AGENDA

Finance and Economic Development Committee Meeting
Wednesday, June 30, 2010
12:00 p.m. – 1:30 p.m.
City Hall South Conference Room

1. **Call to Order**
2. **Approval of minutes of the June 9, 2010, meeting minutes.**
3. **Confirmation of revised work program, schedule and proposed stakeholder committee members for the Marina District/Downtown Zone planning effort.**
4. **Discussion of Permitted Uses in the Marina District/Downtown Ordinance.**
5. **Discussion of architectural precedents and zoning methods.**
6. **Discussion of creating an economic development position.**
7. **Committee member comments.**
8. **Future meetings.**

MINUTES – FINANCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

June 9, 2010
5:30 p.m.- 7:00 p.m.
North Conference Room
21630 11th Avenue South, Des Moines, WA

Council Members
Carmen Scott – Chair
Melissa Musser
Matt Pina

City Staff
Tony Piasecki – City Manager
Lorri Ericson – Assistant City Manager
Grant Fredricks – PBPW Director
Joe Dusenbury – Harbormaster
Robert Ruth – Planning Manager
Marion Yoshino – Economic Development Mgr

1. Call to Order

Chair Scott called the meeting to order at 6:40 p.m.

2. Approval of the Minutes for May 25, 2010 and June 3, 2010

The minutes for 5/25/2010 and 6/3/2010 were approved pending any concerns by Councilmember Musser.

3. Discussion of follow up steps regarding City Council direction given at the May 6, 2010 study session on downtown planning and zoning issues.

Denise reviewed the Proposed Downtown Planning Work Program. She divided the program into 5 categories. Zoning and Architectural Analysis which includes reviewing other cities and their zoning practices as well as architectural standards in the region. The second category is Modeling and Urban Design concepts building on what we did last year related to building heights and forms. The third category is Economic Analysis/Market Summary to assure economic viability for the downtown plan. The fourth category is Transportation Circulation and Parking Analysis. This is driven primarily by the land use so is designed to be a follow up to the previous items. The fifth and last category is the Community Involvement component which allows for input from the broader community.

Denise had prepared a detailed Scope of Work for the program that outlined the tasks associated with each of the 5 categories listed above. She reviewed that with the committee.

Councilmember Musser asked for a definition of "Spot Zoning." Planning Manager Ruth provided the following definition: "The illegal practice of assigning zone designations or rezoning property without a rational basis that promotes the public welfare or interest." Mr. Ruth also stated that this term has been misused and taken out of context in the real estate industry. Some people have suggested that a small "spot" on the zoning map automatically constitutes "spot zoning." This is not correct; provided that the record of the zoning decision clearly demonstrates that the zoning decision was rooted in furthering the public interest and not solely to advance the individual interests of specific property owners.

Discussion ensued about Wesley Homes and Wesley Gardens and their potential need to rebuild or remodel at their current height. Manager Piasecki advised he would ask staff to consider this question and respond to the committee about possible ways to accomplish this.

Chair Scott requested information about the height of the Boat Repair business that is downtown and the items on top of that building. She felt that might be a good reference to illustrate height questions.

Councilmember Pina suggested the City may want to reconsider the requirement for buildings to come out all the way to the sidewalk because that may also interfere with the view corridor.

Chair Scott suggested the City consider public/private partnerships that allow for different parking options, wider sidewalks or more public space. Manager Piasecki explained this would be something that we could work with through an individual development agreement rather than in the code as it can be difficult to codify. He advised the committee that height could not be addressed in a development agreement.

Senior Planner Lathrop stated that to encourage an active community, or if you want people to walk through your downtown, you may need to have the buildings come out to the sidewalk and address parking in another way. Some communities even locate parking structures strategically to create the need or desire to walk through the downtown area. Discussion ensued about parking habits, parking requirements, the use of the alleys, the requirements for a walkable downtown, state highway requirements and the possibility of a mix of options. PBPW Director Fredricks clarified that this is all part of the entire, parking/traffic/pedestrian piece of the Scope of Work.

Discussion of the Downtown Planning Work Program continued and Senior Planner Lathrop resumed detailing the Tasks and Options associated with the work plan. When speaking about the modeling, Councilmember Pina suggested the modeling extend to 227th. Senior Planner Lathrop explained that if we concentrated the modeling on 223rd & 7th, we could replicate that modeling for other areas, changing heights, etc. as needed.

PBPW Director Fredricks suggested that the pedestrian component be added as a task in the Transportation Circulation and Parking component. The committee agreed.

The committee discussed the details surrounding methods to involve the community. The plan detail is to have a community stakeholder panel that will meet 4 times to work on this task with 4 specific purposes at each meeting. Also part of the design is that a representative of the Planning Agency and the City Council will be on the community stakeholder panel. This panel would be followed by public open houses. Councilmember Pina stated his concern that the process to select the stakeholders for the panel be a careful one that assures a good cross section of citizen representatives.

Councilmember Musser was excused from the meeting at 6:40 pm.

Discussion resumed about community input and the timing of the stakeholder panel meetings. Senior Planner Lathrop stated that for Envision Midway the 4 similar meetings were 2 or 3 months apart. Chair Scott expressed concern that this process may take too long.

Councilmember Pina stated he felt it was important for people to be able to visualize what is possible under the current code and also have enough information (visual) to make an informed decision about what changes would look like.

Chair Scott spoke to the economic analysis portion of the work plan and the need to do a new analysis that relates to the current situation. One example she used was the Beach Park as an economic driver. Planning Manager Ruth stated that this type of planning can never be static. The goal is to look out 20 years, but the planning still needs to be dynamic.

Manager Piasecki challenged staff to streamline the process and bring it in under a year. He also stated that all options will be considered and we will do the best we can to design a public input process that encourages people to participate.

Chair Scott stated that she would like to see a minimum of one physical step each month.

5. Discussion of Creating an Economic Development Position

Time did not allow discussion on this item; however the committee advised Manager Piasecki that they would like to create a temporary interim Economic Development position at $40/hour with a 40 hour work week beginning July 1, 2010 and extending through March 31, 2011.

5. Committee Member Comments

5. Future meetings

June 9, 2010 at 5:00 p.m.

Adjourned at 7:25 p.m.

Respectfully submitted by:
Lorri Ericson, Assistant City Manager

DRAFT

ATTACHMENT 1
PROPOSED DOWNTOWN PLANNING WORK PROGRAM

OVERVIEW

The following work program is intended to link the various planning components for the Downtown Neighborhood that have been the subject of discussion with the Council Finance and Economic Development Committee. The work program offers a structured and logical path for completing the zoning and height analysis while considering factors that influence or are influenced by potential change. The following elements are addressed in the work program:

- **Zoning and Architectural Analysis –** Data gathering and analysis component that looks at zoning practices and modern architectural standards used in the Puget Sound region and elsewhere. This information is intended to guide the project team in the analysis of building heights and building form for the Downtown Neighborhood.
- **Modeling and Urban Design Concepts –** A modeling component that creates development concepts illustrating urban design features for select areas within the Downtown Neighborhood. This work will inform recommendations related to building height and form, urban design, development regulations, and implementation strategies.
- **Economic Analysis/Market Summary –** An economics component that identifies market opportunities and constraints and recommends implementation and funding strategies. This will inform our understanding of our sub-regional market conditions, market gaps and opportunities, and what needs to change to stimulate economic investment in the Downtown Neighborhood.
- **Transportation Circulation and Parking Analysis –** A transportation component that analyzes circulation and parking issues. This effort is intended to identify system deficiencies and recommend improvements and strategies to ensure efficient access to and use of the neighborhood, particularly in light of any proposed changes to land use or development regulations.
- **Community Involvement –** An active public involvement process is envisioned to gather city-wide input. The work program envisions establishment of a Stakeholder Group consisting of City Council and Planning Agency members, public agencies, key stakeholders within the study area, and neighborhood representatives.

This work program is guided by the Council vision and mission statement established for the Marina District in January 2009. This work program began in March 2008 and is anticipated to extend into 2011. Figure 1, Downtown Planning Schedule, details the time frame for the project steps.

DOWNTOWN PLANNING WORK PROGRAM

Task 1: Establish Work Program and Schedule

The purpose of Task 1 is to meet with the City Council Finance and Economic Development Committee to establish the goals and work program for the Downtown planning effort.

1-1 Set goals and schedule for the work program elements.

1-2 Refine Work Program as necessary.

Deliverables

- Work Program and Schedule

Task 2: Zoning and Architectural Analysis

The purpose of Task 2 is to gather information on zoning practices and modern architectural standards used in the Puget Sound region and elsewhere. This information is intended to guide the project team in the analysis of building heights and building form for the Downtown Neighborhood.

3-1 Research zoning methods and architectural standards for addressing building height and building form in the Downtown Neighborhood.

3-2 Analyze data and provide recommended options for modeling future development concepts in selected opportunity areas in the Downtown Neighborhood.

Deliverables

- Summary of recommended zoning methods and architectural standards for regulating and modeling building height and form in the Downtown Neighborhood.

Task 3: Modeling and Urban Design Concepts

The purpose of Task 3 is to generate several development concepts within the Downtown Neighborhood to illustrate building heights and development intensities for select opportunity areas. This work effort will build upon previous modeling using the City's Geographic Information System (GIS) coupled with Sketch-up and Photoshop software programs to illustrate building heights and design details.

~~Two options are presented below to determine which areas should be modeled:~~

~~***Option 1:***~~

~~Generate an initial development concept for the ***S 223rd Street and 7th Avenue S*** opportunity area. The proposed study area would extend from Marine View Drive to Cliff Avenue along S 223rd Street and from S 222nd Street to S 225th Street along 7th Avenue S.~~

~~***Option 2:***~~

Generate ~~two~~ three development concepts that look at the following opportunity ~~areas~~nodes:

- ***S 223rd Street and 7th Avenue S Node:*** Proposed study area would extend from Marine View Drive to Cliff Avenue along S 223rd Street and from S 222nd Street to S 225th Street along 7th Avenue S.

- ***QFC/S 216th/Marine View Drive Node:*** Proposed study area would extend from S 216 to S 220th and 7th Avenue S to 8th Avenue S.

- ***S 227th Street Node:*** Proposed study area will initially extend from Marine View Drive to 7th Avenue South; it will encompass underutilized properties along the north and south sides of S 227th Street and along 7th Ave S to S 226th Street. In the future, the second stage of modeling of this area could be extended by properties located along Kent-Des Moines Road.

Comment [g1]: Added at the request of the F&ED Committee.

3-1 **Development Concept 1.0:** Prepare Block Model of ~~development concepts~~ three (3) opportunity nodes:

a. Develop two (2) preliminary block models for each node to illustrate development intensities at 45 and 55 feet. The model will show generalized configurations, building modulation and massing, and relationship to the street. Design preferences established in the *Marina District Design Guidelines* will help define the building character and form while existing development standards established for the Downtown Neighborhood as well as Pacific Ridge zones will be utilized initially to address height, bulk and scale issues.

b. Meet with City staff, Planning Agency and Council Finance and Economic Development Committee to review the initial model output and discuss refinements to the preliminary development concept.

c. Make refinements to block models.

3-2 Conduct a Stakeholder workshop to review preliminary model and identify a preferred development concept/s for detailed modeling.

a. Present and discuss preliminary development concept.

b. Identify recommended changes to design elements and development character to incorporate into a preferred development concept.

3-3 Revise model to reflect Stakeholder Group input.

3-4 Conduct a public workshop to obtain community input on the preliminary model and identify details for modeling a preferred development concept.

3-5 **Development Concept 2.0:** Prepare detailed model of the preferred development concept for the S 223rd/7th Avenue S node. Revise model to incorporate building details along with pedestrian, streetscape, landscaping, wayfinding and open space elements to reflect the intended character for a preferred concept. This work will build upon design principles that were developed for the *Marina District Design Guidelines*. In the event that different heights are desired at each opportunity area node, detailed models would be created for each of the areas.

3-6 Conduct stakeholder workshop to obtain input on preferred development concept.

3-7 Revise model to incorporate input from Stakeholder Group.

3-8 Conduct public open house to obtain community input on the preferred development concepts.

Deliverables

- Visualizations of key character defining elements
- Development Concept 1.0: Block models illustrating building heights of 45 and 55 feet for the three (3) opportunity nodes.
- Development Concept 1.0: Refined block model of the three (3) opportunity nodes.
- Preferred urban design and narrative
- Development Concept 2.0: Detail model of the S223rd Street/7th Avenue S node illustrating the pedestrian built environment, building design and streetscape details. Develop animated walk-through movie of the model.

Task 4: Economic Analysis/Market Summary

The purpose of Task 4 is to evaluate the current economic and market conditions that will influence and inform development in the Downtown Neighborhood. Current demographic and market trends in conjunction with ~~existing market analyses/studies and~~ buildable lands data will be used to evaluate existing comprehensive plan and zoning for the area and determine whether changes or adjustments are needed or desired.

4-1 Gather relevant available data including current demographic and market trends, range of population and sales projections, and market demand for proposed uses (i.e., DMCBP Retail Market Analysis (pending)., ~~South King County Economic Profile, NEST Study, Ravenhurst Study, etc.~~).

4-2 Assess area capacity per buildable lands analysis and assist team in identifying properties with high development/redevelopment potential.

4-3 Outline market forces and pipeline development expected to shape city's growth (downtown projects, DMCBP, Waterview Crossing, Highline Community College, etc...)

4-4 Estimate the supply and demand of built space by use type (proposed developers forum to inform process)

4-5 Recommend economic criteria and considerations to determine the type of development planned for the study area and discuss at first Stakeholder Group meeting/workshop.

Deliverables

- Buildable Lands Technical Memorandum
- Market Analysis Technical Memorandum

Task 5: Transportation Circulation and Parking Analysis:

The purpose of Task 5 is to conduct more detailed transportation and parking analysis for the Downtown Neighborhood. Information will build upon the work completed for the 2009 Comprehensive Transportation Plan. Work will include an assessment of existing and future conditions for roadway, bicycle and pedestrian facilities, transit operations and facilities, and parking based on a preferred land use concept developed in Task 3. It will also identify system deficiencies, priority improvements and costs. This analysis will be used to guide the update of transportation policies specific to the Downtown Neighborhood as well as the Transportation Improvement Program.

5-1 Develop a FY-2011 scope of work and budget for completing a transportation circulation and parking analysis for the Downtown Neighborhood.

5-2 Prepare a transportation and circulation analysis of the preferred land use concept.

5-3 Identify recommended public works changes to improve transportation circulation, parking, pedestrian and bicycle facilities, streetscape and transit operations.

5-4 Identify policy amendments for the Transportation Element of Des Moines Comprehensive Plan (as necessary).

Deliverables

- FY2011 scope of work and budget for Transportation Circulation and Parking Analysis
- Transportation Circulation and Parking Report
- Recommended Transportation Element policy amendments

Task 6: Policy Development and Zoning Code Amendments

The purpose of Task 6 is to review and update the goals, policies and strategies that guide development and implementation of the Downtown Neighborhood Element of the Des Moines Comprehensive Plan. This task will involve refining goals, objectives, strategies as well as permitted uses and development standards to make sure that they reflect the input from the City Council, Planning Agency, community and stakeholder committee completed in Task 7, and technical analysis completed in Tasks 1 through 4.

Deliverables

- Recommended updates to Comprehensive Plan goals, policies and strategies.
- Recommended amendments to zoning code.
- Adopted Comprehensive Plan Amendments and Zoning Code amendments
- SEPA Review

Task 7: Community Involvement

The purpose of Task 7 is to provide an opportunity for community members to be involved in the Downtown planning effort and to participate in a visioning process that will help define the form new development might take in Downtown Des Moines. Work will include identifying strengths, weaknesses, opportunities and challenges related to existing and future land use.

An active public involvement process is envisioned. The process will be guided by City Council's vision and mission for the Marina District (January 2009). The Council Finance and Economic Development Committee and Planning Agency will play key roles in implementing public outreach activities and reviewing draft work products. The work program also includes working closely with key stakeholders within the Downtown Neighborhood and surrounding neighborhood/s that include businesses, property owners and residents. This balanced representation in the process will help keep the project on track and enhance the likelihood for successful outcome and plan implementation.

A variety of computer technologies such as Sketch-up and, depending on resources and need, CommunityViz will be used to facilitate and enhance the evaluation process~~community visioning process~~. These tools will be used to illustrate what development under existing and/or proposed zoning might look like. It will also provide relational data sets that show the effects of current and/or proposed zoning such as new housing units, new jobs, and revenue generation.

7-1 City Council / Planning Agency "check-in" meeting/s. Discuss project schedule, participant roles, and preliminary findings. Draft work products will be coordinated with the Council Finance and Economic Development Committee and Planning Agency.

7-2 Stakeholder Group. ~~Four (4)~~Three (3) stakeholder group meetings~~/workshops~~ are proposed. The Stakeholders will explore ideas and identify issues regarding the overall vision for the "Marina District" as defined by the City Council (January 2009), opportunities for economic revitalization in the area, the aesthetics of future development, transportation and parking solutions, and possible land use and zoning changes. The committee makeup is anticipated to include representatives from the Council Finance and Economic Development Committee (FEDC), Planning Agency, and city staff along with invited Stakeholders from the following: residents and business in the Downtown and surrounding neighborhoods, Des Moines Rotary, Highline Schools District, Des Moines Arts Commission, Highline Community College, Washington State Department of Transportation (WSDOT), King County METRO, Puget Sound Regional Council (PSRC), and others.

a. Stakeholder Group Meeting #1 (mid-July):
   - Review the Downtown Planning goals and schedule
   - Reach a baseline understanding of the development context, current zoning practices and modern architectural standards.
   - Engage in information sharing and discussion regarding study areas, community preferences, economic opportunities, ~~design concepts~~ and development concepts for preliminary modeling.

b. Stakeholder Group Meeting #2 (mid-August):
   - Review and comment on Development Concept/s 1.0.
   - ~~Review and comment on design elements.~~
   - Provide recommendations for more detailed modeling.

c. Stakeholder Group Meeting #3 (mid-October):
   - Review and comment on Development Concept 2.0.
   - Review and comment on design details.
   - ~~Recommendations~~ Provide recommendations for refinements.

~~d. Stakeholder Group Meeting #4:~~
   - ~~Review and comment on refined Development Concept 2.0.~~
   - ~~Review and comment on design details.~~
   - ~~Discuss and prepare recommendation to City Council.~~

7-3 Community Meetings. ~~Two (2)~~One (1) public workshops and one (1) open house are proposed. The workshops and open house will provide an opportunity for interested community members to participate in the development and review of preliminary and preferred development concepts. To the extent feasible, the Planning Agency will be utilized to help facilitate community meetings.

~~a. Meeting #1 – Workshop:~~
   - ~~Conduct a public workshop with key participants, property owners, and City decision-makers to confirm study area/s, identify key character-defining elements, view corridors, and development concepts. Key elements to be~~

~~coordinated include community vision for "Marina District," design elements to create a walkable area, and an overall streetscape to include: entryways, directional signage/wayfinding, landmarks, tourism kiosks, open space, plazas, landscaping, locations of parking, bus shelters and pedestrian amenities.~~

- ~~Conduct a visual preference exercise using other town center development examples to determine design preferences.~~

~~b.~~a. Meeting #~~2~~ 1 – Workshop (mid-September): A public workshop will be conducted to provide an opportunity for community members to review and comment on preliminary design elements and modeling of Development Concept/s 1.0.

~~c.~~b. Meeting #~~3~~ 2 – Open House (late October): Review and comment on Development Concept 2.0.

7-4 Survey (mid-September). A non-statistical survey will be conducted to obtain input from the community about their vision and values related to the Marina District, how they use the area, what needs to change for them to use the area, and what's missing. The survey will be conducted using survey monkey and could also be distributed at the Farmers Market or other City events.

7-5 Developers Forum (mid-September). City staff will convene a Developers Forum. The purpose of the event will be to obtain candid perspectives from the development community on the City's preliminary Development Concept 1.0, development potential, environment, and needs of the Downtown Neighborhood. Invitees will include a cross section of professionals with experience in many development types.

Deliverables

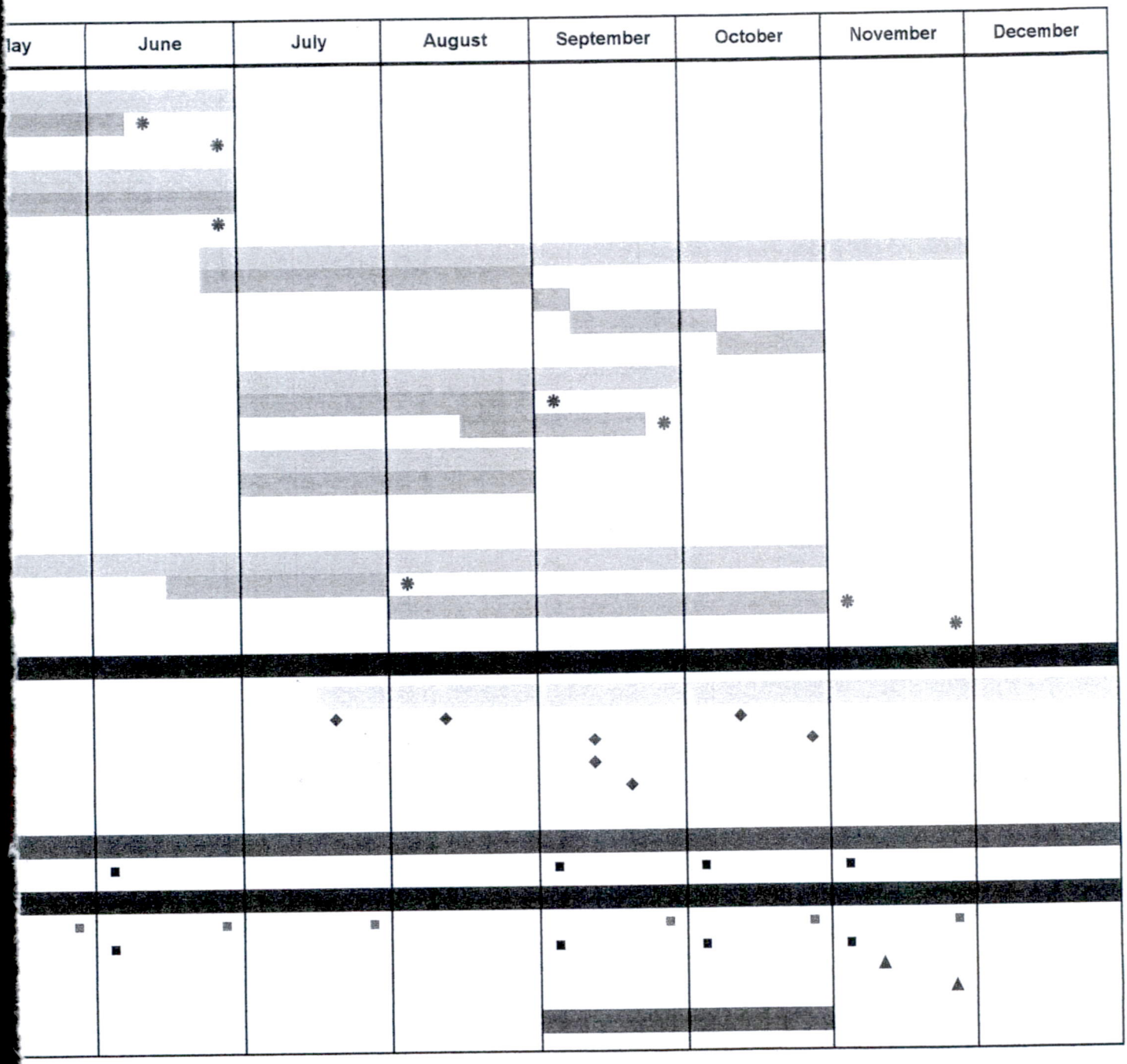
- Non-statistical Survey[1]
- Summary of Visual Preference Exercise
- Summary of Developers Forum
- Recommendations for Development ~~Scenario~~/sConcepts 1.0 and 2.0
- Revised Vision Statement for Downtown Neighborhood
- Recommendations for City Council

[1] Consultant funding is required to complete a statistically valid survey.

DOWNTOWN PLANNING - Revised Schedule

TASK	Jan	February	March	April	
Task 1 - Set Policy Framework					
Establish Work Program					
Establish Stakeholder Committee					
Task 2 - Zoning and Architectural Analysis					
Research zoning methods & architectural standards					
Recommend development concepts for modeling					
Task 3 - Modeling and Urban Design Concepts					
Development Concept 1.0					
Refine Concept 1.0					
Development Concept 2.0					
Refine Concept 2.0					
Task 4 - Economic Analysis/Market Summary					
Market Analysis Technical Memorandum					
Buildable Lands Technical Memorandum					
Task 5 - Transportation Analysis (Mirai)					
Develop a FY-2011 scope of work and budget					
Transportation & Circulation Analysis (2011)					
Transportation Recommendations (2011)					
Task 6 - Policy Development					
Draft Goals, Policies, Strategies & Zoning					
Final Goals, Policies, Strategies & Zoning					
Adopted Comp Plan Amdts/SEPA Determination					
Task 7 - Community Involvement					
Community Meetings					
Stakeholder Group Meetings					
Community Open House					
Survey					
Developers Forum					
Planning Agency					
Staff Briefings					
City Council					
Finance & Economic Development Committee			■	■	
Staff Briefings					
Public Hearings					
Comp Plan/Ordinance Adoption					
CTED Review (60-days)					

❋ Project Deliverables
◆ Community/Stakeholder Committee Meetings
■ Staff Briefings
■ F & ED Committee
▲ Public Hearing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June
July
August
September
October
November
December

USES	RECONCILIATION
Horticultural Specialties	Eliminate as an allowed Use
Light Manufacturing	Eliminate as an allowed Use
Marine Surveyors	Eliminate as an allowed Use
Wholesale Trade	Eliminate as an allowed Use
Fish Hatcheries	Limit Use as Accessory to Marina Use
Home Occupations	Limit Use as Accessory to Conforming Mixed Use
Boat Building and Repair	Limit Use as Accessory to Marina Use and provide criteria to improve operations management
Boat Cleaning	Limit Use as Accessory to Marina Use and provide criteria to improve operations management or eliminate as allowed use
Boat Storage	Limit Use to Marina Use when in-water and eliminate open storage when conducted terrestrially; provide amortization period for existing nonconforming uses; modify standard within DMMC 18.27.030(d)(vi) to clarify intent
Automotive Dealers	Eliminate as an allowed Use; provide amortization period for existing nonconforming uses
Automotive Repair	Provide conditional criteria to improve operations management and increase enforcement
Outside storage	Eliminate as an accessory use; emphasize storage is to be located within a legally permitted structure
Conditional and Unclassified Uses	Clarify which of these list of uses are eligible to be considered for siting in the DC zone (downtown) and which are not; provide stop gap solution to poor organization and structure of DMMC 18.32.020 and 18.32.030 until zoning code rewrite occurs
Mixed Uses	Clarify awkward language of "nonresidential uses" allowed at the street grade level; consider adding a requirement for a minimum useable commercial depth in addition to 60% requirement; address whether parking at street grade is acceptable if all other requirements have been fulfilled.
Parking	Add Municipal Parking Facilities/Lots as a permitted use

PLANNING, BUILDING, AND PUBLIC WORK'S FIRST DRAFT 06/24/2010

DRAFT ORDINANCE NO. 10-129

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, related to permitted, conditional and unclassified uses in the DC zone and amending DMMC 18.27.020, DMMC 18.27.030, DMMC 18.32.020, and DMMC 18.32.030.

WHEREAS, outright permitted uses and regulations for such uses located in the DC, Downtown Commercial, zone are listed in Sections 18.27.020 and 18.27.030 DMMC, respectively, and

WHEREAS, unclassified uses applicable to all zones that exist in the city, including the DC, Downtown Commercial, zone are listed in Section 18.32.020 DMMC, and

WHEREAS, conditional uses applicable to all zones that exist in the city, including the DC, Downtown Commercial, zone are listed in Section 18.32.030 DMMC, and

WHEREAS, approximately 53 acres of land area exists in the city's downtown adjacent to Marine View Drive, 7th Avenue South, and within the city' Marina that is zoned DC, Downtown Commercial, and

WHEREAS, the Council Finance and Economic Development Committee has determined that land in the downtown is highly underutilized and that additional growth and vitality in the city's downtown is linked to providing for, accommodating, and encouraging property owners to develop to the highest and best use for the downtown neighborhood, and

WHEREAS, high residential density within mixed use development is considered a highest and best use and is desired by the city, and

WHEREAS, a staff evaluation of the DMMC and the uses allowed in the DC zone concluded that certain uses currently allowed in the DC zone are not adequately limited or restricted and may actually deter, curtail, or prevent mixed use development in the DC zone, and

WHEREAS, some uses currently allowed by the DMMC in the DC zone allow for uses which generate inordinate activity or heavy truck trips; consume vast amounts of land with little economic appreciation, benefit, or service to the broader community; or are visually obtrusive, create noise and odors not conducive to mixed use development, and

WHEREAS, the Finance and Economic Development Committee recognize that modifying use regulations for the DC zone is just one component of an overall strategy to make the downtown neighborhood more attractive for property owner's desiring to make improvements and invest in the city's downtown, and

WHEREAS, the Finance and Economic Development Committee directed staff to brief the full City Council on the proposed changes to the permitted uses in the DC zone, and

WHEREAS, staff reviewed the proposed changes to the DC zone with the City Council at its regular meeting on May 6, 2010 and received direction to prepare a draft ordinance that more specifically identifies how the changes would occur, and

*WHEREAS, **notice of the public hearing** was given to the public in accordance with law and a public hearing was held on the **August 5, 2010**, and all persons wishing to be heard were heard, 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, the textual code amendments proposed by this ordinance have been processed in accordance with the requirements of **SEPA**, a determination of nonsignificance (DNS) was issued on **July , 2010** by the 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 contained in this ordinance are appropriate and necessary; now therefore,

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

Sec. 1. DMMC 18.27.020 and section 2 of Ordinance No. 1104 as amended by section 3 of Ordinance 1237 are each amended to read as follows:

18.27.020 Permitted uses.
Only those uses listed below, and uses similar in nature as determined by the community development director, may be permitted in the D-C zone. Each use is more fully described in the "Standard Industrial Classification Manual." Listed uses may be otherwise conditioned in this code. The numbers in parentheses following each of the following listed uses refer to the Standard Industrial Classification (SIC) code numbers:
~~(1) Horticultural specialties (018);~~
(1~~2~~) Veterinary services for animal specialties (0742) and dog grooming (0752);
(2~~3~~) Landscape and horticultural services (078);
(3~~4~~) Fish hatcheries and preserves (092), limited to those properties that abut or are within the intertidal area of Puget Sound;
(4) Art glassware made in glassmaking plants (3229);
(5) Photocopying and Duplicating Services (7334);
(6) Art and ornamental ware, pottery (3269);
~~(5) Light manufacturing, fabrication, assembly, and sale of the following and closely related products with ancillary retail sales:~~
~~(a) Food and kindred products (20), excluding meat packing plants (2011) and poultry slaughtering and processing (2015);~~
~~(b) Textile mill products (22) and apparel and other finished products made from fabrics and similar materials (23);~~
~~(c) Furniture and fixtures (25);~~

~~(d) Printing, publishing, and allied industries (27);~~
~~(e) Leather and leather products (314-319);~~
~~(f) Glass and glassware, pressed or blown (322);~~
~~(g) Ceramic wall and floor tile (3253);~~
~~(h) Pottery and related products (326);~~
~~(i) Cutlery, handtools, and general hardware (342);~~
~~(j) Computer and office equipment (357);~~
~~(k) Industrial and commercial machinery and equipment, not elsewhere classified (3599);~~
~~(l) Electronic and other electrical equipment and components, except computer equipment (36);~~
~~(m) Boat building and repairing (3732);~~
~~(n) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38); and~~
~~(o) Miscellaneous manufacturing industries (3911-3933);~~
(7~~6~~) United States Postal Service facilities (4311);
(8~~7~~) Marinas (4493); and ~~Water transportation uses, limited to the following:~~
~~(a) Boat cleaning;~~
~~(b) Marinas (4493); and~~
~~(c) Marine surveyors, except cargo (4499);~~
(9~~8~~) Arrangement of passenger transportation (472);
~~(9) Wholesale trade of durable goods, limited to the following:~~
~~(a) Motor vehicle supplies and new parts (5013), tires and tubes (5014), and motor vehicle parts, used (5015);~~
~~(b) Home furnishings (5023);~~
~~(c) Professional and commercial equipment and supplies (504);~~
~~(d) Electrical goods (506);~~
~~(e) Hardware (5072);~~
~~(f) Warm air heating and air-conditioning equipment and supplies (5075);~~
~~(g) Industrial supplies (5085);~~
~~(h) Service establishment equipment and supplies (5087);~~

~~(i) Transportation equipment and supplies, except motor vehicles (5088);~~
~~(j) Sporting and recreational goods and supplies (5091);~~
~~(k) Jewelry, watches, precious stones, and precious metals (5094); and~~
~~(l) Durable goods, not elsewhere classified (5099);~~
~~(10) Wholesale trade of nondurable goods, limited to the following:~~
~~(a) Paper and paper products (511);~~
~~(b) Drugs, drug proprietaries, and druggists' sundries (512);~~
~~(c) Apparel, piece goods, and notions (513);~~
~~(d) Groceries, general line (5141);~~
~~(e) Confectionery (5145);~~
~~(f) Fish and seafoods (5146);~~
~~(g) Meats and meat products (5147);~~
~~(h) Groceries and related products, not elsewhere classified (5149);~~
~~(i) Plastics materials and basic forms and shapes (5162);~~
~~(j) Beer, wine, and distilled alcoholic beverages (518);~~
~~(k) Books, periodicals, and newspapers (5192);~~
~~(l) Flowers, nursery stock, and florists' supplies (5193);~~
~~(m) Paints, varnishes, and supplies (5198); and~~
~~(n) Nondurable goods, not elsewhere classified (5199);~~
(10~~11~~) Retail trade, with ancillary wholesale trade, limited to the following:
(a) Building materials, hardware, and garden supply, except mobile home dealers (52);
(b) General merchandise stores (53);
(c) Food stores (54);
(d) ~~Automotive dealers and g~~Gasoline service stations, and other alternative motor vehicle fuels (55);
(e) Apparel and accessory stores (56);
(f) Home furniture, furnishings, and equipment stores (57);
(g) Eating and drinking places (58); and

(h) Miscellaneous retail (59), except fuel dealers (598);
(11~~12~~) Finance, insurance, and real estate institutions and services (60-67);
(12~~13~~) Services, limited to the following:
(a) Hotels and motels (701);
(b) Personal and business services, with ancillary wholesale trade (72-73), except the following:
(i) Industrial launderers (7218);
(ii) Billboard advertising (7312);
(iii) Heavy construction equipment rental and leasing (7353);
(iv) Industrial truck rental and leasing (7359); and
(v) Oil extraction equipment rental and leasing (7359);
~~(c) Automotive repair, services, and parking (75) limited to the following:~~
(c~~i~~) Automobile parking (7521) limited to properties that are municipally owned and operated or controlled by a city-sanctioned business neighborhood association;
(d~~ii~~) General automotive repair shops (7538); ~~and~~
(e~~iii~~) Car washes (7542);
(f~~d~~) Miscellaneous repair services (76), except the following:
(i) Tank and boiler cleaning service (7699); and
(ii) Tank truck cleaning service (7699);
(e) Motion picture services (78);
(f) Amusement and recreation services (79), except the following:
(~~i~~) Adult entertainment facilities and adult motion picture theaters (No SIC); and
(ii) Racing, including track operation (7948);
(~~g~~) Health services (80);
(~~h~~) Legal services (81);
(~~i~~) Educational services (82);
(~~j~~) Social services (83);
(~~k~~) Museums, art galleries, and botanical and zoological gardens (84);
(~~l~~) Membership organizations (86);
(~~m~~) Engineering, accounting, research, management, and related services (87); and

(~~n~~) Services, not elsewhere classified (89);
(13~~14~~) Public administration facilities (91-97), except correctional institutions (9223);
(14~~15~~) Mixed use (no SIC code);
~~(16) Home occupations (no SIC code), when the conditions set forth in DMMC 18.08.020(18) are satisfied; and~~
(15~~17~~) Public parks (No SIC).

Sec. 2. DMMC 18.27.030 and section 3 of Ordinance No. 1104 as amended by section 3 of Ordinance 1237 are each amended to read as follows:

18.27.030 Environmental performance standards and general limitations.
(1) Every use permitted within the D-C zone pursuant to this chapter shall conform to the following general limitations and standards:
(a) As provided by chapter 9.64 DMMC, no use, activity, or equipment shall be permitted that creates a nuisance or is offensive, objectionable, or hazardous by reason of creation of odors, noise, sound, 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 in a manner(s) inconsistent with Title 70 RCW as presently constituted or as may be subsequently amended;
(b) Accessory uses are permitted that are customarily appurtenant or incidental to the principally permitted uses;
(c) Landscaping and fencing are required in accordance with chapter 18.41 DMMC;
(d) All uses shall be primarily contained within an enclosed structure except the following:
(i) Outdoor seating and dining;
(ii) Signs;
(iii) Off-street parking, drive-through facilities, and loading areas;
(iv) Motor vehicle fuel pumps;
(v) Display of merchandise sold on site;

~~(vi) Boat storage;~~
(vii) Play/recreation areas; and
~~(viii) Miscellaneous storage when limited to 25 percent of the site area and when perimeter landscaping and fencing is provided;~~
(e) In reviewing a proposed permitted use, the community development director may waive or include minimal conditions as may be reasonably needed to ensure that the use is consistent with the purpose of the D-C zone, and to minimize the likelihood of adverse impacts.
(2) Home Occupations shall be permitted only as an accessory use, provided that all of the following conditions and limitations are satisfied:
(a) The principally permitted use to which the home occupation is accessory shall be a legally permitted, constructed, and conforming residential component of a mixed use development;
(b) All conditions set forth in DMMC 18.08.020(18) are satisified.
(3) Boat storage and repair shall be permitted only as an accessory use on property principally permitted for Marina use and shall conform to the following additional limitations and standards:
(a) All dry boat storage shall be located within a fully enclosed structure;
(b) The size and location of all boat storage facilities shall be consistent with the Council adopted Marina Master Plan;
(c) All out-of-water boat repair shall be within a fully secured and fenced area not accessible by the general public;
(d) All boat repair work shall occur within a fully enclosed structure and have containment areas and employ disposal methods for pollutants and toxic substances consistent with Puget Sound Clean Air Agency and NPDES standards;
(e) Only those boats and similar vessels that will be immediately and actively under repair shall be moved to or placed within a designated boat repair facility.

(42) Adult entertainment facilities and adult motion picture theaters are not permitted in the D-C zone.

(53) Automobile repair, ~~boat repair,~~ carwashes, automobile service stations, uses with drive-through facilities, and similar uses shall conform to the following limitations and standards:

(a) Automobile repair and the installation of automobile parts and accessories shall be ~~primarily~~ wholly performed ~~contained~~ within an enclosed structure approved by the building official for such occupancy;

(b) Each automotive and service repair facility shall be limited to a maximum of two service bays;

(c) Service bays shall be fully utilized to store and park vehicles contracted for repair or service,

(d) Outside storage of vehicles contracted for repair or service shall be limited to one vehicle per facility,

(e) No outside parking or storage of employee vehicles, customer vehicles, or vehicles contracted for service shall occur in any area that is not designated and approved by the city as an on-site parking stall,

(f~~b~~) Unless specifically authorized by the planning, building, and public works director ~~community development director~~, vehicular access shall be limited to one driveway per street frontage;

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

(h~~d~~) A six-foot high, 100 percent sight-obscuring fence shall be provided along property lines that abut residentially zoned properties, unless waived by the residential property owner prior to building permit issuance. ~~and~~

~~(e) Vehicle storage shall be limted to those vehicles contracted for repair or service.~~

(64) Welding repair (7692) is only permitted in an enclosed structure.

(7~~5~~) Social service facilities shall conform to the following limitations and standards:
(a) Outdoor play/recreation areas for children shall be set back a minimum of five feet from property lines; and
(b) Unless specifically authorized by the community development director, passenger loading and unloading areas shall be provided on site.
(8~~6~~) Mixed use development shall conform to the following limitations and standards:
(a) Mixed use structures shall contain area for ~~nonresidential uses~~ retail trade or personal and business services, at street level as follows:
(i) Pedestrian access from the public sidewalk to the ~~nonresidential use(s)~~ retail trade or personal and business services shall be provided, and
(ii) A minimum of 60 percent of the street level floor area shall be occupied by ~~nonresidential uses~~ retail trade or personal and business services ;
(iii) A minimum of 75 percent of the street level building frontage adjacent to public right(s)-of-way shall contain floor area for retail trade or personal and business services uses;
(iv) Building space allocated for retail trade or personal and business service uses at the street level shall have a minimum gross interior depth dimension of 55 feet measured perpendicular to the property line abutting the public street(s) serving the site.
(v) The planning, building, and public works director is authorized to consider and approve up to a 20% reduction of the bulk requirements specified in sections 18.27.030 (6)(a)(ii,)(iii), and (iv) when a development proposal incorporates on-site parking substantially at street floor level behind retail trade or personal and business service uses and the director determines that the proposed reduction(s) does not compromise, interrupt, or interfere with the desired functionality of the building or the continuity of city pedestrian-oriented design goals in the

general area and pedestrian access to the site from the public sidewalk or right-of-way.
(b) On-site multifamily recreation area is provided for developments with four or more dwelling units as provided by chapter 18.45 DMMC, except the minimum area of common recreation space per dwelling unit shall be 25 square feet; and
(c) A detached structure that contains residential uses and does not meet the requirements for mixed use structures is prohibited.

Sec. 3. DMMC 18.32.020 and section 1 of Ordinance No. 175 as amended by section 1 of Ordinance 527 as amended by section 1 of Ordinance 575 as amended by section 1 of Ordinance 588 as amended by section 2 of Ordinance 617 as amended by section 1 of Ordinance 645 as amended by section 1 of Ordinance 674 as amended by sections 3 and 4 of Ordinance 693 as amended by section 16 of Ordinance 1104 as amended by section 6 of Ordinance 1140 as amended by section 5 of Ordinance 1170 as amended by section 3 of Ordinance 1199 as amended by sections 2 and 3 of Ordinance 1237 as amended by section 3 of Ordinance 1267 as amended by section 1 of Ordinance 1306 as amended by section 3 of Ordinance 1374 are each amended to read as follows:

18.32.020 Uses requiring unclassified use permit.
The following uses may locate subject to the issuance of an unclassified use permit processed as provided in chapter 18.60 DMMC:

(1) Booster stations or conversion plants with the necessary buildings, apparatus, or appurtenances incident thereto of public utilities or utilities operated by mutual agencies, except these uses are specifically excluded from the DC RS, SR and S-E zones. Distribution mains are permitted in any zone without review;
(2) Sewage treatment plants, except such use is not permitted in the downtown commercial (D-C) zone;
(3) Sanitary Fills. Reclamation for public purpose by public agency, including drainage or other facilities for off-site discharge of storm water runoff or other liquids or substances, except such use is not permitted in the downtown commercial (D-C) zone and provided further ~~except~~ that closed drainage systems or "tight lines"

constructed and maintained to sanitary sewer standards (Washington State/APWA) are excluded from this requirement, and drainage systems that are substantially closed are excluded from this requirement, when:
(a) There has been a finding by the city's responsible SEPA official that predicted environmental impacts are significantly less than projected in a totally closed system proposal; and
(b) The system is approved by the city council in the form of an interlocal agreement;
(4) Towing operations, including storage of impounded vehicles, but no wrecking yards, except that such use is permitted only in the highway commercial (H-C) zone;
(5) Horticultural nurseries, including on-premises sales uses, except such use is not ~~as~~ permitted in the downtown commercial (D-C) zone;
(6) Mixed uses, except as otherwise regulated and permitted in the downtown commercial (D-C) and Pacific Ridge (PR) zones;
(7) Group home facilities, in residential zones, personal to the applicant and nontransferable without prior consent of the city council, and subject to the provisions governing home occupations found in DMMC 18.08.020(18) except such use is not permitted in the downtown commercial (D-C) zone;
(8) Bed and breakfast facilities, in residential zones, personal to the applicant and nontransferable without prior consent of the city council, and subject to the provisions governing home occupations found in DMMC 18.08.020(18);
(9) Unclassified Uses Limited to the D-C Zone. The uses listed in this subsection, and uses similar in nature as determined by the ~~community development director~~ planning, building and public works director, may be permitted in the D-C zone, and only in the D-C zone, subject to issuance of an unclassified use permit as provided in this chapter. Each use is more fully described in the "Standard Industrial Classification Manual." The numbers in parentheses following each of the following listed uses refer to the Standard Industrial Classification (SIC) code numbers:
(a) Water transportation of passengers (448);
(b) Communications facilities (48);

(c) Electric (4911), natural gas (4924), domestic water (4941), and sanitary sewerage services (4952); and
(d) Unclassifiable establishments (99) and uses requiring an unclassified use permit as itemized in DMMC 18.32.020 and as otherwise provided in this chapter;
(10) Unclassified Uses Limited to the B-P Zone. Permitted uses listed in DMMC 18.25.020 utilizing hazardous materials exceeding the quantities in Uniform Building Code Table 3-D, "Exempt Amounts of Hazardous Materials Presenting a Physical Hazard - Maximum Quantities Per Control Area," and Table 3-E, "Exempt Amounts of Hazardous Materials Presenting a Health Hazard - Maximum Quantities Per Control Area," as presently constituted or subsequently amended, may only be permitted subject to issuance of an unclassified use permit as provided in this chapter;
(11) Unclassified Uses Limited to the PR Zone. The uses listed in this subsection, and uses similar in nature as determined by the community development director, may be permitted in the PR zone, and only in the PR zone, subject to issuance of an unclassified use permit as provided in this chapter. Each use is more fully described in the "North American Industry Classification System" (NAICS). The numbers in parentheses following each of the following listed uses refer to NAICS code numbers:
(a) Electric power transmission facilities (22112), such as transformer stations; and
(b) Commuter rail systems (485112);
(12) Unclassified Uses Limited to the PR-C2 Zone.
(a) The uses listed in this subsection may be permitted in the PR-C2 zone, and only in the PR-C2 zone, subject to issuance of an unclassified use permit as provided in this chapter;
(b) Secure community transition facilities as defined by RCW 71.09.020, as presently constituted or as may be subsequently amended, may be permitted in the PR-C2 zone when all of the following conditions are satisfied:
(i) All requirements of chapter 71.09 RCW as presently constituted or as may be subsequently amended;
(ii) The city council finds that the application conforms to the equitable distribution goals, objectives, and requirements of chapter 71.09 RCW. If the city council finds that the application raises public safety concerns

that outweigh equitable distribution objectives, the city council may assign greater weight to public safety concerns than to equitable distribution;
(iii) All requirements of "Policy Guidelines: The Siting and Operation of Secure Community Transition Facilities" published by the Washington State Department of Social and Health Services as presently constituted or as may be subsequently amended;
(iv) All goals, policies, and strategies of the Greater Des Moines Comprehensive Plan;
(v) All requirements of the Des Moines Municipal Code;
(vi) All requirements of the contract and mitigation agreements authorized by chapter 71.09 RCW between the city and the Washington State Department of Social and Health Services;
(vii) All conditions of approval deemed necessary by the city council and allowed by law to mitigate potential adverse impacts and to preserve public health, safety and welfare. If the city council finds that potential adverse impacts cannot be mitigated, the city council may deny the permit;
(13) Unless authorized by other provisions of this title, essential public facilities as defined by RCW 36.70A.200, as presently constituted or as may subsequently be amended except such uses are not permitted in the downtown commercial (D-C) zone.

Sec. 4. DMMC 18.32.030 and sections 1 **(24.44.030)???** and 28 of Ordinance No. 175 as amended by section 8 of Ordinance 248 as amended by section 1 of Ordinance 391 as amended by section 5 of Ordinance 445 as amended by section 4 of Ordinance 793 as amended by section 7 of Ordinance 1106 as amended by section 27 of Ordinance 1197 as amended by section 123 of Ordinance 1200 as amended by section 4 of Ordinance 1237 are each amended to read as follows:

18.32.030 Uses requiring conditional use permit.
The following uses may locate subject to the issuance of a conditional use permit processed as provided in the hearing examiner code:
(1) Cemeteries; except such use is not permitted in the downtown commercial (D-C) zone and further provided:

(a) No building shall be located closer than 100 feet from a boundary line;
(b) A protective fence and a landscaped strip of evergreen trees and shrubs at least 10 feet in width shall be installed on all common boundary lines with residential zoned property;
(2) Columbariums, crematories, and mausoleums; provided, these uses are specifically excluded from the DC and all residential zones unless inside a cemetery;
(3) Commercial establishments or enterprises involving large assemblages of people or automobiles as follows; provided, these uses are specifically excluded from the DC and all residential zones:
(a) Amusement parks;
(b) Boxing and wrestling arenas;
(c) Ballparks;
(d) Fairgrounds and rodeos;
(e) Golf driving ranges;
(f) Labor camps (transient);
(g) Open-air theaters;
(h) Race tracks, drag strips, motorcycle hills, and Go-Kart tracks;
(i) Stadiums;
(4) Fire stations and public works maintenance and storage facility buildings when located in any residential zone; provided, the following conditions shall be conformed to:
(a) All buildings and structures shall maintain a distance of not less than 20 feet from any property line that is a common property line with residential zoned property; and
(b) A building from which firefighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
(5) Hospitals, mental and alcoholic; provided, they are specifically excluded from all single-family residential, RA, RM-2,400 and RM-1,800 and DC zones;
(6) Institutions for training of religious orders except such use is not permitted in the downtown commercial (D-C) zone;
(7) Antenna systems which:
(a) Are not within the limitation of DMMC 18.08.020(2)(h) or DMMC 18.20.020(8); or

(b) Consist of parabolic antennas such as microwave dishes; or
(c) Consist of broadcasting or communication stations which transmit electromagnetic radiation;
(8) Recreational areas, commercial, including yacht clubs, beach clubs, tennis clubs, parks, ~~ski areas,~~ marinas, and similar activities;
(9) Universities and colleges, including dormitories and fraternity and sorority houses when on campus except such uses are not permitted in the downtown commercial (D-C) zone;
(10) Fraternal societies ~~as approved by the planning agency~~ when located in ~~an~~ single-family residential zone;
(11) Day day carecare centers, but excluding family day care providers subject to the following minimum conditions:
(a) A play yard or equipment yard shall not be located in any required side or front yard;
(b) All buildings and structures on the lot shall maintain a distance of not less than 20 feet from any property line that is common property line with single-family residential property. If a greater setback is specified in a particular zone then the setback requirements of the particular zone shall prevail over the minimum setback set forth in this subsection;
(c) No day care center shall be located within 150 feet of a highway commercial zone;
(d) State licensing standards for such facilities, chapter 388-73 WAC, shall be met;
(e) Such uses shall comply with the parking code requirements of chapter 18.44 DMMC.
(12) Telecommunication facilities as described in the provisions of Title 20 DMMC.

Sec. 5. 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. 6. Effective date. This ordinance shall take effect and be in full force five (5) 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 _____, 2010 and signed in authentication thereof this ____ day of _____, 2010.

_____
M A Y O R

APPROVED AS TO FORM:

_____
City Attorney

ATTEST:

_____
City Clerk

Published: _____

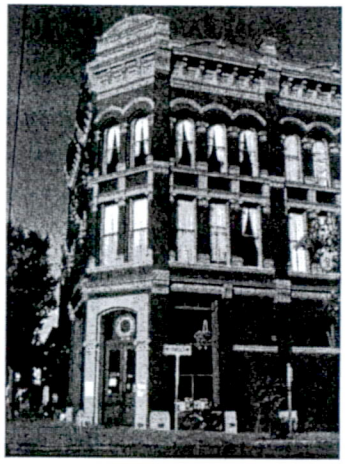
PRECEDENTS FOR CEILING HEIGHTS

By: Denise Lathrop, Planning Manager

Introduction

The following evaluation attempts to answer the Council Finance and Economic Development Committee's (F&EDC) questions regarding modern architectural precedents for ceiling heights, and to explain the importance of higher ceiling heights at the ground floor of buildings and their relationship to height limits established by the zoning code. The analysis is based on research of common planning practice, International Building Code standards, and several studies on ceiling heights.

To begin, there are no established "architectural standards" that dictate ceiling heights; rather it's the International Building Code that sets the minimum ceiling height for commercial and residential development which is 7'6" (seven feet, six inches).



Port Townsend, WA

Architects, planners, contractors and real estate agents often advocate for higher ceilings in buildings in an effort to create better spaces. Higher ceiling heights convey a sense of spaciousness and grandeur, and tend to be associated with older historic buildings or higher quality new construction. Older ground-floor retail spaces were typically a story and a half tall while ceiling heights in newer construction can range from 8 feet to 12 feet on average. Many of the desirable downtown areas that the F&EDC referenced such as Gig Harbor, Kirkland, Juanita, Port Orchard, Port Townsend, and Poulsbo also have buildings with taller ceilings.

At the ground floor, ceiling heights are a critical part of what makes a retail space inviting and what makes a building feel comfortable for pedestrians on the sidewalk next to it. Tall ceiling heights are just as important on the upper floors of a residential building, as it is critical to livability that multistory buildings be designed to feel comfortable. Eight foot ceilings used to be the standard but many new condo buildings boast ceiling heights of at least 10 feet and often up to 12 feet.

Des Moines, WA

In contrast, low ceilings tend to make for uninviting spaces that rent for less, feel cramped, are less visible from the street, and don't allow commercial uses to easily flourish. The squashed ceiling heights, found at both ground floors and upper floors of mid-century buildings, such as can be found in Des Moines, make it very hard to achieve the feeling of comfortable space appreciated so much in the older traditional buildings. Whether people are consciously aware of this fact or not, it has a profound impact on the comfort a person feels in them. For this very reason,

retailers in new suburban malls and shopping centers consider ceiling heights of 16 to 24 feet essential to their success of the stores (Baker, 2004).

At a more theoretical level, recent research by Joan Meyers-Levy, a professor of marketing at the University of Minnesota Carlson School of Management, suggests that the way people think and act is affected by ceiling height. In her research, Meyers noted that *"When a person is in a space with a 10-foot ceiling, they will tend to think more freely, more abstractly. They might process more abstract connections between objects in a room, whereas a person in a room with an 8-foot ceiling will be more likely to focus on specifics. Depending on the activity or the desired outcome, ceiling height can make a big difference in how the consumer processes the information presented."* This work is thought to have important ramifications for retailers of all types who are faced with consumers whose thought processes might influence what products they buy, how they process point-of-purchase information and even sales persuasion strategies. Careful attention to this important design aspect of retail spaces can pay off for those with one eye on the ceiling and the other on the bottom line (ScienceDaily, 2007).

Case Study of Ceiling Heights

A case study of ceiling heights by David Baker, American Institute of Architects Fellow, evaluated several mixed use areas in San Francisco and discussed how building and development codes can affect the overall building form – sometimes resulting in unintended and/or negative consequences. The case study (as excerpted here) analyzed the effects of 40-, 50-, and 65-foot height limits on the urban form, given the Building Code requirements which also must be met. In each case, the following question was asked: "What simple adjustments can be made to the Planning Code to achieve the 'highest and best' interior building spaces and exterior pedestrian realm?" Graphic examples were developed to illustrate how building codes coupled with height limits can affect the number of stories that can be accommodated in a building and the resulting floor heights that can be achieved.

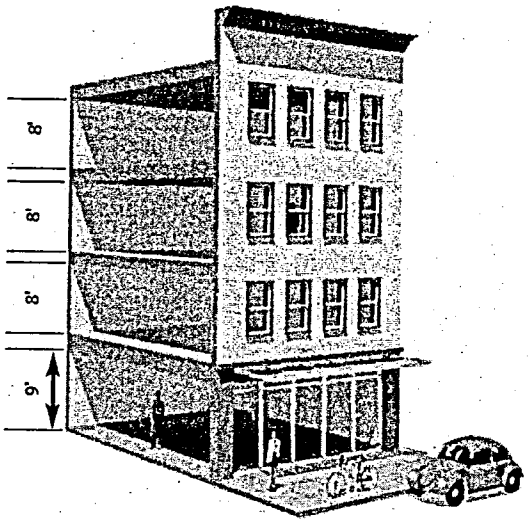
Given the allowable floor-to-ceiling height set by the Building Code was about 8 feet, it was determined that a floor thicknesses of one to two feet could be added along with some additional cornice or parapet at the roof level. This allowed for 9-foot high ceilings at the ground floor and low 8-foot ceilings in the upper stories (Figure 1).

Baker then proposed that if the building height limits were changed (i.e., from 40 feet to 45 feet), "14-foot high ceilings could be accommodated on the ground floor; although still with low 8-foot high ceilings in the upper stories" (see Figure 1). He concluded that "although the upper stories would still feel too cramped to be 'gracious,' the part of the building along the sidewalk would feel comfortable, and would be more likely to attract neighborhood shops, restaurants, cafes and service uses." It was also noted that some forms of light manufacturing can be accommodated in a ground floor of 14 feet that simply is not possible with a 9-foot ceiling height.

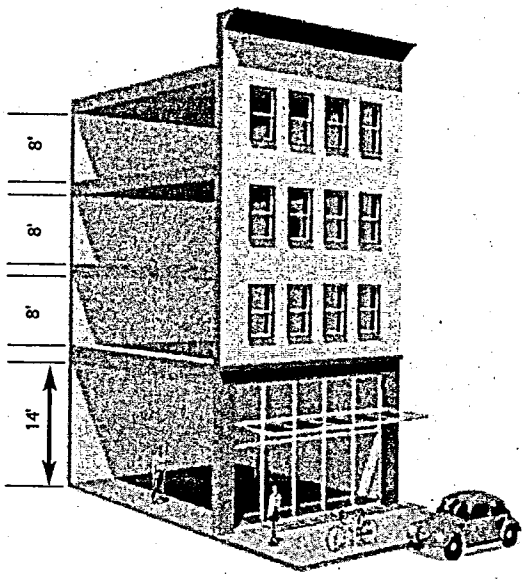
As noted, "The difference in the quality of space both within the building and in the public realm outside the building is dramatic. Instead of concentrating on this 'magical' 40-foot limit, the public interest would be better served by increasing this height a modest 5 feet to create the conditions that would

result in better ground-floor spaces." Baker concluded that few neighbors in multifamily districts would likely be able to recognize the difference between 40 feet and 45 feet.

Figure 1



40 feet



45 feet

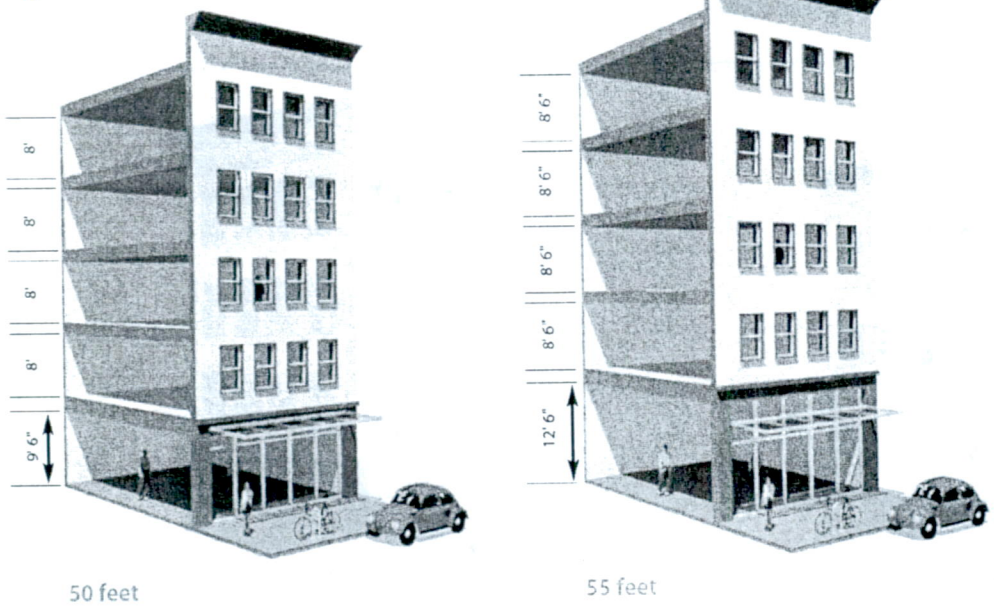
Retail street in multi-family use zones (does not apply to RH-1 or RH-2 residential districts)

Typical uses: 3-story residential apartments or condos over ground floor retail

Construction Type: 4 stories of wood frame

Figures 2 and 3 illustrate the ceiling heights that could be achieved under zoned height limits of 50, 55 and 65 feet. For the 50-foot height limit can accommodate a ground floor ceiling height of 9'6" with 8' ceilings on the upper stories as compared to the 55 and 65-foot height limits which can accommodate ceiling heights of 12'6" at the base and 8'6" for the upper stories.

Figure 2



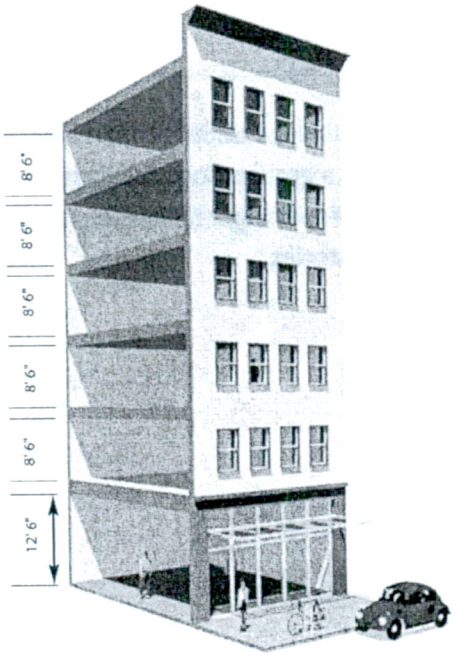
50 feet

55 feet

Uses: 4 story residential over ground floor retail

Construction Type: 4 stories of wood frame over concrete slab between the ground floor and upper floors

Figure 3



65 feet

Uses: 5 story residential over ground floor retail

Construction Type: 6 stories of concrete or light steel, or 5 stories of "special wood framing" over one story of concrete

Discussion

Although the examples from the case study relate to building heights at 40 feet and 45 feet, the same principles can be applied to our 35 foot height limit. As illustrated by the Marine View Espresso and John L. Scott buildings, modern-day development can be achieved with the existing 35 foot height limits. This begs the question about whether the focus should be on building heights versus the number of stories that are necessary to create the best space.

Marine View Espresso

John L. Scott Bldg.

The need or desire for higher building heights is tied more to economics and land values for our area and the tipping point that will allow lower scale development to pencil out (i.e., rents in new construction can compete with the surrounding retail/commercial spaces). On the economic side, developers are looking for an extra story or two to enable them to accommodate structured parking and spread out the development costs among more units that can be sold or leased at competitive rates. Even with higher heights allowed, new buildings in suburban areas tend to range between 45 and 65 feet given that once a building is 75 feet (as measured from the highest point on the site) the more costly high rise construction standards take effect.

On the land value side, the cost of land is a major factor in determining the financial feasibility of a project for developers. As part of their town center planning process, the City of Mountlake Terrace conducted a "building form best fit" analysis that used a return on investment model to evaluate several building prototypes and determine the maximum land costs that would still allow each prototype to be feasible. After calculating the value per acre of the parcels within the study area, the determination was made that a small mixed-use development is feasible on land that costs approximately $800,000 per acre, a medium mixed-use project is feasible on land that costs about $1.2 million per acre, and a large mixed-use development is feasible on land that costs about $1.6 million per acre. Each parcel was assigned a ratio that compared its land value to the land value necessary to make a feasible project.

Based on the land value thresholds, they concluded that nearly every parcel can achieve some type of profitable redevelopment under the "best fit" assignment of prototypes. They also noted that parcels

along existing commercial streets or ones at busy intersections have a higher value, and require more intensive development to achieve profitability.

This is evident by two recent construction projects in Pacific Ridge - Patel Medical building and Heritage Plaza. Both of these buildings are only 35 feet when the height limit is 55 and 85 feet respectively. Prior to construction, Patel Medical building had a taxable land value of $328,900 ($530,484/ac in 2008 dollars) while the Heritage Plaza site had a taxable land value of $518,700 ($348,121/ac in 2007 dollars). Patel Medical building has a gross square footage of 14,658 gsf while Heritage Plaza is 21,205 gsf. In each of these cases the developer's needs coupled with the land value likely determined the size of building that the market could bear.

Patel Medical Bdg.

Heritage Plaza

In conclusion, we as a City need to be thinking about the steps we can take to enable the construction of high quality building space that is competitive with our surrounding communities. Actions could range from adjusting building heights to setting minimum and maximum ceiling heights and providing developer incentives.

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