership

KOMO News

[Print this article](#)

Ms. Wheelchair Washington to pave way for others

Originally printed at <http://www.komonews.com/news/local/6980432.html>

By John Sharify
April 11, 2007

Sigrid Laegreid hasn't been able to wipe that smile off her face since she was crowned Ms. Wheelchair Washington.

In 1991, The 43-year-old Lake Forest Park woman was run over by a drunk driver. She's paralyzed from the waist down.

"My goal is to make this world just a little bit better before I leave," she told the pageant judges.

She told me she she'd like to see better access of equipment for the disabled at health clubs. She figures now that she's got a crown and a title, people will listen.

"Now that I'm Ms. Wheelchair Washington, I can walk in there and say 'Hey, I'm Ms. Wheelchair Washington and there are a lot of people like me who would like to work out at your gym,'" says Sigrid.

This year she'll be visiting health clubs to persuade owners to make changes. This summer she'll head to Baltimore to compete in the Ms. Wheelchair America 2007 contest.

best to bring awareness, help others, and so much more. If you are interested in me speaking at your organization, helping sponsor me in the Ms. Wheelchair program, or you just have a question, please don't hesitate e-mailing me and I will respond shortly. I can also be reached via telephone at (253) 987 - 6027 or via e-mail at kendra@mswheelchairwa.org.

Thank you for stopping by my page! Please continue to reach for the stars and be all that you can be. The only limitations are the ones that you set on yourself!

Testimonial about the pageant from Sigrid Laegreid, Ms Wheelchair Washington



"Being apart of the Ms. Wheelchair America Program, as the 2007 Ms. Wheelchair Washington has been a year that I will never forget. Not only was it an honor to be able to be a representative for people with disabilities, but I also was able to educate people across Washington

state about various disability issues. I hope that I was able to leave a lasting impression on all the people I met this past year, and opened their eyes to look past someone's disability and see them for the person that they truly are. It was for me one of the best experiences ever." Sigrid Laegreid, Ms Wheelchair Washington 2007



[Newer Post](#)

[Home](#)

[Older Post](#)

[VIEW MY COMPLETE PROFILE](#)

MY GOAL:



My lifelhraong goal has been to spread disability awareness throughout our communities and provide guidance and support to those with disabilities so that they can reach for the stars and achieve greatness!

MY MISSION:
TO RAISE
MONEY FOR
THE FIRST
EVER- ANNUAL
"WALK N
ROLL"



The Spina Bifida Associ
of Washington State

Celebrating the
accomplishments of
over 180,000
Americans living with





King County Department of Assessments

Equal Opportunity and Underscrutable Property Valuation

You're in control. We're in service.

Search

PARCEL DATA

Parcel	664180-0060	Jurisdiction	NORMANDY PARK
Name	LAEGREID SIGRID	Lavv Code	1878
Site Address	183 S 216TH ST 98166	Property Type	R
Residential Area	049-008 (SW Appraisal District)	Plot Block / Building Number	
Property Name		Plot Lot / Unit Number	6
		Quarter-Section-Township-Range	

Legal Description

PARK CLIFF TGV UND INT IN TRACT A TGV UND INT IN TRACT B TGV UPLANDS ADJ ON W - IF ANY TGV 2ND CL TD LDS ADJ

LAND DATA



Click the camera to see more pictures.



Highest & Best Use As if Vacant	SINGLE FAMILY	Percentage Unusable	0
Highest & Best Use As Improved	(unknown)	Unbuildable	NO
Present Use	Vacant(Single-family)	Restrictive Size Shape	NO
Base Land Value SqFt	0	Zoning	R15
Base Land Value	368,000	Water	WATER DISTRICT
% Base Land Value Impacted	55	Sewer/Septic	PUBLIC
Base Land Valued Date	2/23/2010	Road Access	WALK IN
Base Land Value Tax Year	2011	Parking	
Land SqFt	16,500	Street Surface	
Acres	0.38		

Views

Rainier	
Territorial	AVERAGE
Olympics	AVERAGE
Cascades	
Seattle Skyline	
Puget Sound	EXCELLENT
Lake Washington	
Lake Sammamish	
Lake/River/Creek	
Other View	

Waterfront

Waterfront Location	PUGET SOUND
Waterfront Footage	110
Lot Depth Factor	
Waterfront Bank	HIGH
Tide/Shore	UPLANDS WITH TIDELANDS/SHORELANDS
Waterfront Restricted Access	To Waterfront
Waterfront Access Rights	NO
Poor Quality	YES
Proximity Influence	NO

Designations

Historic Site	
Current Use	
Nbr Bldg Sites	
Adjacent to Golf Fairway	NO
Adjacent to Greenbelt	NO
Other Designation	NO
Deed Restrictions	NO

Nuisances

Topography	YES
Traffic Noise	
Airport Noise	
Power Lines	NO
Other Nuisances	NO

Problems

Water Problems	NO
----------------	----

Reference Links:

- [Parcel Information](#)
- [Parcel History](#)
- [Parcel Map](#)
- [Parcel Photos](#)
- [Parcel Data](#)
- [Parcel Legal Description](#)
- [Parcel Zoning](#)
- [Parcel Waterfront](#)
- [Parcel Views](#)
- [Parcel Designations](#)
- [Parcel Nuisances](#)
- [Parcel Problems](#)
- [Parcel Reference Links](#)


[KING COUNTY HOME](#) | [NEWS](#) | [SERVICES](#) | [DIRECTORY](#) | [CONTACT](#)
[Property Tax Web: Real Property Account Information](#)

Account/Parcel Summary

Tax Account Number 664180006002
Parcel Number 6641800060
Account Status This account is active.
Tax Payer Name LAEGREID SIGRID 249999
Mailing Address PO BOX 47440
SEATTLE WA 98146
Payment Status FIRST HALF AMOUNT IF PAID OR POSTMARKED BY APRIL 30, 2012
Annual Statement Requested By
Statement Request [Click here to request a statement](#)
Select Payment Amount

Current Year Tax	Settle
Pay First Half 2012	\$2,415.97
Pay Second Half 2012	\$2,415.97

Actions

[Add To Cart](#)[Search Again](#)

TO PAY MULTIPLE ACCOUNTS WITH ONE PAYMENT: To pay multiple accounts with one payment click on the "Add to Cart" button above. On the next screen you will be presented with an option to complete your payment or you may click "Search Again" to continue locating and adding accounts to your shopping cart. You will be able to delete single accounts from your cart prior to making a payment.

If you would like to pay by mail, please make your check payable to King County Treasury, write your tax account number on your check, and send it to:

King County Treasury
500 Fourth Avenue, Room 600
Seattle, WA 98104

[Tax Year Details](#) [Receipts](#) [2012 Tax/ fee Distribution](#)

2012 Tax Information

Tax:	\$ 4,819.86	Land value: \$ 346,000
Other Charges		Improvement value: \$ 0
Noxious Weed	\$ 2.10	Levy code:1876
Conservation	\$ 9.98	Status: Taxable
Total billed:	\$ 4,831.94	Omit year: 0000
Amount paid:	\$ 0.00	
Interest:	\$ 0.00	
Penalty:	\$ 0.00	
2012 Balance:	\$ 4,831.94	

2011 Tax Information

Tax:	\$ 4,793.40	Land value: \$ 368,000
Other Charges		Improvement value: \$ 0
Noxious Weed	\$ 2.10	Levy code:1876
Conservation	\$ 9.98	Status: Taxable
Total billed:	\$ 4,805.48	Omit year: 0000

Marion Yoshino

From: Ronald Dupard [ron_dupard@msn.com]
Sent: Thursday, May 24, 2012 4:54 PM
To: Dave Kaplan; Dan Caldwell; Matt Pina; Melissa Musser; Jeanette Burrage; Bob Sheckler; Carmen Scott; Marion Yoshino; Robert Ruth
Cc: Debra Ferguson
Subject: City of Des Moines Ordinance No. 12-058, Proposed Multifamily Tax Exemption
Attachments: 2012-04-23 PSBJ Distressed Homes 40% of King Co Sales.pdf

Mr. Mayor & City Council Members,

I represent Debra Ferguson-Jones, Manager, Smith Court, LLC, who is the owner of an 82,160 SF parcel of land in the Pacific Ridge Neighborhood, parcel no. 2724200225. The property has been for sale for the last several years, has not sold due to market conditions, and the property owner is trying to decide whether move forward with conceptual designs and possibly whether to submit for a building permit so that we can sell the property as a permitted project. I have been talking with Marion Yoshino and Robert Ruth about the site for several months because I am working on a Highest and Best Use Analysis of the property that has been sidelined by the proposed changes in use. Ms. Yoshino informed me of Ordinance No. 1457, which would extend the Pacific Ridge multifamily tax exemption to include the Smith Court property. We feel that the MFTE would be beneficial in reducing operating expenses to the point that construction of a podium apartment building 4-7 stories on the site may become feasible, and we appreciate the City's efforts at promoting development in the Pacific Ridge Neighborhood. Nevertheless, your proposed ordinance contains several provisions that we feel are misguided and which cause us great deal of concern.

The Smith Court, LLC property lies within RTA Zone 2. The ordinance as drafted would require a 100 foot minimum building height, 160 unit minimum size and the structure must be a condominium. This requirement is not economically feasible because it demands the most expensive concrete and steel construction, which is not supported by the area's median household income and area condominium sales comparables. Indeed, such a requirement would doom any type of development in RTA Zone 2 for years to come because nobody is building new condos anywhere in the Puget Sound Region. Furthermore, to my knowledge, nobody has ever constructed a high rise condominium anywhere between South Seattle and the City of Tacoma. The reason is because high rise construction is very expensive, and once you get outside of the Seattle Downtown core, there is no demand for this type of product because of its high cost. Even in Tacoma's Downtown Core, every high rise condo project—even along the waterways and waterfront—has failed and gone back to their lenders or else been sold off at trustees sales. Accordingly, it will be years before anyone constructs another high rise condominium anywhere but in Downtown Seattle or Bellevue, which are the only locations in the region where the median household income and sales comparables are sufficient to support high rise condominium sales.

Currently, most of the Pacific Ridge neighborhood is comprised of vacant land parcels, cheap, rundown apartments, and gangland mobile home parks. Accordingly, the City of Des Moines should welcome virtually any type of new development that would clean up this blighted area. Podium construction, often called mid-rise construction, typically consists of 3-5 stories of frame construction over 1-3 stories of at grade to underground parking. This type of construction is usually a minimum of 30-40' in elevation, depending on whether the developer chooses underground parking. Although I have not done a full analysis, such construction may be economically feasible in the RTA with the multi-family tax exemption. Given the \$250 per square foot minimum construction costs for concrete and steel construction, I can assure you that you will be depriving property owners in the RTA of any chance of developing their property in this lifetime if you impose upon them the requirement to build ten or more story condominiums. In fact, such a requirement might be construed as an unconstitutional taking of property rights if ever challenged by a property owner in court, which brings me to another point. Were all of the property owners in the RTA provided with written notice of your proposals?

I might also add that if you would like to see higher end development, you should make hotel construction permissible in RTA Zone 2, as I did have interest in the Smith Court property as a potential hotel site several

years ago. Nevertheless, the market has changed and that may no longer be an option, although I understand that some hotel chains are again looking at expanding. The bottom line is that in my professional opinion, the City of Des Moines would better serve themselves by expanding development options rather than limiting them or being overly rigid—unless you want to continue to deal with the problems presented by the gang infested neighborhood that is currently known as Pacific Ridge, which includes a virtual lack of income that could be generated by some potentially very valuable properties. Indeed, anything is better than what you have up there now, so you need to be very flexible in order to entice developers to “pioneer” and go in there and improve the neighborhood.

Based on my analysis above, I am requesting that the city adopt the Fourth Alternative submitted by Marion Yoshino. This alternative should allow for the multi-family tax exemption to be applied to either apartment or condominium construction provided that there is a minimum 35 foot building height and consisting of at least 40 units or 20 units if that is only ½ of the building size and the remainder of the building is for mixed uses. You should also be flexible and allow for hotel construction in this zoning, which is probably the highest and best use given its location right on I-5 and easy access therefrom. In fact, I don't understand why you wouldn't be happy if someone came in there and built a nice office building if they'd find that desirable because almost anything would be better than what is there now. Again, flexibility by the city will be key in bringing out developers' creativity.

Respectfully submitted,

Ronald J. Dupard, President/Designated Broker

DuVestCo, Inc.

11023 SE 240th Street #D2

Kent, WA 98031-4906

Phone: (425) 968-5500

Cell: (206) 478-0951

Fax: (425) 968-5656

email: ron_dupard@msn.com

Check Us Out: www.duvestco.com

Coming Soon: www.wesellbusinesses.us

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PRESENTATION FOR INSTITUTIONAL CAMPUS PUBLIC HEARING

1. INTRODUCTION

- The purpose tonight is to conduct the public hearing for Draft Ordinance 12-026 regarding the establishment of a new chapter in the Zoning Code entitled Institutional Campus. This new chapter is being established to proactively plan, design, and manage institutional use on large campus sites and to implement the Des Moines Comprehensive Plan which states that the City should establish an Institutional Campus land use designation and overlay zone that supports the uses, services and operations, and facilitates the redevelopment plans as established in their College Master Plan.
- The City Council cannot adopt the draft ordinance tonight as the required 60 day Department of Commerce review will not be concluded until June 11th and the appeal period for the City's determination of non-significance under the State Environmental Policy Act will not be concluded until June 4, 2012.
- If the City Council desires to establish an IC zone, then the Council should make the recommended motion which will move the draft ordinance to a second reading on June 28th.

2. PREVIOUS ACTIONS

- On April 26, 2012 the City Council approved Resolution 1190 establishing tonight's public hearing. During the April 26, 2012 City Council meeting, the Council had a policy discussion regarding the proposed IC Zone and directed staff to:
 - Remove governmental agency and public utilities from the permitted uses section so that the IC is primarily focused on Retirement and Education Facilities. This change is included in the draft that is before the City Council tonight.



- Docket a Comprehensive Plan Amendment regarding the establishment of an IC preferred land use designation. Staff has docket this amendment and it will be brought forth as part of the 2012 Comprehensive Plan Amendments later this year.
- Provided an itemized list of the use allowed under the boarder categories of Educational Services, Nursing and Residential Care Facilities, and Religious, Grantmaking, Civic, Professional, and Similar Organizations which has been provided as Attachment 3 to the Agenda Item.
- Finally, provided a copy of the Draft Ordinance be provided to Highline Community College, the Highline and Federal Way School Districts, Judson Park, Wesley, and Landmark on the Sound as requested by the City Council.
- The draft ordinance has received a due pass recommendation from the Planning Agency and the Finance and Economic Development Committee.

3. KEY DEVELOPMENT REGULATIONS

- A master plan is required for all campuses with over 150,000 square feet of total building area. This master plan would be approved by the Hearing Examiner during a Public Hearing. An ordinance amending the Land Use Review Procedures would be brought later this year to the approval of master plans from a City Council action to a Hearing Examiner action.
- Multiple building heights were established for the IC zone based on both the size of the campus and use. On campuses of less than 10 acres, residential buildings are limited 45 feet in height and non-residential buildings are limited to 35 feet in height. On campuses over 10 acres, residential buildings are limited to 65 feet in height and non-residential buildings are limited to 45 feet in height.



- The ordinance establishes performance standards related noise, light, location of service areas, etc in order to lessen impacts on the neighboring residential property owners.
- The ordinance also establishes specific criteria that a master plan would have to meet prior to being approved by the Hearing Examiner.

4. PUBLIC COMMENTS

- Staff received only received written comments from Highline Community College which expressed concerns with two aspects of the draft ordinance: (1) building heights for large campuses; and (2) percentage of change allowed under a minor amendment to an approved master plan which is approved by Administration.
- As part of the Master Plan, the College plans to consolidate and replace the small and inefficient existing buildings with larger 2-3 stories buildings to minimize the overall building footprint and allow space for future development, landscape and open space (*Highline Community College Master Plan 10-20-11 pg 4-7*). However, due to the need to accommodate the floor to ceiling heights need for lab classrooms, the College would like to have the building height for non-residential buildings raised from 45 to 65 feet. Additionally, the College has requested that the City Council raise the residential buildings height from 65 feet to 85 feet to allow for structured parking under residential building.
- The College has also requested that the amount of change allowed as a minor amendment to an approved master plan be increase from 10% to 15% of the area of the building.
- If the City Council would like to incorporate these changes, the Council can direct staff to bring back amendments when the Draft Ordinance is brought back for a second reading on June 28th.





Office of the Vice President for Administration

MS 1-1
P.O. Box 98000
Des Moines, WA 98198-9800

May 22, 2012

Denise Lathrop, Planning Manager
Planning, Building, and Public Works Department
City of Des Moines
21630 11th Avenue South, Suite D
Des Moines, WA 98198

Re: Draft Ordinance 12-026 Concerns

Dear Ms. Lathrop:

We would like the following comments included in the record for the public hearing on draft Ordinance 12-06.

Our staff reviewed the draft ordinance that would create the Institutional-Campus Zone classification, and we are concerned that the new classification would significantly impair Highline Community College's ability to develop and modernize its campus, as the ordinance is currently drafted. In addition, we think the effect of the ordinance could have an adverse environmental impact by limiting the College's ability to replace its older buildings with larger, more energy efficient structures.

Our major concerns are as follows:

- 1) Section 6(a)(i) -- The maximum building height for a residential building is 65 feet. This height would limit the number of floors for a residence hall (as indicated in our College Master Plan for International student housing). Further, because parking is so limited on campus, we noted in the College Master Plan that a parking garage would be part of the residence hall to serve the parking needs of the students living there. It seems to us that an 85 foot maximum would give us flexibility to construct a parking garage with residence floors above.
- 2) Section 6(a)(ii) -- The maximum building height for all buildings or structures other than residential is 45 feet. This would basically limit our buildings to two stories. It might be possible to construct a three-story office and classroom building under 45 feet, but physical science laboratory spaces require greater floor to floor heights, and a 45 foot maximum building height would limit the building to two stories. This is incompatible with the intent of our College Master Plan to replace smaller energy inefficient structures on campus with more energy efficient three story buildings. Further, a three story building would occupy a smaller building footprint than a two story building for the same overall square footage thus allowing preservation of more open space. We propose a 65 foot limit exclusive of mechanical penthouses.
- 3) Section 6c -- The requirement that buildings taller than 35 feet shall be set back 20 feet + 1 foot for every 2 feet in height above 35. This may impact our ability to construct the residence hall. We are limited in

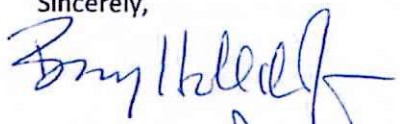
Denise Lathrop
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campus locations on which we can construct the residence hall due to the wetlands on the northwest and southwest side of the campus.

- 4) Section 5 – We believe the threshold for amendments to the master development plan are too strict. Any increase in building square footage of 10% or less or the number of parking spaces by 15% or less than what was approved in the master development plan will require a minor amendment. Any changes that exceed those thresholds for a minor amendment will require a major amendment. Our challenge is that we have numerous buildings that are less than 6,000 square feet which means that even a modest change would require an amendment to the plan.

I discussed these issues with Jason Sullivan on May 21, 2012 and we will continue to work with him to address our concerns. I am confident that we can resolve these issues amicably. However, I also want to have our comments included in the record for the City Council's public hearing scheduled on May 24, 2012.

Sincerely,


for Larry Yok

Larry T. Yok
Vice President for Administration

cc: J. Bermingham, HCC
B. Holldorf, HCC
J. Rumsey, McGranahan
J. Sullivan, Des Moines Planning Department