

Ordinance No. 122205

Council Bill No. 115689

An ordinance relating to land use and zoning; amending Seattle Municipal Code Sections 3.06.040, 3.12.020, 23.22.052, 23.22.100, 23.24.035, 23.53.010, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.71.008, 23.84.032 and 23.84.036, and adding a new Section 23.53.004 to update references to the Right-of-Way Improvements Manual, and clarify Department Director authority to require street improvements associated with development projects.

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Patricia ...

Councilmember

(E) Pass Cas amended

Committee Action:

3-0
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CF No. _____

Date Introduced:	<u>AUG - 7 2006</u>	
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Date Re - Referred:		To: (committee)
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Law Department

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ORDINANCE 122205

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 3.06.040, 3.12.020, 23.22.052, 23.22.100, 23.24.035, 23.53.010, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.71.008, 23.84.032 and 23.84.036, and adding a new Section 23.53.004 to update references to the Right-of-Way Improvements Manual, and clarify Department Director authority to require street improvements associated with development projects.

WHEREAS the former "Street Improvement Manual" has been updated and renamed the "Right-of-Way Improvements Manual;" and

WHEREAS Chapters 3 and 4 of the Right-of-Way Improvement Manual are approved by Director's Rules by the Directors of the Seattle Department of Planning and Development and the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.06.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:

3.06.040 Director -- Agreements, rules and regulations.

The Director of Planning and Development is authorized to enter into such agreements, including interdepartmental agreements, consistent with provisions of law and the City Charter, as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Department of Planning and Development and may establish such rules, procedures and regulations, consistent with this chapter and other ordinances, as may appear necessary and proper including rules interpreting Municipal Code provisions and establishing standards as authorized by the Code.



1 Section 2. Section 3.12.020 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 118409, is amended as follows:

3 **3.12.020 Adoption of rules.**

4 Pursuant to the Administrative Code (Ordinance 102228),1 the Director of
5 Transportation may adopt whatever rule he or she deems useful for the conduct of the
6 Department's business including rules interpreting Municipal Code provisions and establishing
7 standards authorized by the Code.
8

9
10 Section 3. Section 23.22.052 of the Seattle Municipal Code, which Section was last
11 amended by Ordinance 118012, is amended to read as follows:

12 **23.22.052 Dedications required.**

13 * * *

14 G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and ((Street
15 Improvement Manual))the Right-of-Way Improvements Manual. Easements shall meet the
16 requirements of Section 23.53.025.

17 Section 4. Section 23.22.100 of the Seattle Municipal Code, which Section was last
18 amended by Ordinance 121477, is amended to read as follows:

19 **23.22.100 Design standards.**

20 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
21 standards set forth in this subsection:

22 A. Streets and Alleys.

23 1. All subdivisions shall be served by one (1) or more streets providing adequate
24 ingress and egress to and from the subdivision.

25 2. New streets within each subdivision shall conform with the City's thoroughfare
26 and circulation plans and shall provide for the continuation of streets that serve the property



1 contiguous to the subdivision. Streets serving lots on two (2) sides shall be at least sixty (60) feet
2 wide unless a narrower street is warranted by special physical circumstances as determined by the
3 Director, in consultation with the Director (~~of Seattle Department~~) of Transportation, or as
4 specified in (~~Table 7~~) Section 3.1.2b (for nonarterial streets) or (~~Appendix A~~) 3.1.1a (for
5 arterials) of the (~~Street Improvement Manual~~) Right-of-Way Improvements Manual.

6 3. Street intersections shall be as nearly at right angles as practicable and in no
7 event shall the angle formed be less than thirty (30) degrees.

8 4. A cul-de-sac shall be designed according to the (~~Street Improvement~~
9 ~~Manual~~) Right-of-Way Improvements Manual to provide a circular turnaround at the closed end.
10 A tee or other reasonable alternative may be authorized by the Hearing Examiner in lieu of the
11 turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the
12 right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser
13 width will be permitted.

14 5. Street networks shall provide ready access for fire and other emergency
15 vehicles and equipment, and routes of escape for inhabitants.

16 6. Alleys shall be at least sixteen (16) feet wide plus such additional width as
17 shall be necessary for an adequate turning radius.

18 * * *

19 Section 5. Section 23.24.035 of the Seattle Municipal Code, which Section was last
20 amended by Ordinance 115568, is amended to read as follows:

21 **23.24.035 Access.**

22 * * *

23 E. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the
24 (~~Street Improvement Manual~~) Right-of-Way Improvements Manual. Easements shall meet the
25 requirements of Section 23.53.025.



1 Section 6. A new Section 23.53.004 of the Seattle Municipal Code is adopted to read
2 as follows:

3 **23.53.004 Requirements and design criteria.**

4 Where, because of specific site conditions, the requirements of this Chapter do not protect
5 public health, safety and welfare, the Director of Transportation and the Director of Planning and
6 Development together may impose different or additional right-of-way improvement
7 requirements consistent with the Right-of-Way Improvements Manual.

8 Section 7. Section 23.53.010 of the Seattle Municipal Code, which Section was last
9 amended by Ordinance 121782, is amended to read as follows:

10 **23.53.010 Improvement requirements for new streets in all zones.**

11 A. General Requirements. New streets created through the platting process or otherwise
12 dedicated shall meet the requirements of this chapter and the ((current Street Improvement
13 Manual))Right-of-Way Improvements Manual.

14 B. Required Right-of-way Widths for New Streets.

15 1. Arterial and Downtown Streets. New streets located in downtown zones, and
16 new arterials, shall be designed according to the ((Street Improvement Manual))Right-of-Way
17 Improvements Manual.

18 2. Nonarterials Not in Downtown Zones.

19 a. The required right-of-way widths for new nonarterial streets not located
20 in downtown zones shall be as shown on Chart A for Section 23.53.010:

21
22 **Chart A**
23 **for Section 23.53.010**

Zone Category	Required Right-of-Way Width
1. SF, LDT, L1, NC1	50'
2. L2, L3, L4, NC2	56'
3. MR, HR, NC3, C1, C2, SCM, IB, IC	60'
4. IG1, IG2	66'



1 b. When a block is split into more than one (1) zone, the zone category
2 with the most frontage shall determine the right-of-way width on the chart. If the zone categories
3 have equal frontage, the one with the wider requirement shall be used to determine the minimum
4 right-of-way width.

5 3. Exceptions to Required Right-of-way Widths. The Director, after consulting
6 with the Director of Transportation, may reduce the required right-of-way width for a new street
7 when ((location))located in an environmentally critical area or buffer, disruption of existing
8 drainage patterns, or removal of natural features such as significant trees makes the required
9 right-of-way width impractical or undesirable.

10 Section 8. Section 23.53.015 of the Seattle Municipal Code, which Section was last
11 amended by Ordinance 121828, is amended to read as follows:

12 **23.53.015 Improvement requirements for existing streets in residential and commercial**
13 **zones.**

14 A. General Requirements.

15 1. In residential or commercial zones, when new lots are proposed to be created,
16 or any type of development is proposed, existing streets abutting the lot(s) shall be required to be
17 improved in accordance with this section. One (1) or more of the following types of
18 improvements may be required:

- 19 a. Pavement;
- 20 b. Curb and sidewalk installation;
- 21 c. Drainage;
- 22 d. Grading to future right-of-way grade;
- 23 e. Design of structures to accommodate future right-of-way grade;
- 24 f. No-protest agreements;
- 25 g. Planting of street trees and other landscaping.



1 A setback from the property line, or dedication of right-of-way, may be required to
2 accommodate the improvements.

3 2. Subsection D of this section contains exceptions from the standard
4 requirements for street improvements, including exceptions for streets which already have curbs,
5 projects which are smaller than a certain size, and for special circumstances, such as location in
6 an environmentally critical area or buffer.

7 3. Off-site improvements, such as provision of drainage systems or fire access
8 roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the
9 impacts of development.

10 4. Detailed requirements for street improvements are located in the ((Street
11 Improvement Manual))Right-of-Way Improvements Manual, as adopted by joint rule of the
12 Director and the Director of Transportation.

13 5. The regulations in this section are not intended to preclude the use of Chapter
14 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
15 environmental impacts.

16 6. Minimum Right-of-Way Widths.

17 a. Arterials. The minimum right-of-way widths for arterials designated on
18 Exhibit 23.53.015 A shall be as specified in the ((Street Improvement Manual))Right-of-Way
19 Improvements Manual. (See Exhibit 23.53.015 A.)

20 b. Nonarterials.

21 (1) The minimum right-of-way width for an existing street which
22 is not an arterial designated on Exhibit 23.53.015 A shall be as show on chart A for Section
23 23.53.015.

Chart A for Section 23.53.015

Minimum Right-of-Way Widths for Existing Nonarterial Streets

Zone Category	Required Right-of-Way Width
1. SF, LDT, L1, L2 and NC1 zones; and NC2 zones with a maximum height limit of forty feet (40') or less	40 feet
2. L3, L4, MR, HR, NC2 zones with height limits of more than forty feet (40'), NC3, C1, C2 and SCM zones	52 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements to Arterials. Except as provided in subsection D ~~((of))~~ of this section, arterials shall be improved according to the following requirements:

1. When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

C. Improvements to Nonarterial Streets. Except as provided in subsection D of this section, nonarterial streets shall be improved according to the following requirements:

1. Nonarterial Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.



1 a. When an existing nonarterial street right-of-way is greater than or equal
2 to the minimum right-of-way width established in subsection A6, a paved roadway with a
3 concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in
4 which the lot is located shall be provided, according to the ((~~Street Improvement Manual~~))Right-
5 of-Way Improvements Manual.

6 b. Fire Access. If the lot does not have vehicular access from a street or
7 private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle
8 Fire Code,¹ such access shall be provided. When an existing street does not meet these
9 regulations, the Chief of the Fire Department may approve an alternative which provides
10 adequate emergency vehicle access.

11 c. Dead-end Streets. Streets that form a dead end at the property to be
12 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
13 the ((~~Street Improvement Manual~~))Right-of-Way Improvements Manual. The Director, in
14 consultation with the Director of Transportation, shall determine whether the street has the
15 potential for being extended or whether it forms a dead end because of topography and/or the
16 layout of the street system.

17 2. Nonarterial Streets With Less Than the Minimum Right-of-Way Width.

18 a. Dedication Requirement. When an existing nonarterial street has less
19 than the minimum right-of-way width established in subsection A6 of this section, dedication of
20 additional right-of-way equal to half the difference between the current right-of-way width and
21 the minimum right-of-way width established in subsection A6 of this section shall be required;
22 provided, however, that if right-of-way has been dedicated since 1982, other lots on the block
23 shall not be required to dedicate more than that amount of right-of-way.

24 b. Improvement Requirement. A paved roadway with a concrete curb and
25 sidewalk, drainage facilities and any landscaping required by the zone in which the lot is located
26



1 shall be provided in the portion of the street right-of-way abutting the lot, according to the (Street
2 Improvement Manual))Right-of-Way Improvements Manual.

3 c. Fire Access. If the lot does not have vehicular access from a street or
4 private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle
5 Fire Code, such access shall be provided. When an existing street does not meet these
6 regulations, the Chief of the Fire Department may approve an alternative which provides
7 adequate emergency vehicle access.

8 d. Dead-end Streets. Streets that form a dead end at the property to be
9 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
10 the ((Street Improvement Manual))Right-of-Way Improvements Manual. The Director, in
11 consultation with the Director of Transportation, shall determine whether the street has the
12 potential for being extended or whether it forms a dead end because of topography and/or the
13 layout of the street system.

14 D. Exceptions.

15 1. Streets With Existing Curbs.

16 a. Streets With Right-of-Way Greater Than or Equal to the Minimum
17 Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than
18 or equal to the minimum width established in subsection A6 of this section, but the roadway
19 width is less than the minimum established in the ((Street Improvement Manual))Right-of-Way
20 Improvements Manual, the following requirements shall be met:

21 (1) All structures on the lot shall be designed to accommodate the
22 grade of the future street improvements.

23 (2) A no-protest agreement to future street improvements shall be
24 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King
25 County Department of Records and Elections.



1 (3) If there is no sidewalk, a sidewalk shall be constructed in the
2 portion of the right-of-way abutting the lot, except when the following types of projects are
3 proposed:

- 4 i. Remodeling and use changes within existing structures;
5 and
6 ii. Additions to existing structures which are exempt from
7 environmental review.

8 b. Streets With Less than the Minimum Right-of-Way Width. When a
9 street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width
10 established in subsection A5 of this section, the following requirements shall be met:

11 (1) Setback Requirement. A setback equal to half the difference
12 between the current right-of-way width and the minimum right-of-way width established in
13 subsection A6 of this section shall be required; provided, however, that if a setback has been
14 provided under this provision, other lots on the block shall provide the same setback. In all
15 residential zones except Highrise zones, an additional three (3) foot setback shall also be
16 required. The area of the setback may be used to meet any development standards, except that
17 required parking may not be located in the setback. Underground structures that would not
18 prevent the future widening and improvement of the right-of-way may be permitted in the
19 required setback by the Director (~~of Planning and Development~~) after consulting with the
20 Director of Transportation.

21 (2) Grading Requirement. When a setback is required, all structures
22 on the lot shall be designed to accommodate the grade of the future street according to the
23 ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

1 (3) No-protest Agreement Requirement. A no-protest agreement to
2 future street improvements shall be required, as authorized by RCW Chapter 35.43. The
3 agreement shall be recorded with the King County Department of Records and Elections.

4 2. Projects With Reduced Improvement Requirements.

5 a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling
6 units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed
7 to be created, the following requirements shall be met:

8 (1) If there is no existing hard-surfaced roadway, a crushed-rock
9 roadway at least sixteen (16) feet in width shall be required, according to the ((Street
10 Improvement Manual))Right-of-Way Improvements Manual.

11 (2) All structures on the lot(s) shall be designed to accommodate
12 the grade of the future street improvements.

13 (3) A no-protest agreement to future street improvements shall be
14 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King
15 County Department of Records and Elections.

16 b. Other Projects With Reduced Requirements. The types of projects
17 listed in this subsection D2b are exempt from right-of-way dedication requirements and are
18 subject to the street improvement requirements of this subsection:

19 (1) Types of Projects.

20 i. Proposed developments that contain fewer than ten (10)
21 units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

22 ii. The following uses when they are smaller than seven
23 hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and
24 multipurpose convenience stores;

1 3. Exceptions from Required Street Improvements. The Director may waive or
2 modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest
3 agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or
4 more of the following conditions are met:

5 a. Location in an environmentally critical area or buffer, disruption of
6 existing drainage patterns, or removal of natural features such as significant trees makes
7 widening and/or improving the right-of-way impractical or undesirable.

8 b. The existence of a bridge, viaduct or structure such as a substantial
9 retaining wall makes widening the right-of-way impractical or undesirable.

10 c. Widening the right-of-way and/or improving the street would adversely
11 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City
12 plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with
13 the stated goals of such a plan.

14 d. Widening and/or improving the right-of-way would eliminate street
15 access to an existing lot.

16 e. Widening and/or improving the right-of-way would make building on a
17 lot infeasible by reducing it to dimensions where development standards cannot reasonably be
18 met.

19 f. One (1) or more substantial principal structures on the same side of the
20 block as the proposed project are located in the area needed for future expansion of the right-of-
21 way and the structure(s)' condition and size make future widening of the remainder of the right-
22 of-way unlikely.

23 g. Widening and/or improving the right-of-way is impractical because
24 topography would preclude the use of the street for vehicular access to the lot, for example due to
25 an inability to meet the required twenty (20) percent maximum driveway slope.



1 h. Widening and/or improving the right-of-way is not necessary because it
2 is adequate for current and potential pedestrian and vehicular traffic, for example, due to the
3 limited number of lots served by the development or because the development on the street is at
4 zoned capacity.

5 Section 9. Section 23.53.020 of the Seattle Municipal Code, which Section was last
6 amended by Ordinance 121477, is amended to read as follows:

7 **23.53.020 Improvement requirements for existing streets in industrial zones.**

8 A. General Requirements.

9 1. When new lots are created or any type of development is proposed in an
10 industrial zone, existing streets abutting the lot(s) shall be required to be improved in accordance
11 with this section. One (1) or more of the following types of improvements may be required:

- 12 a. Pavement;
- 13 b. Curb and sidewalk installation;
- 14 c. Pedestrian walkways;
- 15 d. Drainage;
- 16 e. Grading to future right-of-way grade;
- 17 f. Design of structures to accommodate future right-of-way grade;
- 18 g. No-protest agreements;
- 19 h. Planting of street trees and other landscaping.

20 A setback from the property line, or dedication of right-of-way may be required to
21 accommodate the improvements.

22 2. Subsection E of this section contains exceptions from the standard
23 requirements for streets which already have curbs, projects which are smaller than a certain size,
24 and for special circumstances, such as location in an environmentally critical area.



1 categories have equal frontage, the one with the wider requirement shall be used to determine the
2 minimum right-of-way width.

3 B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones,
4 except as provided in subsection E of this section, when a lot abuts a street designated on the
5 Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-
6 site improvements shall be provided:

7 1. Dedication Requirement. When the street right-of-way is less than the
8 minimum width established in subsection A6 of this section, dedication of additional right-of-
9 way equal to half the difference between the current right-of-way and the minimum right-of-way
10 width established in subsection A of this section shall be required; provided, however, that if
11 right-of-way has been dedicated since 1982, other lots on the block shall not be required to
12 dedicate more than that amount of right-of-way.

13 2. Curbs and Sidewalks. A paved roadway with a concrete curb and sidewalk and
14 drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as
15 specified in the ((~~Street Improvement Manual~~))Right-of-Way Improvements Manual.

16 3. Street Trees.

17 a. Street trees shall be provided along designated street frontages. Street
18 trees shall be provided in the planting strip according to City Tree Planting Standards.

19 b. Exceptions to Street Tree Requirements.

20 (1) Street trees required by subsection B3a may be located on the
21 lot at least two (2) feet from the street lot line instead of in the planting strip when:

22 i. Existing trees and/or landscaping on the lot provide
23 improvements substantially equivalent to those required in this section;

24 ii. It is not feasible to plant street trees according to City
25 standards. A five (5) foot deep landscaped setback area shall be required along the street property
26

1 lines and trees shall be planted there. If an on-site landscaped area is already required, the trees
2 shall be planted there if they cannot be placed in the planting strip.

3 C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in subsection E
4 of this section, the following improvements shall be required in IG1 and IG2 zones. Further
5 improvements may be required on streets designated in subsection B of this section.

6 1. Pedestrian Walkway Requirement. When an existing street right-of-way abuts
7 a lot and the street does not have curbs, pedestrian walkways shall be provided according to the
8 ~~((Street Improvement Manual))~~Right-of-Way Improvements Manual.

9 2. Setback Requirement. When the right-of-way abutting a lot has less than the
10 minimum width established in subsection A6 of this section, a setback equal to half the
11 difference between the current right-of-way width and the minimum right-of-way width
12 established in subsection A of this section shall be required; provided, however, that if a setback
13 has been provided under this provision, other lots on the block shall provide the same setback.
14 The area of the setback may be used to meet any development standards, except that required
15 parking may not be located in the setback. Underground structures which would not prevent the
16 future widening and improvement of the right-of-way may be permitted in the required setback
17 by the Director ~~((of Construction and Land Use))~~after consulting with the Director of
18 Transportation.

19 3. Grading Requirement. When an existing street abutting a lot is less than the
20 width established in subsection A6 of this section, all structures shall be designed to
21 accommodate the grade of the future street improvements.

22 4. Fire Access. If the lot does not have vehicular access from a street or private
23 easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire
24 Code, such access shall be provided. When an existing street does not meet these regulations, the
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1 Chief of the Fire Department may approve an alternative which provides adequate emergency
2 vehicle access.

3 5. Dead-end Streets. Streets that form a dead end at the property to be developed
4 shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ((Street
5 Improvement Manual))Right-of-Way Improvements Manual. The Director, after consulting with
6 the Director of Transportation, shall determine whether the street has the potential for being
7 extended or whether it forms a dead end because of topography and/or the layout of the street
8 system.

9 6. No-protest Agreement Requirement. When a setback and/or pedestrian
10 walkway is required according to subsections C1 and/or C2, a no-protest agreement to future
11 street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement
12 shall be recorded with the King County Department of Records and Elections.

13 D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones. Except as provided in
14 subsection E of this section, the following improvements shall be provided in IB and IC zones:

15 1. The requirements of this subsection D1 shall apply when projects are proposed
16 on lots in IB zones which are directly across a street from, or which abut, a lot in a residential or
17 commercial zone, and to all projects in IC zones:

18 a. Improvements to Arterials.

19 (1) When a street is designated as an arterial on Exhibit 23.53.015
20 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping
21 required by the zone in which the lot is located shall be provided in the portion of the street right-
22 of-way abutting the lot, according to the ((Street Improvement Manual))Right-of-Way
23 Improvements Manual.

1 (2) If necessary to accommodate the right-of-way widths specified
2 in the ((~~Street Improvement Manual~~))Right-of-Way Improvements Manual, dedication of right-
3 of-way shall be required.

4 b. Improvements to Nonarterial Streets.

5 (1) Nonarterial Streets With Right-of-way Greater Than or Equal
6 to the Minimum Width.

7 i. When an existing non-arterial street right-of-way is
8 greater than or equal to the minimum right-of-way width established in subsection A6 of this
9 section, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any
10 landscaping required by the zone in which the lot is located shall be provided in the portion of
11 the street right-of-way abutting the lot, according to the ((~~Street Improvement Manual~~))Right-of-
12 Way Improvements Manual.

13 ii. If the lot does not have vehicular access from a street or
14 private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle
15 Fire Code, such access shall be provided. When an existing street does not meet these
16 regulations, the Chief of the Fire Department may approve an alternative which provides
17 adequate emergency vehicle access.

18 iii. Streets that form a dead end at the property to be
19 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
20 the ((~~Street Improvement Manual~~))Right-of-Way Improvements Manual. The Director, after
21 consulting with the Director of Transportation, shall determine whether the street has the
22 potential for being extended or whether it forms a dead end because of topography and/or the
23 layout of the street system.

24 (2) Nonarterial Streets Which Have Less Than the Minimum
25 Right-of-way Width.



1 i. Dedication Requirement. When an existing nonarterial
2 street has less than the minimum right-of-way established in subsection A6 of this section,
3 dedication of additional right-of-way equal to half the difference between the current right-of-
4 way width and the minimum right-of-way width established in subsection A of this section shall
5 be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on
6 the block shall not be required to dedicate more than that amount of right-of-way.

7 ii. Improvement Requirement. A paved roadway with a
8 concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in
9 which the lot is located shall be provided in the portion of the street right-of-way abutting the lot,
10 according to the ((~~Street Improvement Manual~~))Right-of-Way Improvements Manual.

11 iii. Fire Access. If the lot does not have vehicular access
12 from a street or private easement which meets the regulations for fire access roads in Chapter 10
13 of the Seattle Fire Code, such access shall be provided.

14 iv. Dead-end Streets. When an existing street does not
15 meet these regulations, the Chief of the Fire Department may approve an alternative which
16 provides adequate emergency vehicle access. The Director, after consulting with the Director of
17 Transportation, shall determine whether the street has the potential for being extended or whether
18 it forms a dead end because of topography and/or the layout of the street system.

19 2. When projects are proposed on lots in IB zones which are not directly across a
20 street from, and do not abut, a lot in a residential or commercial zone, the requirements of
21 subsection C of this section shall be met.

22 E. Exceptions.

23 1. Streets With Existing Curbs.

24 a. Streets With Right-of-way Greater Than or Equal to the Minimum
25 Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be
26
27
28

1 required by subsections B or D of this section, and the existing right-of-way is greater than or
2 equal to the minimum width established in subsection A of this section, but the roadway width is
3 less than the minimum established in the ((~~Street Improvement Manual~~))Right-of-Way
4 Improvements Manual, the following requirements shall be met:

5 (1) All structures on the lot shall be designed to accommodate the
6 grade of the future street improvements.

7 (2) A no-protest agreement to future street improvements shall be
8 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to
9 the property with the King County Department of Records and Elections.

10 (3) If there is no sidewalk, a sidewalk shall be constructed, except
11 when the following projects are proposed:

12 i. Remodeling and use changes within existing structures;
13 ii. Additions to existing structures which are exempt from
14 environmental review.

15 b. Streets With Less Than the Minimum Right-of-way Width. When a
16 street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width
17 established in subsection A6 of this section, the following requirements shall be met:

18 (1) Setback Requirement. A setback equal to half the difference
19 between the current right-of-way width and the minimum right-of-way width established in
20 subsection A6 of this section shall be required; provided, however, that if a setback has been
21 provided under this provision, other lots on the block shall provide the same setback. The area of
22 the setback may be used to meet any development standard, except that required parking may not
23 be located in the setback. Underground structures which would not prevent the future widening
24 and improvements of the right-of-way may be permitted in the required setback by the Director
25 after consulting with the Director of Transportation.

1 (2) Grading Requirement. When a setback is required, all
2 structures on the lot shall be designed to accommodate the grade of the future street, according to
3 the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

4 (3) A no-protest agreement to future street improvements shall be
5 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to
6 the property with the King County Department of Records and Elections.

7 2. Projects with Reduced Improvement Requirements. The following types of
8 projects are exempt from all dedication and improvement requirements of subsections B, C and
9 D of this section, but shall meet the setback, grading and no-protest requirements of subsection
10 E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width
11 established in subsection A of this section or does not meet the grade of future street
12 improvements.

- 13 a. Structures with fewer than ten (10) artist's studio dwellings;
- 14 b. The following uses when they are smaller than seven hundred fifty
15 (750) square feet of gross floor area: major and minor vehicle repair uses(±), and multipurpose
16 convenience stores;
- 17 c. Nonresidential structures which have less than four thousand (4,000)
18 square feet of gross floor area and which do not contain uses listed in subsection E2b of this
19 section which are larger than seven hundred fifty (750) square feet;
- 20 d. Structures containing a mix of artist's studio dwellings and
21 nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square
22 footage of nonresidential use is less than specified in subsections E2b and E2c of this section;
- 23 e. Remodeling and use changes within existing structures;
- 24 f. Additions to existing structures which are exempt from environmental
25 review; and
- 26
- 27
- 28

1 g. Expansions of a surface parking area or open storage area of less than
2 twenty (20) percent of parking area or storage area or number of parking spaces.

3 3. Exceptions from Required Street Improvement Requirements. The Director
4 may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest
5 agreements, landscaping and sidewalk and pedestrian walkway installation when it is determined
6 that one (1) or more of the following conditions are met:

7 a. Location in an environmentally critical area or buffer, disruption of
8 existing drainage patterns, or removal of natural features such as significant trees makes
9 widening and/or improving the right-of-way impractical or undesirable.

10 b. The existence of a bridge, viaduct or structure such as a substantial
11 retaining wall makes widening the right-of-way impractical or undesirable.

12 c. Widening the right-of-way and/or improving the street would adversely
13 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City
14 plan for Green Streets, boulevards, or other special right-of-way, or would otherwise conflict
15 with the stated goals of such a plan.

16 d. Widening and/or improving the right-of-way would make building on a
17 lot infeasible by reducing it to dimensions where development standards cannot reasonably be
18 met.

19 e. Widening and/or improving the right-of-way would eliminate street
20 access to an existing lot.

21 f. One (1) or more substantial principal structures on the same side of the
22 block as the proposed project are located in the area needed for future expansion of the right-of-
23 way and the structure(s)' condition and size make future widening of the remainder of the right-
24 of-way unlikely.



1 g. Widening and/or improving the right-of-way is impractical because
2 topography would preclude the use of the street for vehicular access to the lot, for example due to
3 an inability to meet the required twenty (20) percent maximum driveway slope.

4 h. Widening and/or improving the right-of-way is not necessary because it
5 is adequate for current and potential pedestrian and vehicular traffic, for example, due to the
6 limited number of lots served by the development or because the development on the street is at
7 zoned capacity.

8 Section 10. Section 23.53.025 of the Seattle Municipal Code, which Section was last
9 amended by Ordinance 121196, is amended to read as follows:

10 **23.53.025 Access easement standards.**

11 When access by easement has been approved by the Director, the easement shall meet the
12 following standards. Surfacing of easements, pedestrian walkways required within easements,
13 and turnaround dimensions shall meet the requirements of the ((~~Street Improvement~~
14 ~~Manual~~))Right-of-Way Improvements Manual.

15 * * *

16 Section 11. Section 23.53.030 of the Seattle Municipal Code, which Section was last
17 amended by Ordinance 121828, is amended to read as follows:

18 **23.53.030 Alley improvements in all zones.**

19 A. General Requirements.

20 1. The regulations in this section are not intended to preclude the use of Chapter
21 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
22 environmental impacts.

23 2. Subsection G of this section contains exceptions from the standards
24 requirements for alley improvements, including exceptions for projects which are smaller than a
25 certain size and for special circumstances, such as location in an environmentally critical area.

1 (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750)
2 square feet;

3 (4) Structures containing a mix of residential and either
4 nonresidential uses or live-work units, if the residential use is less than ten (10) units, and the
5 total square footage of nonresidential uses and live-work units is less than specified in
6 subsections E1a(2) and E1a(3);

7 (5) Remodeling and use changes within existing structures;

8 (6) Additions to existing structures that are exempt from
9 environmental review; and

10 (7) Expansions of a surface parking area or open storage area of
11 less than twenty (20) percent of parking area or storage area or number of parking spaces.

12 b. For projects not listed in subsection E1a, the entire width of the portion
13 of the alley abutting the lot, and the portion of the alley between the lot and a connecting street,
14 shall be paved. The applicant may choose the street to which the pavement will be installed. If
15 the alley does not extend from street to street, and the connecting street is an arterial designated
16 on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable
17 to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by
18 easement.

19 2. When the alley is not used for access, if the alley is not fully improved, all
20 structures shall be designed to accommodate the grade of the future alley improvements, and a
21 no-protest agreement to future alley improvements shall be required, as authorized by RCW
22 Chapter 35.43. The agreement shall be recorded with the King County Department of Records
23 and Elections.

24 * * *



1 Section 12. Section 23.71.008 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 121362, is amended to read as follows:

3 **23.71.008 Development along major pedestrian streets.**

4 * * *

5 E. Sidewalks.

- 6 1. The owner shall construct a sidewalk no less than twelve (12) feet in width.
7 2. The owner shall plant street trees adjacent to the major pedestrian street. The
8 trees shall meet criteria prescribed by the Director of Transportation.
9 3. Planting strips are prohibited along major pedestrian streets.
10 4. The owner shall install street furniture and planting boxes adjacent to the major

11 pedestrian street. The installation shall conform to the ((Seattle Street Improvement
12 Manual))Right-of-Way Improvements Manual.

13 * * *

14 Section 13. Section 23.84.032 of the Seattle Municipal Code, which Section was last
15 amended by Ordinance 121359, is amended to read as follows:

16 **23.84.032 Definitions -- "R."**

17 * * *

18 "Right-of-Way Improvements Manual" means a set of detailed standards for street, alley
19 and easement construction, adopted by a joint Administrative Rule of Seattle Department of
20 Transportation and the Department of Planning and Development.

21 * * *



1 Section 14. Section 23.84.036 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 121700, is amended to read as follows:

3 **23.84.036 Definitions -- "S."**

4 * * *

5 (~~"Street Improvement Manual" means a set of detailed standards for street, alley and easement~~
6 ~~construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and~~
7 ~~the Department of Planning and Development.~~)

8 * * *

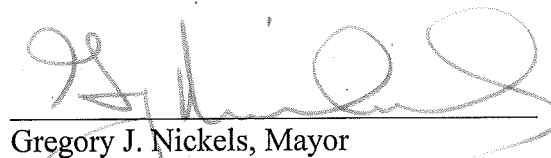
9 Section 15. This ordinance shall take effect and be in force thirty (30) days from and
10 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
11 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12 Passed by the City Council the 14th day of August, 2006, and signed by me in open
13 session in authentication of its passage this 14th day of August, 2006.

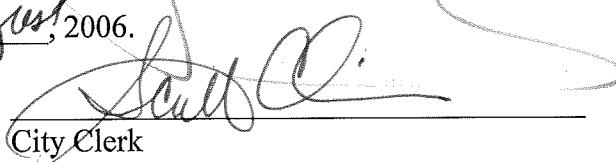
14
15 

16 President _____ of the City Council

17 Approved by me this 17th day of August, 2006.

18
19 
20 Gregory J. Nickels, Mayor

21 Filed by me this 22nd day of August, 2006.

22
23 
24 City Clerk

24 (Seal)
25 t

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Planning and Development	C. Susan McLain 684-0432	Amanda Allen 684-8894

Legislation Title: An ordinance relating to land use and zoning; amending Seattle Municipal Code Sections 3.06.040, 3.12.020, 23.22.052, 23.22.100, 23.24.035, 23.53.010, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.71.008, 23.84.032 and 23.84.036, and adding a new Section 23.53.004 to update references to the Right-of-Way Improvements Manual, and clarify Department Director authority to require street improvements associated with development projects.

• **Summary of the Legislation:**

The bill is a necessary follow-up to recent revisions to the Right-of-Way Improvements Manual. The bill would:

- 1) Update the Land Use Code, removing references to “Street Improvement Manual” and replacing them with “Right-of-Way Improvements Manual;”
- 2) Clarify the relationship between the ROW Improvements Manual and the Land Use Code and acknowledge circumstances when prescriptive requirements may not effectively protect the public’s health safety and welfare; and
- 3) Clarify the directors’ authority to adopt interpretive rules.

• **Background:**

Legal authority for requiring right-of-way improvements associated with development on adjacent property is identified in the Land Use Code. The Right-of-Way (ROW) Improvements Manual specifies thresholds and design and construction requirements. The ROW Manual was recently updated. Subsequently, the directors of the Seattle Department of Transportation and the Seattle Department of Planning and Development signed respective Director’s Rules that formally adopt the two chapters of the Manual that address improvement requirements and design criteria. The proposed amendments are necessary to properly align the Land Use Code and the new ROW Improvements Manual.

Subsequent legislation in the coming year will include amendments to the Land Use Code that will address the thresholds for right-of-way improvements associated with development on adjacent properties.

X This legislation does not have any financial implications.

Attachment A: Director’s Rule and Recommendation



DIRECTOR'S REPORT AND RECOMMENDATION

Land Use Code Amendments related to Right-of-Way Improvements

BACKGROUND

Seattle's street rights-of-way are an important and complex public resource. As the key element of the transportation network throughout the city, they must safely accommodate multiple modes of travel, provide access to private property, and allow for the delivery of utility services. The City works collaboratively with various private and public entities to design, construct, maintain and manage the City's street rights-of-way.

The Right-of-Way (ROW) Improvements Manual was developed by the City of Seattle to help plan for and design street and alley improvements associated with development projects. It is also a resource for City staff and partner agencies, involved with permitting development in the city.

New development often necessitates improvements to rights-of-way. The authority for requiring right-of-way improvements is established in Seattle's Land Use Code (Seattle Municipal Code, Title 23) and, by reference, the Right-of-Way Improvements Manual. The Right-of-Way Improvements Manual specifies the thresholds for when improvements within the ROW are required as well as the detailed requirements for the design and construction of improvements within Seattle's street rights-of-way. These requirements are based upon national transportation standards and are consistent with the City's Comprehensive Plan and Transportation Strategic Plan.

In December, 2005, the directors of the Seattle Department of Planning and Development (DPD) and the Seattle Department of Transportation (SDOT) signed respective Director's Rules (SDOT Director's Rule 2-05 and DPD Director's Rule 22-2005). The Rules formally approved two chapters of the Manual: Chapter 3: *Right-of-Way Improvements Requirements*; and Chapter 4: *Design Criteria*. Chapter 3 of the ROW Improvements Manual summarizes Land Use Code requirements for street and alley improvements. Chapter 4 establishes specific design and installation criteria. The remainder of the manual addresses procedures and permitting, construction and maintenance issues and streetscape design guidelines.

DPD and SDOT continue to work together to improve permit processes between the two departments. Meanwhile, DPD will propose two sets of Land Use Code amendments in the coming year:

- 1) Land Use Code amendments proposed at this time to align the ROW Improvements Manual with the Code; and
- 2) Further amendments are scheduled for Council consideration in early 2007 to address thresholds for right-of-way improvements associated with development.



PROPOSAL SUMMARY

The proposed code amendments would:

- 1) Update the Land Use Code, removing references to “Street Improvement Manual” and replacing them with “Right-of-Way Improvements Manual;”
- 2) Clarify the relationship between the ROW Improvements Manual and the Land Use Code and acknowledge circumstances when prescriptive requirements may not effectively protect the public’s health safety and welfare; and
- 3) Clarify the directors’ authority to adopt interpretive rules.

ANALYSIS

1) Update References.

The ROW Improvements Manual is both a published document and an online resource for applicants, staff and policymakers. Standards and references throughout the document were changed to reflect current best practices. Formerly known as the “Street Improvement Manual,” the title was thought to inadequately reflect the full nature of improvements in public rights-of-way. Improvements include not only surface streets, but sidewalks, drainage and utilities located under streets, alleys, easements and pedestrian paths. “Right-of-Way” reflects the broader mission of the manual. References are changed throughout the Land Use Code and are reflected in the attached bill.

2) Clarify the relationship between the ROW Improvements Manual and the Land Use Code and provide limited discretion to require improvements in order to promote public health, safety and welfare.

The Land Use Code contains requirements for streets adjacent and leading to lots being created, developed, or redeveloped, to be improved or brought up to minimum conditions. These requirements vary by zone. The following sections of the Code identify required street improvements:

- Chapter 23.22 articulates requirements for developers seeking to create new subdivisions within the city.
- Chapter 23.53 requires that streets adjacent and leading to lots being created, developed, or redeveloped, be improved or brought up to the minimum conditions specified in the Land Use Code and in the Street Improvement Manual.
- Section 23.47.040 includes requirements in right of way improvements in Pedestrian designated commercial zones.
- Chapter 23.41 contains the City’s Design Review process.
- Various chapters of the Land Use Code govern requirements for location and access to parking depending on the zone and the use with which it is associated.



However, the Land Use Code cannot contemplate every possible situation. Occasionally Code-required improvements cannot be safely applied. The proposed amendment would provide the Directors of Planning and Development and Transportation the shared authority to modify Land Use Code requirements, to promote the public's health, safety and welfare. Examples include:

- Crushed rock that would normally be the minimum requirement in a particular alley would create hazardous conditions when applied to an unusually steep slope. In this case, the Director of Transportation or the Director of Planning and Development need to be able to require a different surface treatment (e.g. asphalt) in order to establish safe conditions for the public.
- The Land Use Code requires new construction to be designed to the grade of future improved streets. Often, however, the task of grading a portion of the street is not feasible within the context of a length of substandard street. The Director of Transportation and the Director of Planning and Development must possess the discretion to allow for a reasonable and safe solution until such a time that the entire length of street can be improved.

3) Clarify the directors' authority to adopt interpretive rules.

“Interpretive” rules clarify what a regulation means or how it will be applied. Director’s Rules (SDOT Director's Rule 2-05 and DPD Director's Rule 22-2005) contain interpretive rulings. The authority to issue interpretive rules must be expressed or implied by regulations. While authority is arguably implied by our current Code provisions, it is believed necessary to add emphasis and ensure that the authority to issue an interpretive rule is clearly expressed.

Seattle Municipal Code Sections 3.06.040 and 3.12.020 authorize the promulgation of rules that are necessary to carry out legislative requirements. “Rules interpreting Municipal Code provisions and establishing standards authorized by other sections of the Code” are specifically identified in these sections in order to expressly authorize the adoption of interpretive rules.

RECOMMENDATION

The proposed Land Use Code amendments are necessary to update the Land Use Code with respect to the recently approved Right of Way Improvements Manual and with respect to the current legal environment that has changed since the Street Improvement Manual was initially adopted in 1991.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 27, 2006

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

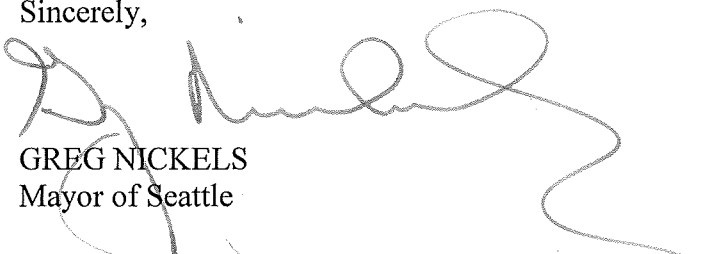
Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill, which amends the Land Use Code based on recent revisions to the Seattle Right-of-Way (ROW) Improvements Manual regarding design and construction requirements in the City's rights of way. After a lengthy public process, the Directors of the Seattle Department of Transportation and the Seattle Department of Planning and Development signed respective rules approving the revisions in the Manual. The attached proposed Bill will update Seattle's Land Use Code to incorporate those revisions.

Later this year, we will transmit another piece of legislation, which will amend the Land Use Code to address thresholds for right-of-way improvements that are associated with private development, such as sidewalk construction.

Thank you for your consideration of the proposed bill. Should you have questions, please contact Susan McLain at (206) 684-0432.

Sincerely,


GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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1 Section 2. Section 3.12.020 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 118409, is amended as follows:

3 **3.12.020 Adoption of rules.**

4 Pursuant to the Administrative Code (Ordinance 102228),1 the Director of
5 Transportation may adopt whatever rule he or she deems useful for the conduct of the
6 Department's business including rules interpreting Municipal Code provisions and establishing
7 standards authorized by the Code.
8

9
10 Section 3. Section 23.22.052 of the Seattle Municipal Code, which Section was last
11 amended by Ordinance 118012, is amended to read as follows:

12 **23.22.052 Dedications required.**

13 * * *

14 G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and ((Street
15 Improvement Manual))the Right-of-Way Improvements Manual. Easements shall meet the
16 requirements of Section 23.53.025.

17 Section 4. Section 23.22.100 of the Seattle Municipal Code, which Section was last
18 amended by Ordinance 121477, is amended to read as follows:

19 **23.22.100 Design standards.**

20 Except as provided in Section 23.22.106, design of all subdivisions shall conform to the
21 standards set forth in this subsection:

22 A. Streets and Alleys.

23 1. All subdivisions shall be served by one (1) or more streets providing adequate
24 ingress and egress to and from the subdivision.

25 2. New streets within each subdivision shall conform with the City's thoroughfare
26 and circulation plans and shall provide for the continuation of streets that serve the property



1 Section 6. A new Section 23.53.004 of the Seattle Municipal Code is adopted to read
2 as follows:

3 **23.53.004 Requirements and design criteria.**

4 Where, because of specific site conditions, the requirements of this Chapter do not protect
5 public health, safety and welfare, the Director of Transportation and the Director of Planning and
6 Development together may impose different or additional right-of-way improvement
7 requirements.

8 Section 7. Section 23.53.010 of the Seattle Municipal Code, which Section was last
9 amended by Ordinance 121782, is amended to read as follows:

10 **23.53.010 Improvement requirements for new streets in all zones.**

11 A. General Requirements. New streets created through the platting process or otherwise
12 dedicated shall meet the requirements of this chapter and the ~~((current Street Improvement
13 Manual))~~Right-of-Way Improvements Manual.

14 B. Required Right-of-way Widths for New Streets.

15 1. Arterial and Downtown Streets. New streets located in downtown zones, and
16 new arterials, shall be designed according to the ~~((Street Improvement Manual))~~Right-of-Way
17 Improvements Manual.

18 2. Nonarterials Not in Downtown Zones.

19 a. The required right-of-way widths for new nonarterial streets not located
20 in downtown zones shall be as shown on Chart A for Section 23.53.010:

21
22 **Chart A**
23 **for Section 23.53.010**

24 Zone Category	Required Right-of-Way Width
25 1. SF, LDT, L1, NC1	50'
26 2. L2, L3, L4, NC2	56'
27 3. MR, HR, NC3, C1, C2, SCM, IB, IC	60'
28 4. IG1, IG2	66'



1 b. When a block is split into more than one (1) zone, the zone category
2 with the most frontage shall determine the right-of-way width on the chart. If the zone categories
3 have equal frontage, the one with the wider requirement shall be used to determine the minimum
4 right-of-way width.

5 3. Exceptions to Required Right-of-way Widths. The Director, after consulting
6 with the Director of Transportation, may reduce the required right-of-way width for a new street
7 when ~~((location))~~ located in an environmentally critical area or buffer, disruption of existing
8 drainage patterns, or removal of natural features such as significant trees makes the required
9 right-of-way width impractical or undesirable.

10 Section 8. Section 23.53.015 of the Seattle Municipal Code, which Section was last
11 amended by Ordinance 121828, is amended to read as follows:

12 **23.53.015 Improvement requirements for existing streets in residential and commercial**
13 **zones.**

14 A. General Requirements.

15 1. In residential or commercial zones, when new lots are proposed to be created,
16 or any type of development is proposed, existing streets abutting the lot(s) shall be required to be
17 improved in accordance with this section. One (1) or more of the following types of
18 improvements may be required:

- 19 a. Pavement;
- 20 b. Curb and sidewalk installation;
- 21 c. Drainage;
- 22 d. Grading to future right-of-way grade;
- 23 e. Design of structures to accommodate future right-of-way grade;
- 24 f. No-protest agreements;
- 25 g. Planting of street trees and other landscaping.



1 A setback from the property line, or dedication of right-of-way, may be required to
2 accommodate the improvements.

3 2. Subsection D of this section contains exceptions from the standard
4 requirements for street improvements, including exceptions for streets which already have curbs,
5 projects which are smaller than a certain size, and for special circumstances, such as location in
6 an environmentally critical area or buffer.

7 3. Off-site improvements, such as provision of drainage systems or fire access
8 roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the
9 impacts of development.

10 4. Detailed requirements for street improvements are located in the ((Street
11 ~~Improvement Manual~~))Right-of-Way Improvements Manual, as adopted by joint rule of the
12 Director and the Director of Transportation.

13 5. The regulations in this section are not intended to preclude the use of Chapter
14 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
15 environmental impacts.

16 6. Minimum Right-of-Way Widths.

17 a. Arterials. The minimum right-of-way widths for arterials designated on
18 Exhibit 23.53.015 A shall be as specified in the ((~~Street Improvement Manual~~))Right-of-Way
19 Improvements Manual. (See Exhibit 23.53.015 A.)

20 b. Nonarterials.

21 (1) The minimum right-of-way width for an existing street which
22 is not an arterial designated on Exhibit 23.53.015 A shall be as show on chart A for Section
23 23.53.015.



Chart A for Section 23.53.015

Minimum Right-of-Way Widths for Existing Nonarterial Streets

Zone Category	Required Right-of-Way Width
1. SF, LDT, L1, L2 and NC1 zones; and NC2 zones with a maximum height limit of forty feet (40') or less	40 feet
2. L3, L4, MR, HR, NC2 zones with height limits of more than forty feet (40'), NC3, C1, C2 and SCM zones	52 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements to Arterials. Except as provided in subsection D ((of)) of this section, arterials shall be improved according to the following requirements:

1. When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the ((Street Improvement Manual)) Right-of-Way Improvements Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the ((Street Improvement Manual)) Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

C. Improvements to Nonarterial Streets. Except as provided in subsection D of this section, nonarterial streets shall be improved according to the following requirements:

1. Nonarterial Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.



1 a. When an existing nonarterial street right-of-way is greater than or equal
2 to the minimum right-of-way width established in subsection A6, a paved roadway with a
3 concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in
4 which the lot is located shall be provided, according to the ~~((Street Improvement Manual))~~Right-
5 of-Way Improvements Manual.

6 b. Fire Access. If the lot does not have vehicular access from a street or
7 private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle
8 Fire Code,¹ such access shall be provided. When an existing street does not meet these
9 regulations, the Chief of the Fire Department may approve an alternative which provides
10 adequate emergency vehicle access.

11 c. Dead-end Streets. Streets that form a dead end at the property to be
12 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
13 the ~~((Street Improvement Manual))~~Right-of-Way Improvements Manual. The Director, in
14 consultation with the Director of Transportation, shall determine whether the street has the
15 potential for being extended or whether it forms a dead end because of topography and/or the
16 layout of the street system.

17 2. Nonarterial Streets With Less Than the Minimum Right-of-Way Width.

18 a. Dedication Requirement. When an existing nonarterial street has less
19 than the minimum right-of-way width established in subsection A6 of this section, dedication of
20 additional right-of-way equal to half the difference between the current right-of-way width and
21 the minimum right-of-way width established in subsection A6 of this section shall be required;
22 provided, however, that if right-of-way has been dedicated since 1982, other lots on the block
23 shall not be required to dedicate more than that amount of right-of-way.

24 b. Improvement Requirement. A paved roadway with a concrete curb and
25 sidewalk, drainage facilities and any landscaping required by the zone in which the lot is located
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1 shall be provided in the portion of the street right-of-way abutting the lot, according to the (~~Street~~
2 ~~Improvement Manual~~)Right-of-Way Improvements Manual.

3 c. Fire Access. If the lot does not have vehicular access from a street or
4 private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle
5 Fire Code, such access shall be provided. When an existing street does not meet these
6 regulations, the Chief of the Fire Department may approve an alternative which provides
7 adequate emergency vehicle access.

8 d. Dead-end Streets. Streets that form a dead end at the property to be
9 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
10 the (~~Street Improvement Manual~~)Right-of-Way Improvements Manual. The Director, in
11 consultation with the Director of Transportation, shall determine whether the street has the
12 potential for being extended or whether it forms a dead end because of topography and/or the
13 layout of the street system.

14 D. Exceptions.

15 1. Streets With Existing Curbs.

16 a. Streets With Right-of-Way Greater Than or Equal to the Minimum
17 Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than
18 or equal to the minimum width established in subsection A6 of this section, but the roadway
19 width is less than the minimum established in the (~~Street Improvement Manual~~)Right-of-Way
20 Improvements Manual, the following requirements shall be met:

21 (1) All structures on the lot shall be designed to accommodate the
22 grade of the future street improvements.

23 (2) A no-protest agreement to future street improvements shall be
24 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King
25 County Department of Records and Elections.



1 (3) If there is no sidewalk, a sidewalk shall be constructed in the
2 portion of the right-of-way abutting the lot, except when the following types of projects are
3 proposed:

4 i. Remodeling and use changes within existing structures;
5 and

6 ii. Additions to existing structures which are exempt from
7 environmental review.

8 b. Streets With Less than the Minimum Right-of-Way Width. When a
9 street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width
10 established in subsection A5 of this section, the following requirements shall be met:

11 (1) Setback Requirement. A setback equal to half the difference
12 between the current right-of-way width and the minimum right-of-way width established in
13 subsection A6 of this section shall be required; provided, however, that if a setback has been
14 provided under this provision, other lots on the block shall provide the same setback. In all
15 residential zones except Highrise zones, an additional three (3) foot setback shall also be
16 required. The area of the setback may be used to meet any development standards, except that
17 required parking may not be located in the setback. Underground structures that would not
18 prevent the future widening and improvement of the right-of-way may be permitted in the
19 required setback by the Director ~~((of Planning and Development))~~ after consulting with the
20 Director of Transportation.

21 (2) Grading Requirement. When a setback is required, all structures
22 on the lot shall be designed to accommodate the grade of the future street according to the
23 ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

1 (3) No-protest Agreement Requirement. A no-protest agreement to
2 future street improvements shall be required, as authorized by RCW Chapter 35.43. The
3 agreement shall be recorded with the King County Department of Records and Elections.

4 2. Projects With Reduced Improvement Requirements.

5 a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling
6 units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed
7 to be created, the following requirements shall be met:

8 (1) If there is no existing hard-surfaced roadway, a crushed-rock
9 roadway at least sixteen (16) feet in width shall be required, according to the ((Street
10 Improvement Manual))Right-of-Way Improvements Manual.

11 (2) All structures on the lot(s) shall be designed to accommodate
12 the grade of the future street improvements.

13 (3) A no-protest agreement to future street improvements shall be
14 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King
15 County Department of Records and Elections.

16 b. Other Projects With Reduced Requirements. The types of projects
17 listed in this subsection D2b are exempt from right-of-way dedication requirements and are
18 subject to the street improvement requirements of this subsection:

19 (1) Types of Projects.

20 i. Proposed developments that contain fewer than ten (10)
21 units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

22 ii. The following uses when they are smaller than seven
23 hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and
24 multipurpose convenience stores;



1 3. Exceptions from Required Street Improvements. The Director may waive or
2 modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest
3 agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or
4 more of the following conditions are met:

5 a. Location in an environmentally critical area or buffer, disruption of
6 existing drainage patterns, or removal of natural features such as significant trees makes
7 widening and/or improving the right-of-way impractical or undesirable.

8 b. The existence of a bridge, viaduct or structure such as a substantial
9 retaining wall makes widening the right-of-way impractical or undesirable.

10 c. Widening the right-of-way and/or improving the street would adversely
11 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City
12 plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with
13 the stated goals of such a plan.

14 d. Widening and/or improving the right-of-way would eliminate street
15 access to an existing lot.

16 e. Widening and/or improving the right-of-way would make building on a
17 lot infeasible by reducing it to dimensions where development standards cannot reasonably be
18 met.

19 f. One (1) or more substantial principal structures on the same side of the
20 block as the proposed project are located in the area needed for future expansion of the right-of-
21 way and the structure(s)' condition and size make future widening of the remainder of the right-
22 of-way unlikely.

23 g. Widening and/or improving the right-of-way is impractical because
24 topography would preclude the use of the street for vehicular access to the lot, for example due to
25 an inability to meet the required twenty (20) percent maximum driveway slope.



1 h. Widening and/or improving the right-of-way is not necessary because it
2 is adequate for current and potential pedestrian and vehicular traffic, for example, due to the
3 limited number of lots served by the development or because the development on the street is at
4 zoned capacity.

5 Section 9. Section 23.53.020 of the Seattle Municipal Code, which Section was last
6 amended by Ordinance 121477, is amended to read as follows:

7 **23.53.020 Improvement requirements for existing streets in industrial zones.**

8 A. General Requirements.

9 1. When new lots are created or any type of development is proposed in an
10 industrial zone, existing streets abutting the lot(s) shall be required to be improved in accordance
11 with this section. One (1) or more of the following types of improvements may be required:

- 12 a. Pavement;
- 13 b. Curb and sidewalk installation;
- 14 c. Pedestrian walkways;
- 15 d. Drainage;
- 16 e. Grading to future right-of-way grade;
- 17 f. Design of structures to accommodate future right-of-way grade;
- 18 g. No-protest agreements;
- 19 h. Planting of street trees and other landscaping.

20 A setback from the property line, or dedication of right-of-way may be required to
21 accommodate the improvements.

22 2. Subsection E of this section contains exceptions from the standard
23 requirements for streets which already have curbs, projects which are smaller than a certain size,
24 and for special circumstances, such as location in an environmentally critical area.



1 categories have equal frontage, the one with the wider requirement shall be used to determine the
2 minimum right-of-way width.

3 B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones,
4 except as provided in subsection E of this section, when a lot abuts a street designated on the
5 Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-
6 site improvements shall be provided:

7 1. Dedication Requirement. When the street right-of-way is less than the
8 minimum width established in subsection A6 of this section, dedication of additional right-of-
9 way equal to half the difference between the current right-of-way and the minimum right-of-way
10 width established in subsection A of this section shall be required; provided, however, that if
11 right-of-way has been dedicated since 1982, other lots on the block shall not be required to
12 dedicate more than that amount of right-of-way.

13 2. Curbs and Sidewalks. A paved roadway with a concrete curb and sidewalk and
14 drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as
15 specified in the ((Street Improvement Manual))Right-of-Way Improvements Manual.

16 3. Street Trees.

17 a. Street trees shall be provided along designated street frontages. Street
18 trees shall be provided in the planting strip according to City Tree Planting Standards.

19 b. Exceptions to Street Tree Requirements.

20 (1) Street trees required by subsection B3a may be located on the
21 lot at least two (2) feet from the street lot line instead of in the planting strip when:

22 i. Existing trees and/or landscaping on the lot provide
23 improvements substantially equivalent to those required in this section;

24 ii. It is not feasible to plant street trees according to City
25 standards. A five (5) foot deep landscaped setback area shall be required along the street property
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1 lines and trees shall be planted there. If an on-site landscaped area is already required, the trees
2 shall be planted there if they cannot be placed in the planting strip.

3 C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in subsection E
4 of this section, the following improvements shall be required in IG1 and IG2 zones. Further
5 improvements may be required on streets designated in subsection B of this section.

6 1. Pedestrian Walkway Requirement. When an existing street right-of-way abuts
7 a lot and the street does not have curbs, pedestrian walkways shall be provided according to the
8 ~~((Street Improvement Manual))~~Right-of-Way Improvements Manual.

9 2. Setback Requirement. When the right-of-way abutting a lot has less than the
10 minimum width established in subsection A6 of this section, a setback equal to half the
11 difference between the current right-of-way width and the minimum right-of-way width
12 established in subsection A of this section shall be required; provided, however, that if a setback
13 has been provided under this provision, other lots on the block shall provide the same setback.
14 The area of the setback may be used to meet any development standards, except that required
15 parking may not be located in the setback. Underground structures which would not prevent the
16 future widening and improvement of the right-of-way may be permitted in the required setback
17 by the Director ~~((of Construction and Land Use))~~ after consulting with the Director of
18 Transportation.

19 3. Grading Requirement. When an existing street abutting a lot is less than the
20 width established in subsection A6 of this section, all structures shall be designed to
21 accommodate the grade of the future street improvements.

22 4. Fire Access. If the lot does not have vehicular access from a street or private
23 easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire
24 Code, such access shall be provided. When an existing street does not meet these regulations, the
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1 Chief of the Fire Department may approve an alternative which provides adequate emergency
2 vehicle access.

3 5. Dead-end Streets. Streets that form a dead end at the property to be developed
4 shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ((Street
5 Improvement Manual))Right-of-Way Improvements Manual. The Director, after consulting with
6 the Director of Transportation, shall determine whether the street has the potential for being
7 extended or whether it forms a dead end because of topography and/or the layout of the street
8 system.

9 6. No-protest Agreement Requirement. When a setback and/or pedestrian
10 walkway is required according to subsections C1 and/or C2, a no-protest agreement to future
11 street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement
12 shall be recorded with the King County Department of Records and Elections.

13 D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones. Except as provided in
14 subsection E of this section, the following improvements shall be provided in IB and IC zones:

15 1. The requirements of this subsection D1 shall apply when projects are proposed
16 on lots in IB zones which are directly across a street from, or which abut, a lot in a residential or
17 commercial zone, and to all projects in IC zones:

18 a. Improvements to Arterials.

19 (1) When a street is designated as an arterial on Exhibit 23.53.015
20 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping
21 required by the zone in which the lot is located shall be provided in the portion of the street right-
22 of-way abutting the lot, according to the ((Street Improvement Manual))Right-of-Way
23 Improvements Manual.



1 (2) If necessary to accommodate the right-of-way widths specified
2 in the ~~((Street Improvement Manual))~~Right-of-Way Improvements Manual, dedication of right-
3 of-way shall be required.

4 b. Improvements to Nonarterial Streets.

5 (1) Nonarterial Streets With Right-of-way Greater Than or Equal
6 to the Minimum Width.

7 i. When an existing non-arterial street right-of-way is
8 greater than or equal to the minimum right-of-way width established in subsection A6 of this
9 section, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any
10 landscaping required by the zone in which the lot is located shall be provided in the portion of
11 the street right-of-way abutting the lot, according to the ~~((Street Improvement Manual))~~Right-of-
12 Way Improvements Manual.

13 ii. If the lot does not have vehicular access from a street or
14 private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle
15 Fire Code, such access shall be provided. When an existing street does not meet these
16 regulations, the Chief of the Fire Department may approve an alternative which provides
17 adequate emergency vehicle access.

18 iii. Streets that form a dead end at the property to be
19 developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with
20 the ~~((Street Improvement Manual))~~Right-of-Way Improvements Manual. The Director, after
21 consulting with the Director of Transportation, shall determine whether the street has the
22 potential for being extended or whether it forms a dead end because of topography and/or the
23 layout of the street system.

24 (2) Nonarterial Streets Which Have Less Than the Minimum
25 Right-of-way Width.



1 i. Dedication Requirement. When an existing nonarterial
2 street has less than the minimum right-of-way established in subsection A6 of this section,
3 dedication of additional right-of-way equal to half the difference between the current right-of-
4 way width and the minimum right-of-way width established in subsection A of this section shall
5 be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on
6 the block shall not be required to dedicate more than that amount of right-of-way.

7 ii. Improvement Requirement. A paved roadway with a
8 concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in
9 which the lot is located shall be provided in the portion of the street right-of-way abutting the lot,
10 according to the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

11 iii. Fire Access. If the lot does not have vehicular access
12 from a street or private easement which meets the regulations for fire access roads in Chapter 10
13 of the Seattle Fire Code, such access shall be provided.

14 iv. Dead-end Streets. When an existing street does not
15 meet these regulations, the Chief of the Fire Department may approve an alternative which
16 provides adequate emergency vehicle access. The Director, after consulting with the Director of
17 Transportation, shall determine whether the street has the potential for being extended or whether
18 it forms a dead end because of topography and/or the layout of the street system.

19 2. When projects are proposed on lots in IB zones which are not directly across a
20 street from, and do not abut, a lot in a residential or commercial zone, the requirements of
21 subsection C of this section shall be met.

22 E. Exceptions.

23 1. Streets With Existing Curbs.

24 a. Streets With Right-of-way Greater Than or Equal to the Minimum
25 Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be
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1 required by subsections B or D of this section, and the existing right-of-way is greater than or
2 equal to the minimum width established in subsection A of this section, but the roadway width is
3 less than the minimum established in the ((~~Street Improvement Manual~~))Right-of-Way
4 Improvements Manual, the following requirements shall be met:

5 (1) All structures on the lot shall be designed to accommodate the
6 grade of the future street improvements.

7 (2) A no-protest agreement to future street improvements shall be
8 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to
9 the property with the King County Department of Records and Elections.

10 (3) If there is no sidewalk, a sidewalk shall be constructed, except
11 when the following projects are proposed:

12 i. Remodeling and use changes within existing structures;
13 ii. Additions to existing structures which are exempt from
14 environmental review.

15 b. Streets With Less Than the Minimum Right-of-way Width. When a
16 street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width
17 established in subsection A6 of this section, the following requirements shall be met:

18 (1) Setback Requirement. A setback equal to half the difference
19 between the current right-of-way width and the minimum right-of-way width established in
20 subsection A6 of this section shall be required; provided, however, that if a setback has been
21 provided under this provision, other lots on the block shall provide the same setback. The area of
22 the setback may be used to meet any development standard, except that required parking may not
23 be located in the setback. Underground structures which would not prevent the future widening
24 and improvements of the right-of-way may be permitted in the required setback by the Director
25 after consulting with the Director of Transportation.



1 (2) Grading Requirement. When a setback is required, all
2 structures on the lot shall be designed to accommodate the grade of the future street, according to
3 the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

4 (3) A no-protest agreement to future street improvements shall be
5 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to
6 the property with the King County Department of Records and Elections.

7 2. Projects with Reduced Improvement Requirements. The following types of
8 projects are exempt from all dedication and improvement requirements of subsections B, C and
9 D of this section, but shall meet the setback, grading and no-protest requirements of subsection
10 E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width
11 established in subsection A of this section or does not meet the grade of future street
12 improvements.

- 13 a. Structures with fewer than ten (10) artist's studio dwellings;
14 b. The following uses when they are smaller than seven hundred fifty
15 (750) square feet of gross floor area: major and minor vehicle repair uses(=), and multipurpose
16 convenience stores;
17 c. Nonresidential structures which have less than four thousand (4,000)
18 square feet of gross floor area and which do not contain uses listed in subsection E2b of this
19 section which are larger than seven hundred fifty (750) square feet;
20 d. Structures containing a mix of artist's studio dwellings and
21 nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square
22 footage of nonresidential use is less than specified in subsections E2b and E2c of this section;
23 e. Remodeling and use changes within existing structures;
24 f. Additions to existing structures which are exempt from environmental
25 review; and
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1 g. Expansions of a surface parking area or open storage area of less than
2 twenty (20) percent of parking area or storage area or number of parking spaces.

3 3. Exceptions from Required Street Improvement Requirements. The Director
4 may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest
5 agreements, landscaping and sidewalk and pedestrian walkway installation when it is determined
6 that one (1) or more of the following conditions are met:

7 a. Location in an environmentally critical area or buffer, disruption of
8 existing drainage patterns, or removal of natural features such as significant trees makes
9 widening and/or improving the right-of-way impractical or undesirable.

10 b. The existence of a bridge, viaduct or structure such as a substantial
11 retaining wall makes widening the right-of-way impractical or undesirable.

12 c. Widening the right-of-way and/or improving the street would adversely
13 affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City
14 plan for Green Streets, boulevards, or other special right-of-way, or would otherwise conflict
15 with the stated goals of such a plan.

16 d. Widening and/or improving the right-of-way would make building on a
17 lot infeasible by reducing it to dimensions where development standards cannot reasonably be
18 met.

19 e. Widening and/or improving the right-of-way would eliminate street
20 access to an existing lot.

21 f. One (1) or more substantial principal structures on the same side of the
22 block as the proposed project are located in the area needed for future expansion of the right-of-
23 way and the structure(s)' condition and size make future widening of the remainder of the right-
24 of-way unlikely.



1 g. Widening and/or improving the right-of-way is impractical because
2 topography would preclude the use of the street for vehicular access to the lot, for example due to
3 an inability to meet the required twenty (20) percent maximum driveway slope.

4 h. Widening and/or improving the right-of-way is not necessary because it
5 is adequate for current and potential pedestrian and vehicular traffic, for example, due to the
6 limited number of lots served by the development or because the development on the street is at
7 zoned capacity.

8 Section 10. Section 23.53.025 of the Seattle Municipal Code, which Section was last
9 amended by Ordinance 121196, is amended to read as follows:

10 **23.53.025 Access easement standards.**

11 When access by easement has been approved by the Director, the easement shall meet the
12 following standards. Surfacing of easements, pedestrian walkways required within easements,
13 and turnaround dimensions shall meet the requirements of the ((~~Street Improvement~~
14 ~~Manual~~))Right-of-Way Improvements Manual.

15 * * *

16 Section 11. Section 23.53.030 of the Seattle Municipal Code, which Section was last
17 amended by Ordinance 121828, is amended to read as follows:

18 **23.53.030 Alley improvements in all zones.**

19 A. General Requirements.

20 1. The regulations in this section are not intended to preclude the use of Chapter
21 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
22 environmental impacts.

23 2. Subsection G of this section contains exceptions from the standards
24 requirements for alley improvements, including exceptions for projects which are smaller than a
25 certain size and for special circumstances, such as location in an environmentally critical area.



1 (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750)
2 square feet;

3 (4) Structures containing a mix of residential and either
4 nonresidential uses or live-work units, if the residential use is less than ten (10) units, and the
5 total square footage of nonresidential uses and live-work units is less than specified in
6 subsections E1a(2) and E1a(3);

7 (5) Remodeling and use changes within existing structures;

8 (6) Additions to existing structures that are exempt from
9 environmental review; and

10 (7) Expansions of a surface parking area or open storage area of
11 less than twenty (20) percent of parking area or storage area or number of parking spaces.

12 b. For projects not listed in subsection E1a, the entire width of the portion
13 of the alley abutting the lot, and the portion of the alley between the lot and a connecting street,
14 shall be paved. The applicant may choose the street to which the pavement will be installed. If
15 the alley does not extend from street to street, and the connecting street is an arterial designated
16 on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable
17 to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by
18 easement.

19 2. When the alley is not used for access, if the alley is not fully improved, all
20 structures shall be designed to accommodate the grade of the future alley improvements, and a
21 no-protest agreement to future alley improvements shall be required, as authorized by RCW
22 Chapter 35.43. The agreement shall be recorded with the King County Department of Records
23 and Elections.

24 * * *



1 Section 12. Section 23.71.008 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 121362, is amended to read as follows:

3 **23.71.008 Development along major pedestrian streets.**

4 * * *

5 E. Sidewalks.

- 6 1. The owner shall construct a sidewalk no less than twelve (12) feet in width.
7 2. The owner shall plant street trees adjacent to the major pedestrian street. The
8 trees shall meet criteria prescribed by the Director of Transportation.
9 3. Planting strips are prohibited along major pedestrian streets.
10 4. The owner shall install street furniture and planting boxes adjacent to the major
11 pedestrian street. The installation shall conform to the ~~((Seattle Street Improvement
12 Manual))~~Right-of-Way Improvements Manual.

13 * * *

14 Section 13. Section 23.84.032 of the Seattle Municipal Code, which Section was last
15 amended by Ordinance 121359, is amended to read as follows:

16 **23.84.032 Definitions -- "R."**

17 * * *

18 "Right-of-Way Improvements Manual" means a set of detailed standards for street, alley
19 and easement construction, adopted by a joint Administrative Rule of Seattle Department of
20 Transportation and the Department of Planning and Development.

21 * * *



1 Section 14. Section 23.84.036 of the Seattle Municipal Code, which Section was last
2 amended by Ordinance 121700, is amended to read as follows:

3 **23.84.036 Definitions -- "S."**

4 * * *

5 (~~“Street Improvement Manual” means a set of detailed standards for street, alley and easement~~
6 ~~construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and~~
7 ~~the Department of Planning and Development.”~~)

8 * * *

9 Section 15. This ordinance shall take effect and be in force thirty (30) days from and
10 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
11 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12 Passed by the City Council the ____ day of _____, 2006, and signed by me in open
13 session in authentication of its passage this ____ day of _____, 2006.

14
15
16 _____
17 President _____ of the City Council

18 Approved by me this ____ day of _____, 2006.

19
20 _____
21 Gregory J. Nickels, Mayor

22 Filed by me this ____ day of _____, 2006.

23 _____
24 City Clerk

25 (Seal)



STATE OF WASHINGTON – KING COUNTY

--SS.

201906
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

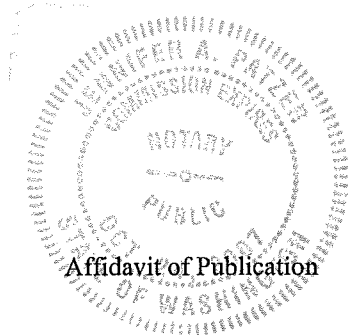
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122205 ORDINANCE

was published on

08/25/06

The amount of the fee charged for the foregoing publication is the sum of \$1,538.70, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

08/25/06

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122205

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 3.06.040, 3.12.020, 23.22.052, 23.22.100, 23.24.035, 23.53.010, 23.53.015, 23.53.020, 23.53.025, 23.53.030, 23.71.005, 23.84.032 and 23.84.036, and adding a new Section 23.53.004 to update references to the Right-of-Way Improvements Manual, and clarify Department Director authority to require street improvements associated with development projects.

WHEREAS the former "Street Improvement Manual" has been updated and renamed the "Right-of-Way Improvements Manual;" and

WHEREAS Chapters 3 and 4 of the Right-of-Way Improvement Manual are approved by Director's Rules by the Directors of the Seattle Department of Planning and Development and the Seattle Department of Transportation; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS: Section 1. Section 3.06.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 121276, is amended as follows:

3.06.040 Director -- Agreements, rules and regulations.

The Director of Planning and Development is authorized to enter into such agreements, including interdepartmental agreements, consistent with provisions of law and the City Charter, as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Department of Planning and Development and may establish such rules, procedures and regulations, consistent with this chapter and other ordinances, as may appear necessary and proper including rules interpreting Municipal Code provisions and establishing standards as authorized by the Code.

Section 2. Section 3.12.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 118409, is amended as follows:

3.12.020 Adoption of rules.

Pursuant to the Administrative Code (Ordinance 102228),¹ the Director of Transportation may adopt ~~whenever~~ whenever or she deems useful for the conduct of the Department's business including rules interpreting Municipal Code provisions and establishing standards authorized by the Code.

Section 3. Section 23.22.052 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended to read as follows:

23.22.052 Dedications required.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and ~~((Street Improvement Manual))~~ the Right-of-Way Improvements Manual. Easements shall meet the requirements of Section 23.53.025.

Section 4. Section 23.22.100 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended to read as follows:

23.22.100 Design standards.

Except as provided in Section 23.22.106, design of all subdivisions shall conform to the standards set forth in this subsection:

A. Streets and Alleys.

1. All subdivisions shall be served by one (1) or more streets providing adequate ingress and egress to and from the subdivision.

2. New streets within each subdivision shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of streets that serve the property contiguous to the subdivision. Streets serving lots on two (2) sides shall be at least sixty (60) feet wide unless a narrower street is warranted by special physical circumstances as determined by the Director, in consultation with the Director ~~((of Seattle Department))~~ of Transportation, or as specified in ~~((Table 7))~~ Section 3.1.2b (for non-arterial streets) or ~~((Appendix A))~~ 3.1.1a (for arterials) of the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty (30) degrees.

4. A cul-de-sac shall be designed according to the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual to provide a circular turnaround at the closed end. A tee or other reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser width will be permitted.

5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

6. Alleys shall be at least sixteen (16) feet wide plus such additional width as shall be necessary for an adequate turning radius.

Section 5. Section 23.24.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 115568, is amended to read as follows:

23.24.035 Access.

E. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. A new Section 23.53.004 of the Seattle Municipal Code is adopted to read as follows:

23.53.004 Requirements and design criteria.

Where, because of specific site conditions, the requirements of this Chapter do not pro-

shall conform with the City's thoroughfare and circulation plans and shall provide for the continuation of streets that serve the property contiguous to the subdivision. Streets serving lots on two (2) sides shall be at least sixty (60) feet wide unless a narrower street is warranted by special physical circumstances as determined by the Director, in consultation with the Director (of Seattle Department) of Transportation, or as specified in ((Table-7)Section 3.1.2b (for non-arterial streets) or ((Appendix-A)3.1.1a (for arterials) of the ((Street-Improvement Manual))Right-of-Way Improvements Manual.

3. Street intersections shall be as nearly at right angles as practicable and in no event shall the angle formed be less than thirty (30) degrees.

4. A cul-de-sac shall be designed according to the ((Street-Improvement Manual))Right-of-Way Improvements Manual to provide a circular turnaround at the closed end. A tee or other reasonable alternative may be authorized by the Hearing Examiner in lieu of the turnaround. Cul-de-sac streets shall not exceed four hundred fifty (450) feet in length and the right-of-way shall be at least fifty (50) feet wide, except under special circumstances a lesser width will be permitted.

5. Street networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

6. Alleys shall be at least sixteen (16) feet wide plus such additional width as shall be necessary for an adequate turning radius.

Section 5. Section 23.24.035 of the Seattle Municipal Code, which Section was last amended by Ordinance 115568, is amended to read as follows:

23.24.035 Access.

E. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the ((Street-Improvement Manual))Right-of-Way Improvements Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. A new Section 23.53.004 of the Seattle Municipal Code is adopted to read as follows:

23.53.004 Requirements and design criteria.

Where, because of specific site conditions, the requirements of this Chapter do not protect public health, safety and welfare, the Director of Transportation and the Director of Planning and Development together may impose different or additional right-of-way improvement requirements consistent with the Right-of-Way Improvements Manual.

Section 7. Section 23.53.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 121782, is amended to read as follows:

23.53.010 Improvement requirements for new streets in all zones.

A. General Requirements. New streets created through the platting process or otherwise dedicated shall meet the requirements of this chapter and the ((current Street-Improvement Manual))Right-of-Way Improvements Manual.

B. Required Right-of-way Widths for New Streets.

1. Arterial and Downtown Streets. New streets located in downtown zones, and new arterials, shall be designed according to the ((Street-Improvement Manual))Right-of-Way Improvements Manual.

2. Nonarterials Not in Downtown Zones.

a. The required right-of-way widths for new nonarterial streets not located in downtown zones shall be as shown on Chart A for Section 23.53.010:

Chart A

for Section 23.53.010

Zone Category -- Required Right-of-Way Width

1. SF, LDT, L1, NC1 -- 50'
2. L2, L3, L4, NC2 -- 56'
3. MR, HR, NC3, C1, C2, SCM, IB, IC -- 60'
4. IG1, IG2 -- 66'

b. When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the right-of-way width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

3. Exceptions to Required Right-of-way Widths. The Director, after consulting with the Director of Transportation, may reduce the required right-of-way width for a new street when ((location))located in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees makes the required right-of-way width impractical or undesirable.

Section 8. Section 23.53.015 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended to read as follows:

23.53.015 Improvement requirements for existing streets in residential and commercial zones.

A. General Requirements.

1. In residential or commercial zones, when new lots are proposed to be created, or any type of development is proposed, existing streets abutting the lot(s) shall be required to be improved in accordance with this section. One (1) or more of the following types of improvements may be required:

- a. Pavement;
- b. Curb and sidewalk installation;
- c. Drainage;
- d. Grading to future right-of-way grade;
- e. Design of structures to accommodate future right-of-way grade;
- f. No-protest agreements;
- g. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way, may be required to accommodate the improvements.

2. Subsection D of this section contains exceptions from the standard requirements for street improvements, including exceptions for streets which already have curbs, projects which are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area or buffer.

3. Off-site improvements, such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the ((Street-Improvement Manual))Right-of-Way Improvements Manual, as adopted by joint rule of the Director and the Director of Transportation.

5. 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.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the ((Street-Improvement Manual)) Right-of-Way Improvements Manual. (See Exhibit 23.53.015 A.)

b. Nonarterials.

(1) The minimum right-of-way width for

3. In-site improvements, such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~, as adopted by joint rule of the Director and the Director of Transportation.

5. 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.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~. (See Exhibit 23.53.015 A.)

b. Nonarterials.

(1) The minimum right-of-way width for an existing street which is not an arterial designated on Exhibit 23.53.015 A shall be as show on chart A for Section 23.53.015.

Chart A for Section 23.53.015

Minimum Right-of-Way Widths for Existing Nonarterial Streets

Zone Category -- Required Right-of-Way Width

1. SF, LDT, L1, L2 and NC1 zones; and NC2 zones with a maximum height limit of forty feet (40') or less -- 40 feet

2. L3, L4, MR, HR, NC2 zones with height limits of more than forty feet (40'), NC3, C1, C2 and SCM zones -- 52 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements to Arterials. Except as provided in subsection D ((or)) of this section, arterials shall be improved according to the following requirements:

1. When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~.

2. If necessary to accommodate the right-of-way and roadway widths specified in the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~, dedication of right-of-way shall be required.

C. Improvements to Nonarterial Streets. Except as provided in subsection D of this section, nonarterial streets shall be improved according to the following requirements:

1. Nonarterial Streets With Right-of-Way Greater Than or Equal to the Minimum Right-of-Way Width.

a. When an existing nonarterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided, according to the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~.

b. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

c. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. Nonarterial Streets With Less Than the Minimum Right-of-Way Width.

a. Dedication Requirement. When an existing nonarterial street has less than the minimum right-of-way width established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if right-of-way has been dedicated since 1992, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

b. Improvement Requirement. A paved roadway with a concrete curb and sidewalk, drainage facilities and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~.

c. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

d. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~. The Director, in consultation with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

D. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-Way Greater Than or Equal to the Minimum Width. When a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection A6 of this section, but the roadway width is less than the minimum established in the ~~((Street Improvement Manual))~~ ~~Right-of-Way Improvements Manual~~, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

i. Remodeling and use changes within existing structures; and

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-

requirements shall be met:

- (1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

- (2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

- (3) If there is no sidewalk, a sidewalk shall be constructed in the portion of the right-of-way abutting the lot, except when the following types of projects are proposed:

- i. Remodeling and use changes within existing structures; and

- ii. Additions to existing structures which are exempt from environmental review.

- b. Streets With Less than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A5 of this section, the following requirements shall be met:

- (1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall

provide the same setback. In all residential zones except Highrise zones, an additional three (3) foot setback shall also be required. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director (of Planning and Development) after consulting with the Director of Transportation.

- (2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street according to the ((Street Improvement Manual)) Right-of-Way Improvements Manual.

- (3) No-protest Agreement Requirement. A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

2. Projects With Reduced Improvement Requirements.

- a. One (1) or Two (2) Dwelling Units. When one (1) or two (2) dwelling units are proposed to be constructed, or one (1) or two (2) Single Family zoned lots are proposed to be created, the following requirements shall be met:

- (1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen (16) feet in width shall be required, according to the ((Street Improvement Manual)) Right-of-Way Improvements Manual.

- (2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

- (3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

- b. Other Projects With Reduced Requirements. The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

- i. Proposed developments that contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

- ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores;

- iii. Nonresidential structures that have less than four thousand (4,000) square feet of gross floor area and that do not contain uses listed in subsection D2b(1)ii which are larger than seven hundred fifty (750) square feet;

- iv. Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten (10) units in SF, LDT and L1 zones, or fewer than six (6) residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections D2b(1)ii and D2b(1)iii;

- v. Remodeling and use changes within existing structures;

- vi. Additions to existing structures that are exempt from environmental review; and

- vii. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

- (2) Paving Requirement. For the types of projects listed in subsection D2b (1), the streets abutting the lot shall have a hard-surfaced roadway at least eighteen (18) feet wide. If there is not an eighteen (18) foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least twenty (20) feet from the lot to the nearest hard-surfaced street meeting this requirement, or one hundred (100) feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ((Street Improvement Manual)) Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

- (3) Other Requirements. The setback, grading and no-protest agreement requirements of subsection D1b shall also be met.

3. Exceptions from Required Street Improvements. The Director may waive or modify the requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, landscaping and curb and sidewalk installation when it is determined that one (1) or more of the following conditions are met:

- a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

- b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

- c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for green street, boulevards, or other special rights-of-way, or would otherwise conflict with the stated goals of such a plan.

- d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

- e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

- f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.

- g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an

with other-
plan.

d. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

e. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 9. Section 23.53.020 of the Seattle Municipal Code, which Section was last amended by Ordinance 121477, is amended to read as follows:

23.53.020 Improvement requirements for existing streets in industrial zones.

A. General Requirements.

1. When new lots are created or any type of development is proposed in an industrial zone, existing streets abutting the lot(s) shall be required to be improved in accordance with this section. One (1) or more of the following types of improvements may be required:

- a. Pavement;
- b. Curb and sidewalk installation;
- c. Pedestrian walkways;
- d. Drainage;
- e. Grading to future right-of-way grade;
- f. Design of structures to accommodate future right-of-way grade;
- g. No-protest agreements;
- h. Planting of street trees and other landscaping.

A setback from the property line, or dedication of right-of-way may be required to accommodate the improvements.

2. Subsection E of this section contains exceptions from the standard requirements for streets which already have curbs, projects which are smaller than a certain size, and for special circumstances, such as location in an environmentally critical area.

3. Off-site improvements such as provision of drainage systems or fire access roads, will be required pursuant to the authority of this Code or other ordinances to mitigate the impacts of development.

4. Detailed requirements for street improvements are located in the ~~(Seattle Street Improvement Manual)~~ Right-of-Way Improvements Manual, as adopted by joint Rule of the Director and the Director (of the Seattle Department) of Transportation.

5. 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.

6. Minimum Right-of-way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the ~~(Street Improvement Manual)~~ Right-of-Way Improvements Manual.

b. Nonarterials.

(1) The minimum right-of-way width for an existing street which is not an arterial

designated on Exhibit 23.53.015 A shall be as shown on Chart A for Section 23.53.020.

Chart A

for Section 23.53.020

Minimum Right-of-way Widths for Existing Nonarterial Streets

Zone Category -- Right-of-Way Widths

- 1. IB, IC -- 52 feet
- 2. IG1, IG2 -- 56 feet

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection E of this section, when a lot abuts a street designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-site improvements shall be provided:

1. **Dedication Requirement.** When the street right-of-way is less than the minimum width established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

2. **Curbs and Sidewalks.** A paved roadway with a concrete curb and sidewalk and drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as specified in the ~~(Street Improvement Manual)~~ Right-of-Way Improvements Manual.

3. Street Trees.

a. Street trees shall be provided along designated street frontages. Street trees shall be provided in the planting strip according to City Tree Planting Standards.

b. Exceptions to Street Tree Requirements.

(1) Street trees required by subsection B3a may be located on the lot at least two (2) feet from the street lot line instead of in the planting strip when:

i. Existing trees and/or landscaping on the lot provide improvements substantially equivalent to those required in this section;

ii. It is not feasible to plant street trees according to City standards. A five (5) foot deep landscaped setback area shall be required along the street property lines and trees shall be planted there. If an on-site landscaped area is already required, the trees shall be planted there if they cannot be placed in the planting strip.

C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in subsection E of this section, the following improvements shall be required in IG1 and IG2 zones. Further improvements may be required on streets designated in subsection B of this section.

1. **Pedestrian Walkway Requirement.** When an existing street right-of-way abuts a lot and the street does not have curbs, pedestrian walkways shall be provided according to the ~~(Street Improvement Manual)~~ Right-of-Way Improvements Manual.

2. **Setback Requirement.** When the right-of-way abutting a lot has less than the minimum width established in subsection A6 of this section, a setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

... zones. Further improvements may be required on streets designated in subsection B of this section.

1. Pedestrian Walkway Requirement. When an existing street right-of-way abuts a lot and the street does not have curbs, pedestrian walkways shall be provided according to the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

2. Setback Requirement. When the right-of-way abutting a lot has less than the minimum width established in subsection A6 of this section, a setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director ~~(of Construction and Land Use)~~ after consulting with the Director of Transportation.

3. Grading Requirement. When an existing street abutting a lot is less than the width established in subsection A6 of this section, all structures shall be designed to accommodate the grade of the future street improvements.

4. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

5. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

6. No-protest Agreement Requirement. When a setback and/or pedestrian walkway is required according to subsections C1 and/or C2, a no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones. Except as provided in subsection E of this section, the following improvements shall be provided in IB and IC zones:

1. The requirements of this subsection D1 shall apply when projects are proposed on lots in IB zones which are directly across a street from, or which abut, a lot in a residential or commercial zone, and to all projects in IC zones:

a. Improvements to Arterials.

(1) When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

(2) If necessary to accommodate the right-of-way widths specified in the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

b. Improvements to Nonarterial Streets.

(1) Nonarterial Streets With Right-of-way Greater Than or Equal to the Minimum Width.

i. When an existing non-arterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6 of this section, a paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

ii. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access.

iii. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround in accordance with the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

(2) Nonarterial Streets Which Have Less Than the Minimum Right-of-way Width.

i. Dedication Requirement. When an existing nonarterial street has less than the minimum right-of-way established in subsection A6 of this section, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A of this section shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

ii. Improvement Requirement. A paved roadway with a concrete curb and sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, according to the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual.

iii. Fire Access. If the lot does not have vehicular access from a street or private easement which meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided.

iv. Dead-end Streets. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative which provides adequate emergency vehicle access. The Director, after consulting with the Director of Transportation,

shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

2. When projects are proposed on lots in IB zones which are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection C of this section shall be met.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A of this section, but the roadway width is less than the minimum established in the ~~((Street Improvement Manual))~~ Right-of-Way Improvements Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43.

in IB zones which are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection C of this section shall be met.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections B or D of this section, and the existing right-of-way is greater than or equal to the minimum width established in subsection A of this section, but the roadway width is less than the minimum established in the ((Street Improvement Manual))Right-of-Way Improvements Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed, except when the following projects are proposed:

i. Remodeling and use changes within existing structures;

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less Than the Minimum Right-of-way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 of this section shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed to accommodate the grade of the future street, according to the ((Street Improvement Manual))Right-of-Way Improvements Manual.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

2. Projects with Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections B, C and D of this section, but shall meet the setback, grading and no-protest requirements of subsection E1b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection A of this section or does not meet the grade of future street improvements.

a. Structures with fewer than ten (10) artist's studio dwellings;

b. The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses(s), and multipurpose convenience stores;

c. Nonresidential structures which have less than four thousand (4,000) square feet of gross floor area and which do not contain uses listed in subsection E2b of this section which are larger than seven hundred fifty (750) square feet;

d. Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten (10) artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections E2b and E2c of this section;

e. Remodeling and use changes within existing structures;

f. Additions to existing structures which are exempt from environmental review; and

g. Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

3. Exceptions from Required Street Improvement Requirements. The Director may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, landscaping and sidewalk and pedestrian walkway installation when it is determined that one (1) or more of the following conditions are met:

a. Location in an environmentally critical area or buffer, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for Green Streets, boulevards, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

e. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

f. One (1) or more substantial principal structures on the same side of the block as the proposed project are located in the area needed for future expansion of the right-of-way and the structure(s) condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening and/or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required twenty (20) percent maximum driveway slope.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 10. Section 23.53.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is amended to read as follows:

23.53.025 Access easement standards.

When access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the ((Street Improvement Manual))Right-of-Way Improvements Manual.

Section 11. Section 23.53.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended to read as follows:

23.53.030 Alley improvements in all zones.

h. Widening and/or improving the right-of-way is not necessary because it is adequate for current and potential pedestrian and vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 10. Section 23.53.025 of the Seattle Municipal Code, which Section was last amended by Ordinance 121196, is amended to read as follows:

23.53.025 Access easement standards.

When access by easement has been approved by the Director, the easement shall meet the following standards. Surfacing of easements, pedestrian walkways required within easements, and turnaround dimensions shall meet the requirements of the ((Street Improvement Manual)) Right-of-Way Improvements Manual.

Section 11. Section 23.53.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 121828, is amended to read as follows:

23.53.030 Alley improvements in all zones.

A. General Requirements.

1. 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.

2. Subsection G of this section contains exceptions from the standards requirements for alley improvements, including exceptions for projects which are smaller than a certain size and for special circumstances, such as location in an environmentally critical area.

3. Detailed requirements for alley improvements are located in the ((Street Improvement Manual)) Right-of-Way Improvements Manual, which is adopted by joint rule of the Director and the Director of Transportation.

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection G of this section and except for one (1) and two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D of this section, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent

of a crushed rock surface, according to the ((Street Improvement Manual)) Right-of-Way Improvements Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures or structures with one (1) or more live-work units that: (a) have less than four thousand (4,000) square feet of gross floor area; and (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and either nonresidential uses or live-work units, if the residential use is less than ten (10) units, and the total square footage of nonresidential uses and live-work units is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures that are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

Section 12. Section 23.71.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121362, is amended to read as follows:

23.71.008 Development along major pedestrian streets.

E. Sidewalks.

1. The owner shall construct a sidewalk no less than twelve (12) feet in width.

2. The owner shall plant street trees adjacent to the major pedestrian street. The trees shall meet criteria prescribed by the Director of Transportation.

3. Planting strips are prohibited along major pedestrian streets.

4. The owner shall install street furniture and planting boxes adjacent to the major pedestrian street. The installation shall conform to the ((Seattle Street Improvement Manual)) Right-of-Way Improvements Manual.

Section 13. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, is amended to read as follows:

23.84.032 Definitions -- "R."

"Right-of-Way Improvements Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and the Department of Planning and Development.

Section 14. Section 23.84.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 121700, is amended to read as follows:

23.84.036 Definitions -- "S."

("Street Improvement Manual" means a set of detailed standards for street, alley

E. Existing Alleys That Meet the Minimum Width. Except as provided in subsection G of this section and except for one (1) and two (2) dwelling unit developments that abut an alley that is not improved but is in common usage, when an existing alley meets the minimum right-of-way width established in subsection D of this section, the following requirements shall be met:

1. When the alley is used for access to parking spaces, open storage, or loading berths on a lot, the following improvements shall be provided:

a. For the following types of projects, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to at least the equivalent

of a crushed rock surface, according to the ((Street Improvement Manual)) Right-of-Way Improvements Manual. The applicant may choose the street to which the improvements will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

(1) Residential structures with fewer than ten (10) units;

(2) The following uses when they are smaller than seven hundred fifty (750) square feet of gross floor area: major and minor vehicle repair uses, and multipurpose convenience stores;

(3) Nonresidential structures or structures with one (1) or more live-work units that: (a) have less than four thousand (4,000) square feet of gross floor area; and (b) do not contain uses listed in subsection E1a(2) that are larger than seven hundred fifty (750) square feet;

(4) Structures containing a mix of residential and either nonresidential uses or live-work units, if the residential use is less than ten (10) units, and the total square footage of nonresidential uses and live-work units is less than specified in subsections E1a(2) and E1a(3);

(5) Remodeling and use changes within existing structures;

(6) Additions to existing structures that are exempt from environmental review; and

(7) Expansions of a surface parking area or open storage area of less than twenty (20) percent of parking area or storage area or number of parking spaces.

b. For projects not listed in subsection E1a, the entire width of the portion of the alley abutting the lot, and the portion of the alley between the lot and a connecting street, shall be paved. The applicant may choose the street to which the pavement will be installed. If the alley does not extend from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround shall be provided. The turnaround may be provided by easement.

2. When the alley is not used for access, if the alley is not fully improved, all structures shall be designed to accommodate the grade of the future alley improvements, and a no-protest agreement to future alley improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

Section 12. Section 23.71.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 121362, is amended to read as follows:

23.71.008 Development along major pedestrian streets.

E. Sidewalks.

1. The owner shall construct a sidewalk no less than twelve (12) feet in width.

2. The owner shall plant street trees adjacent to the major pedestrian street. The trees shall meet criteria prescribed by the Director of Transportation.

3. Planting strips are prohibited along major pedestrian streets.

4. The owner shall install street furniture and planting boxes adjacent to the major pedestrian street. The installation shall conform to the ((Seattle Street Improvement Manual)) Right-of-Way Improvements Manual.

Section 13. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, is amended to read as follows:

23.84.032 Definitions -- "R."

"Right-of-Way Improvements Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and the Department of Planning and Development.

Section 14. Section 23.84.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 121700, is amended to read as follows:

23.84.036 Definitions -- "S."

("Street Improvement Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of Transportation and the Department of Planning and Development.)

Section 15. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of August, 2006, and signed by me in open session in authentication of its passage this 14th day of August, 2006.

Nick Licata

President of the City Council

Approved by me this 17th day of August, 2006.

Gregory J. Nickels, Mayor

Filed by me this 22nd day of August, 2006.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, August 25, 2006.

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