

ORDINANCE NO. 1411

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON authorizing alternative methods of design and construction of mixed use buildings in the areas zoned Pacific Ridge Commercial 1, Pacific Ridge Residential, and Business Park North Subarea, adding a new chapter to Title 14 DMMC entitled *Five-story Wood Frame Buildings*, and codifying a new chapter in Title 14 DMMC.

WHEREAS, the City Council finds that it is the City's desire to provide additional tools to build economically viable mixed-use and multi-family buildings, and

WHEREAS, the City has reviewed various methods of providing high density uses such as those used in the cities of Seattle, Tacoma, Bellevue, Federal Way, Shoreline, Olympia and Everett, Washington, and the cities of Portland and Beaverton, Oregon, and

WHEREAS, the City Council finds the International Building Code allows for the approval of alternate material, methods of design, and methods of construction, and

WHEREAS, the City solicited input from local technical professionals who recommended adoption of alternate methods and materials to allow an additional story of wood frame construction for mixed-use and multi-family buildings, provided specific design and inspection standards are met, and

WHEREAS, the City Council finds that providing this alternate method of construction would provide an incentive for the construction of economically viable mixed-use and residential occupancies which is consistent with the City's Comprehensive Plan land use element policies, and

WHEREAS, Strategy 2-04-08 of the Land Use Element of the Comprehensive plans 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 City should allow buildings to be eight (8) or more stories in height emphasizing residential high-rise home ownership with green open spaces and view corridors between , and

WHEREAS, Policy 11-03-02 of the Pacific Ridge Element of the Comprehensive plans 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 11-03-07 of the Pacific Ridge Element of the Comprehensive plans 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, pursuant to DMMC 18.56.080 amendment of the building code (Title 14 DMMC) is a legislative (Type VI) land use decision, and

WHEREAS, pursuant to WAC 197-11-800(20) and DMMC 16.04.230 adoption of building codes is categorically exempt from State Environmental Policy Act (SEPA), and

WHEREAS, notice of the public hearing was given to the public in accordance with law and a public hearings were held on the September 13, 2007, 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. A new chapter is added to Title 14 entitled Five-story Wood Frame Buildings to read as follows:

(1) **Purpose - General.** The purpose of this article is to authorize for Pacific Rdige Commercial 1, Pacific Ridge Residential, and Business Park North Subarea the construction of five-story wood frame buildings as an approved alternate design and construction method for Pacific Rdige Commercial 1, Pacific Ridge Residential, and Des Moines Creek Business Park North Subarea under Section 104.11 of the 2006 Edition of the International Building Code, and to set forth the criteria and standards which must be met before a building permit may be issued for a five-story wood frame building.

(2) **Construction.**

(a) International Building Code requirements. Five-story wood frame buildings must comply with all requirements of the International Building Code, except as modified or supplemented by this article. In the event of a conflict between the International Building Code and the provisions of this article, the provisions of this article shall control. References in this article to building construction "types" (e.g., Type I or Type V) shall have the same meaning as set forth in the International Building Code.

(b) Lowest story construction requirements. The lowest story in a five-story wood frame building shall be constructed of Type V-A fire-resistive construction, except that all structural frame and load bearing elements must consist of approved, two-hour fire-resistive construction.

(c) Upper four stories. The upper four stories of a five-story wood frame building shall be constructed of at least Type V-A fire-resistive construction.

(d) Use of Type V above Type I construction. Where Type V wood frame stories are constructed over Type I

construction, the Type V stories shall be separated from the Type I stories as provided in International Building Code Section 509 (2006 Edition), as presently constituted or as may be subsequently amended.

(3) Occupancy.

(a) Occupancy of five-story wood frame buildings shall be allowed as provided in Table 503, International Building Code, 2006 Edition, as presently constituted or as may be subsequently amended, except that B, M, and R-1 occupancies shall be allowed on any floor.

(b) Occupancy shall have the same meaning as set forth in Chapter 3 of the 2006 Edition of the International Building Code, as presently constituted or as hereinafter amended.

(4) Stair enclosures. Where buildings are designed and constructed pursuant to this section, all stair enclosures shall be of two-hour fire-resistive construction as set forth in sections 707.4 thru 707.12 of the 2006 Edition of the International Building Code with one-and-one-half-hour opening protection as set forth in Table 715.4 of the 2006 Edition of the International Building Code.

(5) Fire detection and protection.

(a) Five-story wood frame buildings shall be protected throughout by an automatic fire sprinkler system complying with the International Building Code and International Fire Code as detailed in the Standard known as NFPA 13, as set forth and contained in section 903 of the 2006 International Building and Fire Codes and as amended by the State Building Code. Use of the automatic fire sprinkler system shall be in addition to, not in lieu of, one-hour fire-resistive construction. Automatic fire sprinklers may not be used to increase the number of stories; no more than five stories of wood frame construction may be permitted.

(b) All stair enclosures and elevator shafts shall be pressurized as set forth in International Building Code Section 909, as presently constituted or as may be subsequently amended. In addition, a class I standpipe system as required by International Building Code Section 905 and the Standard known as NFPA 14, as presently constituted or as may be subsequently amended, shall be installed.

(c) A standby power-generator set shall be provided on the premises in accordance with the 2006 International Building Code Section 403.10 and the 2005 National Electrical Code, as presently constituted or as may be subsequently amended. The standby system shall have a capacity and rating sufficient to supply all equipment required to be operational at the same time, including but not limited to stair enclosures, an elevator shaft pressurization, and elevators.

(d) A monitored manual and automatic fire detection system as set forth in section 907 of the 2006 Edition of the

International Building Code, subject to the approval of the Fire Chief, shall be installed throughout the building and provide alarm, trouble and supervisory monitoring of the automatic fire sprinkler system.

(6) Height. The maximum height of buildings designed and constructed pursuant to this section shall be seventy-five (75) feet for the areas zoned Pacific Ridge Commercial 1, Pacific Ridge Residential, and Business Park North Subarea. The height shall be measured as provided in the 2006 International Building Code as presently constructed or hereafter amended.

(7) Basic allowable floor area. The basic allowable area of floors of five-story wood frame buildings shall be as allowed in Table 503, International Building Code, 2006 Edition, as presently constituted or as may be subsequently amended. For the purpose of this article only, the total allowable area as calculated subject to the above referenced table and sections, may be increased by twenty-five percent (25%).

(8) Fire Department access. Site design for any five-story wood framed building shall include access sufficient for fire department vehicles, as determined by the Fire Chief and Building Official. Fire department vehicle access shall be documented on site and building plans.

(9) Construction inspection. The following shall be required for buildings designed and constructed pursuant to this section:

(a) Structural observation provided by the engineer of record for structural frame elements as set forth in section 1709 of the 2006 Edition of the International Building Code; and

(b) Special inspections as required by Chapter 17 of the 2006 International Building Code, as presently constructed or as hereafter amended.

(10) Maintenance of fire protection systems. The owners of five-story wood frame structures shall maintain the fire and life-safety systems required by the International Building Code and the Des Moines City Code in an operable condition at all times. Unless otherwise required by the Fire Chief, testers approved by the fire department shall conduct yearly testing of such systems. A written record shall be maintained and shall be forwarded to the Fire Marshal as set forth in section 901.6.2 in the 2006 Edition of the International Fire Code and be available to the inspection authority.

Sec. 2. Codification. Section 1 of this ordinance shall be codified as a new chapter in Title 14 DMMC entitled Five-story Wood Frame Buildings, and should be inserted between the Building Code and Fire Code chapters as established in Ordinance No. 1407.

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 27th day of September, 2007 and signed in authentication thereof this 27th day of September, 2007.


M A Y O R

APPROVED AS TO FORM:


City Attorney

ATTEST:


City Clerk

Published: October 4, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1411, Adopted September 27, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance authorizes alternative methods of design and construction of mixed use buildings in the areas zoned Pacific Ridge Commercial 1, Pacific Ridge Residential, and Business Park North Subarea, adds a new chapter to Title 14 DMMC entitled *Five-story Wood Frame Buildings*, and codifies a new chapter in Title 14 DMMC.

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

Denis Staab
City Clerk

Published: October 4, 2007