

ORDINANCE AMENDMENT REVIEW SHEET

AMENDMENT: C2o-06-012

DESCRIPTION: Consider amending sidewalk regulations, including a new variance process, new building permit requirements and proposed fee in-lieu of process.

BACKGROUND: The Planning Commission's Codes and Ordinances Committee initiated this amendment to specify that sidewalks may be required at the time a building permit is issued for new construction and additions. The amendment also allows an applicant in certain cases to contribute to a sidewalk fund in lieu of constructing a required sidewalk. It also makes all waivers from sidewalk requirements administrative.

CURRENT REGULATIONS: Sidewalks are currently required with every new subdivision or site plan. Because many older areas were subdivided before regulations required sidewalks, and because single-family and duplex development does not require a site plan, sidewalks may not be required when existing structures are substantially modified or demolished and replaced. Conversely, sidewalks may be required for isolated lots in older areas that are resubdivided into smaller lots, even though sidewalks are not present on other lots in the same block.

At present a waiver from sidewalk requirements may be granted administratively if requested with a site plan but require Land Use Commission approval if requested with a subdivision.

ISSUES: The Commission on 7-24-07 asked staff to consider a provision to allow corner lots in infill situations to construct sidewalks only along the shorter street segment. The draft ordinance includes this provision. The Commission also asked staff to investigate allowing each neighborhood to decide whether the normal standard would be to construct sidewalks or pay into the sidewalk fund. Staff does not recommend this change.

DEPARTMENTAL COMMENTS: The Neighborhood Housing and Community Development Department has issued an Affordability Impact Statement indicating that the amendment will have a negative effect on housing affordability.

STAFF RECOMMENDATION: Staff recommends approval of the proposed ordinance.

BASIS FOR RECOMMENDATION: The ordinance will require that sidewalks be built in many older areas where they are most needed. It will also provide more options to the developer by allowing payment into a fund instead of construction in some cases. It will also simplify the waiver process.

PLANNING COMMISSION ACTION: 7-24-07: Continued to 8-14-07. 8-14-07: Recommended 7-0 (Galindo absent)

CITY COUNCIL ACTION:

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

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PROPOSED SIDEWALK ORDINANCE AMENDMENT

Proposed Amendment

The proposed changes to the regulations would expand the existing requirements for sidewalks but also increase flexibility. To encourage the construction of sidewalks in areas that are witnessing redevelopment, the amendment would require that sidewalks be constructed whenever a building permit is issued for new construction or a substantial addition to an existing building. In situations where sidewalks are warranted but conditions make construction impractical, the ordinance would allow the payment of a fee in lieu of sidewalk construction. Fees collected could be used to construct sidewalks along other streets in the vicinity of the project. To simplify the variance process, the amendment would make all sidewalk variances administrative.

Applicability

The proposed amendment would apply within the zoning jurisdiction only, not the extraterritorial jurisdiction. Sidewalks would be required in conjunction with a new application for:

- Subdivision
- Site plan
- Building permit for construction of a new building or an addition to an existing building that increases the building's gross floor area by 50 percent or more
- A relocation permit to move a building to a site.

The amendment would not apply to building permits for new buildings or buildings that, in the Director's opinion, generate negligible pedestrian traffic. For corner lots in infill situations, the owner would be required to construct the sidewalk only along the shorter street segment.

Waivers

At present, sidewalk requirements may be waived based on the checklist in the Transportation Criteria Manual (see attachment). If the ordinance amendment is adopted, this checklist should be revised through a rules posting to allow a complete waiver of sidewalks only if it is determined that sidewalks are inappropriate because:

- There are no pedestrian generators in the area, or
- The land use and density are not conducive to pedestrian access.

Fee in Lieu of Sidewalk Construction

In situations where sidewalk installation is impractical as described in Sec. 25-6-354 of the ordinance, the applicant would be allowed to pay a fee in lieu of constructing sidewalks. The amount of the fee would be based upon a current engineer's cost estimate. Fees collected must be:

- Used for sidewalks or curb ramps within the same service area (as defined by the Director)
- Expended within 10 years of the date collected, or else refunded to the applicant.

Implementation

In addition to the ordinance amendment, adoption of new rules will be required in order to implement changes to the sidewalk requirements. These revisions will be adopted through the rules posting process and will include:

- Revising the criteria for a sidewalk waiver
- Establishing procedures for payment of the fee in lieu of sidewalk construction