

Memorandum



To: City Manager's Office

From: Planning, Building and
Public Works Department

Date: March 18, 2011

Re: Downtown Commercial Zone Modifications

The purpose of this memo is to provide an executive summary of the modifications to the City's Downtown Commercial Zone proposed in each of the sections of the attached Draft Ordinance. The information included in this ordinance is the result ongoing work with the City Council Finance and Economic Development Committee and the Marina District Stakeholder Group who made recommendations on land use policies, development regulations and implementation strategies for the Marina District planning area. The modifications also reflect the changes requested by the Finance and Economic Development Committee .

1. SECTION 1:

DMMC 18.27.010 (Purpose) is being proposed to be amended by removing the reference to appeals of administrative decision to the hearing examiner. This information was placed into the Chapter prior to the development of the Local Project Review Act (Chapter 36.70B RCW). These provisions are current in Chapter 18.56 DMMC, which contains all of the City's Land Use Review Procedures.

2. SECTION 2:

DMMC 18.27.020 (Permitted Uses) is proposed to be amended to reflect the change in the name of the chapter and the change to the term "City Manager or designee."

3. SECTION 3:

DMMC 18.27.030 (Environmental Performance Standards) is proposed to be amended to reflect the change to the term "City Manager or designee." Additionally, the requirement for mixed use buildings to provide 25 square feet of common area is proposed to be removed as a requirement. The Marina District is located adjacent to the Marina and Beach Park which has the capacity to provide the needed recreational area. Please note that even if a developer selected not to provide the space and instead to pay the in-lieu fees, the funds could not be used for the repair or maintenance of existing facilities. State Law requires that those funds be used to purchase or acquire new park properties. Finally, the reference to the Landscaping Code (Chapter 18.41 DMMC) is proposed be removed as the same requirement is provided in DMMC 18.27.050. Staff believes that requirements associated with site design should be in the Site Design Section and not Environmental Performance Section.

4. SECTION 4:

DMMC 18.27.040 (Dimensional Standards) is proposed to be amended to reflect the change to the term "City Manager or designee". Additionally, the following modifications are proposed:

- a. The building height was raised to 45 feet for all properties in the Downtown Commercial Zone that are not adjacent to Marine View Drive and are north of South 226th Street. The

properties on the west and east side of Marine View Drive would have the same building height as allowed under the current zoning requirements (35 feet). While the QFC block is within the proposed 45 feet area, the height is required to be measured from 7th Avenue South so the building would still be approximately 35 feet as measured MVD given the topography change across the property. Please see Figure 1 on page 14 of the Draft Ordinance for an illustration of the proposed height limit areas.

- b. A height bonus was also established for those areas identified of Figure 2 on page 17 of the Ordinance. In order to obtain this height bonus, the applicant would have to demonstrate that the proposed project does not exceed the floor area ratios established by the code. This will be discussed in more detail in Section 6. Additionally, the applicant would have to have a minimum site area of 20,000 square feet, provide pedestrian plazas, provide for commercial uses, and sign a no protest agreement regarding the formation of a Parking and Business Improvement Area as regulated in Chapter 36.87A RCW.

Based on the minimum lot area for the height bonus of 20,000 square feet and the Floor Area Ratio (FAR)(defined as the ratio of total building square footage to lot area) established for each area in Section 6 of this Ord. and the square footages established by this section for each area the following number of buildings could be built:

- Area 1 of Figure 2 with a FAR of 3.2 would allow a maximum of 4 buildings to be built to 45 feet along MVD
 - Area 2 of Figure 2, with a FAR of 3.8 would allow approximately 10 buildings to be built to 65 feet in Area 2 of Figure 2 along 7th Avenue.
 - There is no maximum established for Area 3 of Figure 2 as this only applies to the QFC block and as such would result in one or two taller buildings. Also the buildings located in Area 3 (the QFC block), the building height is measured from 7th Avenue so while the building would be 75 feet from 7th Avenue given the grade changes, the building would be 65 feet tall if measured from Marine View Drive
- c. A setback for all buildings located on corner lots is also proposed to ensure that buildings do not crowd the corners in order to encourage dynamic pedestrian environments and maintain good site visibility for vehicular traffic.

5. SECTION 5:

DMMC 18.27.050 (General Site Design Requirements) is proposed to be amended to reflect the change to the term "City Manager or designee". Additionally, the following modifications were made:

- a. Language is proposed to be added that would clearly stated that buildings along MVD are not required to abut or be adjacent to the sidewalk. Language is also proposed that would require new buildings along 7th Avenue and 6th Avenue to be in close proximity to the sidewalk. This provision would allow the buildings to be setback from the front property and the sidewalk provided that the area between the building and the sidewalk is used for pedestrian oriented activities and prohibits this area from being used for parking.

This approach recognizes the difference between MVD and 7th Avenue which includes significantly lower volume of travel, and there is parallel parking on both sides of 7th for the entire length of the roadway. Further 7th Avenue has been designated as a priority pedestrian corridor and bike way in the 2009 Comprehensive Transportation Plan.

Designing buildings and related site improvements for pedestrians is fundamental for creating an environment that encourages walking, biking and transit use which is key component to establishing a priority pedestrian corridor.

Allowing the buildings to be set back and allowing parking lots in front of the buildings along MVD and creating a “Main Street” along 7th Avenue similar to that found in Poulsbo, Port Townsend, LaConner, and Leavenworth with buildings in close proximity to the sidewalk will facilitate a higher quality pedestrian environment in this portion of the Marina District while respecting the auto-oriented nature of Marine View Drive. This approach would also allow for quality pedestrian connections between 7th, the Marina, and Beach Park. Figure 4 of the Draft Ordinance illustrating the two different building placement environments in Downtown Commercial Zone.

- b. The prohibition against commercial vehicular access to 8th Avenue is proposed to be removed.
- c. Language is proposed to be added to authorize angled parking along Marine View Drive, provided that the follow standards are met
 - (i) The sidewalk shall be relocated within dedicated right-of-way so that the curb face of the relocated sidewalk is located as measured 36 feet from the edge of traveled way of the nearest lane of traffic on Marine View Drive.
 - (ii) The relocated sidewalk shall be entirely in right-of-way or newly dedicated right-of-way.
 - (iii) The length of relocated sidewalk shall be a minimum of 100 feet, not including any sidewalk transition areas.
 - (iv) Sidewalk transition lengths and dimensions shall be approved by City review.
 - (v) Only head-in angled parking shall be allowed within the right-of-way on Marine View Drive
- d. The prohibition against selling alcohol outside is proposed to be removed.

SECTION 6:

DMMC 18.27.060 (General Building Design Requirements) is proposed to be amended to reflect the change to the term “City Manager or designee”. Additionally, the following modifications were made:

- a. The requirement that the width above the 2nd floor be reduced by 80% was removed and will be replaced by a floor area ratio (FAR) to ensure modulation and view corridors. By establishing the FAR, which is the ratio of the building area to the lot area, the massing of the building is still regulated to prevent the creation of a solid wall of buildings, but allows greater flexibility so that the modulation of the building can be done a manner that makes the most since for an individual property.
- b. A number of FARs are proposed to be established for different areas and building heights. The establishment of the FARs was based on a modeling exercise completed by staff and is identified on page 27 of the Ordinance.

- c. As part of the height bonus, a Public Benefit Incentive System is proposed to provide clear direction to future applicants about what is expected in order to obtain the height bonus. The approach is based on the approach used by Burien in the Town Center Project and can be used to clearly demonstrate what benefit the community received for the height bonus as established by Table 1 on page 29 of the Draft Ordinance.

SECTION 7

Severability Clause

SECTION 8

Effective Date – 30 Days after passage of the ordinance.