

2/5-22-91
ORDINANCE No. 115568

COUNCIL BILL No. 108478

AN ORDINANCE relating to land use, zoning and transportation, amending Sections 23.22.052, 23.24.035, 23.53.005, 23.53.015, 23.53.020, 23.53.025, and 23.53.030, Seattle Municipal Code (SMC) to correct errors and omissions in Ordinance 115326.

The City of

Honorable President:

Your Committee on Transportation

to which was referred the within Council report that we have considered the same

Do Pass (1-0)

Council Vote

COMPTROLLER FILE No. _____

Introduced: MAR 4 1991	By: BENSON
Referred: MAR 4 1991	To: <u>Transportation</u>
Referred:	To:
Referred:	To:
Reported: MAR 11 1991	Second Reading: MAR 11 1991
Third Reading: MAR 11 1991	Signed: MAR 11 1991
Presented to Mayor: MAR 12 1991	Approved: MAR 15 1991
Returned to City Clerk: MAR 16 1991	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

3-5-91

President:

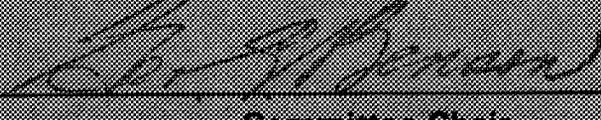
Committee on Transportation

was referred the within Council Bill No. 108478

we have considered the same and respectfully recommend that the same:

DO Pass (1-0) 3-5-91

Council vote 6-0



Committee Chair

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2 MMK:jrf
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street.ord
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6 ORDINANCE 115568
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8 AN ORDINANCE relating to land use, zoning and transportation,
amending Sections 23.22.052, 23.24.035, 23.53.005,
9 23.53.015, 23.53.020, 23.53.025, and 23.53.030, Seattle
Municipal Code (SMC) to correct errors and omissions in
Ordinance 115326.
10

11 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

12 Section 1. Section 23.22.052 SMC, as last amended by
Ordinance 115326, is amended as follows:
13

14 A. Every subdivision shall include adequate provision
for dedication of drainage ways, streets, alleys, easements,
15 slope rights, parks and other public open spaces for general
purposes as may be required to protect the public health,
16 safety and welfare.
17

18 B. Protective improvements and easements to maintain
the improvements shall be dedicated at the discretion of the
19 City.
20

21 C. Convenient pedestrian and vehicular access to every
lot by way of a dedicated street or permanent appurtenant
22 easement shall be provided. Access from a dedicated street
shall be required, unless the Director determines that the
23 following conditions exist, and permits access by a permanent
private easement:
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25 1. Access by easement would not compromise the
26 goals of the Land Use Code to provide for adequate light, air
27 and usable open space between structures; and
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2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

~~((5-))~~6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Council determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10') wide parallel to and bordering the high water mark.

~~((D-))~~E. If the Council concludes that the public interest will be served the Council may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with

1 copies of articles of incorporation and bylaws of the grantee
2 organization and with evidence of the conveyance or of a
3 binding commitment to convey. The articles of incorporation
4 shall provide that membership in the corporation shall be
5 conditioned upon ownership of land in the subdivision, that
6 the corporation is empowered to assess the land for costs of
7 construction and maintenance of the improvements and property
8 owned by the corporation, and that the assessment shall be a
9 lien upon the land. The City Attorney shall review and
10 approve the articles of incorporation and bylaws as to
11 compliance with this provision. The Council may impose other
12 conditions as it deems appropriate to assure that property and
13 improvements owned by the corporation will be adequately
constructed and maintained.

14 ((E+))F. Any dedication, donation or grant as shown on
15 the face of the plat shall be considered, to all intents and
16 purposes, as a quitclaim deed to the donee or donees, grantee
17 or grantees, for his, her or their use for the purpose
intended by the donors or grantors.

18 ((F+))G. Dedicated streets and alleys shall meet the
19 requirements of ((Section 23.53.010)) Chapter 23.53 and the
20 Street Improvement Manual. Easements shall meet the
21 requirements of Section 23.53.025.

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23 Section 2. Subsection 23.24.035D SMC, as last amended by
Ordinance 115326, is amended as follows:

24 D. Access to new lots shall be from a dedicated street,
25 unless the Director determines that the following conditions
26 exist, and permits access by a permanent private easement:

27 1. Access by easement would not compromise the
28 goals of the Land Use Code to provide for adequate light, air
and usable open space between structure; and

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2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

~~((5-))~~6. There is no potential for extending the street system.

Section 3. Subsection 23.24.035E SMC, as last amended by Ordinance 115326, is amended as follows:

E. Dedicated streets and alleys shall meet the requirements of ~~((Section 23.53.010))~~ Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

Section 4. Subsection 23.53.005A SMC, as last amended by Ordinance 115326, is amended as follows:

A. Street or Private Easement Abutment Required.

1. For residential uses, at least ten feet (10') of a lot line shall abut on a street or on a private permanent vehicle access easement meeting the standards of Section 23.53.025; or the provisions of Section 23.53.025~~((G))~~F for pedestrian access easements shall be met.

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2. For nonresidential uses which do not provide any parking spaces, at least five feet (5') of a lot line shall abut on a street or on a private permanent vehicle access easement meeting the standards of Section 23.53.025.

3. For nonresidential uses which provide parking spaces, an amount of lot line sufficient to provide the required driveway width shall abut on a street or on a private permanent vehicle access easement to a street meeting the standards of Section 23.53.025.

Section 5. Subsections 23.53.015C and D SMC, as last amended by Ordinance 115326, are amended as follows:

C. Improvements to nonarterial streets

Except as provided in subsection D, 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 (~~has more than~~) is greater than or equal to the minimum right-of-way width established in subsection ((5)) 6, 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.

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

1 may approve an alternative which provides adequate emergency
2 vehicle access.

3 c. Dead end streets.

4 Streets that form a dead end at the
5 property to be developed shall be improved with a cul-de-sac
6 or other vehicular turnaround in accordance with the Street
7 Improvement Manual. The Director, in consultation with the
8 Director of Engineering shall determine whether the street has
9 the potential for being extended or whether it forms a dead
10 end because of topography and/or the layout of the street
11 system.

12 2. Nonarterial streets with less than the minimum
13 right-of-way width.

14 a. Dedication requirement.

15 When an existing nonarterial street has
16 less than the minimum right-of-way width established in
17 subsection ((A5)) A6, dedication of additional right-of-way
18 equal to half the difference between the current right-of-way
19 width and the minimum right-of-way width established in
20 subsection ((A5)) A6 shall be required; provided, however,
21 that if right-of-way has been dedicated (~~on one (1) side of a~~
22 ~~block~~) since 1982, (~~the~~) other lots on the (~~other side~~)
23 block shall not be required to dedicate (~~either the same~~
24 ~~amount of right-of-way, or enough that the right-of-way meets~~
25 ~~the minimum width, whichever is less.~~) more than that amount
26 of right-of-way.

27 b. Improvement requirement.

28 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

1 portion of the street right-of-way abutting the lot, according
2 to the Street Improvement Manual.

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4 c. Fire access.

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

12 d. Dead end streets.

13 Streets that form a dead end at the property to
14 be developed shall be improved with a cul-de-sac or other
15 vehicular turnaround in accordance with the Street Improvement
16 Manual. The Director, in consultation with the Director of
17 Engineering, shall determine whether the street has the
18 potential for being extended or whether it forms a dead end
19 because of topography and/or the layout of the street system.

20 D. Exceptions

21 1. Streets with existing curbs

22 a. Streets with right-of-way greater than or
23 equal to the minimum (~~(right-of-way)~~) width

24 When a street with existing curbs abuts a
25 lot and the existing right-of-way is greater than or equal to
26 the minimum width established in subsection ((A5)) A6, but the
27 roadway is less than the minimum established in the Street
28 Improvement 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.

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

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

10 i. Remodelling and use changes
11 within existing structures; and

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

14 b. Streets with less than the minimum right-
15 of-way width

16 When a street with existing curbs abuts a
17 lot and the existing right-of-way is less than the minimum
18 width established in subsection ((A5)) A6, the following
19 requirements shall be met:

20 (1) Setback requirement

21 A setback equal to half the
22 difference between the current right-of-way width and the
23 minimum right-of-way width established in subsection A6 shall
24 be required; provided, however, that if a setback has been
25 provided (~~on one (1) side of a block~~) under this provision,
26 ((the)) other lots on the ((~~other side~~)) block shall provide
27 the same setback. In all residential zones except Highrise
28 zones, an additional three foot (3') 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 which would
not prevent the future widening and improvement of the right-

1 requirements and are subject to the street improvement
2 requirements of this subsection:

3 (1) Types of projects

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

7 ii. The following uses when they are
8 smaller than seven hundred and fifty (750) square feet of
9 gross floor area: fast food restaurants, major and minor
10 vehicle repair uses, and multi-purpose convenience stores;

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

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

22 v. Remodelling and use changes
23 within existing structures;

24 vi. Additions to existing structures
25 which are exempt from environmental review; and

26 vii. Expansions of a surface parking
27 area or open storage area of less than twenty percent (20%) of
28 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

1 of-way may be permitted by the Director of Engineering in the
2 required setback.

3 (2) Grading requirement

4 When a setback is required, all structures
5 on the lot shall be designed to accommodate the grade of the
6 future street according to the Street Improvement Manual.

7 (3) No-protest agreement requirement

8 A no-protest agreement to future street
9 improvements shall be required, as authorized by RCW Chapter
10 35.43. The agreement shall be recorded with the King County
11 Department of Records and Elections.

12 2. Projects with reduced improvement requirements

13 a. One or two dwelling units

14 When one or two dwelling units are proposed to
15 be constructed, or one or two Single Family zoned lots are
16 proposed to be created, the following requirements shall be
17 met:

18 (1) If there is no existing hard surfaced
19 roadway, a crushed rock roadway at least sixteen feet (16') in
20 width shall be required, according to the Street Improvement
21 Manual.

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

25 (3) A no-protest agreement to future
26 street improvements shall be required, as authorized by RCW
27 Chapter 35.43. The agreement shall be recorded with the King
28 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

1 hard surfaced roadway at least eighteen feet (18') wide. If
2 there is not an eighteen foot (18') wide hard surfaced
3 roadway, the roadway shall be paved to a width of at least
4 twenty feet (20') from the lot to the nearest hard surfaced
5 street meeting this requirement, or one hundred feet (100'),
6 whichever is less. Streets that form a dead-end at the
7 property to be developed shall be improved with a cul-de-sac
8 or other vehicular turnaround in accordance with the Street
9 Improvement Manual. The Director, in consultation with the
10 Director of Engineering, shall determine whether the street
11 has the potential for being extended or whether it forms a
12 dead end because of topography and/or the layout of the street
13 system.

13 (3) Other requirements.

14 The setback, grading and no-protest
15 agreement requirements of subsection D1b shall also be met.

16 3. Exceptions from required street improvements

17 The Director, in consultation with the Director
18 of Engineering, may waive or modify the requirements for
19 paving and drainage, dedication, setbacks, grading, no-protest
20 agreements, landscaping and curb and sidewalk installation
21 when it is determined that one or more of the following
22 conditions are met:

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

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

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

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

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

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

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

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

Section 6. Subsections 23.53.020B, C and D SMC, as last
amended by Ordinance 115326, are amended as follows:

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2 B. Improvements on Designated Streets in all Industrial
Zones

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

8 1. Dedication requirement.

9 When the street right-of-way is less than the
10 minimum width established in subsection A6, dedication of
11 additional right-of-way equal to half the difference between
12 the current right-of-way and the minimum right-of-way width
13 established in subsection A6 shall be required; provided,
14 however, that if right-of-way has been dedicated (~~on one (1)~~
15 ~~side of a block~~) since 1982, (~~the~~) other lots on the
16 (~~other side~~) block shall not be required to dedicate
17 (~~either the same amount of right-of-way, or enough that the~~
18 ~~right-of-way meets the minimum width, whichever is less~~) more
19 than that amount of right-of-way.

20 2. Curbs and Sidewalks.

21 A paved roadway with a concrete curb and
22 sidewalk and drainage facilities shall be provided (~~on-~~
23 ~~site,~~) in the portion of the street right-of-way abutting the
24 lot, as specified in (~~according to~~) the Street Improvement
25 Manual.

26 3. Street trees.

27 a. Street trees shall be provided along
28 designated street frontages. Street trees shall be provided
in the planting strip according to City of Seattle Board of
Public Works Tree Planting Standards.

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2 b. Exceptions to street tree requirements.

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

6 i. Existing trees and/or
7 landscaping on the lot provide improvements substantially
8 equivalent to those required in this Section.

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

16 c. General Industrial 1 and 2 (IG1 and IG2) zones.

17 Except as provided in subsection E, the following
18 improvements shall be required in IG1 and IG2 zones. Further
19 improvements may be required on streets designated in
20 subsection B.

21 1. Pedestrian walkway requirement.

22 When an existing street right-of-way abuts a
23 lot and the street does not have curbs, pedestrian walkways
24 shall be provided according to the Street Improvement Manual.

25 2. Setback requirement.

26 When the right-of-way abutting a lot has less
27 than the minimum width established in subsection A6, a setback
28 equal to half the difference between the current right-of-way
width and the minimum right-of-way width established in
subsection A6 shall be required; provided, however, that if a
setback has been provided (~~on one (1) side of a block~~) under
this provision, (~~the~~) other lots on the (~~other side~~) block

1 shall provide the same setback. The area of the setback may
2 be used to meet any development standards, except that
3 required parking may not be located in the setback.
4 Underground structures which would not prevent the future
5 widening and improvement of the right-of-way may be permitted
6 by the Director of Engineering in the required setback.

7 3. Grading requirement.

8 When an existing street abutting a lot is less
9 than the width established in subsection A6, all structures
10 shall be designed to accommodate the grade of the future
street improvements.

11 4. Fire access.

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

18 5. Dead end streets.

19 Streets that form a dead end at the property to
20 be developed shall be improved with a cul-de-sac or other
21 vehicular turn-around in accordance with the Street
22 Improvement Manual. The Director, in consultation with the
23 Director of Engineering, shall determine whether the street
24 has the potential for being extended or whether it forms a
25 dead end because of topography and/or the layout of the street
system.

26 6. No-protest agreement requirement.

27 When a setback and/or pedestrian walkway is
28 required according to subsections C1 and/or C2, a no-protest

1 agreement to future street improvements shall be required, as
2 authorized by RCW Chapter 35.43. The agreement shall be
3 recorded with the King County Department of Records and
4 Elections.

5 D. Industrial Buffer (IB) and Industrial Commercial
6 (IC) Zones.

7 Except as provided in subsection E, the following
8 improvements shall be provided in IB and IC zones:

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

14 a. Improvements to Arterials.

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

21 (2) If necessary to accommodate the
22 right-of-way widths specified in the Street Improvement
23 Manual, dedication of right-of-way shall be required.

24 b. Improvements to nonarterial streets.

25 (1) Nonarterial streets with right-of-way
26 ((~~which have~~)) greater than or equal to the minimum ((~~right-~~
27 ~~of-way~~)) width

28 i. When an existing nonarterial
street right-of-way ((~~has more~~)) 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

1 the lot is located shall be provided in the portion of the
2 street right-of-way abutting the lot, according to the Street
3 Improvement Manual.

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

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

17 (2) Nonarterial streets which have less
18 than the minimum right-of-way width.

19 i. Dedication requirement.

20 When an existing nonarterial
21 street has less than the minimum right-of-way established in
22 subsection A6, dedication of additional right-of-way equal to
23 half the difference between the current right-of-way width and
24 the minimum right-of-way width established in subsection A6
25 shall be required; provided, however, that if right-of-way has
26 been dedicated (~~on one (1) side of a block~~) since 1982,
27 ((the)) other lots on the ((other side)) block shall not be
28 required to dedicate ((either the same amount of right-of-way,

1 ~~or enough that the right-of-way meets the minimum width,~~
2 ~~whichever is less)) more than that amount of right-of-way.~~

3 ii. Improvement requirement.

4 A paved roadway with a concrete
5 curb and sidewalk, drainage facilities, and any landscaping
6 required by the zone in which the lot is located shall be
7 provided in the portion of the street right-of-way abutting
8 the lot, according to the Street Improvement Manual.

9 iii. Fire Access.

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

14 iv. Dead end streets.

15 When an existing street does not
16 meet these regulations, the Chief of the Fire Department may
17 approve an alternative which provides adequate emergency
18 vehicle access. The Director, in consultation with the
19 Director of Engineering, shall determine whether the street
20 has the potential for being extended or whether it forms a
21 dead end because of topography and/or the layout of the street
22 system.

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

27 Section 7. Subsection 23.53.020E SMC, as last amended by
28 Ordinance 115326, is amended as follows:

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2 E. Exceptions

3 1. Streets with existing curbs

4 a. Streets with right-of-way greater than or
5 equal to the minimum right-of-way width.

6 When a street with existing curbs abuts a
7 lot, and improvements would be required by subsections B or D,
8 and the existing right-of-way is greater than or equal to the
9 minimum width established in subsection A, but the roadway
10 width is less than the minimum established in the Street
11 Improvement Manual, the following requirements shall be met:

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

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

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

23 i. Remodelling and use changes
24 within existing structures.

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

27 b. Streets with less than the minimum right-
28 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, the following requirements
shall be met:

1
2 (1) Setback requirement

3 A setback equal to half the
4 difference between the current right-of-way width and the
5 minimum right-of-way width established in subsection A6 shall
6 be required; provided, however, that if a setback has been
7 provided (~~on one (1) side of a block~~) under this provision,
8 ((~~the~~)) other lots on the ((~~other side~~)) block shall provide
9 the same setback. The area of the setback may be used to meet
10 any development standards, except that required parking may
11 not be located in the setback. Underground structures which
12 would not prevent the future widening and improvements of the
13 right-of-way may be permitted by the Director of Engineering
14 in the required setback.

13 (2) Grading requirement

14 When a setback is required, all
15 structures on the lot shall be designed to accommodate the
16 grade of future street, according to the Street Improvement
17 Manual.

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

22 2. Projects with reduced improvement requirements

23 The following types of projects are exempt from
24 all dedication and improvement requirements of subsections B,
25 C and D, but shall meet the setback, grading, and no-protest
26 agreement requirements of subsection E1b if the street right-
27 of-way abutting the lot has less than the minimum right-of-way
28 width established in subsection A or does not meet the grade
of future street improvements.

1
2 a. Structures with fewer than ten (10)
3 artist's studio dwellings;

4 b. The following uses when they are smaller
5 than seven hundred fifty (750) square feet of gross floor
6 area: Fast food restaurants; major and minor vehicle repair
7 uses; and multi-purpose convenience stores;

8 c. Nonresidential structures which have less
9 than four thousand (4,000) square feet of gross floor area and
10 which do not contain uses listed in subsection D2b which are
11 larger than 750 square feet;

12 d. Structures containing a mix of artist's
13 studio dwellings and nonresidential uses, if there are fewer
14 than ten (10) artist's studio dwellings, and the square
15 footage of nonresidential use is less than specified in D2b
16 and D2c;

17 e. Remodelling and use changes within
18 existing structures;

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

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

24 3. Exceptions from required street improvement
25 requirements.

26 The Director, in consultation with the Director
27 of Engineering, may waive or modify the requirements for
28 paving, dedication, setbacks, grading, no-protest agreements,
landscaping and sidewalk and pedestrian walkway installation
when it is determined that one or more of the following
conditions are met:

a. Location in an environmentally sensitive
area, disruption of existing drainage patterns, or removal of

1 natural features such as significant trees makes widening
2 and/or improving the right-of-way impractical or undesirable.

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

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

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

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

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

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

28 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

1 because the development on the street is at zoned capacity.
2

3 Section 8. Subsection 23.53.025C SMC, as last amended by
4 Ordinance 115236, is amended as follows:

5 C. Vehicle Access Easements Serving at Least Five (5)
6 But Fewer Than Ten (10) Single-family Dwelling
7 Units, or at Least Three (3) but Fewer than Ten (10)
8 Multifamily Units.

9 1. Easement width, surfaced width, length, turn
10 around and curbcut width shall be as required in subsection B;

11 2. No single-family structure shall be closer than
12 five feet (5') to the easement.

13 Section 8. Subsections 23.53.030B, E, F and G SMC, as
14 last amended by Ordinance 115326, are hereby amended as
15 follows:

16 B. New alleys.

17 1. New alleys created through the platting process
18 shall meet the requirements of Subtitle III, Platting
19 Requirements.

20 2. The required right-of-way widths for new alleys
21 shall be as shown on Chart A.

22 CHART A

23 Width of New Alley Rights-of-Way

24 <u>Zone Category</u>	25 <u>Right-of-Way Width</u>
26 1. SF, LDT, L1, NC1	12'
27 2. L2, L3, <u>L4</u> , NC2	16'
28 3. MR, HR, NC3, C1, C2, and all Industrial and Downtown Zones	20'

3. When an alley abuts lots in more than one zone
category, the zone category with the most frontage on that

1 block, excluding zone category 1, along both sides of the
2 alley determines the minimum width on the chart. If the zone
3 categories have equal frontage, the one with the wider
4 requirement shall be used to determine the minimum alley
5 width.

6 E. Existing alleys which meet the minimum width.

7 ~~((1-))~~ Except as provided in subsection G, when an
8 existing alley meets the minimum right-of-way width
9 established in subsection D, the following requirements shall
10 be met:

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

14 ~~((1-))~~a. For the following types of
15 projects, the entire width of the portion of the alley
16 abutting the lot, and the portion of the alley between the lot
17 and a connecting street, shall be improved to at least the
18 equivalent of a crushed rock surface, according to the Street
19 Improvement Manual. The applicant may choose the street to
20 which the improvements will be installed. If the alley does
21 not extend from street to street, and the connecting street is
22 an arterial designated on Exhibit 23.53.015A, either the
23 remainder of the alley shall be improved so that it is
24 passable to a passenger vehicle, or a turnaround shall be
25 provided. The turnaround may be provided by easement.

26 ~~((i-))~~(1) Residential structures
27 with fewer than ten (10) units;

28 ~~((ii-))~~(2) The following uses when
they are smaller than seven hundred fifty (750) square feet of
gross floor area: Fast food restaurants, major and minor
vehicle repair uses, and multi-purpose convenience stores;

1
2 ((iii-)) (3) Nonresidential
3 structures which have less than four thousand (4,000) square
4 feet of gross floor area and which do not contain uses listed
5 in subsection ((D1b)) E1a(2) which are larger than 750 square
6 feet;

7 ((iv-)) (4) Structures containing a
8 mix of residential and nonresidential uses, if the residential
9 use is less than ten units, and the square footage of
10 nonresidential uses is less than specified in ((E1b)) E1a(2)
11 and ((E1c)) E1a(3);

12 ((v-)) (5) Remodelling and use
13 changes within existing structures;

14 ((vi-)) (6) Additions to existing
15 structures which are exempt from environmental review; and

16 ((vii-)) (7) Expansions of a surface
17 parking area or open storage area of less than twenty percent
18 (20%) of parking area or storage area or number of parking
19 spaces.

20 ((+2)) b. For projects not listed in
21 subsection E1a, the entire width of the portion of the alley
22 abutting the lot, and the portion of the alley between the lot
23 and a connecting street, shall be paved. The applicant may
24 choose the street to which the pavement will be installed. If
25 the alley does not extend from street to street, and the
26 connecting street is an arterial designated on Exhibit
27 23.53.015A, either the remainder of the alley shall be
28 improved so that it is passable to a passenger vehicle, or a
turnaround shall be provided. The turnaround may be provided
by easement.

((b-)) 2. When the alley is not used for
access, if the alley is not fully improved, all structures

1 shall be designed to accommodate the grade of the future alley
2 improvements, and a no-protest agreement to future alley
3 improvements shall be required, as authorized by RCW Chapter
4 35.43. The agreement shall be recorded with the King County
5 Department of Records and Elections.

6 F. Existing alleys which do not meet the minimum width.

7 1. When an existing alley is used for access to
8 parking spaces, open storage, or loading berths on a lot, and
9 the alley does not meet the minimum width established in
10 subsection D, except as provided in subsection G, a dedication
11 equal to half the difference between the current alley right-
12 of-way width and minimum right-of-way width established in
13 subsection D shall be required; provided, however, that if
14 right-of-way has been dedicated (~~on one (1) side of the alley~~
15 ~~on that block~~) since 1982, ((the)) other lots on the ((~~other~~
16 ~~side~~)) block shall not be required to dedicate ((~~either the~~
17 ~~same amount of right-of-way, or enough that the alley meets~~
18 ~~the minimum width, whichever is less~~)) more than that amount
19 of right-of-way. Underground and overhead portions of
20 structures that would not interfere with the functioning of
21 the alley may be allowed by the Director of Engineering. When
22 existing structures are located in the portion of the lot to
23 be dedicated, that portion of the lot shall be exempt from
24 dedication requirements. The improvements required under E1
25 ((~~or E2~~)) shall then be installed, depending on the type of
26 project.

27 2. When an existing alley is not used for access
28 to parking spaces or loading berths on an((d)) abutting lot,
but the alley does not meet the minimum width established in
subsection D, except as provided in subsection G, the
following requirements shall be met:

1
2 a. A setback equal to half the distance
3 between the current alley right-of-way width and the minimum
4 right-of-way width established in subsection D shall be
5 required; provided, however, that if a setback has been
6 provided (~~on one (1) side of the alley on that block~~) under
7 this provision, ((the)) other lots on the ((~~other side~~)) block
8 shall provide the same setback. The area of the setback may
9 be used to meet any development standards, except that
10 required parking may not be located in the setback.
11 Underground and overhead structures which would not prevent
12 the future widening and improvement of the right-of-way may be
13 permitted by the Director of Engineering in the required
14 setback.

15 b. All structures shall be designed to accommodate
16 the grade of the future alley right-of-way.

17 c. A no-protest agreement to future street
18 improvements shall be required, as authorized by RCW Chapter
19 35.43. The agreement shall be recorded with the title to the
20 property with the King County Department of Records and
21 Elections.

22 G. Exceptions.

23 The Director, in consultation with the Director of
24 the Engineering, may modify or waive the requirements for
25 dedication, paving and drainage, setbacks, grading and no-
26 protest agreements, if it is determined that one or more of
27 the following conditions are met. The Director may require
28 access to be from a street if alley improvements are also
waived.

1. Location in an environmentally sensitive area,
disruption of existing drainage patterns, or removal of
natural features such as significant trees makes widening

1 and/or improving the right-of-way impractical or undesirable.

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

6 3. Widening and/or improving the right-of-way
7 would eliminate alley access to an existing lot.

8 4. Widening and/or improving the right-of-way is
9 impractical because topography precludes the use of the alley
10 for vehicular access to the lot.

11 5. The alley is in a historic district or special
12 review district, and the Community Development Director finds,
13 after review and recommendation by the appropriate review
14 board, that the widening and/or improvement would be
15 detrimental to the character and goals of the district.

16 Section 9. Subsection 23.54.030B SMC, as last amended by
17 Ordinance 115236, is amended as follows:

18 B. Parking Space Requirements.

19 The required size of parking spaces shall be
20 determined by whether the parking is for a residential or
21 nonresidential use. In structures containing both residential
22 and nonresidential uses, parking which is clearly set aside
23 and reserved for residential use shall meet the standards of
24 subsection B1; otherwise, all parking for the structure shall
25 meet the standards of subsection B2.

26 1. Residential Uses.

27 a. When five (5) or fewer parking spaces are
28 provided, the minimum required size of a parking space shall
be a medium car, as described in subsection A2 of this
section.

1
2 b. When more than five (5) parking spaces are
3 provided, a minimum of sixty percent (60%) of the parking
4 spaces shall be striped for medium vehicles. The minimum size
5 for a medium parking space shall also be the maximum size.
6 Forty percent (40%) of the parking spaces may be striped for
7 any size, provided that when parking spaces are striped for
8 large vehicles, the minimum required aisle width shall be as
shown for medium vehicles.

9 2. Nonresidential Uses.

10 a. When ten (10) or fewer parking spaces are
11 provided, a maximum of twenty-five percent (25%) of the
12 parking spaces may be striped for small vehicles. A minimum
13 of seventy-five percent (75%) of the spaces shall be striped
for large(()) vehicles.

14 b. When between eleven (11) and nineteen (19)
15 parking spaces are provided, a minimum of twenty-five percent
16 (25%) of the parking spaces shall be striped for small
17 vehicles. The minimum required size for these small parking
18 spaces shall also be the maximum size. A maximum of sixty-
19 five percent (65%) of the parking spaces may be striped for
20 small vehicles. A minimum of thirty-five percent (35%) of the
spaces shall be striped for large(()) vehicles.

21 c. When twenty (20) or more parking spaces
22 are provided, a minimum of thirty-five percent (35%) (())
23 of the parking spaces shall be striped for small vehicles.
24 The minimum required size for small parking spaces shall also
25 be the maximum size. A maximum of sixty-five percent (65%) of
26 the parking spaces may be striped for small vehicles. A
27 minimum of thirty-five percent (35%) of the spaces be striped
28 for large vehicles.

d. The minimum vehicle clearance shall be at least six feet nine inches (6'9") on at least one (1) floor, and there shall be at least one (1) direct entrance from the street for all parking garages accessory to nonresidential uses and all principal use parking garages which is at least six feet nine inches (6'9") in height.

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(To be used for all Ordinances except Emergency.)

Section 10. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 11th day of March, 1991,
and signed by me in open session in authentication of its passage this 11th day of
March, 1991.

Ed. Chow
President Pro Tem of the City Council.

Approved by me this 15th day of March, 1991.

Norman B. Rice
Mayor.

Filed by me this 18th day of March, 1991.

Norward J. Brooks
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

Margaret Carter
By Deputy Clerk.

Seattle
Department of Construction and Land Use

RECEIVED OMB
FEB 11 1991



Dennis J. McLerran, Director
Norman B. Rice, Mayor

M E M O R A N D U M

848919

TO: Paul Kraabel, President, Seattle City Council
Via Andrew Lofton, Director, Office of Management
and Budget

FROM: Dennis J. McLerran, Director *DJM*

DATE: February 6, 1991

SUBJECT: Cleanup Amendments to the Street Improvement
Ordinance

Attached for Council review and adoption is a proposed ordinance which fixes minor errors made in the street improvement legislation adopted in October, 1990. The ordinance adds text which was inadvertently dropped and fixes incorrect numbering and cross-references. It also clarifies certain provisions and makes them consistent in each section where they appear.

The Law Department has reviewed and approved the legislation, and it is their opinion that a public hearing is not required. Because the ordinance makes no substantive changes, environmental review was also not required. We do not expect any fiscal impacts from the adoption of the ordinance except the costs of copying it for staff (\$195) and printing new code pages (\$241), for a total cost of approximately \$436.

Councilmember George Benson has agreed to sponsor this legislation. If you have any questions about the proposed ordinance, please call Rebecca Herzfeld of my staff at 684-8874.

DJM:rh

Attachment

wpl\pkr

City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director
Norman B. Rice, Mayor



February 19, 1991

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT

Construction and Land Use

SUBJECT:

An ordinance relating to land use, zoning and transportation, amending Sections 23.22.052, 223.24.035, 23.53.005, 23.53.015, 23.53.020, 23.53.025, and 23.53.030, Seattle Municipal Code (SMC) to correct errors and omissions in Ordinance 115326

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Victoria Runkle, 4-8080.

Sincerely,

Norman B. Rice
Mayor

by

A handwritten signature in black ink, appearing to read "Andrew J. Lofton", with a long horizontal flourish extending to the right.

ANDREW J. LOFTON
Budget Director

AL/vr/lwb

Enclosure

cc: Director, DCLU

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Eric J. Benson

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

2906
City of Seattle

—ss.

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

ORD: 115568

was published on

03/21/91

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

M. Skrepeta
Subscribed and sworn to before me on

03/21/91

U. J. Beck
Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 115326

AN ORDINANCE relating to land use, zoning and transportation, amending Sections 23.22.052, 23.24.035, 23.53.005, 23.53.019, 23.53.030, 23.53.033, and 23.53.038, Seattle Municipal Code (SMC) to correct errors and omissions in Ordinance 115326.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.22.052 SMC, as last amended by Ordinance 115326, is amended as follows:

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

[(5-)]E. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Council determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet [(10')] wide parallel to and bordering the high water mark.

[(10-)]E. If the Council concludes that the public interest will be served the Council may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of

1-1 State v Landwehr, 51
0-1 State v Bobo aka \$100 C
9-1 State v Reid, \$446 36 C
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