

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Second Reading of the Marina District
Design Guidelines

FOR AGENDA OF: July 29, 2010

DEPT. OF ORIGIN: Planning, Building & Public
Works

ATTACHMENTS:

DATE SUBMITTED: July 22, 2010

1. Draft Ordinance No. 10-065

CLEARANCES:

Planning, Building & Public Works ____

Legal ____

APPROVED BY CITY MANAGER
FOR SUBMITTAL: _____

Purpose and Recommendation

The purpose of this agenda item is to consider adoption of Draft Ordinance No. 10-065 (Attachment 1) relating to the *Marina District Design Guidelines*. The Planning Agency and staff recommend that City Council adopt the *Marina District Design Guidelines* (MDDGs) by passing the following motion:

Suggested Motions:

Motion 1: “I move to pass Draft Ordinance No. 10-065 adopting the *Marina District Design Guidelines* for the Downtown Neighborhood.”

Motion 2: “I move to direct staff to formalize the designation of the Downtown Neighborhood as the “Marina District” by adopting necessary changes to the Des Moines Comprehensive Plan in 2010 and when textual code amendments are proposed to the Des Moines Municipal Code.

Background

In January 2009, City Council adopted a vision and mission statement for the Marina District that captures the work program elements associated with Council goals and priorities, and provides the context and framework for the Downtown planning process, plan content and more specific projects that Council wants to emphasize. These were subsequently adopted into the Comprehensive Plan in November 2009 as the vision and goals for the Downtown Element and are embodied in the MDDGs.

In May 2009, staff completed draft design guidelines and a software-assisted height and view analysis for the Marina District. Council discussed the view analysis and design guidelines at their June 4, 2009 study session and June 27, 2009 retreat. In October 2009, Council remanded review of the Design Guidelines to the Planning Agency.

Planning Agency Progress: Over the past 6 months, the Planning Agency has met 10 times to discuss the draft MDDGs. Councilmember Dave Kaplan, liaison to the Planning Agency, attended the Agency's November 16, 2009 meeting and provided the Council's perspective regarding Downtown planning. Topics discussed included housing, job capacity, building heights, zoning issues such as sign code, and business development and attraction.

Planning Agency members expressed a need to figure out where Downtown is. Staff referenced previous Council discussions identifying S 223rd as the "heart" of the Downtown with access to the Marina and Beach Park and a desire to identify a smaller geographic area/s for focused planning.

Staff discussed the ability to create change incrementally through targeted public investments in a smaller geographic area, implementing design guidelines, enforcement of sign regulations, and getting property owners to clean up their sites. Planning Agency members expressed a desire to identify some things the City can begin to implement to foster change in the Downtown such as improving sidewalks, installing pedestrian scale lighting, and working with property owners to clean up their properties, buildings and signage.

January 28, 2010 Council Briefing: The Planning Agency discussed how review of the MDDGs has raised a number of questions that are directly related to Downtown planning. Topics that require further discussion and clarification with Council and staff include:

- Understanding what the community wants the Downtown to be in the future
- Understanding the developer issues and the make or break point for investing in Downtown Des Moines – look at feedback from Leadership Summit and developer forums; tools such as tax incentives for good design; use of developer agreements
- How to attract people to the Downtown – increased residential densities are needed in the Downtown for critical mass; we need places people want to come to
- How to control traffic through Downtown – declassifying SR 509 to a local street, reducing speed limits, and adding parallel or angle parking along MVD

Public Outreach: To date, three articles related to the development and review of the MDDGs have been published in the *City Currents* newsletter. Project information is posted on the City website and a Planning Agency e-mail address was established to provide additional opportunities for the community to provide input on the MDDGs. All Planning Agency and City Council meetings are open for the public to attend and comment on the items as well.

Notice of the March 22, 2010 open house was published in the Des Moines/Highline Times and the Waterland Blog. Given a moderate turnout at the open house, a follow-up flyer was mailed out to residents and businesses in and around the Downtown Neighborhood to provide notice of the May 6th Council briefing and to solicit additional input on the MDDGs as well as the Downtown planning work. The flyer was also distributed at the April 8th North Hill Community Council meeting. In addition, a presentation was made to the Des Moines Rotary on May 19th.

Notice of the June 24, 2010 public hearing was published in the Seattle Times and posted on the City's website and at designated posting locations. The notice was also mailed out to residents, businesses and property owners within the Downtown Neighborhood boundary and 300 feet beyond.

March 22, 2010 Open House: The Planning Agency hosted an open house to provide an opportunity for the community to comment on the draft MDDGs. A number of display boards were developed to illustrate the major components of the MDDGs that address: Site Planning, Height, Bulk and Scale, Architectural Elements and Materials, Pedestrian Environment, Landscape Design, and Signs. Several other boards provided examples of Mixed Use Design and Housing Design – attendees were asked to comment on what they liked or did not like about these images. Attendees were also asked to indicate how they use the Downtown, what would need to change for them to use the Downtown and what is missing. Comments received on boards are summarized below:

Where do you live? Twenty-two (22) people attended the open house including Planning Agency members and staff. People were asked to put a dot on the map by where they live; of those that responded nine were from the North Hill neighborhood, five from the Downtown, two from Central Des Moines and one from Zenith.

How do you use Downtown? Put a dot by businesses, services and activities you use. Responses are grouped by the number of dots each received: banking (10 dots); restaurant and dry cleaners (8 dots each); grocery/market (7 dots), gas station and marina (6 dots each); recreation and hair stylist/barber/spa (5 dots each); auto repair/parts and tavern (4 dots each); printer/shipping and fast food (3 dots each); entertainment, retail shopping, specialty shops, marine supply, car wash, insurance, pharmacy computer store and investments (2 dots each); medical/dental (1 dot), book store (1 dot), and other (1 dot). Responses to the following questions are recorded verbatim from each of the post-it notes.

What would have to change for you to use the area?

- more shopping, more restaurants
- coffee place "Starbucks" and shopping
- small boat launch
- sling type small boat launch

What's missing?

- quality grocery – PCC Market, Trader Joe's, Metropolitan Market
- art gallery, more restaurants and boutiques (not Dushan's kind)
- restaurants on the water and close by
- services, shopping, fun, housing, public transportation, good restaurants
- update theater, need entertainment outside of bars
- ice cream shop, hobby store
- meeting facilities at marina
- amenities (example: laundry) for marina guests and moorage

Mixed Use Design: What do you think? Photos were numbered 1-11. Image #5 (pedestrian plaza) – this is good; I like. Image #6 (5-story with pedestrian stair climb) – too much; this is too crowded. Image #7 (pedestrian streetscape) – this is good.

Housing: What do you think? Photos were numbered 12-22. Image #12 (4-story mixed use with pedestrian connection) – typical building style, not innovative. Image #13 (5-story

building) – tall buildings block out views; don't like. Image # 15 (pedestrian corridor with lots of trees) – I like. Image #18 (3 story brick building with ivy) – don't like. Image 19 (4-story building with courtyard and amenities) – I like (2). Image 21 (large green open space) – I like (2), great; general comment – Don't like too much like Bellevue.

Landscape Design: Good landscaping is critical – lots of green.

Signs: Images of poor signage design and cluttered signage – these kinds of signs need to go; tacky signs distracting. Images of sign examples the MDDGs are intended to foster – like fascia, yes.

General Comments (both written and verbal):

- Do more, add art shows, festivals, and things for community connecting.
- Des Moines is a nice place to pass through. No reason to shop here. Love, Burien.
- Height, Bulk and Scale -- I live near the Field House and have some views during the winter. Like the use of building modulation to reduce the overall size of buildings. Could see some taller buildings but wouldn't want them to block all views or to be too big. Maybe some areas are better for this than others. Varying roof heights would allow partial views to be maintained.
- Consider building a parking garage to meet parking needs.
- Leave the marina area for water-oriented activities versus other events such as car shows, runs, basketball tournaments and dog shows. In the past the Marina has closed on the key boating weekends to accommodate such activities thereby limiting access to the water by boaters and other recreational users.
- Comment Form: *Short-term* - I would like to see more amenities down at the Marina – maybe a coffee cart and a place to sit and see the water.

Long-term – permanent fix for the landslide area - I think it distracts people and makes the area look unsafe and run down; Improve 6th Avenue with curb, gutter and sidewalks and appropriate on-street parking; Regarding building aesthetics the only “look” I don't care for is the brownstone – it looks great in NYC, but seems out of date for new construction on the West Coast; I don't like street trees for 6th Avenue – would rather see grass and shrubbery that needs little or no maintenance. I think the landscaping on 16th Avenue S looks unmaintained and brown – don't want this look at the Marina District.

May 6, 2010 Council Briefing: Des Moines Planning Agency provided an update to City Council on the 2nd draft of the Marina District Design Guidelines (MDDGs) that reflects the Agency's review and input. The Planning Agency and staff recommended that City Council move forward with the review and adoption of the MDDGs.

A primary goal of the Agency was to fashion a document that blends a sense of public vision with concrete and easily understood guidelines for designers and developers as they evaluate, plan, and implement redevelopment projects in the Downtown waterfront core. There was a desire to avoid being too prescriptive and rely on development regulations for specified limitations. Specific direction provided by the Agency included:

- Changing the use of the word “shall” (equates to less flexibility) to “should”
- Changing focus on what the City wants to see versus what we do not want

- Clarifying the intent of each guideline so it is easily understood by the user
- Adding relevant photos to provide more examples and emphasize what the City wants to see

Twelve members of the public signed up to speak at the meeting which included agenda items on the MDDGs as well as Downtown Planning. The majority of the speakers were residents who live on 8th Avenue S and 10th Avenue S. Comments primarily focused on the potential impact of raising building heights versus the design guidelines. Specific comments ranged from loss of private views, change in the character of the area, and impacts to roads, sewer, fire and police, to crime resulting from increased density. It was suggested that the City consider cleaning up run down properties and buildings, underground power lines, and make sure new buildings blend into the area.

City Council comments ranged from a desire to maintain a small-town character to signage, nuisance properties, development constraints of small lots, feasibility of underground parking, whether density is needed for economic success, understanding what the community wants via a statistically valid survey, and learning from successful businesses and other communities such as Burien. It was suggested that the City establish a “fresh start program” aimed at cleaning up properties and improving business signage. It was also determined that the boundary and designation of the Downtown Neighborhood needs to be changed to the “Marina District” and that similar amendments to the Downtown Element of the Des Moines Comprehensive Plan would also need to be made. the need to complete more detailed study of building heights and zoning in order to make informed decisions. There was general consensus that more input was needed from a city-wide perspective.

Specific comments on the MDDGs document related to the use of the words “should” versus “shall” and the need to ensure the design guidelines have enough authority. It was suggested that this may be best accomplished in the development regulations. Staff indicated that they could highlight areas where the “shall” statements were changed to “should” and identify potential issues regarding how the intent of the guidelines would be interpreted and/or implemented. There was also discussion of section *A.7 Parking and Vehicle Access*, and the need to allow flexibility for parking in front of stores, particularly on Marine View Drive where parking is limited due to its designation as a State Route.

The following responses are intended to address questions that City Council raised at the May 6, 2010 briefing on the MDDGs:

Signs: Des Moines Sign Code is established in Chapter 18.42 of the DMMC. The Sign Code regulates the design, construction, location, use, illumination, and maintenance of signs and sign structures visible from any portion of public property or rights-of-way. Issues associated with A-frame signs are not new and something the Legal Department and Code Enforcement have been working on to resolve. To date, the Legal Department has drafted a legal opinion on the constitutionality of the Sign Code. In addition, a legal intern is currently working on proposed revisions to the Sign Code.

Parking and Vehicle Access: In response to a Council question about the feasibility of underground parking due to potential for underground water seepage, the City’s Surface Water Engineer is not aware of any geotechnical reports indicating potential problems from groundwater. The northern half of the downtown from about S 223rd Street has better soil conditions comprised of a silty sand while the southerly half, depending on where you are at, can have a high water table, which seems to be perched on a clayey glacial till about 10 feet down that exits out of the bank (the cliff along the Marina). The City is aware of one spring located near the northeast corner of S 227th Street and Marine View Drive that can be a nuisance. However, up the street at the Stegin property where there is an excavated hole

on the west side of Marine View Drive, there does not appear to be a high water table problem. Each potential project site would need to be evaluated by a geotechnical engineer on a case by case basis. Regardless, a high ground water table can be addressed using a sump pump system or interceptor drains.

In response to Council questions on parking and vehicle access, the Marina District Design Guidelines are intended to foster the creation of a walkable, pedestrian-oriented business district. Improperly located and poorly designed parking lots can destroy the ambiance and qualities that attract people to an area in the first place. The MDDGs state: “*Parking on a commercial street front should be minimized and where possible should be located behind a building.*” Similarly the guidelines related to structured parking state: “*Consider placing parking underground for all new development within the Downtown Core. Where this is not feasible, parking lots should be located behind buildings or in the interior of a block.*” This language is consistent with the design guidelines for Pacific Ridge and provides flexibility for situations where site constraints may limit the ability to construct structured parking or locate the parking to the side or back of a building.

Enforceability of MDDGS: In response to the Council comment regarding the “should” versus “shall” statements, it was intended that the MDDGs would support the development regulations established in the DMMC. For example, use of the word “shall” in the *Pacific Ridge Design Guidelines* often relates to specific development standards contained in the DMMC such as the distance between curb cuts or maximum length of a façade before modulation needs to be employed. Removing this language from the MDDGs was intended to avoid confusion and disconnect between the MDDGs and the DMMC. As previously noted, some “shall” statements were replaced with action statements to emphasize the intent of a guideline (i.e., Staff has since completed a comparative review with the Pacific Ridge Design Guidelines and has reinserted some “shall” statements (as noted by track changes) to strengthen the intent of the MDDGs.

In addition to the development requirements established for the D-C, RM-900 and RM-900A zones, Draft Ordinance No. 10-065 also proposes language for the Des Moines Municipal Code incorporating by reference the MDDGs and indicating that development and significant redevelopment proposals “shall demonstrate substantial compliance” with the adopted *Marina District Design Guidelines*.

The SEPA Checklist was completed for the MDDGs and a Determination of Nonsignificance was issued on May 18, 2010. The public comment period lapsed on June 2, 2010 and no comments were received. The appeal period lapsed on June 14th and no appeals were filed.

June 24, 2010: A public hearing on the MDDGs took place on June 24th and was passed to a second reading on July 29, 2010. Two members of the public provided public testimony. Responses to questions from citizens and the City Council are provided in the discussion section below.

Discussion

The MDDGs complement the development requirements established in the Des Moines Municipal Code (DMMC). The DMMC coupled with the Street Development Standards provide clear requirements for public rights-of-way and site and building requirements such as setbacks, lot coverage, landscape buffers, signage, and allowable land uses.

At the July 29th public hearing there were several questions posed by citizens and Council. Each question has been summarized below along with staff responses:

1. A citizen inquired as to why the 5-foot sidewalk along Dock Avenue and is not the same width as along other streets.

Response: Per the *City of Des Moines Street Development Standards* (1996), the minimum sidewalk width is six feet (6') in commercially zoned areas and five feet (5') in all other areas. Because Dock Street is not an official street but rather a right of way, the decision was made to make the sidewalk width 5'. This was coupled with other decisions for the Marina Master Plan aimed at balancing the amount of landscaping, impervious surfaces and sidewalk space in other parts of the Marina floor such as along the boardwalk.

2. A follow-up question about sidewalk widths relates to the 10th bullet on page 4 of the MDDGs document that states: *“Providing sidewalks along the street rights-of-way that are at least 12 feet wide. The sidewalk environment can include storefronts near the sidewalk, minimal interruption by vehicular driveways, awnings for weather protection, public open space, street trees, attractive landscaping, and integrated signs and lighting.”*

The question related to how staff would interpret this statement/guideline in a situation such as along 7th Avenue S where we already have sidewalks which are narrower than the suggested 12-foot right-of-way width – i.e., “Would we require a developer to construct 12’ sidewalks and require an easement for the additional width” or “did we do a good enough job along 7th Avenue and would the developer just develop to the existing standard established for 7th Avenue?”

Response: This is a valid question and something staff is faced with in reviewing projects that are subject to different standards than applied to earlier development. The statement was intended as an objective outside the guidelines themselves that would create a sidewalk environment similar to what is planned for the Pacific Ridge Neighborhood which indicates a “minimum 12’ overall sidewalk width at storefronts.” This includes a 4-6 foot width along storefronts (within the site) coupled with 6-8 foot wide sidewalk and 4-6 foot wide planting strip within the right of way.

Staff interpretation of this standard is that the new development would have a duty to augment the existing sidewalk environment to include additional space at the entry which may/or may not add up to the 12 feet. At this point, Council would need to direct staff to change the street development standards for the Downtown to accommodate the 12’ sidewalk width. Until such decision is made, staff suggests removing the reference to the 12 feet as follows:

Providing an enhanced sidewalks along the street rights-of-way that are at least 12 feet wide. The sidewalk environment ~~can include~~ that includes elements such as storefronts near the sidewalk, minimal interruption by vehicular driveways, awnings for weather protection, public open space, street trees, attractive landscaping, and integrated signs and lighting.

3. Council also questioned how something like this would be applied to 6th Avenue where there are no sidewalks and back-in parking.

Response: Similarly, if a site were to redevelop along 6th Avenue, the project would be required to meet the development standards in place at the time of application. This would include providing sidewalks which is consistent with the Priority Pedestrian Network identified on Figure 5-2 in the City's 2009 Comprehensive Transportation Plan.

4. Council questioned how staff would interpret whether a project "demonstrated substantial compliance" with the adopted *Marina District Design Guidelines*."

Response: Substantial compliance relates to the degree to which a project meets the design requirements as well as the optional guidelines with the goal of achieving the best possible design. Staff uses a hierarchical process beginning with the development requirements established in the DMMC followed by applying the design principles established in the design guidelines. The overall goal is to achieve the right balance in addressing site design, bulk and scale, architectural character, pedestrian environment and landscape design. The MDDGs are intended to allow flexibility for implementing how the design principles are applied to individual projects. For example, there are several ways to reduce the apparent bulk and scale of a building – this can be achieved by modulating a building's façade either vertically or horizontally, changing the building height, varying building elements or materials to break up a building's façade into smaller sections, or adjusting the pedestrian environment in the front of the building to ensure the design works well with the existing sidewalk, streetscape and neighboring properties. Under the best scenario, each project would choose different ways to meet the design requirements thereby resulting in unique building designs that work well with surrounding properties. Staff has successfully interpreted the Pacific Ridge Design Guidelines for the recently constructed Heritage Plaza and Patel Medical buildings. On smaller scale projects we rely on staff judgment on how the design guidelines are applied; however, on larger scale projects where design is critical to a project's success, we may want to rely on a design professional to supplement staff review.

5. Council identified several photos in the MDDGs that depicted buildings that were taller than what is currently allowed in the D-C zone. Staff explained that the examples were intended to illustrate a specific concept such as landscape design versus building heights. Council recommended adding language to the MDDGs clarifying that the images are intended to illustrate design concepts and not development standards.

Response: Staff added the following text to the Introduction section of the MDDGs:

"The graphics, illustrations and photographs are intended to illustrate the design elements and features being described by the guidelines; however, they do not supercede specific development requirements established in the Des Moines Municipal Code."

Staff also replaced the image referenced on pg. DG-23 of Section E. Landscape Design with the following image:



Financial Impact

Design guidelines can establish a climate for investment for businesses, residents and property owners because the associated review process provides assurance that alterations and new construction by others will reinforce the design goals and vision for the neighborhood. Revitalization of the Downtown/Marina District will stimulate economic development in the business core. This in turn will help create jobs, new housing, a stronger tax base and tax revenues for the City of Des Moines.

Recommendation

The Planning Agency and staff recommend that Council adopt the MDDGs for the Downtown Neighborhood by passing Motions 1 and 2.