

## **Director's Report and Recommendation Solid Waste Land Use Code Amendments**

### **Background and Purpose**

The solid waste storage and access section of Land Use Code is critical to helping ensure appropriate on-site solid waste storage and safe and efficient solid waste collection for new buildings. These standards have not been updated in 10 years. The current state of the code does not reflect Seattle's expansive growth in population over that decade, especially the increase of residents living in multi-family housing. Updates are proposed to: 1) clarify language that confuses permit reviewers and applicants, and 2) implement reasonable requirements for solid waste storage and collection to increase recycling rates (per Seattle's required waste diversion ordinances, SMC 21.36.080) and improve safety.

The primary proposal would require on-floor access to solid waste containers or chutes for apartment and condominium buildings to increase resident access to proper recycle, compost, and garbage disposal options. This has been proven locally and nationally to increase recycling and composting. Many new buildings do not yet comply with Seattle's recycling requirements and Seattle continues to struggle to meet its Council-mandated goal to achieve a city-wide 70% recycle rate. Improving multi-family resident access to recycle and compost containers is critical to customers complying with City separation requirements and to the City moving toward a 70% recycle rate.

### **Proposal**

The proposal would update the solid waste storage and access regulations in the Land Use Code, Section 23.54.040, entitled "Solid waste and recyclable materials storage and access." The updated provisions would apply to new development, including new structures and building additions. Seattle Public Utilities (SPU), Seattle Department of Construction and Inspections (SDCI), and Seattle Department of Transportation (SDOT) would review development permit applications according to these standards that address sufficient access and minimum space to be provided for on-site solid waste storage, as well as container staging at or near where solid waste collection occurs.

The proposal would apply citywide as follows:

#### **Require solid waste collection space on each floor of multifamily buildings with 3 or more floors – through either chutes or containers, or a combination.**

Disposal opportunities for garbage, recycling, and food waste would be required on each floor, for ease of resident access. This could occur by providing containers for each of these waste streams on each floor, or providing multiple chutes, or a combination of chutes and carts.

**Provide an exemption from floor area limits for the new on-floor required collection space.**

This includes the floor area for containers, and for chutes (usually within walls) in buildings subject to this requirement. Collection space sizing is estimated to be approximately 25 square feet per floor for three containers (garbage, recycle, and food waste). This could be contained in closets or open areas; or if chutes are used for all or certain waste streams, the amount of required space per floor could be less than 25 square feet.

**Provide for added flexibility and clarification to define alternative workable measures that will meet the intent of the solid waste storage and access provisions.**

- For alternative arrangements, applicants would demonstrate that appropriate collection and staging locations would be present and that efficiency and safety standards would be met.
- Flexibility for alternative arrangements would apply based on development type, including affordable housing, and small apartment units such as small efficiency dwelling units and congregate residences.
- If recycling or garbage or both are compacted, and dimension and safety criteria are met, a reduced amount of storage space would likely be allowed.

**Set new width and depth requirements for solid waste storage for non-residential uses**

The proposal would set new minimum linear dimensions that complement the existing minimum *areas* required for solid waste storage areas. The proposal does not change the current minimum storage area size requirements (in square feet).

The proposed linear dimensions are:

- Uses with less than 5,000 sq.ft. floor area: 8 feet width x 8 feet depth
- Uses with 5,000 sq.ft. or greater floor area: 12 feet width x 12 feet depth.

These proposed dimensions would ensure that the spaces provided are deep and wide enough to fit the expected kinds of solid waste containers and allow for functionality like the ability to maneuver the containers within, into, and out of the storage area.

**Apply solid waste requirements to new uses in industrial zones, and commercial-space additions greater than 5,000 square feet in size in zones where commercial uses are allowed**

The proposal would newly apply the Land Use Code's solid waste requirements to new uses in industrial zones, and commercial-space additions to existing buildings. This will ensure that more new development will provide sufficient space and buildings designs that accommodate access for solid waste service. This is important as the city continues to evolve through reuse and expansion of existing buildings as well as new buildings in industrial districts like SODO and Ballard-Interbay. Solid waste service capabilities need to keep up with these trends.

**Update minimum clearance heights to overhead utilities**

The proposal would update the overhead minimum clearance heights for solid waste trucks in places where containers are picked up, as follows: 14 feet for containers two cubic yards or smaller in size and not containing compacted materials; and 24 feet for containers larger than two cubic yards and all containers having compacted materials (except containers rolled-off on

the flat bed of a solid waste truck). These minimums meet the industry norms for clearance heights, and will ensure enough vertical space is available for collection trucks to drive into collection locations or service from the right-of-way.

**Set new slope maximums in places where solid waste in smaller dumpsters is staged and collected.**

The proposal would set a new maximum of 6% slope at staging and collection locations for dumpsters that are two cubic yards in volume or smaller, with uncompacted material. This helps ensure safe and stable positioning of the containers for their regular collection service.

**Clarify positioning of larger dumpsters (greater than 4 cubic yards) and dumpsters with compacted materials to enable direct collection methods**

Due to the weight of these larger dumpsters, they would be required to be positioned so that collection staff are not required to physically turn them to complete the collection. This is a matter of ensuring safety and efficient solid waste collection practices by requiring proper arrangements for collection actions at the time that development plans are created and permitted.

**Clarify sharing capabilities between use-types.**

The proposal would clarify that in mixed use buildings, solid waste containers for garbage can be shared between residential and non-residential uses, while containers for recycling and compostable waste cannot be shared. This requirement is due to the specifications in Solid Waste service code and Seattle Collection Contracts.

**Clarify that pre-collection locations for bins known as “staging areas” must be shown on building plans.**

This is consistent with what SDCI and SPU already asks for in building plans.

## **Analysis**

This portion of the report includes: an explanation of regulatory intent; comparison of existing and recommended requirements; summary of environmental review; consistency with Comprehensive Plan goals and policies; and summary of public outreach.

### **Intent of Solid Waste Standards in Land Use Code**

The overall intent of the City's solid waste standards in Section 23.54.040 of the Land Use Code is to help ensure sufficient accessibility and space for storage and collection of solid waste in new or renovated buildings. This is an essential utility requiring regular service to remove site users' waste materials that accumulate through our daily living and business activities.

The proposal would help support solid waste regulatory intent and policy objectives by:

- Requiring garbage, recycling, and composting containers, or access to chutes, on every floor of multifamily uses (30 feet or taller) to facilitate improved collection convenience for residents, increased compliance with Seattle's recycling requirements, and support diversion from the landfill toward Seattle's 70% recycle rate goal.
- Extending the solid waste requirements to larger non-residential building additions and expansions adding more than two residential or live-work units. Doing so would bring

commercial buildings into alignment with existing solid waste storage requirements for additions to multifamily buildings. This is consistent with what SDCI and SPU already recommend for these building types.

- Providing for flexibility to accommodate arrangements that will best achieve disposal, collection, and accessibility.

### **Comparison of Existing and Recommended Solid Waste Code Standards**

The existing Land Use Code that governs solid waste, which was last significantly updated in 2011, addresses storage spaces and access but does not fully reflect SPU's current policy objectives or standard safety practices for solid waste collection. These relate to increasing the proximity of disposal locations to residents to foster more effective gathering of waste, recyclables, and compostable materials. Objectives also relate to ensuring sufficiently-sized waste storage spaces, and providing collection locations with dimensions and slopes that are feasible to be served by the collection vehicles.

Seattle's 2013 Solid Waste Plan, and authorizing Council resolution directs Seattle to recycle or compost 70% of the waste Seattleites generate by 2022; however the City is not currently on-target to meet the goal. Furthermore, Seattle Solid Waste code requires residents and businesses to separate recycling and composting from garbage. An SPU study of more than 300 multifamily buildings indicates that methods such as floor-by-floor availability of collection containers have been successful and are needed to support residents to comply with recycling requirements and help Seattle achieve the 70% goal.

In addition, Seattle's 2013 Solid Waste Plan highlighted that as Seattle grows denser, it faces challenges in ensuring sufficient space inside buildings and at collection points such as curbs and alleys. This Land Use Code proposal includes additional detail about minimum solid waste storage room dimensions, access for collection trucks, slopes, and staging location sufficiency, in order to ensure that containers can be moved and placed for pick-up on collection days. SPU already reviews new development proposals according to these principles, and the proposed amendments better state the minimum requirements to allow appropriate storage and safe collection service.

The proposal adds language specifying a floor-area exemption for on-floor solid waste collection areas and chutes for residential uses. This ensures that providing space for these important solid waste facilities do not consume permissible building floor area and reduce residential-dwelling-unit efficiency in new buildings. This is particularly needed because the proposed collection areas would occur in above-ground floor locations where building floor area has regulatory limits per the Land Use Code.

The proposal also newly specifies longstanding, industry-norm overhead clearance minimums for solid waste trucks to service containers, as follows: 14 feet for containers two cubic yards or smaller in size and not containing compacted materials; and 24 feet for containers larger than two cubic yards and all containers having compacted materials. These clearances would help ensure enough vertical space is available for collection trucks to drive into collection locations or service from the right-of-way.

The proposal also includes numerous edits to refine the precision and clarity of the text's references, such as to staging and collection locations, and describing different kinds of development to which the standards apply.

### **Summary of SEPA environmental review**

A SEPA review by SPU and SDCI has considered the potential for impacts on the natural environment, such as those related to soil disturbance, drainage, water quality, and potential for release of hazardous materials. The analysis concludes no significant adverse impacts would occur because the proposal may only impact future developments in relatively subtle ways, and in ways that primarily affect indoor floor plans and building functions.

SPU and SDCI have also considered the potential for environmental impacts related to land use, historic preservation, cultural resources, noise, transportation, aesthetics, and public services and utilities. The analysis concludes no significant adverse impacts would occur. This is due to a lack of significant physical differences in future development or solid waste servicing that might create significant spillover adverse land use impacts on, or conflict with, adjacent or nearby properties. Solid waste operations would occur with or without the proposal, and no adverse differences relating to noise, transportation, or public services and utilities are identified.

Regarding solid waste utility services, SPU is proposing these code amendments to facilitate permit reviews, outcomes, and service arrangements that will best suit the solid waste utility and provide for long-term effectiveness of the utility, consistent with its policies and practices.

### **Comprehensive Plan Goals and Policies**

The proposal is consistent with following relevant goals and policies in the *Seattle 2035* Comprehensive Plan.

#### ***Utilities Element – service delivery***

##### ***Goal U G1***

*Provide safe, reliable, and affordable utility services that are consistent with the City's aims of environmental stewardship, race and social equity, economic opportunity, and the protection of public health.*

The proposal would ensure that safe and reliable solid waste facilities are available in newly developed uses, by updating details about physical clearances, storage area sizing and accessibility. Providing more convenient collection methods for residents in multi-family buildings would improve equity in solid waste service provision, and improve the City's environmental stewardship by aiding recycling and waste reduction efforts.

*Policy U1.5: Ensure that new private development provides adequate investments to maintain established utility service standards.*

The proposal is consistent with this goal due to the new residential requirements, and by ensuring that new industrial development, and commercial buildings with substantial additions of space, provide adequate on-site solid waste storage. Without this provision, the frequency of collection service would need to increase, with related effects of trucks adding to traffic, pollutant emissions, and more expensive solid waste bills for business owners.

***Utilities Element – utility resource management***

*U2.5 Pursue the long-term goal of diverting most of the city's solid waste away from landfills by increasing recycling, composting, and promoting products that are made to be reused, repaired, or recycled back into nature or the marketplace.*

The proposal supports innovative approaches meant to boost the city's performance in recycling and composting efficiencies. It would ensure that future new development invests in accommodating the solid waste utility with facilities that support good solid waste collection and recycling practices. This is important as the city continues to grow denser. Sufficient space and safe service arrangements are needed to ensure the continuation of effective solid waste utility system services.

**Public Outreach and Notice**

SPU and SDCI have conducted stakeholder outreach in approximately seven meetings, beginning in 2018, which addressed how the recommended changes may affect building design and solid waste utility services. The SEPA environmental review for the proposal included analysis and disclosure of impacts, and included opportunities for comment.

SPU and SDCI will continue stakeholder outreach throughout the legislative process. A public hearing on the proposed legislation will be scheduled before the Council's Land Use and Neighborhoods Committee in 2020. Additional opportunities to provide input will occur as the City Council deliberates on the proposal.

**Recommendation**

The Directors of SPU and SDCI recommend that the City Council adopt the proposed ordinance to update solid waste storage and access requirements in the Land Use Code.