

ORDINANCE NO. 1513

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, related to the height requirements established for the Pacific Ridge by chapter 18.31 of the Des Moines Municipal Code, and amending DMMC 18.31.070.

WHEREAS, the City Council supports the redevelopment of the Pacific Ridge Neighborhood as a high density and pedestrian oriented community, and

WHEREAS, Policy 2-03-05 of the Land Use Element of the *Des Moines Comprehensive Plans* (hereinafter "the Comprehensive 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 the Land Use Element of the Comprehensive Plan states that the City should "Encourage improvement of the Pacific Ridge 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, Goal 11-01-01 of the Pacific Ridge Element of the Comprehensive Plan states that the development along Pacific Highway and Interstate 5, buildings may be eight (8) or more stories in height emphasizing residential high-rise home ownership with green open spaces and view corridors, and

WHEREAS, Policy 11-03-02 of the Pacific Ridge Element of the Comprehensive Plan states that the City should encourage increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Policies for King County, and

WHEREAS, Policy 11-03-03 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "Encourage land uses that promote long-term residency and activity during both daytime and nighttime hours, such as mixed-use buildings and condominium dwellings," and

WHEREAS, Policy 11-03-06 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "Ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment," within the Pacific Ridge, and

WHEREAS, Policy 11-03-07 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "Promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge," and

WHEREAS, Policy 11-03-14 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "Encourage the development and use of gateway features, focal points, and unique design features that contribute to the identity of Des Moines and Pacific Ridge," and

WHEREAS, Policy 11-03-15 of the Pacific Ridge Element of the Comprehensive Plan states that the City should, "Require that new construction contain and exhibit high-quality design elements and building materials as outlined by the Pacific Ridge Design Guidelines," and

WHEREAS, Policy 11-03-17 of the Pacific Ridge Element of the Comprehensive Plan states that the City should Encourage new construction to incorporate design elements that provide view corridors, visual interest, pedestrian scale, and features which minimize impacts associated with building height, bulk, and scale and require the terracing of upper floors of buildings, and

WHEREAS, Policy 11-03-18 of the Pacific Ridge Element of the Comprehensive Plan states that the City should Encourage new development to include public benefit features such as plazas and courtyards with outdoor seating, hill-climbs, overhead weather protection, public art, etc, and

WHEREAS, Strategy 11-04-01 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "Amend the Des Moines Municipal Code (DMMC) and the City of Des Moines Comprehensive Plan as necessary to maintain consistency with and implement this Element," and

WHEREAS, Strategy 11-04-05 of the Pacific Ridge Element of the Comprehensive Plan states that the City should "Coordinate with other agencies/organizations to: 1) attract new businesses in Pacific Ridge; 2) promote development and redevelopment opportunities in Pacific Ridge; and 3) encourage new construction that is consistent with this Element," and

WHEREAS, *Pacific Ridge Design Guidelines* section 2.A.1 and 2.B.2 identify the utilization of distinctive roof forms as a way to reduce the perceived building and massing, increase compatibility with residential development and add interest to the skyline, and

WHEREAS, DMMC 18.31.010 states that the objective and purpose of the Pacific Ridge zone is "to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside," and

WHEREAS, DMMC 18.31.010 states that the "redevelopment of Pacific Ridge is appropriate because this area has excellent access to transportation facilities," and

WHEREAS, DMMC 18.31.010 states that the, "principal objective and purpose of this zone and its application is to implement the City of Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge," and

WHEREAS, the City adopted a SEPA Planned Action for the Pacific Ridge under Ordinance No. 1298, and

WHEREAS, the SEPA Planned Action was based on the adopted the *Pacific Ridge Neighborhood Improvement Plan* and Comprehensive Plans, and

WHEREAS, the City has adopted zoning regulations which are codified in the Des Moines Municipal Code to facilitate the implementation of the SEPA Planned Action, the *Pacific Ridge Neighborhood Improvement Plan*, the Comprehensive Plan, and

WHEREAS, the proposed textual code amendment is consistent with the range of impacts studied under the SEPA Planned Action Environmental Impact Statement, the *Pacific Ridge Neighborhood Improvement Plan* and the Comprehensive Plan, and

WHEREAS, the Des Moines Planning, Building and Public Works director acting as the SEPA responsible official adopted the existing environmental documentation entitled "Pacific Ridge Neighborhood Improvement Plan and Integrated Draft Environmental Impact Statement" dated May 24, 2000 pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as the SEPA responsible official adopted the existing environmental documentation entitled "Pacific Ridge Neighborhood Improvement Plan and Integrated Final Environmental Impact Statement" dated July 5, 2000 pursuant to WAC 197-11-600 and DMMC 16.04.108, and

WHEREAS, the Des Moines Planning, Building and Public Works director acting as 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 documents, and

WHEREAS, the Des Moines Planning, Building and Public Works Director acting as 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, pursuant to DMMC 18.56.080 amendment of the zoning code (Title 18 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to DMMC 18.56.200 amendments to the zoning code (Title 18 DMMC) require the City Council to conduct a public hearing to receive public comment regarding this proposal, and

WHEREAS, DMMC 18.60.120(3) requires that the date of the public hearing to consider amendments to the Title 18 be set by motion of the City Council, and

WHEREAS, the City Council set the public hearing and date by resolution which was, in this case, established by Resolution No. 1154 fixing the public hearing for May 26, 2011, to be followed by City Council action, 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, notice of the public hearing was given to the public in accordance with law and a public hearing was held on April 28, 2011, and all persons wishing to be heard were heard, 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 18.31.090 and section 2(part) of Ordinance No. 1267 amended by section 1 of Ordinance 1405 are each amended as follows:

18.31.090 Dimensional standards.

(1) Lot area. Every lot shall have a minimum area of seventy-five hundred (7,500) square feet.

(2) Lot width. Every lot shall have a minimum width of seventy-five (75) feet.

(3) Front yard.

(a) In the PR-R, every lot shall have a front yard of not less than fifteen (15) feet.

(b) In PR-C1 and PR-C2, no front yard is required.

(4) Side yard.

(a) In PR-R, every lot shall have a side yard on each side of the lot. The side yards shall have a width of not less than ten (10) feet.

(b) In the PR-C1 and PR-C2 zones, no side yard is required.

(5) Rear yard. Every lot shall have a rear yard of not less than fifteen (15) feet.

(6) Measurement of building height.

(a) PR-R: Building height shall be measured from average finish grade.

(b) PR-C1: Building height shall be measured from mean sidewalk grade of Pacific Highway South.

(c) PR-C2: Building height shall be measured from mean sidewalk grade as follows:

(i) Building height for properties abutting Pacific Highway South is measured from Pacific Highway South.

(ii) Building height for properties abutting 24th Avenue South is measured from 24th Avenue South.

(iii) Building height for properties that do not abut Pacific Highway South or 24th Avenue South is measured from South 216th Street.

(7) Minimum building height.

(a) Except for buildings containing only a full-service restaurant or a gasoline service station, and other instances specifically authorized by the City Manager or designee in writing, no building shall be less than the height specified below:

(i) PR-R: thirty-five (35) feet.

(ii) PR-C1: thirty-five (35) feet.

(iii) PR-C2: No minimum building height.

(b) For the purposes of this subsection, minimum building height shall not include decorative towers or appurtenances, roof slopes out of character with the building's architecture, or other contrivances provided solely for achievement of the required minimum building height. In calculating minimum building height, the City Manager or designee shall include regular architectural features enclosing functional, occupiable building areas.

(8) Maximum building height. Buildings and structures may be built to the height specified:

(a) PR-R: thirty-five (35) feet. Buildings may be built to a height of one hundred twenty (120) feet with approval of a condominium height bonus or two hundred (200) feet with approval of a floor area clustering height bonus as provided by this chapter.

(b) PR-C1:

(i) Except as provided by subsection (9)(b)(ii) below, fifty-five (55) feet.

(ii) In that portion of the PR-C1 zone east of Pacific Highway: eighty-five (85) feet.

(c) PR-C2: Fifty-five (55) feet.

(9) Building height limitation adjacent to single-family. When an abutting property is designated single-family residential by the Des Moines Comprehensive Plan, building height shall be limited as follows:

(a) Within twenty (20) feet of the abutting single-family residential property, maximum building height shall be 35 feet.

(b) Within forty (40) feet of the abutting single-family residential property, maximum building height shall be forty-five (45) feet.

(c) During the design review and environmental review, the City Manager or designee may impose other conditions of approval in order to mitigate potential height, bulk, and scale impacts upon adjacent single-family residents not sufficiently mitigated by existing regulations.

(10) Condominium building height bonus. In the PR-R zone, the City Manager or designee may authorize buildings thirty-six (36) to one hundred twenty (120) feet in height when a condominium declaration which satisfies chapter 64.34 RCW is recorded for all dwellings within the building.

(11) Floor area clustering building height bonus. In the PR-R, the City Manager or designee may authorize buildings up to two hundred (200) feet in height when all of the following provisions are met:

(a) A condominium height bonus was granted pursuant to the Condominium Building Height Bonus established by DMMC 18.31.090(11).

(b) The total floor area of the building does not exceed the total maximum floor area of a building that could have been built under the Condominium Building Height Bonus established by DMMC 18.31.090(11).

(c) The minimum building site area is forty-three thousand five hundred sixty (43,560) square feet.

(d) Useable pedestrian plazas and open space are provided.

(12) Height allowance for enhanced design of distinctive rooflines. In the PR-C1, PR-C2 and PR-R zones, a portion of a building may exceed

the maximum building height provided that the following provisions are met:

(a) The purpose of the additional height for the building is to provide a roofline that is of distinctive form through the use of design elements such as pitched roofs, sloped roofs, vertical offsets or other similar roof features that achieve the goals of Pacific Ridge Design Guideline 2.B.2.

(b) The maximum building height established in DMMC 18.31.090(9) shall only be increased by a maximum of seven percent (7%).

(c) Architectural features associated with the distinctive roofline shall be used to emphasize significant architectural elements of the building such as the main entrance of the building or the buildings orientation to a corner, or to provide for pitched or sloped roofs for the building.

(d) Height allowed for distinctive rooflines under this section shall not be used to determine the building height for the purposes of establishing the maximum gross floor area under DMMC 18.31.110(3).

(e) The building area or amount of building structure extending above the maximum height established in DMMC 18.31.090(9) shall be limited to 30% of the building roof deck area. When multiple building rooflines exist at different building levels or stories, the 30% requirement shall only apply to the area of the roof deck of the tallest portion of a building.

(13) Placement of buildings.

(a) Where a building site abuts the public right-of-way of Pacific Highway South, at least one of the main buildings on the site shall be placed as follows:

(i) Except as provided below, the building shall abut, or be in close proximity to, the public right-of-way of Pacific Highway South.

(ii) Through the permit review process, the City Manager or designee may determine it is in the public interest to allow the proposed building to be set back from the right-of-way. In considering a request for setback, the director shall consider matters such as adopted land use policies, vehicular and pedestrian circulation, sight distances, landscaping, existing site improvements, adjacent site improvements, easements or other

encumbrances, and public benefit features such as plazas and public artwork.

(b) The distance between a building containing dwelling units and any other building shall be not less than 10 feet.

(c) On the rear third of an interior lot, accessory buildings not containing dwellings may be built to the side lot lines and the rear lot line; provided, not less than 10 feet of the rear lot line shall be free and clear of buildings.

(d) On the rear one-third (1/3) of a corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line and the rear lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than ten (10) feet to the street side lot line.

(e) On the rear third of a reverse corner lot:

(i) Accessory buildings not containing dwellings may be built to the interior side lot line.

(ii) Where a setback from the street is required for the adjoining lot, no building shall be erected closer than ten (10) feet to the street side lot line.

(iii) No building shall be erected closer than five (5) feet to the rear lot line.

Sec. 2. DMMC 18.31.110 and section 2(part) of Ordinance No. 1267 are each amended as follows:

DMMC 18.31.110 General building design requirements.

(1) Design guidelines. Design guidelines shall be adopted for new construction within Pacific Ridge. All development proposals shall demonstrate substantial compliance, as determined by the community development director, with the adopted Pacific Ridge design guidelines. The guidelines shall provide objectives and techniques for ensuring that new construction provides lasting benefit to the community; minimizes incompatibility among land uses; and promotes crime prevention. Design guidelines shall address building design issues including, but not limited to, the following:

- (a) Building height, bulk, and scale;
- (b) Building modulation and fenestration;
- (c) Building silhouette and roof design;
- (d) Placement and orientation of building entrances, common areas, activity areas, balconies, and other features;
- (e) Exterior building materials;
- (f) Window and door detailing;
- (g) Continuity/variety in building design;
- (h) Orientation to transit;
- (i) Wall signage;
- (j) Crime prevention;
- (k) Awnings, covered walkways, and other weather protection; and
- (l) Placement and screening of mechanical equipment.

(2) Minimum floor-to-ceiling height for dwellings. Dwellings shall have a minimum floor-to-ceiling height of eight feet, six inches.

(3) Maximum gross floor area:

(a) The maximum gross floor area for buildings within Pacific Ridge Neighborhood shall be determined by multiplying the lot area of the site by the Floor Area Ratio number established in the following table:

Building Height	PR-C1 and PR-C2 FAR	PR-R FAR
35 Feet or Less	2.8	2.8
35 - 50	3.5	3.5
50 - 60	4	4.0
60 - 70	4.5	4.5
70 - 80	5	5
80 - 90	5.5	5.5
90 - 100	Not Applicable	6.5
100 - 110	Not Applicable	7.5
110 - 120	Not Applicable	9
> 120	Not Applicable	9

(c) Gross-floor area shall include the total square footage of the enclosed building provided that:

(i) For properties located adjacent to Pacific Highway South, the area of parking garages constructed below the adjacent sidewalk grade on Pacific Highway South shall not be included in the calculation of gross floor area.

(ii) For all other properties in the Pacific Ridge Neighborhood, the area of parking garages constructed below the lowest sidewalk grade adjacent to the property line shall not be included in the calculation of gross floor area.

(4) Within the PR-C1 and PR-C2 zones, structural encroachments into the right-of-way, such as cornices, signs, eaves, sills, awnings, bay windows, balconies, facade treatment, marquees, etc., shall conform to the provisions set forth by Title 12 DMMC, the Uniform Building Code, and the following provisions:

(a) Structural encroachments into the right-of-way shall be capable of being removed without impact upon the structural integrity of the primary building;

(b) Structural encroachments into the right-of-way shall not result in additional building floor area than would otherwise be allowed;

(c) Except for awnings, signs, and marquees, the maximum horizontal encroachment into the right-of-way shall be two feet;

(d) The maximum horizontal encroachment in the right-of-way by signs shall be four feet;

(e) The maximum horizontal encroachment in the right-of-way by awnings and marquees shall be six feet;

(f) The minimum horizontal distance between the structural encroachment and the curblines shall be two feet;

(g) Except for awnings over the public sidewalk which may be continuous, the maximum length of each balcony, bay window, or similar feature that encroaches the right-of-way shall be 12 feet;

(h) Structural encroachments into the right-of-way shall maintain adequate distance away

from utility, transportation, or other facilities as determined by the community development director in consultation with the public works director;

(i) The applicant shall demonstrate proof of public liability insurance and consent to a public place indemnity agreement;

(j) Owners of structural encroachments into the right-of-way must clear the public right-of-way when ordered to do so by city authorities for reasons of public health or safety; and

(k) In reviewing a proposed structural encroachment into the public right-of-way, the community development director may include conditions as may be reasonably needed to ensure that the structure is consistent with the purpose of the PR zone, and to minimize the likelihood of adverse impacts. The community development director shall deny the request if it is determined that adverse impacts cannot be mitigated satisfactorily.

Sec. 3. 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. 4. 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 23rd day of June, 2011 and signed in authentication thereof this 23rdth day of June, 2011.


M A Y O R

APPROVED AS TO FORM:


Assistant City Attorney

ATTEST:


City Clerk

Published: June 28, 2011

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1513, Adopted June 23, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to the height requirements established for the Pacific Ridge by chapter 18.31 of the Des Moines Municipal Code, and amends DMMC 18.31.070.

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

Sandy Paul, CMC
City Clerk

Published: June 28, 2011