



City of Seattle
Gregory J Nickels, Mayor

Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Proposal: Amendments to the City of Seattle Land Use Code, Title 23, related to land use and zoning, amending Section 23.53.006 of the Seattle Municipal Code to provide exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences.

Project Sponsor: City of Seattle Department of Planning and Development

Location of Proposal: The proposal is a non-project action, applicable in various zones throughout the City.

SUMMARY OF PROPOSED ACTION

The proposal is a non-project action, applicable in various zones, which would add exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION Exempt DNS MDNS EIS

DNS with conditions

DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND

Proposal Description

The proposal would amend SMC Section 23.53.006 to add exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences. Current sidewalk improvement regulations established by Ordinance 122615 (codified as Seattle Municipal Code Section 23.53.006) lowered Land Use Code thresholds for requiring sidewalk improvements as part of development in urban centers and urban villages, as designated in the Seattle Comprehensive Plan, and adjacent to arterial streets. Previously, the minimum threshold for sidewalk improvements was generally a development of three or more dwelling units. Ordinance 122615 reduced exceptions within urban centers and urban villages, and on arterials, to changes in use, alterations to existing structures, and additions to existing structures that are exempt from review under the State Environmental Policy Act (SEPA). Since adoption of this new set of exemptions, several issues have arisen, indicating that certain changes are needed to accommodate limited development of individual single-family residences, as well as construction of detached structures accessory to existing single family residences.

The proposal would add the following exceptions and clarifications to the pedestrian access and circulation improvement regulations:

- Exempt construction of a detached structure, such as a garage or shed, accessory to a single family residence.
- Exempt construction of a single family dwelling unit on an existing lot in any zone, if at least one of the following criteria is met: 1) the lot is located on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot; or 2) construction of pedestrian access and circulation improvements is not necessary because, for example, the existing right-of-way has suitable width and surface treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and potential vehicular traffic; or the Director anticipates limited, if any, additional development near the lot because of the amount and type of development in the area near the lot.
- Require a no-protest agreement to future pedestrian access and circulation improvements to be signed and recorded for an exemption for a detached accessory structure or a new residence.

Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

ANALYSIS - SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated May 29, 2009. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to add exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences. This amendment may result in potential impacts and warrants further discussion.

ELEMENTS OF THE ENVIRONMENT

Adoption of the proposed Land Use Code amendments would result in no immediate adverse short-term impacts because the adoption would be a non-project action. The discussion below evaluates the potential long-term impacts that might conceivably result from differences in future development patterns due to the proposed amendments.

Natural Environment

Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants/animals, fisheries, energy, natural resources, sensitive areas, noise, or releases of toxic/hazardous substances. The proposed amendment is a non-project action that would add exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences. Since the amendment would apply to a variety of zones and sites, it is possible that elements of the natural environment on future sites, where single-family development is allowed to proceed without pedestrian improvements, could be impacted. Development of specific projects on individual sites is subject to the City's existing regulations, such as the Stormwater, Grading and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and Noise Ordinance, and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

Built Environment

Land & Shoreline Use, Height/Bulk/Scale

The intent of the proposal is to add exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences. The proposal does not involve changes of use and is unlikely to cause a shift in development or land use patterns in a given area, so any impacts to land and shoreline use are expected to be minimal. The amendment is not expected to alter the height, bulk, or scale of a proposed development. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review (if they meet or exceed thresholds for environmental review).

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; amending Section 23.53.006 of the Seattle Municipal Code to provide exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences and accessory structures, and to make minor clarifications of language.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.53.006 of the Seattle Municipal Code, which section was adopted by Ordinance 122615, is amended as follows:

23.53.006 Pedestrian access and circulation((§))

A. General Requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this ((§))section. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian walkways. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

B. Dedication of New Streets. Sidewalks and curbs are required when new streets are dedicated.

C. Within Urban Centers and Urban Villages. Within Urban Centers and Urban Villages, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed that abuts any existing street without a sidewalk, in any zone, except as specified in subsection 23.53.006.F((-of this section)).

1 D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban
2 Villages, sidewalks are required on an existing street in any of the following circumstances,
3 except as provided in subsection 23.53.006.F~~((of this section))~~:

4 1. In any zone with a pedestrian designation, sidewalks are required whenever
5 new lots are created through the platting process, including full and short subdivisions and unit
6 lot subdivisions, and whenever development is proposed.

7
8 2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits
9 23.50.016_A and 23.50.016_B, sidewalks are required whenever new lots are created through the
10 platting process, including full and short subdivisions and unit lot subdivisions, and whenever
11 development is proposed. Sidewalks are required only for the portion of the lot that abuts the
12 designated street.

13
14 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
15 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are
16 required whenever new lots are created through the platting process, including full and short
17 subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are
18 required only for the portion of the lot that abuts the arterial.

19
20 4. In SF, LDT and L1 zones, sidewalks are required when ten ~~((10))~~ or more
21 lots are created through the platting process, including full and short subdivisions and unit lot
22 subdivisions, and when ten ~~((10))~~ or more dwelling units are developed.

23 5. Outside of SF, LDT and L1 zones, except in IG1 and IG2 zones and on lots in
24 IB zones that are not directly across the street from or abutting lot in a residential or commercial
25

1 zone, sidewalks are required when six (~~(6)~~) or more lots are created through the platting
2 process, including full and short subdivisions and unit lot subdivisions, and when six (~~(6)~~) or
3 more dwelling units are developed.

4 6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not
5 directly across the street from or abutting lot in a residential or commercial zone, sidewalks are
6 required when the following nonresidential uses are developed:

7 a. (~~(Seven hundred fifty (750))~~)750(~~(750))~~ square feet or more of gross floor
8 area of major and minor vehicle repair uses and multipurpose retail sales; and

9 b. (~~(Four thousand (4,000))~~)4,000(~~(4,000))~~ square feet or more of nonresidential
10 uses not listed in subsection 23.53.006.D.6.a.

11 E. Requirements for Pedestrian Walkways in Certain Industrial Zones. In IG1 and IG2
12 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a
13 residential or commercial zone, whenever development is proposed on existing streets that do not
14 have curbs, a pedestrian walkway is required, except as provided in subsection 23.53.006.F(~~(of~~
15 ~~this section))~~)).

16 F. Exceptions. The following exceptions to pedestrian access and circulation
17 requirements and standards apply:

18 1. Projects Exempt from Requirements. Pedestrian access and circulation
19 improvements are not required for the following types of projects:

20 a. changes of use;

21 b. alterations to existing structures;

1 c. additions to existing structures that are exempt from environmental
2 review;

3 d. construction of a detached structure accessory to a single-family
4 dwelling unit located in any zone, if the property owner enters into a no-protest agreement, as
5 authorized by RCW Chapter 35.43, to future pedestrian access and circulation improvements and
6 that agreement is recorded with the King County Department of Records and Elections;

7 e. construction of a single-family dwelling unit on a lot in any zone, if the
8 property owner enters into a no-protest agreement, as authorized by RCW Chapter 35.43, to
9 future pedestrian access and circulation improvements and that agreement is recorded with the
10 King County Department of Records and Elections, and if at least one of the following
11 conditions is met:

12 i. the lot is located on a block front where there are no existing
13 pedestrian access and circulation improvements within 100 feet of the lot; or

14 ii. construction of pedestrian access and circulation improvements
15 is not necessary because, for example, the existing right-of-way has suitable width and surface
16 treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and
17 potential vehicular traffic; or the Director anticipates limited, if any, additional development near
18 the lot because the development near the lot is at or near zoned capacity under current zoning
19 designations.

1 ((d))f. expansions of surface parking, outdoor storage, outdoor sales and
2 outdoor display of rental equipment of less than ~~((twenty(-)))~~20((+)) percent of the parking,
3 storage, sales or display area, or number of parking spaces~~((-))~~; and

4 ((e))g. ~~((f))~~in IG1 and IG2 zones, and on lots in IB zones that are not
5 directly across the street from or abutting a lot in a residential or commercial zone, ~~((in addition~~
6 ~~to the exemptions in subsections F1a through F1d, pedestrian access and circulation~~
7 ~~improvements are not required for the following types of development))~~the addition of:

- 9 i. ~~((F))~~fewer than ten ~~((10))~~ artist's studio dwellings;
10 ii. ~~((L))~~less than ~~((seven hundred fifty(-)))~~750((+)) square feet of
11 gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and
12 iii. ~~((L))~~less than ~~((four thousand(-)))~~4,000((+)) square feet of gross
13 floor area of nonresidential uses not listed in subsection 23.53.006.F.1.~~((e))~~g.ii.

14
15 2. Waiver or Modification of Pedestrian Access and Circulation Requirements.

16 a. The Director, in consultation with the Director of Transportation, may
17 waive or modify pedestrian access and circulation requirements when one or more of the
18 following conditions are met. The waiver or modification shall provide the minimum relief
19 necessary to accommodate site conditions while maximizing pedestrian access and circulation.

- 20
21 i. Location in an environmentally critical area or buffer makes
22 installation of a sidewalk impractical or undesirable;

1 ii. The existence of a bridge, viaduct or structure such as a
2 substantial retaining wall in proximity to the project site makes installation of a sidewalk
3 impractical or undesirable;

4 iii. Sidewalk construction would result in undesirable disruption
5 of existing drainage patterns, or disturbance to or removal of natural features such as significant
6 trees or other valuable and character-defining mature vegetation; or
7

8 iv. Sidewalk construction would preclude vehicular access to the
9 lot, for example on project sites where topography would render driveway access in excess of the
10 maximum (~~(twenty)~~ 20 percent (~~((20%))~~)) slope.

11 3. Deviation from Sidewalk Standards. The Director of Transportation may grant
12 a deviation from sidewalk standards specified in the Right-of-Way Improvements Manual
13 through the Deviation Request Process in order to address environmental and sustainability
14 issues through the use of an alternative sidewalk design and/or materials.
15

16 4. Notwithstanding any provision of Section 23.76.026, the applicant for a
17 Master Use Permit or a building permit to which the Land Use Code in effect prior to the
18 effective date of the ordinance enacting this subsection F.4 applies may, by written election, use
19 the exemptions in subsections 23.53.006.F.1, F.2, and F.3.
20

21 Section 2. Severability. The provisions of this ordinance are declared to be separate and
22 severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of
23 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not
24

1 affect the validity of the remainder of this ordinance, or the validity of its application to other
2 persons or circumstances.

3 Section 3. This ordinance shall take effect and be in force 30 days from and after its
4 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
5 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the ____ day of _____, 2009, and
7 signed by me in open session in authentication of its passage this
8 ____ day of _____, 2009.

11 _____
12 President _____ of the City Council

13
14 Approved by me this ____ day of _____, 2009.

16 _____
17 Gregory J. Nickels, Mayor

18 Filed by me this ____ day of _____, 2009.

21 _____
22 City Clerk

22 (Seal)