

SPECIAL PS&T COMMITTEE AGENDA

May 18, 2017 - North Conference Room

21630 11th Avenue South – Des Moines 98198

3:00P – 4:00PM

1. Sound Transit Update (Discussion Item – 60 min)

Staff will provide an update on the design elements on the FWLE project.

Sound Transit Update

May 11, 2017 – PS&T

1. **Tonight's Council Agenda:**

Approval of Services Agreement with Sound Transit (ST) and Task Order #1 covering 2017 City services.

- a. Provides for 1400 hours of reimbursed City staff and consultant time with a not-to-exceed \$165,000 cost plus a 10% contingency.
- b. Supports the over-the-shoulder review of ST's FWLE Design Builder Request for Proposal (RFP) development including right of way procurement, transit oriented development and joint project coordination, and the supporting agreements and City Council consideration of necessary DMMC changes.

2. **Upcoming DMMC Changes:**

Changes will be required to the following chapters of the City's development regulations:

- a. Landscape Code to ensure the western edge of the guideway through Pacific Ridge will be a well-designed and complementary feature of the Pacific Ridge Neighborhood.
- b. Essential Public Facilities to eliminate unnecessary Unclassified Use Permit requirements for the FWLE.
- c. Nonconforming Buildings and Uses to ensure affected private property owners are not disadvantaged by ST's right of way acquisition.

3. **Future Agreements with ST:**

The City has already administratively entered into a Memorandum of Understanding addressing the ST Board's directions in support of their January 2017 decision on exactly what project they decided to build, and a Letter of Concurrence on City road design standards.

Over the rest of the year City staff will be working with ST to complete a Property Management plan for properties acquired in Pacific Ridge, a franchise agreement (referred to as a Transit Way Agreement) for operations of the FWLE through Des Moines, and a Development Agreement incorporating the design and construction standards and permitting process that ST's selected design build contractor will be required to follow when that selection is made in 2018.

City Policy Paper
Landscape Treatment of Guideway Through Pacific Ridge
Public Safety & Transportation Committee (5/11/17)

Background:

This is the most heavily impacted neighborhood along the entire FWLE project in terms of private property acquisitions and neighborhood impact. This I-5 alignment alternative was selected over other Pacific Ridge alignments that frankly would have been much more expensive for ST.

DMMC 18.195.140 requires a Type II landscaping strip with a minimum 25 feet width and 5-foot earthen berm along the Pacific Ridge section of the guideway in PR-R and PR-C zones. If a 5' berm with 3:1 side slopes is included in a 25' landscape buffer, the overall buffer width is increased to 35'. A 10-foot landscaped strip (with no berm) is required in the R-SE zoned Puget Sound Energy property.

The City identified this DMMC requirement in its review comments for the FWLE DEIS and again during the Preliminary Design reviews. Sound Transit's (ST) position is that conformance with this requirement is not feasible because additional property acquisitions would be required. City staff agrees that additional property acquisitions might be required but disagrees that this is not feasible.

DMMC 16.25.080 also requires that 3 trees be replanted for every tree removed in the City. Depending on the final size of the landscape buffer and tree spacing, some mitigation replacement trees may be required to be planted outside of the FWLE project and could be planted anywhere that the City allows.

The City's Landscape Code also allows some reduction in the required widths or a waiver of some landscaping requirements under certain conditions (18.195.420 (b) and (g)) if an application for adjustment is submitted and certain noticing requirements are met. **As currently written, however, DMMC 18.195.420 does not provide the administrative authority for the waiver of the 18.195.140 requirements or approval of other features of ST's most recent design proposal, and a textual code change would be required. Any change will need to be made by early summer to avoid affecting the design effort and preparation of the design builder request for proposals.**

City Staff Position:

City Administration is willing to ask the City Council to consider changes to the Landscape Code if a revised ST guideway edge design throughout the Pacific Ridge Neighborhood will meet the intent of the existing code in a way that is ultimately less impactful to ST and the neighborhood while providing a reasonable replacement for the loss of nearly 50-60 feet of existing vegetated buffer. Administration believes the following principles should help shape any Council decision on changing the Landscape Code to facilitate the FWLE project:

1. A final design should represent the highest possible quality of urban and landscape design.
2. The amount of ROW required by the City to be acquired by ST should be balanced with the goal of minimizing the ROW impacts to the abutting property owners.
3. The western edge of the project should be a strong, complementary and integrating amenity of the Pacific Ridge Neighborhood with the following features:

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- a. A demonstrably tall enough sound wall with design and construction continuity from S. 216th to KDM to both attenuate noise from both I-5/SR-509 and light rail, and to be an integrating, context sensitive amenity for the Neighborhood.
- b. A landscape strip that enhances the edge design.
- c. A tall and dense landscape with taller and more mature trees than may be initially installed.
- d. A maintenance plan to ensure CPTED features are emphasized.
- e. A maintenance plan which assumes full ST responsibility for landscape and irrigation.
- f. A security fencing approach which honors the Neighborhood and abutting property owners and avoids an institutional approach to ROW security.
- g. A replacement tree planting plan that could begin to plant trees outside the project limits several years before the project landscaping is installed at the end of the physical construction.
- h. A well-defined, real time approach to mitigating I-5/SR-509 traffic and construction noise from the time the ROW is cleared until noise walls are installed (which may be 2-3 years).

Policy Questions for City Council:

1. Is the Council willing to change the Landscape Code to facilitate the FWLE?
2. If so, what is the best approach to brief the full Council (e.g., individually in person or by email, in standing committees, with a full Council pre-hearing study session)?
3. Are the staff's principles noted above correct and complete?
4. Should the 25' required depth and/or the 5' berm requirements be eliminated because of ST's commitment to provide minimum 6' tall sound walls?
5. How, if at all, should the Neighborhood be involved in finalizing the ordinance prior to the public hearing?
6. How much administrative discretion should be included in any ordinance changing the Landscape Code:
 - a. Ability to administratively waive either berm or depth requirements under conditions which result in an "equal or better" outcome for the neighborhood?
 - b. Ability to administratively waive either berm or depth requirements when requested by individual property owners whose property is being partially acquired by ST?
7. Should the design builder be required to work with the Neighborhood as the edge design is finalized?
8. Does the Council have other policy advice or direction regarding changes to the Landscape Code?