

ORDINANCE NO. 1405

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, the City received the final report from Ravenhurst Development, Inc. entitled "City of Des Moines: Economic Development Strategy Final Report" dated June 17, 2005, and

WHEREAS, this report laid out a basic economic redevelopment strategy for the City and made recommended changes to the Pacific Ridge Zone to facilitate redevelopment and implementation of the City's vision, and

WHEREAS, the report recommended to that facilitate the redevelopment of the Pacific Ridge at the scale envisioned by the City the building heights would need to be a minimum between 150 - 180 feet to make the height feasible from a cost standpoint, and

WHEREAS, Policy 2-03-05 of the Land Use Element of the Comprehensive plans 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 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 plans states that the City should Between 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 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 Polices for King County, and

WHEREAS, Policy 11-03-03 of the Pacific Ridge Element of the Comprehensive plans 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 plans 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 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, Policy 11-03-17 of the Pacific Ridge Element of the Comprehensive plans 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 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, pursuant to DMMC 18.56.080 amendment of the zoning code (Title 18 DMMC) is a legislative (Type VI) land use decision, 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, 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, notice of the public hearing was given to the public in accordance with law and a public hearing was held on July 19, 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. DMMC 18.31.090 and section 2(part) of Ordinance No. 1267 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) Lot Coverage.

(a) PR-R: All main and accessory buildings and structures, except outdoor private swimming pools, shall not cover more than seventy percent (70%) of the area of the lot.

(b) PR-C1 and PR-C2: No maximum lot coverage.

(7) 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.

(8) 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 Planning, Building and Public Works Director 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 Planning, Building and Public Works Director shall include regular architectural features enclosing functional, occupiable building areas.

(9) 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.

(10) Building Height Limitation Adjacent to Single-Family. When an abutting property is designated single-family residential by the Greater 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 Planning, Building and Public Works Director 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.

(11) 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.

(12) 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.

(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

Sec. 3. 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 26th day of July, 2007 and signed in authentication thereof this 26th day of July, 2007.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: July 31, 2007

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1405, Adopted July 26, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to height requirements established for 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.

Denis Staab
City Clerk

Published: July 31, 2007