

ORDINANCE NO. 1475

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, amending DMMC 18.44.040 and Ordinance No. 1453 to extend the parking exemption established for commercial uses in the Downtown Commercial Zone.

WHEREAS, the City Council supports the redevelopment of the Downtown Neighborhood, and

WHEREAS, the City of Des Moines Comprehensive Plan (hereinafter "the Plan") provides policy guidance regarding land use and related matters including policies and strategies to achieve the goals established by each element of the Plan, and

WHEREAS, the Plan should guide the decisions of elected officials, appointed officials, City staff, property owners, and consultants, and

WHEREAS, Policy 2-03-05 of the Land Use Element of the Plan states that the City should "promote a land use pattern, scale, and density that supports public transportation services and encourages people to walk and bicycle, as well as provide convenient and safe automobile usage", and

WHEREAS, Strategy 2-04-08 of Land Use Element of the Plan states that the City should "[E]ncourage improvement of the ... Downtown Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan", and

WHEREAS, Policy 10-03-08 of the Downtown Neighborhood Element of the Plan states that the City should "[E]ncourage use of alternative modes of transportation, including walking, bicycling, carpooling, and use of mass transit", and

WHEREAS, according to the preliminary data collected for the Comprehensive Transportation Plan update being prepared by the City's transportation consultant Fehr & Peers / Mirai, "[P]arking in downtown is a mix of defined parking spaces, unmarked angle parking, and restricted parking zones. In the downtown area, defined by 218th Street, 8th Avenue S, 227th Street and 5th Avenue S, there are a total of 585 parking on-street spaces", and

WHEREAS, in June 2008, staff completed a land use inventory in the Downtown Neighborhood to gain an understanding of the range of businesses and services currently operating in the Downtown Neighborhood and the requirement of parking to support those businesses, and

WHEREAS, the June 2008 inventory indicated that there are 182 business operating in the Downtown Neighborhood in six primary groups: grocery, restaurant, retail, general services, health services, and public/quasi-public, and

WHEREAS, given the existing on-site parking stalls and the 585 public parking spaces available throughout the Downtown Neighborhood, it appears that there is adequate parking supply

to meet the current and possibly future demands for customer parking within the Downtown Neighborhood, and

WHEREAS, the textual code amendment proposed by this ordinance has been processed in accordance with the requirements of the State Environmental Policy Act (hereinafter "SEPA), a determination of nonsignificance (DNS) was issued on October 1, 2008 by the responsible official, and the applicable SEPA comment period has concluded, and

WHEREAS, the SEPA responsible official adopted the existing environmental documentation dated October 1, 2008 pursuant to WAC § 197-11-600 and DMMC § 16.04.108, and

WHEREAS, the SEPA responsible official reviewed this proposed non-project action and determined that the proposed textual code amendments are within the scope of the existing environmental document, and

WHEREAS, the SEPA responsible official determined that the existing environmental documentation fulfilled the SEPA requirements established by Chapter 197-11 WAC and Chapter 16.04 DMMC pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, the textual code amendments proposed in this ordinance were provided to the Department of Community, Trade and Economic Development as required by RCW 36.70A.130, and

WHEREAS, notice of the public hearing before the City Council was given to the public in accordance with law and a public hearing was held on the 21st day of December, 2009 and all persons wishing to be heard were heard, and

WHEREAS, the City Council finds that this ordinance is appropriate and necessary; now therefore,

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

Sec. 1. DMMC 18.44.040 and section 8 of Ordinance No. 695 as amended by section 32 of Ordinance No. 1197 as amended by section 4 of Ordinance No. 1237 as amended by section 1 of Ordinance No. 1448 as amended by section 1 of Ordinance No. 1453 are each amended to read as follows:

18.44.040 Modification of parking provisions.

(1) Number of Spaces. The hearing examiner may, by formal action, waive or modify the number of spaces required, establishing the amount of required parking for uses involving very limited number of employees or which do not require personnel and daily attendance or for which the number of parking spaces proposed is demonstrated sufficient to fully serve the use, is consistent with the intent of this chapter and when strict application of the code would result in unnecessary hardship.

Sec. 3. Effective date. This ordinance shall be in full force and effect five (5) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 21st day of December, 2009 and signed in authentication thereof this 21st day of December, 2009.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published Date: December 30, 2009

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1475, Adopted December 21, 2009

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance amends DMMC 18.44.040 and Ordinance No. 1453 to extend the parking exemption established for commercial uses in the Downtown Commercial Zone.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC
City Clerk

Published: December 30, 2009