

## SUMMARY and FISCAL NOTE\*

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*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**a. Legislation Title:**

AN ORDINANCE relating to land use and zoning, amending the title of Chapter 23.52, Subchapter I of the Seattle Municipal Code (SMC); amending Sections 23.52.004 and 23.52.008 of the SMC; and repealing Section 23.52.002 of the SMC in order to implement the Comprehensive Plan adopted level of service standard.

**b. Summary and background of the Legislation:**

The proposed legislation would amend provisions of Chapter 23.52 of the Land Use Code to redefine transportation concurrency level of service (LOS) standards, implementing a policy change in the City's Comprehensive Plan. The new LOS standard represents a significant policy shift in how transportation concurrency is evaluated. In updating the Comprehensive Plan in 2016, the City sought a different methodology for measuring transportation LOS, one better aligned with long-standing City policy objectives to promote moving people rather than vehicles. These policies support a wider variety of transportation choices, efficiently use the City's limited right-of-way (ROW), and promote other social, environmental and health benefits to residents and workers.

The proposed legislation would require development proposals meeting threshold size criteria in certain areas, excluding Urban Centers, Hub Urban Villages, and light rail station areas, to provide options to reduce single-occupant vehicle (SOV) traffic volumes or enable greater access to non-SOV travel modes. The proposed criteria are:

- Proposed development with more than 30 dwelling units, more than 30 sleeping rooms, or non-residential uses greater than 4,000 square feet of gross floor area in size; and
- Proposed development located in IG1 or IG2 zones and having more than 30,000 square feet of gross floor area in uses categorized as agricultural, high impact, manufacturing, storage, transportation facilities, or utility uses.

### **2. CAPITAL IMPROVEMENT PROGRAM**

- a. Does this legislation create, fund, or amend a CIP Project?**       Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

a. Does this legislation amend the Adopted Budget?      \_\_\_ Yes X No

b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The proposal would reorient the information responsive to transportation level of service and concurrency that is reviewed by SDCI. Until now, demonstrating transportation concurrency involved applicants providing traffic distribution data and showing that the level of service standards would not be exceeded at nearby groups of streets. This entailed a brief review by SDCI's transportation planning expert to verify data from a professional transportation planning consultant. The proposal would instead allow for applicants to choose from among a number of options, including one allowing applicants to suggest alternate actions to reduce SOV trips. SDCI's reviews would pertain to Master Use Permits but also could pertain to building permit reviews as well.

The listed options to address LOS standards include:

1. Limiting the provision of on-site parking spaces
2. Demonstrating that the mix of land uses on a site (typically including non-residential services at ground floor, and residential uses above) will result in a reduction of travel trips of at least four percent.
3. A subsidy for a transit pass to on-site residents or tenants.
4. New sidewalk improvements in locations outside the development site.
5. Providing new curb cut improvements in locations outside the development site.

Among these listed options, #4 and #5 generate more potential need for staff coordination and tracking of progress in parallel permit reviews by SDOT. The first, second, and third options require SDCI review staff to examine information on the applicant's plan set and verify its completeness and accuracy, similar to other zoning review tasks. The second item above would need a brief review by SDCI's transportation planning expert(s) for accuracy and completeness. Possible alternate actions to reduce SOV trips would also need review by SDCI's transportation planning expert(s).

The resulting impact on staffing reviews would thus be to spread the responsibility for concurrency-related reviews among more SDCI staff than at present and would also result in more responsibility to review proposals against a wider range of new regulatory options. This might incrementally reduce the current burden of this review component on SDCI's transportation planning expert(s) but would create new responsibilities for more zoning review staff.

Review tasks involving checking of factual information on plan sets would represent only a minor addition to overall SDCI workload. However, for the limited number of projects that choose options #4 and #5, SDCI duties regarding off-site sidewalk or curb cut improvements would probably incur a greater review time and potential delay. This net gain in review time relates to tracking status and timing of parallel Street Improvement Process (SIP) reviews conducted at SDOT and understanding which improvement

commitments will be made or have been made by an applicant, regarding a current Master Use Permit or building permit. The off-site locations of such improvements would be a new factor that would add complexity and could increase the need for specificity and/or corrections in future reviews.

Also, in terms of inspection and code compliance functions, inspecting possible new off-site sidewalk or curb-cut improvements during or after construction would be a new task at locations outside of a given property. The off-site aspect would probably require attention to recordkeeping as well as ensuring follow-through on final inspections. Documentation of improvements provided and their relationship to sites other than the adjacent property would be relevant to SDCI's tasks for construction inspections and post-construction compliance reviews.

In addition, given the likelihood that gaps in time will ensue between permit approvals and completion of improvements (in some cases ranging to multiple years), there is a probable added responsibility to keep track of which locations are identified as being committed to a given permit holders' set of required improvements. This would help avoid potential disputes about which parties hold the obligation to improve which location or locations. This creates a probable need for a tracking system or method that will allow information pertinent to both SDCI and SDOT to be retained for future checking. See more discussion in the IT needs assessment below.

The total burden of such added SDCI staff responsibilities depends on the likely number of cases where more complex review or tracking tasks would occur. SDCI analysis of permit review volumes in the affected area (2012-2017) suggests that approximately 120 Master Use Permits annually could occur subject to these new rules.

SDCI predicts that most applicants would pursue options easiest to satisfy with the least cost and greatest certainty. From this perspective, controlling parking totals (Option 1) and showing reductions in trips through mix of on-site uses (Option 2) could be the most commonly selected options, and transit passes (Option 3) may also be selected by some parties. Due to probable process complexities involved in obtaining improvement approvals for off-site locations (including SDOT Street Improvement Plan permits), and the cost of the improvements themselves, only a limited number of applicants are likely to select sidewalk or curb cut improvement options (Options 4 and 5). A broad estimate is that between 3% and 20% of applicants could elect to pursue off-site sidewalk or curb ramps to satisfy this requirement. Taking this percentage from the total of 120 MUPs annually, this reduced figure would represent between 4 and 25 developments per year.

With this relatively low estimate of the most complicated review types, SDCI staff worked with IT staff to explore the possible relationships of these options to technology needs for tracking and coordination purposes.

Based on the analysis summarized above, conclusions about fiscal impacts of this proposal on SDCI are as follows:

### **Permit review for parking controls, mix of land uses, transit pass options, alternate actions**

- SDCI anticipates that 80-97% of future development needing the proposed review would pursue Options 1, 2 or 3, leading to staff tasks of verifying information on the plan set that cumulatively do not create a significant net gain in staffing needs.
- The allocation of this task would occur more broadly than it does today, slightly reducing SDCI transportation expert(s)' responsibility but retaining some of their responsibility for looking at mix-of-land-use trip reduction findings, and alternate trip-reduction actions that may occasionally be proposed by applicants.
- At 120 developments reviewed annually, and up to 30 minutes worst-case review time per application, this could add about 50-60 hours of staff review time to zoning reviews per year.
- This added review time is only a minor addition to total SDCI review burden and would not generate a need for additional staff.

### **Permit review for off-site sidewalk and curb cut improvements**

- For around 4-25 developments per year, SDCI review staff could incur additional time tracking progress made in SDOT SIP permit reviews and coordinating with SDOT staff if questions arise about project details or potential changes over time in SIP content.
- This review time would fall mostly on zoning review staff. It would represent a task similar to other existing coordinating tasks with SDOT, but the off-site nature of improvements would be a new subject that could lead to complications or uncertainties in some cases, which could entail more review check-in time by SDCI zoning-review supervisors.
- At the projected volume of 4-25 developments annually, and an estimated average time addition of up to 3 hours per application, this could add 12-75 hours of additional staff review time per year.
- This added review time is only a minor addition to total SDCI review burden and would not generate a need for additional staff.
- It is also possible that SDCI would incur additional cost and labor time in adding information to recordkeeping systems, and possibly on future follow-up or tracking tasks about individual permit outcomes. This could relate to inspection and enforcement tasks at a later date inquiring to SDCI permit reviewers about certain facts and permit conditions, for example.

### **Inspection and enforcement duties, construction and post-construction**

- The proposal would add incrementally to the range of improvements that would require inspection by city inspectors during construction periods, and newly add duties that would extend to locations that are not adjacent to the development sites. Sidewalks and related landscaping features at a minimum would be subject to inspection. This category of work could be better supported if data management methods are developed to ensure that relevant information about the off-site improvements is linked to site development permitting.
- SDCI enforcement staff's duties would also expand incrementally due to the proposal. Similar to inspections, complaint-based enforcement could cause staff

to evaluate off-site improvement qualities and their adherence to development permit conditioning, and as such enforcement staff could benefit from good information tracking about off-site improvements.

- Certain enforcement complaints, such as curb ramp quality complaints, would be forwarded to SDOT as they would be most relevant to their jurisdiction.
- Added review time as a result of this proposal would be only a minor addition to total SDCI overall inspection and enforcement responsibilities and would not generate a need for additional staff.

### **IT needs assessment**

- Seattle IT staff evaluated the proposal for probable data management needs and relationships to the activities of SDCI and SDOT. Seattle IT found that creation of an ASI table in Accela is required to support workflow management. There is also a need for GIS analysis and data updates.
- The proposal may require more in-depth business analysis to gather specifications and process details to update existing technology systems or create new supporting technology. If the determination is made that a technology project is required, a project proposal will be created through collaborative process with SDCI and SDOT.

### **c. Is there financial cost or other impacts of *not* implementing the legislation?**

No. If this legislation was not implemented, there would be no financial impacts on City operations. However, a disparity between Comprehensive Plan policy and the Land Use Code on level of service measurement methods would remain.

## **4. OTHER IMPLICATIONS**

### **a. Does this legislation affect any departments besides the originating department?**

The proposal would affect the Seattle Department of Transportation (SDOT), by potentially increasing the scope and number of existing street improvement permits (SIP). OPCD has prepared the legislation in consultation with SDOT and SDCI.

SDOT staff engaged in SIP permitting processes would typically experience the new kinds of off-site improvements, including sidewalks and curb ramps, as an added component of a SIP. SDOT tracks locations of SIPs and other details using Hansen 7.7 permitting software. As most SIPs are required to meet the city's land use code, SDCI and SDOT currently coordinate at various stages of the Master Use Permit (MUP) and Building Permit stages to ensure street improvements align with the city's codes. SIPs generated to meet transportation concurrency for additional sidewalk or curb ramp improvements would be treated and tracked similarly by SDOT. SDOT currently works with developers early in the design process to ensure code requirements and street improvements align with the city's right-of-way improvements manual, modal plans and streetscape concept plans. During this process, SDOT expects to work with applicants volunteering to build sidewalks and/or curb ramps to meet transportation concurrency.

SDOT anticipates minimal additional impact to staffing levels or workload as a result of transportation concurrency in the short-term. In the long-term, when SDOT transitions to Accela to track and issue permits, Accela will need to be designed to connect SIPs for land use code requirements and SIPs for transportation concurrency requirements. SDOT does not anticipate creating a public-facing web map identifying the location of SIPs created to meet transportation concurrency, which would add considerable staff effort and cost.

**b. Is a public hearing required for this legislation?**

Yes. To be held during Council review process.

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. A notice of the SEPA Determination of Non-Significance for this legislation was published in the Daily Journal of Commerce on June 4, 2018.

**e. Does this legislation affect a piece of property?**

Yes. The proposal would affect transportation-related improvement requirements throughout most parts of the city, consisting of places outside of Urban Centers, Hub Urban Villages, and light rail station areas.

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

The legislation has no identified negative impact on vulnerable or historically disadvantaged communities. The legislation would help create or sustain attractive, walkable environments on a city-wide basis without identified disparate impacts in any geographic area.

The legislation promotes equitable conditions by supporting better accessibility to transportation modes other than SOVs. A growth pattern with improved access/mobility improvements can contribute toward a lower transportation cost burden per household, due to improved accessibility to alternate transportation choices.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

The proposal would not result in a new initiative or major programmatic expansion. Rather, it would reorient existing review methods that assess development-related impacts on the transportation system in terms of level-of-service standards that pertain to concurrency. The basis for this proposal lies in a Comprehensive Plan policy that changes the measurement basis for level-of-service, away from vehicle traffic volume capacity of

the street system and toward reduction of the proportion of single-occupant vehicles (SOV) in peak hour traffic flows. The Land Use Code includes SOV-reduction goals by geographic sector. The proposal would require actions by development applicants to contribute toward SOV trip reduction by taking steps that will help reduce SOV trip generation and improve ability of individuals to use other transportation modes.

**h. Other Issues:**

None.

**List attachments/exhibits below:**

None.