

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

Project Name: Proposed revisions to Land Use Code regulations regarding sidewalks and pedestrian-related improvements.

Applicant Name: City of Seattle - Department of Planning and Development

Address of Proposal: City of Seattle, State of Washington

SUMMARY OF PROPOSED ACTION

The proposal is to amend the Land Use Code to require the construction of sidewalks associated with any development with an Urban Center, Urban Village, or adjacent to an arterial.

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 another agency with jurisdiction.

Background

A significant portion of city streets do not have sidewalks or designated pathways for pedestrian passage. Through both City and private investment, progress is slowly being made to increase the inventory of sidewalks. However, current regulations include project thresholds and exceptions that exempt developments of a certain size or type from making full improvements for pedestrians, thereby impeding progress in adding to the city's pedestrian infrastructure. Specifically:

- New multi-family development is being developed without the necessary infrastructure—sidewalks—to support the resulting increase in population density;
- Infrastructure is created piecemeal, where gaps exist between segments of fully improved sidewalks; and
- Improvements are made per Land Use Code requirements that are sometimes inappropriate for the particular circumstance; such as when traditional sidewalk, curb, and gutters are constructed within a creek watershed that may otherwise be better served by a more environmentally sustainable drainage and pedestrian walkway design.

In sum, the current outcome of new development is often an inconsistent and incomplete pedestrian network that may not match local conditions and needs. In some situations, it also results in unwarranted expense to the applicant for an improvement that does not advance City policy with regard to the treatment of critical environmental areas.

The Proposal

The proposal is to amend the Land Use Code to require sidewalks in conjunction with any development—residential or commercial—within an Urban Center, Urban Village, or adjacent to an arterial; and further, that sidewalks be built in conjunction with any development that includes three (3) units of housing or greater in areas outside of Urban Centers, Urban Villages, and away from arterials. The objective is to advance the creation of a safe, contiguous, and geographically-appropriate pedestrian network. Toward that end, a new section would be added to Title 23, Chapter 53: Requirements for Streets, Alleys, and Easements of the Seattle Municipal Code to describe pedestrian access and circulation requirements. In addition, the following land use sections of the Seattle Municipal Code would be amended to reference new sidewalk requirements:

Chapter 23.22, Subdivisions

- 23.22.052 Dedications required
- 23.22.100 Design standards

Chapter 23.24, Short Plats

- 23.24.020 Content of Application
- 23.24.035 Access
- 23.24.040 Criteria for Approval

Chapter 23.47, Commercial

- 23.47.034 Sidewalk requirements

Chapter 23.53, Requirements for Streets, Alleys, and Easements

- 23.53.015 Improvement requirements for existing streets in residential and commercial zones
- 23.53.020 Improvement requirements for existing streets in industrial zones

Public Comment

The public has been provided opportunity for comment through both written and verbal comment. Opportunity for further comment and appeal is provided as a part of this determination. On March 27th, 2007 the Department of Planning and Development hosted an open house at City Hall to explain the sidewalks proposal. Presentations were also made during March and April to the Seattle Community Council Federation, the Seattle Pedestrian Advisory Board, the North District Council, and the Issues Committee of the Great City Initiative organization. Lastly, DPD has received and responded to approximately a dozen e-mails and telephone inquiries about the sidewalk proposal. Public comments were divided, with a majority supporting stronger sidewalk requirements, but some, especially homebuilders, that questioned the cost and potentially non-continuous pattern of sidewalk improvements.

ANALYSIS - SEPA

This proposal is for adoption of legislation and is defined as a non-project action. This action is not specifically addressed as a Categorical Exemption (SMC 25.05.800), and therefore is analyzed for probable significant adverse environmental impacts.

The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the applicant dated June 20, 2007. The information in the checklist, the Director's Report and Recommendation, and other information provided by the applicant and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

As described above, the proposal would require that sidewalks be constructed, with or without other street improvements, in conjunction with nearly any size or type of new development—residential or commercial—within Urban Centers, Urban Villages, and adjacent to designated City arterials. Exceptions to the requirements would be made only for additions or remodels to an existing structure if the addition or remodel is less than 500 square feet. Also, the threshold for requiring sidewalks in all remaining areas of the city (outside Urban Centers, Urban Villages, and adjacent to non-arterials) would be reduced to three (3) or more residential units, down from ten (10) or more residential units in Single-Family, LDT (Lowrise Duplex Triplex), and Lowrise 1 zones and six (6) or more residential units in all other zones as per existing code. There would be no threshold for new commercial projects; all would require sidewalks.

The checklist for this proposed legislation summarized the impacts associated with these sidewalk requirements, both positive and negative. Impacts are most likely positive with respect to land use and transportation; negative impacts are most likely to occur in the areas of water quality and drainage as described below.

Land Use

The requirement for sidewalks throughout Urban Centers, Urban Villages, and adjacent to arterials is intended to concentrate infrastructure within the areas designated by the Comprehensive Plan to receive the most growth and the majority of transit service. With additional infrastructure that has greater continuity and completeness, it is likely there will be more pedestrian traffic, safer conditions for pedestrians, and a more frequent choice of walking over driving for short trips. It is also likely that the presence of more pedestrians will support those uses that depend or thrive on pedestrian traffic, thereby encouraging economic diversity and vitality to neighborhoods. Over time, the cumulative impact of the requirements will probably lead to the extension of a network of pedestrian walkways throughout villages and centers and further into neighborhoods with unimproved streets.

Potential adverse impacts could also include increases in the cost of housing to the extent that sidewalk costs are factored in to the price of each dwelling unit, and the potential for slowed development and/or a shift to areas outside of Urban Centers and Urban Villages in response to increased requirements. However, such shifts in growth patterns would be

a relatively unlikely trend, given real estate and development attractions that are already present in denser Seattle neighborhoods and likely to continue.

Transportation

The requirement for sidewalks in Urban Centers, Urban Villages, and adjacent to arterials is consistent with the location of the majority of transit services available citywide, and would provide support to transit by ensuring the availability of safe and clear access for pedestrians to transit centers and stops. The legislation is likely to result in sidewalk infill in locations where segments of sidewalk are missing from an otherwise improved street network. As a corollary, it is likely that more pedestrian-friendly streets will encourage greater transit accessibility, ridership and improved pedestrian safety.

In some instances, the requirement for sidewalks may result in fragments of sidewalks that exist among otherwise mostly unimproved areas. The transitions between the improved and unimproved areas should be addressed carefully to ensure pedestrian safety.

Stormwater

The requirements for sidewalks will add to the amount of impervious surface within Urban Centers, Urban Villages, and adjacent to arterials. In the worst case, this could slightly increase the potential for increased stormwater runoff and related impacts such as erosion, damage to water quality, and overburdening of the stormwater and/or combined sewer systems. Such impacts could occur where area-specific topographic and surface conditions combine with a scarcity of local drainage systems to allow for uncontrolled or lightly controlled stormwater flows. This is much less likely to occur within Urban Villages and Urban Centers than other parts of the city, but may be possible. In the lower-density areas where there is often variable topography and possibly less-improved drainage systems, this potential impact is perhaps more likely to occur.

In order to avoid or mitigate these potential impacts, development proposals would continue to comply with drainage requirements, which generally require an applicant to demonstrate how stormwater drainage will be addressed, either on-site or by tying into an existing drainage system. It is thought that existing drainage code requirements are adequate to address incremental increases in runoff due to the construction of additional sidewalks in the areas addressed by the proposed legislation.

Environmentally Critical Areas

Within Urban Centers and Urban Villages, and along arterials, there is likely to be land that is considered environmentally critical by virtue of the existence of a designated riparian corridor, creek watershed, wetland, and/or landslide and steep slope area. In the vicinity of such areas, construction activity potentially could result in impacts to these areas. Approval of proposed sidewalks would continue to be contingent upon also meeting applicable Environmentally Critical Areas regulations. If necessary to mitigate adverse impacts from additional sidewalks in environmentally critical areas, exemption from sidewalk improvement requirements will be possible.

DECISION - SEPA

This document constitutes the Threshold Determination and form. The decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

- Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

None.

Signature: _____ Date: _____,
Land Use Planner
Department of Planning and Development