AMENDED AGENDA

DES MOINES CITY COUNCIL
STUDY SESSION
City Council Chambers
21630 11th Avenue S, Des Moines, Washington

March 2, 2017 – 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

EXECUTIVE SESSION

COMMENTS FROM THE PUBLIC
Note: Comments must be limited to the items of business on the Study Session Agenda per Council Rule 10. Please sign in prior to the meeting and limit your comments to three (3) minutes.

DISCUSSION ITEMS

Item 1: CITY HALL EMERGENCY GENERATOR PROJECT

Item 2: COURT STAFFING

Item 3: EMERGING ISSUES

Item 4: STATE ROUTE 509 LOCAL MATCH

Item 5: WASSON PROPERTY

NEXT MEETING DATE

March 9, 2017 City Council Regular Meeting

ADJOURNMENT

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Discussion Item #1

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: City Hall Campus Generator

ATTACHMENTS:
1. Staff Memo Presented to the Municipal Facilities Committee on January 18, 2017

FOR AGENDA OF: March 2, 2017

DEPT. OF ORIGIN: Public Works

DATE SUBMITTED: February 22, 2017

CLEARANCES:
[ ] Community Development ____
[ ] Marina ____
[ ] Parks, Recreation & Senior Services ____
[X] Public Works RPC

CHIEF OPERATIONS OFFICER: DSB

[X] Legal TG
[X] Finance DM
[ ] Courts ____
[ ] Police ____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: _____

Purpose and Recommendation

The purpose of this agenda item is to brief the entire City Council on the intended design of an optional standby generator for the City Hall Campus.

Suggested Motion

Motion: "I move to direct staff to proceed with design services for an optional standby generator that will serve the Engineering Services Building and Public Works Shop based upon Option C in the Staff memo shared with the Municipal Facilities Committee on January 18, 2017".

Background
On January 18, 2017, staff briefed the Municipal Facilities Committee on the three design options that were evaluated, and their associated estimated costs (refer to Attachment 1).

Discussion
In an effort to achieve the most value for our investment, Staff and our Design Consultant, Elcon Associates, Inc. have determined that the best approach is to proceed with completing the design and constructing the project based upon Option C in the attached Staff memo (generator serving only the Public Works Engineering building, its vehicle maintenance shop, and associated storage building out back).

Alternatives
City Council could choose to approve the recommended motion, or approve design of a different option in the attached Staff memo.

Financial Impact
There are sufficient funds available within the project budget to cover the suggested design and construction work.

Recommendation
Staff recommends that Council approve the recommended motion.

Attachment #1

City of Des Moines
Public Works
Department

Memo

To: Dan Brewer, Chief Operations Officer

From: Scott Romano, CIP Project Manager

cc:

Date: December 6, 2016

Re: RE: CITY HALL CAMPUS GENERATOR

Elcon Associates, Inc. has completed a 30% design for an optional standby generator that would provide sufficient power to allow both City Hall and Public Works Engineering to operate on a normal basis during a power outage (Option A). In reviewing the design, staff asked Elcon to briefly evaluate costs for two other possible options: 1) a sufficiently sized generator to power both buildings, however only connecting Public Works Engineering at this time and deferring City Hall connections to a future date (Option B); and 2) a generator sized only for Public Works Engineering (Option C).

30% Design Level Costs:

Option A – City Hall and Public Works Engineering (250kW generator) -- $506,612.50

Option B – Same generator size as Option A, only the City Hall connection is deferred to a later date; future costs are not included here -- $333,798.75

Option C – Public Works Engineering only (100 kW generator) -- $162,492.50

Existing City Infrastructure within the Public Works Engineering Building:

- Vehicle maintenance shop and equipment to maintain City fleet.
- Phone networks for the Public Works Service Center and Senior Activity Center originate here; no power here means no phones in those two buildings.
- Fiber network for the Public Works Service Center, the Senior Activity Center readerboard, and the WSDOT traffic cameras passes through here; no power here means these three systems are not working.

Based upon the above estimated construction costs, and the critical infrastructure located within the Public Works Engineering building; staff is recommending that at a minimum Council proceed with final design of at least Option C. Option C costs about one third, and we maximize our use of City infrastructure. In addition, staff will continue to evaluate other alternatives for limited power supply to City Hall so that other necessary city functions such as Finance, Payroll, Court, etc. can function on a limited basis, or be relocated into other City buildings that already have generators.

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Discussion Item #2

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Court Staffing

FOR AGENDA OF: March 2, 2017

DEPT. OF ORIGIN: Court

ATTACHMENTS:
1. N/A

DATE SUBMITTED: February 22, 2017

CLEARANCES:
[ ] Community Development ____
[ ] Marina ____
[ ] Parks, Recreation & Senior Services ____
[ ] Public Works ____

CHIEF OPERATIONS OFFICER: DSB

[X] Legal
[X] Finance
[X] Courts
[ ] Police ____

APPROVED BY CITY MANAGER
FOR SUBMITTAL:

Purpose and Recommendation

The purpose of this agenda item is for the Council to consider and authorize additional staffing for the Court. The Court is requesting approval for an 18-month limited-term court clerk position starting in June 2017, to address unanticipated workload.

Suggested Motion

Motion 1: "I move to Direct Administration to move forward with hiring a limited term full time Court Clerk, and further direct Administration to bring forward a 2017 budget amendment reflecting the additional expenditure authority."

Background

Last year, the Court made staffing decisions based upon an estimated 30-40 citations per day for all red light enforcement locations, totaling about 12,000 tickets per year. This was based on a conservative estimate from ATS which projected these levels of infractions at 18 months following activation. ATS did inform staff that in the first 18 months following activation, there would be a spike in initial violations estimated to be double the 18-month projection, or 20-24,000 tickets a year. However, the current number of filings far exceeds this original conservative estimate.

When the first two locations (216th & 99, and Big Catch Plaza) were activated in November and the beginning of December, the impact to court operations was barely manageable. However, with the addition of the last two locations in mid-December (KDM & 99 and the KDM & 99 Right turn), the volume is quickly becoming tremendously challenging with current staff levels. For example, in December there were 2,000 citations filed. In January, 6,068 citations were filed with the Court. As of February 15th, 2,200 citations were filed just this month and staff anticipate that number to top out at around 4,000 before the end of the month. As of today, Feb 21, 2017 we have a total of 9,357 cases that have been filed into our court. By the end of March we will exceed our initial annual projection.

Discussion

Our current staff is over-burdened yet working diligently to keep up with the filings. However, this is not tenable over the long-term. In an effort to be fiscally responsible, the court made conservative staffing estimates when asked last year to report court impacts as a result of the traffic safety cameras. However, given the current number of filings and the information from ATS that these numbers are not likely to level off for another 18 months, the Court is requesting approval for an 18-month limited-term court clerk position to address the increased workload.

For some perspective on the current workload consider these facts: in December, 2016, clerks processed an average of 195 tickets a day; in January, 179 tickets per day; and in February, we are track for an average of 148 per day. (These are daily averages; the court receives filings in batches of several hundred at a time rather than a set amount per day.) The Court added calendars to accommodate hearing requests. The Court is adjudicating hearings by mail at a rate of approximately 80 cases per week and these calendars are filled until May. In person contested hearings are set at a rate of 80 – 90 per month.

The clerks also have to process payments that we receive on-line and in person. Currently, the Court processes between approximately 40-50 online payments Tuesday through Friday; on Mondays, the Court processes approximately 150-200 online transactions from the weekend. Payments received through U.S. mail number approximately 40-50 per day, although on Mondays, that number increases. The volume of individuals paying at the front counter has increased dramatically, requiring the full-time assignment of a court clerk just to handle in person transactions.

Alternatives

None.

Financial Impact

The Court anticipates that in 2019 one of our existing clerks will be retiring and at such time the limited-term clerk would move into the full-time permanent position vacated as a result of the retirement. This would restore staff to current levels, and staff can reassess at that time to determine appropriate staffing levels going forward. The increased revenue from the unanticipated number of citations will cover the cost of the new employee during this limited term.

Recommendation

Staff recommends that the Council approve the suggested motion.

Discussion Item #5

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL
City of Des Moines, WA

SUBJECT: Wasson Property

ATTACHMENTS:
1. Aerial View - 22047 Cliff Avenue South (parcel 2009003245)
2. Wasson Property Feasibility Review

FOR AGENDA OF: March 2, 2017

DEPT. OF ORIGIN: Community Development

DATE SUBMITTED: February 21, 2017

CLEARANCES:
[X] Community Development ✓
[X] Marina ✓
[X] Parks, Recreation & Senior Services ✓
[ ] Public Works ____

CHIEF OPERATIONS OFFICER: ✓

[ ] Legal ____
[X] Finance ✓
[ ] Courts ____
[ ] Police ____

APPROVED BY CITY MANAGER FOR SUBMITTAL: [signature]

Purpose and Recommendation

The purpose of this agenda item is for Staff to present information and the City Council to discuss the disposition , potential reuse, and redevelopment options for the City-owned property located at 22047 Cliff Avenue South (parcel 2009003245) in Des Moines, WA (also referred to as the "Wasson property").

No motion is provided, however staff will be seeking direction from the Council on next steps related to the future use of this property.

Background

Attachment 1 depicts the subject parcel (referred to as the Wasson property). The 0.31-acre parcel is developed with a single-family residence located along the shoreline of Puget Sound. Up until June 2016, the property had been rented as a single family residence. Since that time, City Council members have toured the building with staff and discussed potential options for reuse and redevelopment of the building and/or property.

The property is in an area designated as Urban Conservancy upland of the ordinary high water mark and Aquatic below the ordinary high water mark by the Des Moines Shoreline Master Program (SMP). The property has a Comprehensive Plan designation of PARK and is zoned Residential Suburban Estates (R-SE). The parcel is shown and described as a part of Des Moines Beach Park which is a Special Use Park in the Des Moines Comprehensive Plan.

The 2016 Parks, Recreation and Senior Services Master Plan capital program for Des Moines Beach Park includes: park land acquisition, facility renovation and repair; new facility development and interlocal projects development. Recent update of the 2016 Parks, Recreation and Senior Services Master Plan included significant community outreach that included a survey to identify the recreation needs of the city's residents, businesses, employees, and visitors. Citizens placed the highest importance on waterfront resources such as the Des Moines Beach Park, Marina and Fishing Pier, and Des Moines Creek Trail.

Discussion

The City is evaluating the feasibility of different uses for the upland portion of the subject property. The upland portion of the site that does not contain Cliff Avenue South is roughly 80 feet by 50 feet (4,000 square feet). Potential uses that have been suggested include:

1. The current use (residential).

2. Conversion of the existing structure to a commercial use, such as a restaurant.

3. A public plaza and/or promenade along the existing bulkhead which would enhance the connection between the marina located south of the site and the portion of Beach Park north of the site.

4. Adding some commercial use associated with the public plaza.

The City hired environmental consultant Theresa Dusek, who is a recognized expect in environmental and shoreline permitting and has extensive experience working with the Department of Ecology, to research and evaluate the permitting requirements as it relates to the SMP for these various options. The report is provided as Attachment 2. The following is a summary of the conclusions of the report:

1. Leave the existing nonconforming structure and use it for residential purposes. It is important to note that if the residence remains vacant for 12-months, the nonconforming rights to use the house as a residence will expire and any subsequent use will need to be conforming to the current regulations. The non-conforming use will expire in June 2017, unless occupied as a residence.

2. Leave the existing nonconforming structure but repurpose it for recreational uses. As long as the structure is not enlarged, it could be used for water-dependent recreation or water-enjoyment recreation (non-commercial uses). Examples include use of the residence for public restrooms, storage of park programmatic equipment (canoes, kayaks, etc.), and park classes and programs. A shoreline permit would not be required.

3. The SMP specifically prohibits commercial uses such as restaurants in the Urban Conservancy designation associated with the site and the use is not eligible for a variance or conditional use permit.

4. Ecology staff stated that a limited amendment to change the environmental designation of the Wasson property from Urban Conservancy to High Intensity (to match the designation of the adjacent Marina) would likely not be accepted or approved by the Washington Department of Ecology since the site does not meet the definition for High Intensity and due to past analysis for the SMP.

5. Removal of the residence and construction of a public plaza and/or promenade would require a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit for fills associated with the modification, and a Shoreline Variance for alteration to the 115-foot marine buffer. The SMP specifically prohibits commercial uses in the Urban Conservancy designation associated with the site and commercial uses are not eligible for a variance or conditional use permit. However, construction of the public plaza with the ability to have temporary booths or food trucks use the plaza during events may be possible.

6. A limited amendment to allow water-related and water-enjoyment commercial uses in the Urban Conservancy designation (Des Moines Beach Park and Salt Water State Park) may be possible per Washington State Department of Ecology staff. Full review of the SMP and Comprehensive Plan will be required to make sure there are not conflicts with this proposal. If this change were to occur a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit for fills associated with the modification, and Shoreline Variance for alteration of the 115-foot marine buffer would be required.

Alternatives

Moving forward, there are a couple of critical decisions that the City Council needs to make regarding the existing house:

1) If the Council intends to rent the house for residential purposes, on a short term basis or permanent, the City Council will need to ensure the house is rented by June 2017 in order for the existing non-conforming use to remain valid. Significant and costly renovations and upgrading of the existing building would be required.

2) If the Council intends to repurpose the house for recreational uses on a permanent basis, the City Council will need repurpose it for some recreational uses by June 2017. Using the existing house as a permanent structure for recreational uses would require significant and costly renovations and upgrading. However, the existing structure could be used for recreational uses on a temporary basis while other alternatives are being evaluated and permitted.

3) If the Council intends to remove the existing home, a lot of possibilities are available related to shoreline access, open space, public spaces, and potential revenue generators. Council could pursue the possibility of a limited amendment to allow water-related and water-enjoyment commercial uses in the Urban Conservancy designation (Des Moines Beach Park and Salt Water State Park), and to eventually remove the existing structure.

At the Council meeting staff will present further details related to these alternative, and seek Council direction is regarding future actions or options to be considered moving forward.

Financial Impact

There are both negative and positive financial implications depending on the chosen path forward. While not fully analyzed, the following can be assumed:

1. Maintaining the existing structure as a single family residence or for recreational purposes would require extensive and costly renovations and upgrades (easily over $50,000) plus cost for insurance and ongoing maintenance. It would likely take several years or more to recoup the initial investment through property rentals and/or reuse of the facility for recreational purposes.

2. Removing the residence and redevelopment of the site for recreational and/or commercial uses would also require initial cost for demolition of the property, permitting and capital improvements associated with redevelopment of the site. Demolition of the structure is expected to cost around $40,000 while permitting could range from around $3,000 to upwards of $15,000, not including the necessary staff time and consultant support.

3. Future revenues associated with ongoing use of the redeveloped site and adjacent area would likely be in the form of pay parking revenues, and lease revenues from any commercial space that might be developed in accordance with the limited amendment to allow water-related and water-enjoyment commercial uses in the Urban Conservancy designation (Des Moines Beach Park and Salt Water State Park).

Recommendation

Staff recommends that the Council pursue the possibility of a limited amendment to allow water-related and water-enjoyment commercial uses in the Urban Conservancy designation (Des Moines Beach Park and Salt Water State Park), and to eventually remove the existing structure. While pursuing this, staff recommends that the existing non-conforming structure be used for recreational uses (including options like storage of park programmatic equipment (canoes, kayaks, etc.), and perhaps park classes and programs).

Attachment #1

Aerial View of Wasson Property – 22047 Cliff Avenue S. (Parcel ID 2009003245)

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Attachment #2

THERESA R. DUSEK
Assessment, Management and Regulatory Permitting

128 Rainbow Lane
Packwood, WA, 98361
(253) 861-3355

February 3, 2017

Attn: Denise Lathrop, Community Development Director
City of Des Moines
21630 11th Avenue South, Suite D
Des Moines, Washington 98198-6398

RE: Wasson Property Regulatory Feasibility Review

Dear Denise,

We understand that the City of Des Moines (City) owns the property located at 22047 Cliff Avenue South (parcel 2009003245) located in Des Moines, Washington (Sec 8, T22N, R4E, W. M.). Figure 1 depicts the subject parcel (also referred to as the Wasson property). The 0.31-acre parcel is developed with a single-family residence located along the shoreline of Puget Sound. The property is in an area designated as Urban Conservancy upland of the ordinary high water mark and Aquatic below the ordinary high water mark by the Des Moines Shoreline Master Program (DMSMP). The upland area currently has an underlying zone of Residential Suburban Estates (R-SE). The parcel is shown and described as a part of Des Moines Beach Park which is a Special Use Park in the Des Moines Comprehensive Plan. The City is evaluating the feasibility of different uses for the upland portion of the site. The upland portion of the site that does not contain Cliff Avenue South is roughly 80 feet by 50 feet (4,000 sf). Potential uses suggested by the City include: (1) the current use, (2) potential commercial use as a restaurant, (3) public plaza and/or promenade along the existing bulkhead which would enhance the connection between the marina located south of the site and the portion of Beach Park north of the site, and (4) some commercial use associated with the public plaza. Since the DMSMP currently does not allow commercial uses we also provide information regarding the potential to complete a limited amendment to the DMSMP to allow water-related and water-enjoyment commercial uses in areas designated as Urban Conservancy which includes Des Moines Beach Park and Salt Water State Park.

Figure 1: Wasson parcel in yellow.

Current Use and Shoreline Master Program

The site is currently developed with a 2,740 sf single family residence which contains a concrete bulkhead along the 50-foot shoreline frontage and a concrete boat launch (Figures 2 and 3). The residence was legally constructed in 1967.

Figure 2: Current use of the site with a residence, concrete boat launch and bulkhead.

Figure 3: view of west side of residence.

The Shoreline Master Program Urban Conservancy designation associated with the site allows for the following uses to be permitted as shown in Table 1 below: (a) parking (accessory), (b) water-dependent[1] recreational, (c) water-enjoyment[2] recreational, (d) transportation and (e) utilities (primary). All other uses are prohibited and not eligible for a shoreline variance or shoreline conditional use permit. Clearing and grading may be permitted but placement of fill would require a shoreline conditional use permit. Residential structures are not allowed in the Urban Conservancy designation. This means that the existing residential use and structure on the site are nonconforming with regard to the DMSMP regulations.

In accordance with DMSMP 6.3.2, uses and developments that were legally established and are nonconforming with regard to the use regulations of the master program may continue as legal nonconforming uses. In accordance with WAC 173-27-080(9) and DMSMP 6.3.2, if a nonconforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming use rights shall expire and any subsequent use shall be conforming. We understand that the residence has been vacant since June 2016. On June 2017, if the residence is still vacant the nonconforming rights will expire and any subsequent use will need to be conforming to the current regulations. Future use of the land or structures must conform to the DMSMP policies and regulations.

In accordance with DMSMP 6.23.2 (6)

> *"A structure which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Conditional Use Permit. A Conditional Use Permit may be approved only upon a finding that:*
>
> *a. No reasonable alternative conforming use is practical; and*
>
> *b. The proposed use will be at least as consistent with the policies and provisions of the SMP and as compatible with the uses in the area as the preexisting use.*
>
> *c. In addition, such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the master program and the SMA and to assure that the use will not become a nuisance or a hazard."*

Per the DMSMP other uses in the Urban Conservancy Designation are prohibited and not eligible for a shoreline variance or shoreline conditional use permit. Therefore, this portion of the code would not apply on this site since non-conforming uses are currently not eligible for shoreline conditional use permits.

If the non-conforming residential structure is not enlarged, it could be modified to have a conforming use such as a recreational water-dependent or recreational water-enjoyment use which is allowed by the DMSMP. Examples include use of the residence for public restrooms, storage of park programmatic equipment (canoes, kayaks, etc.), and park classes and programs. This would not require a shoreline permit.

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[1] **"Water-dependent use"** means a use that requires direct access to the water to accomplish its primary function. In other words, a use or portion of a use, which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations.

[2] **"Water-enjoyment use"** means a use that does not require access to the water, but is enhanced by a waterfront location. This includes uses that facilitate public access to the shoreline as a primary characteristic of the use; or uses that provide for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people. The use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment.

Table 6-1 Shoreline Master Program Permitted Use Table SHORELINE USE	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic
Agriculture	X	X	X	X
Commercial Aquaculture	X	X	X	X
Boating facilities				
Public marinas and launch ramps	P	X	X	P*
Private marinas and launch ramps	C	X	X	P*
Commercial:				
Water-dependent	P	X	X	C*
Water-related, water-enjoyment	P	X	X	X
Non-water-oriented	C	X	X	X
Parking (accessory)	P	P	P	X
Parking (primary, including paid)	X	X	X	X
Recreation:				
Water-dependent	P	P	P	P
Water-enjoyment	P	P	P	P
Non-water-oriented	C	X	P	X
Single-family residential	X	X	P	X
Multifamily residential	X	X	P	X
Outdoor Advertising and Signs	P	X	X	X
Solid Waste Disposal	X	X	X	X
Transportation	P	P	P	C
Utilities (primary)	P	P	P	C
P = May be permitted C = May be permitted as a conditional use only X = Prohibited; the use is not eligible for a variance or conditional use permit				

Table 1: Permitted Use Table from the Des Moines Shoreline Master Program

Restaurant Commercial Use

The DMSMP specifically prohibits commercial uses such as restaurants in the Urban Conservancy designation associated with the site and the use is currently not eligible for a variance or conditional use permit.

Public Plaza and/or Promenade Along Existing Bulkhead

Removing the existing residence from the site and providing a recreational public plaza with or without a promenade along the existing bulkhead would be an allowable use in accordance with DMSMP. The promenade would provide a public link between the park and marina to the south. Per a Park Recreation and Senior Master Plan for Des Moines Beach Park the public plaza may contain a water feature, seating, play area, and waterfront access for pedestrians and non-motorized boats. In accordance with DMSMP 6.1.1(2) a minimum marine buffer of 115 feet from the marine ordinary high water mark shall be maintained in areas designated as Urban Conservancy.

Shoreline modifications to construct a public plaza and/or promenade would require the following.

- Shoreline Substantial Development Permit.
- Shoreline Conditional Use Permit for fills associated with the modification. Fills are allowed in areas designated as Urban Conservancy in accordance with DMSMP 6.2.6.
- Shoreline Variance since development would occur in the 115-foot marine buffer.

In accordance with DMSMP 6.3.7 recreational development is permitted in all shoreline environments, except aquatic, when the following standards are met:

1. Parking areas shall be located inland away from the immediate water's edge and recreational beaches. Access shall be provided by walkways or other non-motorized methods.
2. Recreational developments shall not create significant adverse effects on residential uses of private property, the environmental quality or natural resources of the shoreline area.
3. Valuable shoreline resources and fragile or unique areas such as estuaries and accretion beaches shall be used only for non-intensive and nonstructural recreation activities.
4. All permanent recreational structures and facilities shall be located outside the one hundred- year (100-year) flood plain, although the City may grant exceptions for non-intensive accessory uses (e.g., picnic tables, play areas, etc.).
5. Accessory use facilities such as restrooms, recreation halls and gymnasiums, commercial services, access roads and parking areas shall be located inland from shoreline areas unless it can be shown that such facilities are shoreline dependent. These areas shall be linked to the shoreline by walkways.
6. In approving shoreline recreational developments, the City shall ensure that the development will maintain, enhance or restore desirable shoreline features, including unique and fragile areas, scenic views and aesthetic values. To this end, the City of Des Moines may adjust and/or prescribe project dimensions, location of project components on the site, intensity of use, screening, parking requirements and setbacks as deemed appropriate to achieve the intent of this program.
7. Proposals for recreational development shall include a landscape plan in which native, self- sustaining vegetation is preferred.
8. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of picnic areas, selected view or other permitted structures or facilities.

Some Commercial Use associated with the Public Plaza

The DMSMP specifically prohibits commercial uses in the Urban Conservancy designation associated with the site and the use is not eligible for a variance or conditional use permit. However, construction of the public plaza with the ability to have temporary booths or food trucks use the plaza during events may be possible.

Shoreline Master Program Limited Amendment to Change the Environmental Designation from Urban Conservancy to High Intensity

The current Des Moines Shoreline Master Program defined High-Intensity environments as "*shoreline areas that currently support high-intensity uses related to commerce, transportation or navigation; or are suitable and planned for high-intensity water- oriented uses.*" The Wasson property did not meet this definition and was analyzed and placed in the Urban Conservancy designation. In the previous Shoreline Master Program, it was analyzed and designated as Conservancy.

Based on Table 6-1 of the current Des Moines Shoreline Master Program Permitted Use Table modifying the Wasson property to a High-Intensity designation would gain the ability of the property to be used for public marinas and launch ramps, commercial water dependent and water-related, water enjoyment uses, and with a conditional use permit private marinas and launch ramps and commercial non-water oriented uses, and non-water oriented recreation.

The City of Des Moines Shoreline Master Program was comprehensively updated with an effective date of November 1, 2010. The Des Moines Shoreline Master Program is required by RCW 90.58.080 to be update again on or before June 30, 2019. Local governments, such as Des Moines, may periodically amend their shoreline programs with a limited amendment when there is a change in law, zoning, or other local conditions (WAC 173-26-090).

All proposals for changes in environment designation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan. Given that this was completed with the 2010 Des Moines Shoreline Master Program update and that there have been no specific changes in law, zoning or other local conditions since the comprehensive update it is unlikely that a limited amendment to change the environmental designation of the Wasson property to High Intensity would be accepted or approved by the Washington Department of Ecology.

If the City of Des Moines choses to submit a limited amendment to modify the Shoreline designation of the Wasson property from Urban Conservancy to the High-Intensity designation the process and timelines are described in WAC 173-26. Note the process and timelines are under review and anticipated to be modified in June of 2017 (http://www.ecy.wa.gov/programs/sea/rules/1506docs.html).

Overall, in accordance with WAC 173-26 the local agency must implement a public participation plan that shall provide for early and continuous public and agency participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments. The degree of public and agency involvement sought by local government should be gauged according to the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. A master program limited amendment proposed by local government shall be submitted to the department for its review and formal action after implementing the public participation plan. The submittal shall be in the form of a signed ordinance or resolution and must meet the requirements of WAC 173-26-110. Based upon limited amendments to shoreline codes approved by Ecology in the last 3 years this process could take at least one year to complete if accepted by Ecology.

According to Misty Blair at is unlikely that a limited amendment to change the environmental designation of the Wasson property would be accepted or approved by the Washington Department of Ecology since it does not meet the High-Intensity definition and analysis.

Shoreline Master Program Limited Amendment to Allow Recreational Commercial Use

A limited amendment to allow water-related and water-enjoyment commercial uses in the Urban Conservancy designation, which includes Des Moines Beach Park and Salt Water State Park, may be possible per Misty Blair at the Washington State Department of Ecology. Water-related and water enjoyment commercial uses may include food and beverage facilities at public beaches, and rentals of equipment for kayaking, paddle boarding, wind surfing, biking, skin diving, snorkeling, fishing, etcetera. Full review of the SMP and Comprehensive Plan will be required to make sure there are not conflicts with this proposal.

The City of Des Moines Shoreline Master Program was comprehensively updated with an effective date of November 1, 2010. The Des Moines Shoreline Master Program is required by RCW 90.58.080 to be update again on or before June 30, 2019. Local governments, such as Des Moines, may periodically amend their shoreline programs with a limited amendment when there is a change in law, zoning, or other local conditions (WAC 173-26-090).

All proposals for changes in environment designation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan. Given that this was completed with the 2010 Des Moines Shoreline Master Program update and that there have been no specific changes in law, zoning or other local conditions since the comprehensive update it is unlikely that a limited amendment to change the environmental designation of the Wasson property to High Intensity, to allow commercial use, would be accepted or approved by the Washington Department of Ecology.

If the City of Des Moines choses to submit a limited amendment to allow water oriented commercial uses in the Urban Conservancy designation the process and timelines are described in WAC 173-26. Note the process and timelines are under review and anticipated to be modified in June of 2017 (http://www.ecy.wa.gov/programs/sea/rules/1506docs.html).

Overall, in accordance with WAC 173-26 the local agency must implement a public participation plan that shall provide for early and continuous public and agency participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments. The degree of public and agency involvement sought by local government should be gauged per the level of complexity, anticipated controversy, and range of issues covered in the draft proposal. A master program limited amendment proposed by local government shall be submitted to the department for its review and formal action after implementing the public participation plan. The submittal shall be in the form of a signed ordinance or resolution and must meet the requirements of WAC 173-26-110. Based upon limited amendments to shoreline codes approved by Ecology in the last 3 years this process could take at least one year to complete if accepted by Ecology.

In summary, the Wasson could feasibly have the following uses.

1. Leave the existing nonconforming structure and use it for recreational purposes. If the structure is not enlarged, it could be used for water-dependent recreation or water-enjoyment recreation. A shoreline permit would not be required.

2. If the residence remains vacant for 12-months, the nonconforming rights to use the house as a residence will expire and any subsequent use will need to be conforming to the current regulations.

3. If the non-conforming residential structure is not enlarged, it could be modified to have a conforming use such as a recreational water-dependent or water-enjoyment use. Examples include use of the

residence for public restrooms, storage of park programmatic equipment (canoes, kayaks, etc.), and park classes and programs. This would not require a shoreline permit.

4. The DMSMP specifically prohibits commercial uses such as restaurants in the Urban Conservancy designation associated with the site and the use is not eligible for a variance or conditional use permit.

5. Removal of the residence and construction of a public plaza and/or promenade would require a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit for fills associated with the modification, and a Shoreline Variance for alteration to the 115-foot marine buffer. The DMSMP specifically prohibits commercial uses in the Urban Conservancy designation associated with the site and the use is not eligible for a variance or conditional use permit. However, construction of the public plaza with the ability to have temporary booths or food trucks use the plaza during events may be possible.

6. Misty Blair at Ecology stated that a limited amendment to change the environmental designation of the Wasson property from Urban Conservancy to High Intensity would likely not be accepted or approved by the Washington Department of Ecology since the site does not meet the definition for Hugh Intensity and due to past analysis for the DMSMP.

7. A limited amendment to allow water-related and water-enjoyment commercial uses in the Urban Conservancy designation (Des Moines Beach Park and Salt Water State Park) may be possible per Misty Blair at the Washington State Department of Ecology. Full review of the SMP and Comprehensive Plan will be required to make sure there are not conflicts with this proposal. If this change were to occur a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit for fills associated with the modification, and Shoreline Variance for alteration of the 115-foot marine buffer would be required.

If you have further questions my cell number is 1-253-861-3355.

Sincerely,

THERESA R. DUSEK

Theresa R Dusek

Theresa R. Dusek
Natural Resource Ecologist

CITY COUNCIL STUDY SESSION

Speaker Sign-Up Sheet

March 2, 2017

NAME (PLEASE PRINT)	ADDRESS	TOPIC	PHONE/E-MAIL ADDRESS
✓ Rick Johnson	Redondo Beach	WASSOD HOUSE	redondo rick@comcast.net

WASSON PROPERTY REUSE/REDEVELOPMENT

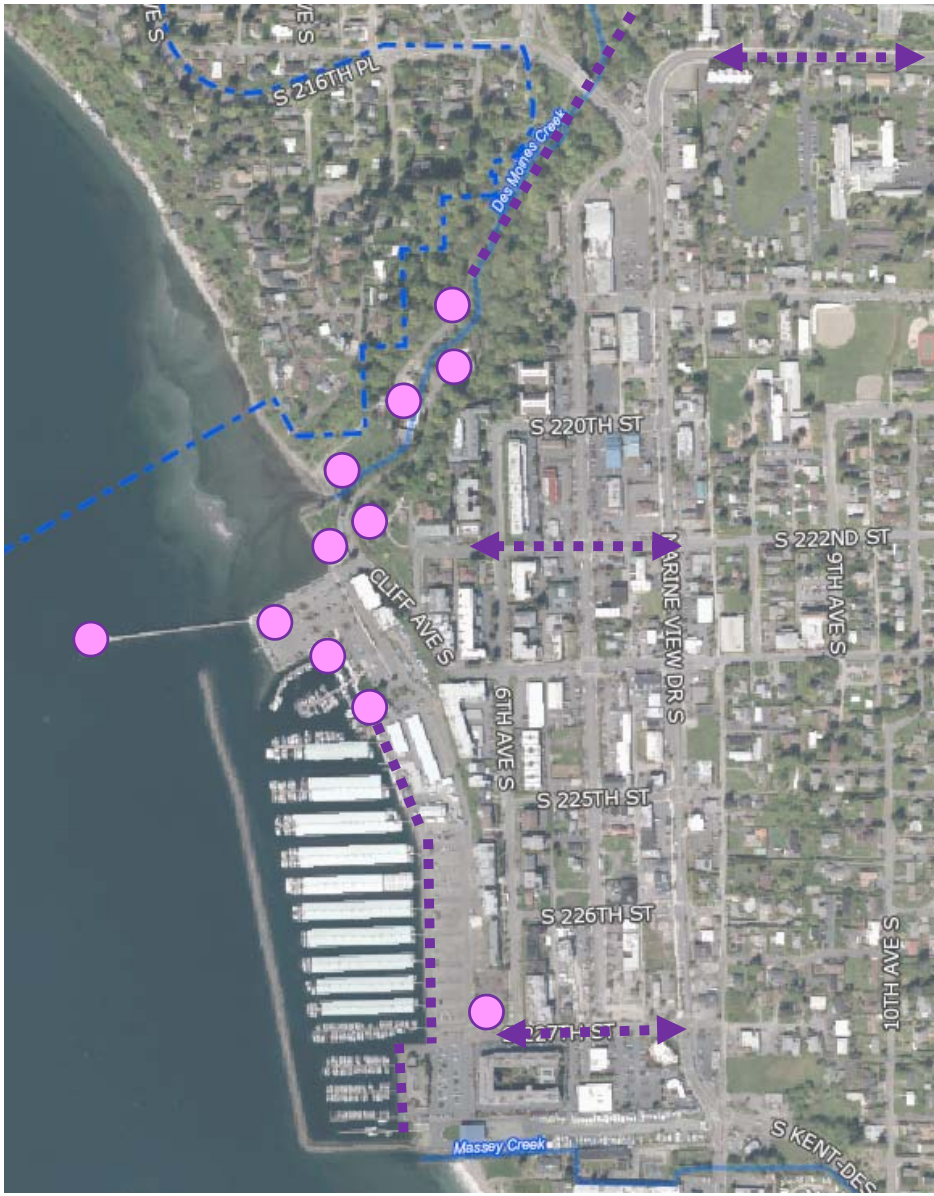
Michael Matthias, City Manager
Dan Brewer, Chief Operations Officer
Denise Lathrop, Community Development Mgr.

INTRODUCTION

- Need for Integration
- Connecting Multiple Nodes and Functions
- Finding the Sweet Spot:
  - Cost
  - Regulatory Considerations (Land Use, Shoreline Master Program & Building)
  - Value of Public Space

    (Relative to Everything:

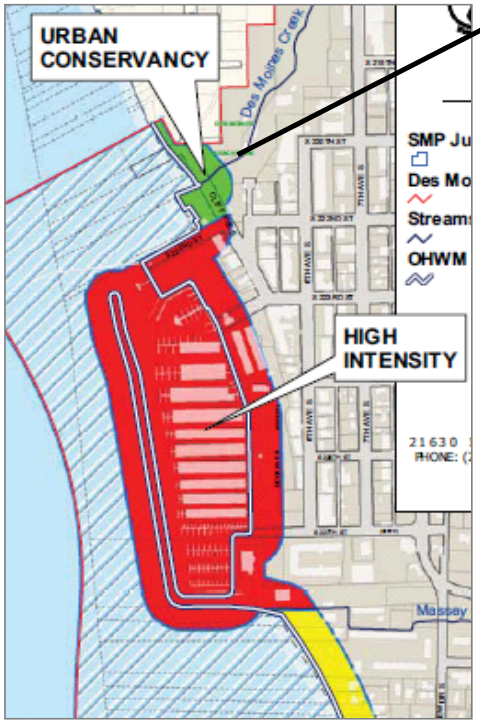
    Marina, Beach Park & Surrounds)
- Catalyst to Generate Revenue
- Provide Council an opportunity to discuss options for the disposition, potential reuse and development options for the Wasson property.

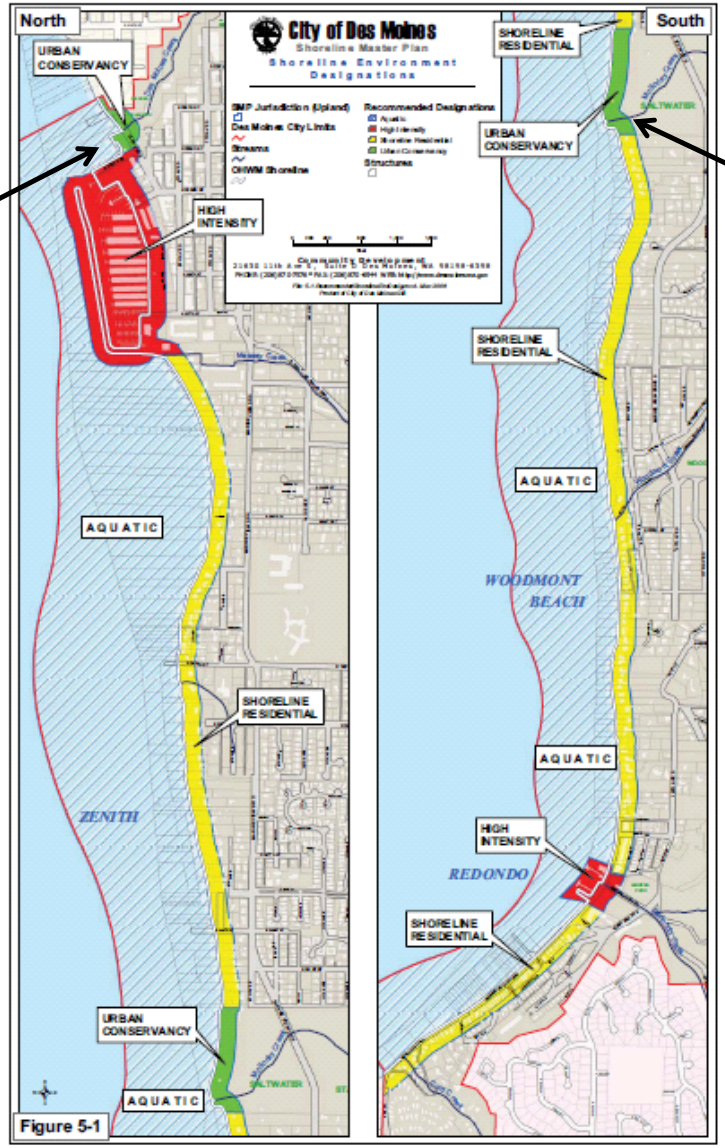


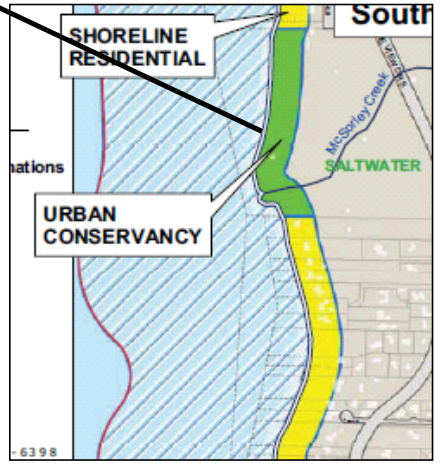
BACKGROUND

- 22047 Cliff Avenue South
  - 0.31-acre and developed with a SFR
  - upland portion approx. 80 ft x 50 ft/4,000 (excluding Cliff Ave S)
- Residential Suburban Estates (R-SE) Zone
- Des Moines Shoreline Master Program (SMP)
  - Aquatic below the ordinary high water mark (OHWM)
  - Urban Conservancy upland of OHWM
- The parcel is shown and described as a part of Des Moines Beach Park which is a Special Use Park in the Des Moines Comprehensive Plan.

SHORELINE DESIGNATIONS







SHORELINE PERMITTED USES

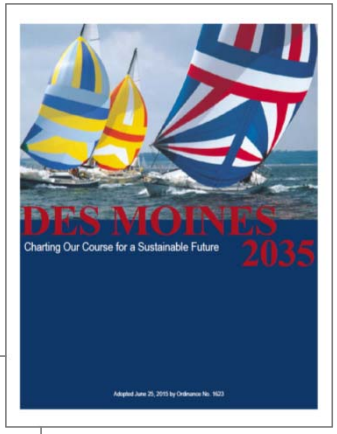
P = May be permitted
C = May be permitted as a conditional use only
X = Prohibited; the use is not eligible for a variance or conditional use permit

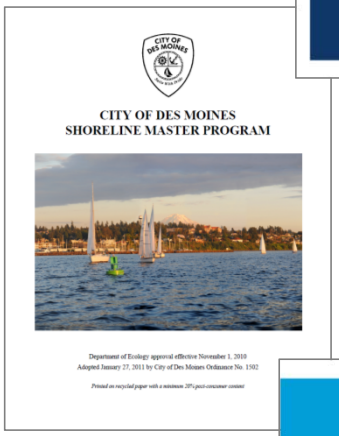
Table 6-1 Shoreline Master Program Permitted Use Table

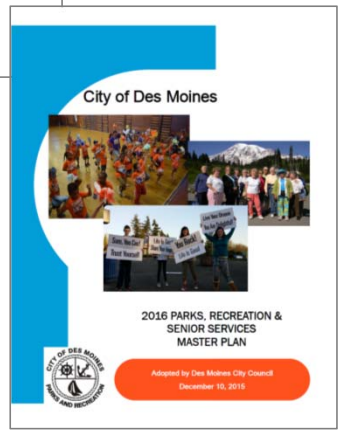
SHORELINE USE	High-Intensity	Urban Conservancy	Shoreline Residential	Aquatic
Agriculture	X	X	X	X
Commercial Aquaculture	X	X	X	X
Boating facilities				
Public marinas and launch ramps	P	X	X	P*
Private marinas and launch ramps	C	X	X	P*
Commercial:				
Water-dependent	P	X	X	C*
Water-related, water-enjoyment	P	X	X	X
Non-water-oriented	C	X	X	X
Parking (accessory)	P	P	P	X
Parking (primary, including paid)	X	X	X	X
Recreation:				
Water-dependent	P	P	P	P
Water-enjoyment	P	P	P	P
Non-water-oriented	C	X	P	X
Single-family residential	X	X	P	X
Multifamily residential	X	X	P	X
Outdoor Advertising and Signs	P	X	X	X
Solid Waste Disposal	X	X	X	X
Transportation	P	P	P	C
Utilities (primary)	P	P	P	C

ADOPTED VISION & POLICY FRAMEWORK

- Past Council actions have defined future use of the property through policies and development regulations:
  - Comprehensive Plan
  - Parks, Recreation & Senior Services Master Plan
  - Shoreline Master Program
  - Zoning/Development Regulations
- Key policies focus on identifying and increase opportunities for public access to the public shoreline of Puget Sound and the number and variety of recreational and cultural opportunities provided at waterfront parks and the Marina.







AMENDMENTS AND CHANGES

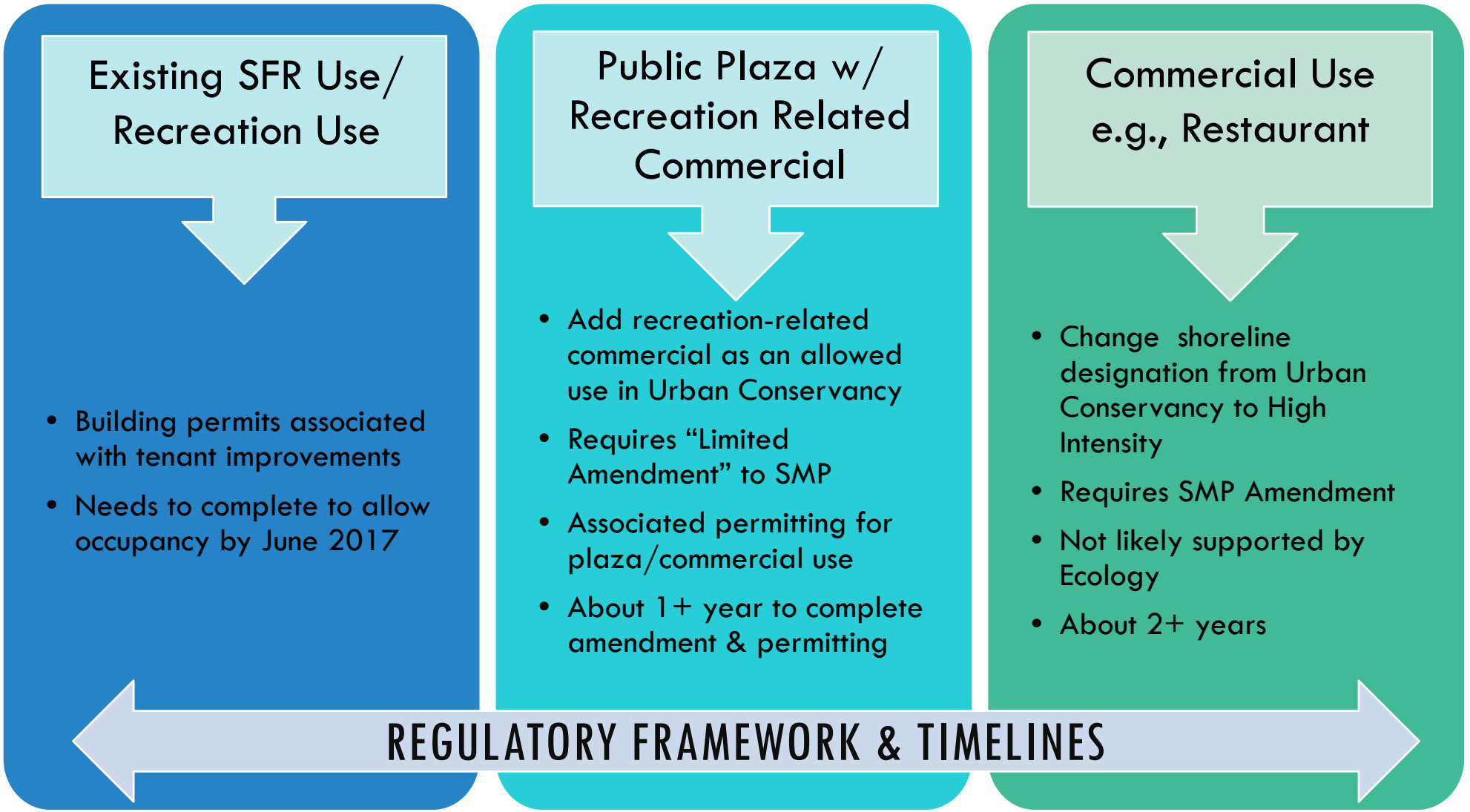
- Preferred Land Use and Zoning
- Parks Master Plan
- Comprehensive Plan

  - ✓ All Adopted under Council Authority
  - ✓ Can be amended with Appropriate Public Comment and Process

- Shoreline Master Program – not so much
  - Must be approved by Department of Ecology

DISPOSITION/REUSE/REDEVELOPMENT OPTIONS

1. The current use.
2. Potential commercial use as a restaurant.
3. Public plaza and/or promenade along the existing bulkhead which would enhance the connection between the marina located south of the site and the portion of Beach Park north of the site.
4. Some commercial use associated with the public plaza.


Existing SFR Use/ Recreation Use
• Building permits associated with tenant improvements
• Needs to complete to allow occupancy by June 2017
Public Plaza w/ Recreation Related Commercial
• Add recreation-related commercial as an allowed use in Urban Conservancy
• Requires "Limited Amendment" to SMP
• Associated permitting for plaza/commercial use
• About 1+ year to complete amendment & permitting
Commercial Use e.g., Restaurant
• Change shoreline designation from Urban Conservancy to High Intensity
• Requires SMP Amendment
• Not likely supported by Ecology
• About 2+ years
REGULATORY FRAMEWORK & TIMELINES

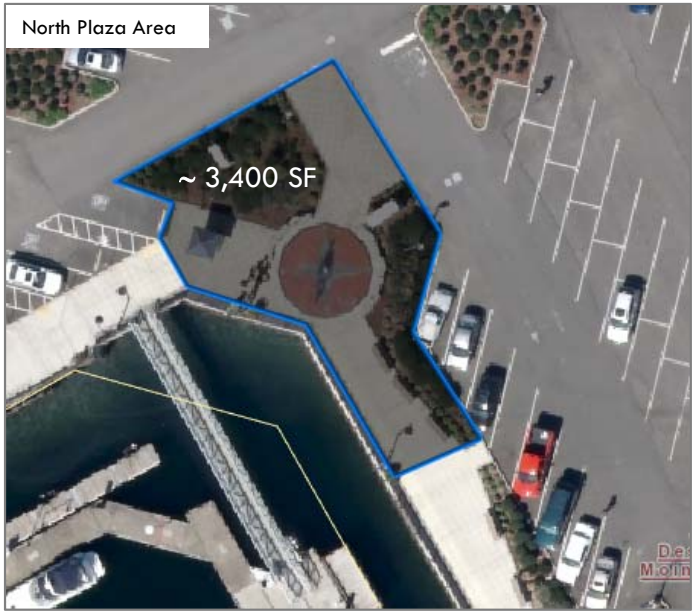
FINDING THE SWEET SPOT…COST/BENEFIT

- Maintaining existing structure:
  - $50K building & site improvements to meet building code
  - Ongoing maintenance costs + insurance
  - Potential loss of opportunity costs
  - Revenues from monthly rent
  - 8-10 year return on investment (ROI)
- Plaza with Recreation-related Commercial
  - $25K Staff/Consultant costs for SMP Amendment & Permitting
  - $25K to demo house
  - $?? Design/construction costs associated with Plaza
  - Indirect revenues from pay parking/rentals by more people using plaza area/Marina/Beach Park and associated shoreline
- Commercial Use
  - $100K + in staff/consultant costs associated with SMP Amendment
  - Higher Risk given that Ecology will not likely support
  - Direct revenues from commercial lease but longer ROI

SPATIAL PERSPECTIVE

Wasson Property & Adjacent Parkland

North Plaza Area



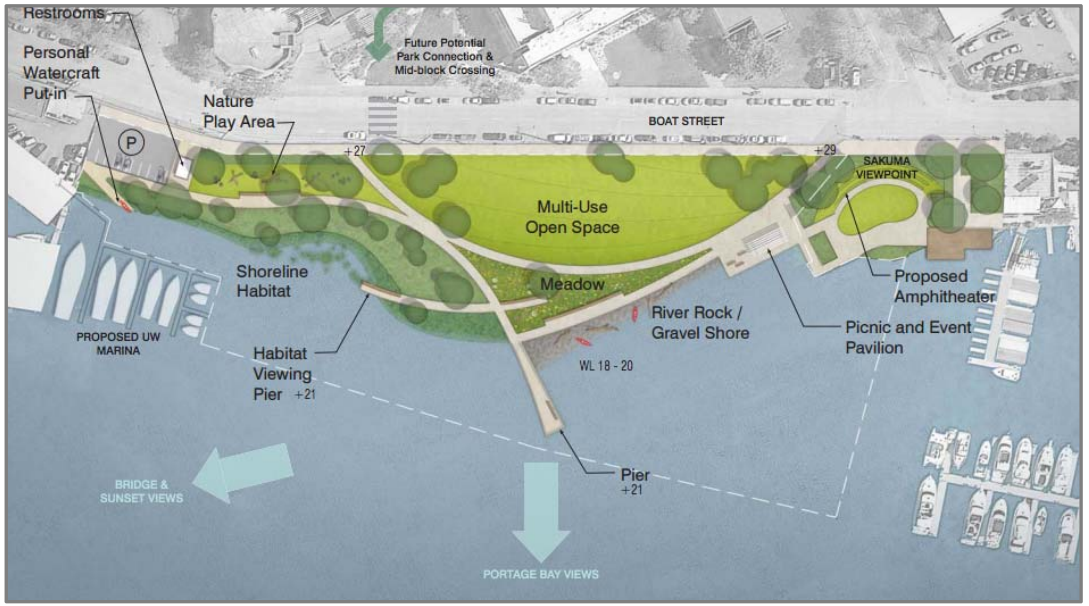
South Plaza Area

SPATIAL PERSPECTIVE

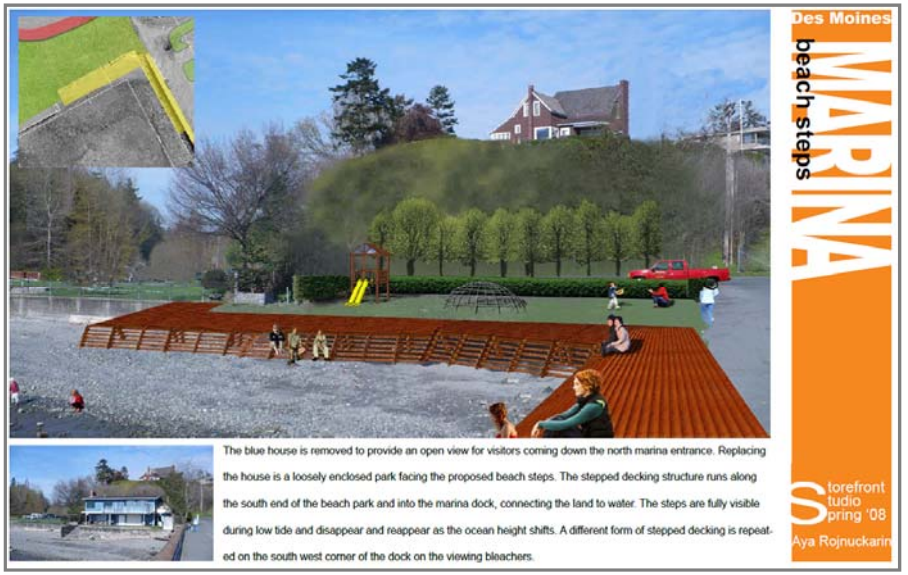
Wasson ~4,700 SF developable area overlaid on Marina plaza/open space rea

ATTENTION

IMAGINING THE POSSIBILITIES…



STOREFRONT STUDIO PERSPECTIVES



CREATING PEOPLE PLACES AND SPACES

IMPROVING PUBLIC ACCESS TO THE SHORELINE

NEXT STEPS

- Council Direction:
  - Property Disposition
  - Options to Carry Forward

- Refine options and report back via future Administrative Reports/Study Sessions