

ORDINANCE No. 117432

*Law Department*

COUNCIL BILL No. 110484

The City of Seattle--Legislative

AN ORDINANCE relating to the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with development permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_  
to which was referred the within Council Bill No. \_\_\_\_\_  
report that we have considered the same and respectfully recommend t

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COMPTROLLER FILE No. \_\_\_\_\_

Introduced: 12-5-94	By: Harris
Referred:	To: Comm of the Whole
Referred:	To:
Referred:	To:
Reported: DEC 12 1994	Second Reading: DEC 12 1994
Third Reading: DEC 12 1994	Signed: DEC 12 1994
Presented to Mayor: DEC 13 1994	Approved: DEC 19 1994
Returned to City Clerk: DEC 29 1994	Published: NP
Vetoesd by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained.

Full Council Vote 8-0 (Week)

Committee Chair

*Law Department*

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_

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

*Full Council vote 8-0 (Weeks out of Chamber)*

\_\_\_\_\_  
Committee Chair

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ORDINANCE 117432

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AN ORDINANCE relating to the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with development permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

WHEREAS, to foster the City's goal of regulatory reform it is desirable to further streamline permit review, reduce procedural redundancies, and reduce the cost of doing business for permit applicants and for the City; and

WHEREAS, the Mayor has recommended to the City Council that certain plan review functions currently performed by the Engineering Department be consolidated into the Department of Construction and Land Use; and

WHEREAS, in order to carry out the consolidated functions, the 1995 adopted position lists for the Engineering Department and the Department of Construction and Land Use have been adjusted to reflect the transfer of approximately nine (9) positions from the former to the latter department; Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Responsibility for carrying out the following functions in connection with development permits is hereby transferred from the Engineering Department to the Department of Construction and Land Use:

- a. review of the geotechnical and structural shoring designs necessary to protect the public rights of way during temporary excavations necessary for private development;

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1           b. review of drainage system and erosion control design  
2 necessary for development permits required by the Stormwater,  
3 Grading, and Drainage Code;

4           c. determination of required street improvements  
5 associated with activity that requires a development permit;

6           d. review of site access, including truck  
7 loading/unloading; and

8           e. review of necessary transportation analyses, and  
9 related improvements.

10           Section 2. A new subsection 6 is added to Section  
11 21.16.030 of the Seattle Municipal Code (Ordinance 97016, § 2,  
12 as last amended by Ordinance 114293, § 2) and the ensuing  
13 subsections are renumbered and amended as follows:

14           **21.16.030 Definitions.**

15           6. "Director of Construction and Land Use" means the  
16 Director or employees of The City of Seattle Department of  
17 Construction and Land Use.

18           ((6-)) 7. "Director of Engineering" means the Director  
19 of Engineering or employees of The City of Seattle Engineering  
20 Department.

21           ((7-)) 8. "Downspout" means a pipe which conducts water  
22 from a roof of a building.

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1           ((8-)) 9. "Footing drain" means an open joint or  
2 perforated pipe located near the foundation of a building,  
3 intended to intercept and carry groundwater.

4           ((9-)) 10. "Garbage" means putrescible waste from the  
5 preparation, cooking and dispensing of food, and from the  
6 handling, storage and sale of produce.

7           ((10-)) 11. "Garbage, properly shredded" means garbage  
8 that has been shredded to such a degree that it will be  
9 carried or suspended freely under the flow conditions normally  
10 prevailing in public sewers, with no particle larger than  
11 three-eighths inch (3/8") in any dimension.

12           ((11-)) 12. "Industrial waste" means a liquid, solid or  
13 gaseous substance, or combination thereof, resulting from any  
14 process of industry, manufacturing, food processing, business,  
15 trade or research, including the development, recovering or  
16 processing of natural resources and including garbage, but  
17 distinguished from sanitary sewage or storm drainage.

18           ((12-)) 13. "Main sewer" means a pipe which is part of  
19 the public sewer system and to which a side sewer is  
20 connected.

21           ((13-)) 14. "Metro" means (~~the Municipality of~~  
22 ~~Metropolitan Seattle~~) King County.

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1 waste prior to its introduction into the public sewer system  
2 to the extent required by the Director of Engineering.

3 ((22-)) 23. "Public place," "public area" or "street  
4 area" means and includes streets, avenues, ways, boulevards,  
5 drives, places, alleys, sidewalks, and planting strips,  
6 squares, triangles and rights-of-way dedicated for the use of  
7 the public, and the space above or beneath the surface of the  
8 same.

9 ((23-)) 24. "Registered side sewer contractor" means a  
10 person approved and registered by the Director of Engineering  
11 to construct or repair side sewers.

12 ((24-)) 25. "Public sewer system" means the sewer or  
13 storm drainage facilities owned and maintained by the City,  
14 Rainier Vista Sewer District, Southwest Suburban Sewer  
15 District or Metro, or any sewage facilities acquired,  
16 constructed or maintained by such agencies.

17 ((25-)) 26. "Service drain" means a privately owned and  
18 maintained drainage system which carries only stormwater  
19 runoff, surface water, foundation drainage and/or other  
20 unpolluted waters and which discharges at an approved outlet  
21 as defined by the Director of Engineering. Service drains  
22 include, but are not limited to, conveyance pipes, catchbasin  
23 connections, downspout connections, detention pipes, and  
24 subsurface drainage connections to an approved outlet.

1 Service drains do not include groundwater collection systems  
2 upstream from the point of connection to a service drain.

3 ((26-)) 27. "Sewage" means waste discharged from  
4 sanitary plumbing outlets of buildings.

5 ((27-)) 28. "Sewage treatment plant" means an  
6 arrangement of devices, structures and equipment for treating  
7 wastewater.

8 ((28-)) 29. "Sewer, combined" means a publicly owned  
9 and maintained sewerage system which carries surface runoff  
10 water, polluted water, unpolluted water, industrial waste,  
11 effluent from storm plumbing outlets, sewage, and water from  
12 foundation drains.

13 ((29-)) 30. "Sewer, sanitary" means a publicly owned  
14 and maintained sewage system which carries wastewater, and is  
15 not designed to carry stormwater or unpolluted water.

16 ((30-)) 31. "Side sewer" means a privately owned and  
17 maintained pipe system which is designed to carry sewage  
18 and/or stormwater runoff, surface water, foundation drainage,  
19 and other unpolluted water leading from a plumbing outlet,  
20 drain or other facilities to the public sewer system or  
21 approved outlet.

22 ((31-)) 32. "Sidewalk" means the walkway in a public  
23 area lying generally parallel to the roadway.

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1           (~~32~~) 33. "Standard Plans and Specifications" means  
2 the standard plans and specifications adopted by the Board of  
3 Public Works and in effect on the date of issuance of the  
4 permit.

5           (~~33~~) 34. "Storm drain" means a publicly owned and  
6 maintained drainage system which carries stormwater runoff,  
7 surface water, foundation drainage, and other unpolluted  
8 water.

9           (~~34~~) 35. "Suspended solids" means solids that either  
10 float on the surface of or are in suspension in water, sewage,  
11 or other liquids, and which are removable by filtering the  
12 liquid, and includes matter which, upon dilution with water or  
13 sewage, results in the formation of suspended solids.

14           (~~35~~) 36. "Unpolluted water" means water in its  
15 natural state, or water which, after use for any purpose, is  
16 not substantially changed as to chemical or biochemical  
17 qualities. The Director of Health or the Director of  
18 Engineering has the authority to determine which waters are  
19 unpolluted waters.

20           (~~36~~) 37. "Use" means and includes use or occupancy  
21 of a public place pursuant to Chapter 15.02 of the Seattle  
22 Municipal Code for the purpose of doing work, disturbing the  
23 surface, or erecting any structure under, along or over the  
24 public place.

1           (~~37~~) 38. "Wastewater" is a comprehensive term  
2 including industrial waste, sewage, and other unpolluted  
3 waters, as determined by the Director of Health or Director of  
4 Engineering.

5           (~~38~~) 39. "Watercourse" means a channel in which a  
6 natural flow of stormwater and/or groundwater occurs either  
7 continuously or intermittently.

8           Section 3. Section 21.16.040 of the Seattle Municipal  
9 Code (Ordinance 97016, § 3, as last amended by Ordinance  
10 114298, § 3) is further amended as follows:

11           **21.16.040 Connection or abandonment of side sewers.**

12           A. Wastewater Side Sewer Connections. The owner or  
13 occupant of any lands, premises or habitable structures shall  
14 connect all buildings, habitable structures, sanitary plumbing  
15 outlets, and other sources of polluted water located thereon,  
16 unless exempt under subsection C of this section, with the  
17 nearest accessible sanitary sewer or combined sewer, whenever  
18 such sewer is located within three hundred feet (300') of the  
19 closest point of the building, habitable structure, sanitary  
20 plumbing outlet, or source of polluted water. Except in  
21 conjunction with activity requiring a development permit, the  
22 ((The)) Director of Engineering shall determine whether a  
23 sanitary sewer or combined sewer is accessible and whether the  
24 connection shall be made by a side sewer or by an extension of  
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1 the public sewer system. In conjunction with activity  
2 requiring a development permit, the Director of Construction  
3 and Land Use, after consulting with the Director of  
4 Engineering, shall make such determination.

5 B. Service Drain Connections. Connections of service  
6 drains to combined sewers or storm drains shall be as  
7 specified in Chapters 22.800 and 22.802 of the Seattle  
8 Municipal Code.

9 C. Exemptions from Connection. In conjunction with  
10 activity requiring a development permit, ((P)) the Director of  
11 Construction and Land Use, after consulting with the Director  
12 of Engineering, may exempt any otherwise accessible developed  
13 property from connecting to the public sewer system; and  
14 except in conjunction with activity requiring a development  
15 permit the Director of Engineering may exempt any otherwise  
16 accessible developed property from connecting to the public  
17 sewer system; provided, in all cases, that the following  
18 conditions are met:

19 1. The owner or occupant has agreed to pay to the  
20 City a charge in an amount equal to the charge that would be  
21 made for sewer service if the property were connected to the  
22 sewer system, which amount shall be paid and collected at the  
23 times and in the manner provided by ordinance for the payment  
24 and collection of sewer service charges; and  
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2. The Director of Health has waived the requirement as provided in subsection A of this section that properties within three hundred feet (300') of a sanitary sewer or combined sewer must connect to that sewer; and

3. The property has a currently functioning on-site sewage disposal system as determined by the Director of Health. The exemption will remain in effect until the on-site sewer system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay the charges referred to in subdivision 1 of this subsection, whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection A herein.

D. Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or occupant shall cap the side sewer.

Section 4. Section 21.16.070 of the Seattle Municipal Code (Ordinance 97016, § 6, as last amended by Ordinance 114298, § 7) is further amended as follows:

**21.16.070 Permit required.**

A. A side sewer permit is required for any work on a side sewer including, but not limited to, construction, alteration, repair, removal, and capping.

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1           B. When an existing structure is removed from a site  
2 and a new structure is constructed, a side sewer permit is  
3 required to connect the new structure to the public sewer  
4 system or approved outlet.

5           C. Unless an emergency exists, as determined by the  
6 Director of Engineering, a side sewer permit must be ((issued  
7 by)) obtained from the Director of Engineering before any work  
8 may be started on a side sewer located within the City's sewer  
9 service area, either on private property or within a public  
10 place.

11           D. No permit shall be altered and no work shall be  
12 performed on a side sewer other than that provided for in the  
13 permit. If additional work is necessary, the Director of  
14 Engineering may require an additional permit and/or fees.

15           Section 5. Subsection A of Section 21.16.150 of the  
16 Seattle Municipal Code (Ordinance 97016, § 14, as amended by  
17 Ordinance 114298, § 15) is further amended as follows:

18           **21.16.150 Trenches and excavations.**

19           A. Trenches and excavations shall be subject to the  
20 requirements established ((~~in Chapter 4.40 of The City of~~  
21 ~~Seattle Board of Public Works Rules (Street and Sidewalk~~  
22 ~~Pavement Opening and restoration Rules~~)) by the Director of  
23 Engineering. No excavation shall be made in any public area

1 except at the times and in the manner prescribed by the  
2 Director of Engineering.

3 Section 6. Section 21.16.200 of the Seattle Municipal  
4 Code (Ordinance 97016, § 19, as amended by Ordinance 114298, §  
5 20) is further amended as follows:

6 **21.16.200 Use of existing sewer for new building.**

7 Where a new or converted building or new installation  
8 replaces an old one, the use of an existing side sewer will be  
9 permitted when approved by the Director of ((Engineering))  
10 Construction and Land Use as conforming to all requirements of  
11 this chapter.

12 Section 7. Section 21.16.260 of the Seattle Municipal  
13 Code (Ordinance 97016, § 25, as amended by Ordinance 114298,  
14 §\_\_\_\_) is further amended as follows:

15 **21.16.260 Installation when compliance  
16 is impractical -- Conditional permit.**

17 If, in the opinion of the Director of Construction and  
18 Land Use, after consulting with the Director of Engineering,  
19 physical conditions make compliance with the provisions of  
20 this chapter impracticable, the Director of Engineering may  
21 issue a permit for installation of a side sewer requiring  
22 compliance with the provisions insofar as is reasonably  
23 possible, and such permit shall be issued only upon the  
24 condition that the property owner shall record with the King  
25 County Department of Records and Elections an instrument

1 acceptable to the Director of Engineering agreeing to save  
2 harmless and indemnify the City from any damage or injury  
3 resulting from the installation, operation and maintenance of  
4 said side sewer. Such instrument shall be upon a form  
5 approved by the Director of Engineering. This section is not  
6 intended to be used to allow storm drainage connections to a  
7 sanitary sewer.

8 Section 8. Section 21.16.350 of the Seattle Municipal  
9 Code (Ordinance 97016, § 35, as amended by Ordinance 114298, §  
10 33) is further amended as follows:

11 **21.16.350 Authority to make rules and  
12 regulations.**

13 The Director of Engineering and the Director of  
14 Construction and Land Use may make rules and regulations and  
15 amend the same from time to time, not inconsistent with the  
16 provisions of this chapter, as he or she or they shall deem  
17 necessary and convenient to carry out the provisions of this  
18 chapter.

19 Section 9. Subsections D and G of Section 21.24.021 of  
20 the Seattle Municipal Code (Ordinance 116421, Section 1  
21 (part)) are amended as follows:

22 **21.24.021 Permit application and fee.**

23 The permit application for a sewer or drain connection,  
24 repair, alteration or addition shall be made by the owner of  
25 such property or premises or by a registered side sewer

1 contractor representing the owner, and the Director of  
2 Engineering shall determine whether the permit application  
3 conforms to the requirements of this chapter and other  
4 ordinances of the City regulating side sewers and compute the  
5 amount of the fee in accordance with the following schedule:

6 \*\*\*

7 D. STORM DRAINAGE.

8 1. Drainage Systems Connecting Directly to Storm Drains  
9 or Discharging Directly to Receiving Waters.

10 Single-Family connection fee . . . . \$ 160.00

11 (Less than Nine  
12 Thousand (9,000)  
13 Square Feet of Developmental  
Coverage) ((~~review fee . . . . \$ 55.00~~))

14 INSPECTION TIME IN EXCESS OF ONE HOUR WILL BE BILLED  
15 SEPARATELY.

16 Multi-Family or connection fee . . . . \$ 300.00  
17 Commercial with ((~~review fee . . . . 110.00~~))  
18 less than 9,000  
square feet of  
developmental  
coverage

19 INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED  
20 SEPARATELY.

21 All developments connection fee . . . \$0.02 per square  
22 with greater than foot plus \$285.00  
9000 square feet  
23 of developmental  
coverage ((~~review fee (per square foot) . . \$0.06~~))

24 INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED  
25 SEPARATELY

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2. Drainage Systems with Detention Required

Single-Family connection fee . . . . . \$ 245.00  
(Less than 9000 square feet of developmental coverage) (~~review fee . . . . . 110.00~~)

INSPECTION TIME IN EXCESS OF ONE HOUR WILL BE BILLED SEPARATELY

Multi-Family or Commercial with less than 9000 square feet of developmental coverage connection fee . . . . . \$ 400.00  
(~~review fee . . . . . 300.00~~)

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

All developments with greater than 9000 square feet of developmental coverage connection fee . . \$0.02 per square foot plus \$350  
(~~review fee (per square foot) . . . . . \$0.06~~)

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

~~((3. TEMPORARY DRAINAGE AND EROSION CONTROL~~

~~All developments over 9000 square feet of developmental coverage . . . . . \$ 180.00)~~

G. INSPECTION FEE.

For the purpose of the ordinance inspection time in excess of the base fee will be charged per hour. . \$ ~~((60.00))~~ 90.00

In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the Director of Engineering shall be final and conclusive.

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1 Section 10. Subsection A of Section 22.800.080 of the  
2 Seattle Municipal Code (Ordinance 116425, § 2 (part)) is  
3 amended as follows:

4 **22.800.080 Authority.**

5 A. 1. The Director of Construction and Land Use shall  
6 have authority regarding the provisions of this subtitle  
7 pertaining to grading, review of drainage control plans, and  
8 review of erosion control plans, and shall have inspection and  
9 enforcement authority pertaining to temporary erosion/sediment  
10 control measures (~~((for small projects, as defined in Section~~  
11 ~~22.801.200))~~).

12 2. The Director of Engineering shall have authority  
13 regarding all other provisions of this subtitle pertaining to  
14 stormwater, drainage, and erosion control, including  
15 inspection and enforcement authority (~~((for temporary drainage~~  
16 ~~and erosion control measures for large projects, as defined in~~  
17 ~~Section 22.801.130))~~).

18 Section 11. The subsections "Director of Construction  
19 and Land Use" and "Director of Engineering" in Section  
20 22.801.050 of the Seattle Municipal Code (Ordinance 116425, §  
21 2 (part)) are amended as follows:

22 **22.801.050 "D."**

23 "Director of Construction and Land Use" means the  
24 Director of the Department of Construction and Land Use of The  
25

1 City of Seattle and/or the designee of the Director of  
2 Construction and Land Use, who may be employees of that  
3 department or another City department.

4 "Director of Engineering" means the Director of  
5 Engineering of The City of Seattle and/or the designee of the  
6 Director of Engineering, who may be employees of that  
7 department or another City department.

8 Section 12. A new subsection is added to section  
9 22.801.170 (Ordinance 116425, § 2 (part)) as follows:

10 "Public place" has the meaning given to it in Chapter  
11 15.02.

12 Section 13. Subsections A, D, and F of Section  
13 22.802.012 of the Seattle Municipal Code (Ordinance 116425, §  
14 2 (part)) are amended as follows:

15 **22.802.012 Prohibited discharges.**

16 A. Stormwater Discharges to Sanitary and Combined  
17 Sewers. In consultation with the local sewage treatment  
18 agency, the Director of Engineering may approve/discharges of  
19 stormwater to a public combined sewer or sanitary sewer if  
20 other methods of controlling pollutants in the discharge are  
21 not adequate or reasonable, the discharging party certifies  
22 that the discharge will not harm the environment and will not  
23 overburden or otherwise harm the public combined sewer or  
24 sanitary sewer systems. The Director of Engineering shall

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1 condition approval of such a discharge on compliance with  
2 local pretreatment regulations.

3 D. Permissible Discharges. Discharges from the sources  
4 listed below shall only be illicit discharges if the Director  
5 of Engineering determines that the type of discharge, whether  
6 singly or in combination with others, is causing or  
7 contributing to a violation of the City's NPDES stormwater  
8 permit or is causing or contributing to a water quality  
9 problem, such as those which contain more contamination than  
10 typical discharges in the City, or which contain a type of  
11 contamination that is more toxic or is otherwise a more  
12 serious problem than typical discharges in the City: Potable  
13 water sources; washing of potable water storage reservoirs;  
14 flushing of potable water lines; natural uncontaminated  
15 surface water; natural uncontaminated groundwater;  
16 air-conditioning condensation; natural springs; uncontaminated  
17 water from crawl space pumps; runoff from lawn watering;  
18 irrigation runoff; runoff from residential car washing by  
19 individuals; flows from riparian habitats and wetlands; heat;  
20 discharges in compliance with an NPDES permit; and discharges  
21 from approved footing drains and other subsurface drains  
22 (~~approved by the Director of Engineering~~) or, where approval  
23 is not required, installed in compliance with this subtitle  
24 and rules promulgated pursuant to this subtitle.

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1 F. Testing for Illicit Discharges. When the Director  
2 of Engineering has reason to believe that any discharge is an  
3 illicit discharge, the Director of Engineering may sample and  
4 analyze the discharge and recover the costs from a responsible  
5 party in an enforcement proceeding. When the discharge is  
6 likely to contain illicit discharges on a recurring basis, the  
7 Director of Engineering may conduct, or may require the  
8 responsible party to conduct, ongoing monitoring at the  
9 responsible party's expense.

10 Section 14. Subsections A and B of Section 22.802.013 of  
11 the Seattle Municipal Code (Ordinance 116424, § 2 (part)) are  
12 amended as follows:

13 **22.802.013 Requirements for existing discharges  
14 and land uses.**

15 A. General.

16 1. For all existing discharges directly or  
17 indirectly to a public drainage control system, responsible  
18 parties shall implement and maintain nonstructural best  
19 management practices as specified in rules promulgated jointly  
20 by the Director of Engineering and the Director of  
21 Construction and Land Use. "Nonstructural best management  
22 practices" shall include, but not be limited to, maintenance  
23 and housekeeping practices such as cleaning of catchbasins and  
24 detention facilities, sweeping of parking lots, storing oil  
25 barrels and other contaminant sources out of the rain,

1 covering material stockpiles, and proper use and storage of  
2 hazardous materials.

3 2. If the Director of Engineering determines that  
4 discharges from a drainage control facility are causing or  
5 contributing to a water quality problem, such as discharges  
6 that violate the City's municipal stormwater NPDES permit or  
7 that cannot be adequately addressed by nonstructural best  
8 management practices, including, but not limited to, areas  
9 with recurrent spills such as discharges from vehicle  
10 maintenance shops or gas stations, then the Director of  
11 Engineering may require the responsible party to undertake  
12 more stringent or additional best management practices. These  
13 best management practices may include structural best  
14 management practices, or other action necessary to cease  
15 causing or contributing to the water quality problem or the  
16 violation of the City's permit. Structural best management  
17 practices include but shall not be limited to constructed  
18 facilities such as detention tanks, wet ponds, oil/water  
19 separators, grassed swales, roofing and berming of container  
20 storage areas, and revised piping systems.

21 B. Spill Prevention Required.

22 1. All commercial and industrial responsible  
23 parties shall take measures to prevent spills or other  
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1 accidental introduction of illicit discharges into a public  
2 drainage control system. Such measures shall include:

3 a. Establishment and implementation of plans  
4 and procedures to prevent spills and other accidental releases  
5 of materials that may contaminate stormwater;

6 b. Implementation of procedures for immediate  
7 containment and other appropriate action regarding spills and  
8 other accidental releases to prevent contamination of  
9 stormwater and;

10 c. Provision of necessary containment and  
11 response equipment on-site, and training of personnel  
12 regarding the procedures and equipment to be used.

13 2. The provisions of this subsection may be  
14 satisfied by a Stormwater Pollution Prevention Plan prepared  
15 in compliance with an NPDES industrial stormwater permit for  
16 the site.

17 3. The responsible parties shall make the plans  
18 and procedures required by this subsection available to the  
19 Director of Engineering when requested.

20 Section 15. Section 22.802.015 of the Seattle Municipal  
21 Code (Ordinance 116425, § 2 (part)) is amended as follows:

22 **22.802.015 Stormwater, drainage, and**  
23 **erosion control requirements.**

24 A. When Compliance is Required.

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1           1.    New Development.  All new development,  
2  regardless of type, and regardless of whether or not a permit  
3  is required, must comply with the minimum requirements set  
4  forth in subsection C below.  Projects exceeding nine thousand  
5  (9,000) square feet of developmental coverage shall also  
6  comply with the requirements for large projects set forth in  
7  subsection D below.  Only those projects meeting the review  
8  thresholds set forth in subsection B must prepare and submit  
9  the required plans.

10           2.    Redevelopment.  The portion of the site being  
11  redeveloped shall at least comply with the minimum  
12  requirements set forth in subsection C below.  Projects  
13  exceeding nine thousand (9,000) square feet of developmental  
14  coverage must also comply with the additional requirements set  
15  forth in subsection D below.  Compliance is required  
16  regardless of the type of redevelopment, and regardless of  
17  whether or not a permit is required.  However, only those  
18  projects meeting the review thresholds set forth in subsection  
19  B below must prepare and submit the required plans.

20           3.    Approval of Exceptions Required.  Exceptions to  
21  the requirements of this subtitle may not be used on any  
22  projects, including those that are below the threshold sizes  
23  specified in subsection B, unless allowed by rule promulgated  
24  jointly by the Director of Engineering and the Director of  
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1 Construction and Land Use or approved by the Director of  
2 Construction and Land Use. Approval shall be obtained prior  
3 to initiating land-disturbing activities or new development or  
4 redevelopment. Approvals must be obtained for exceptions to  
5 any and all requirements of this subtitle, including but not  
6 limited to the requirement that natural drainage patterns be  
7 maintained and the requirement that watercourses not be  
8 obstructed.

9 B. Thresholds for Drainage Control Review. The  
10 ((Director)) City may, by interagency agreement signed by both  
11 the Director of Engineering and the Director of Construction  
12 and Land Use, waive the drainage and erosion control permit  
13 and document requirements for property owned by public  
14 entities, when discharges from the property do not enter the  
15 public drainage control system or the public combined sewer  
16 system. Whether or not they are required to obtain permits or  
17 submit documents, public entities are subject to the  
18 substantive requirements of this subtitle, unless exceptions  
19 are granted as set forth in Section 22.808.010. Except as  
20 provided in this subsection, drainage control review and  
21 approval shall be required as provided below:

22 1. Where an application for either a master use  
23 permit or building permit includes the cumulative addition of  
24 seven hundred fifty (750) square feet or more of developmental  
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1 coverage after the effective date of the ordinance codified in  
2 this subtitle;

3 2. Where an application for a grading permit or  
4 approval is required;

5 3. Where a street use permit is required and the  
6 permit is for the cumulative addition of seven hundred fifty  
7 (750) square feet or more of developmental coverage after the  
8 effective date of the ordinance codified in this subtitle;

9 4. Where a City public works project or  
10 construction contract, including contracts for day labor and  
11 other public works purchasing agreements, is for the  
12 cumulative addition of seven hundred fifty (750) square feet  
13 or more of developmental coverage to the site after the  
14 effective date of the ordinance codified in this subtitle,  
15 except for projects in a City-owned right-of-way and except  
16 for work performed for the operation and maintenance of park  
17 lands under the control or jurisdiction of the Department of  
18 Parks and Recreation;

19 5. Where any permit approval or contract includes  
20 any new or additional developmental coverage on a site deemed  
21 a potentially hazardous location, as specified in Section  
22 22.800.050;

23 6. Whenever an exception to a requirement set  
24 forth in this subtitle or in a rule promulgated under this  
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1 subtitle is desired, whether or not review and approval would  
2 otherwise be required, including but not limited to alteration  
3 of natural drainage patterns or the obstruction of  
4 watercourses.

5 C. Minimum Requirements for All Projects. All projects  
6 must comply with the requirements of this subsection.  
7 Projects with more than nine thousand (9,000) square feet of  
8 developmental coverage shall also comply with the requirements  
9 of subsection D below. The Director of Construction and Land  
10 Use may also require projects with nine thousand (9,000)  
11 square feet or less of developmental coverage to comply with  
12 the requirements set forth in subsection D when necessary to  
13 accomplish the purposes of this subtitle. In making this  
14 determination, the Director of Construction and Land Use may  
15 consider, but not be limited to, the following attributes of  
16 the site: location within an Environmentally Critical Area;  
17 proximity and tributary to an Environmentally Critical Area;  
18 proximity and tributary to an area with known erosion or  
19 flooding problems.

20 1. Discharge Point. The discharge point for  
21 drainage water from each site shall be selected as set forth  
22 in rules promulgated jointly by the Director of Engineering  
23 and the Director of Construction and Land Use specifying  
24 criteria, guidelines and standards for determining drainage  
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1 discharge points to meet the purposes of this subtitle. The  
2 criteria shall include, but not be limited to, preservation of  
3 natural drainage patterns and whether the capacity of the  
4 drainage control system is adequate for the additional volume.  
5 For those projects meeting the review threshold, the proposed  
6 discharge point shall be identified in the drainage control  
7 plan required by paragraph C4 below, for review and approval  
8 or disapproval by the Director of (~~Engineering~~) Construction  
9 and Land Use.

10           2. Discharge Rate. To the extent practical, the  
11 peak drainage water discharge rate from pervious and  
12 impervious surfaces on the site shall not exceed 0.2 cubic  
13 feet per second per acre under design storm conditions. The  
14 Director of Construction and Land Use and the Director of  
15 Engineering may jointly promulgate rules modifying the  
16 discharge rate requirement for projects in which the  
17 additional impervious surface is less than seven hundred fifty  
18 (750) square feet or the total impervious surface is less than  
19 two thousand (2,000) square feet. The Director of  
20 Construction and Land Use and the Director of Engineering may  
21 jointly promulgate rules allowing exceptions to the  
22 permissible peak discharge rate for property which discharges  
23 water directly to a designated receiving water or directly to  
24 a public storm drain which the Director of Engineering  
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1 determines has sufficient capacity to carry existing and  
2 anticipated loads from the point of connection to a receiving  
3 water. The design storm used to determine detention volume  
4 necessary to obtain the required discharge rate shall be a  
5 storm with a statistical probability of occurrence of one (1)  
6 in twenty-five (25) in any given year. If the project is  
7 within an environmentally critical area, the design storm  
8 requirements of SMC Chapter 25.09, Regulations for  
9 Environmentally Critical Areas, shall be applied. The  
10 Director of Engineering and the Director of Construction and  
11 Land Use shall jointly adopt rules specifying the methods of  
12 calculation to determine the discharge rate. Where laws or  
13 regulations of the federal government or The State of  
14 Washington impose a more stringent requirement, the more  
15 stringent requirement shall apply.

16 3. Control Measures. During new development,  
17 redevelopment and land-disturbing activities, best management  
18 practices, as further specified in rules promulgated jointly  
19 by the Director of Engineering and the Director of  
20 Construction and Land Use, shall be used to accomplish the  
21 following:

22 a. Control erosion and the transport of  
23 sediment from the site through measures such as mulching,  
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1 matting, covering, silt fences, sediment traps and  
2 catchbasins, settling ponds and protective berms;

3 b. Permanently stabilize exposed soils that  
4 are not being actively worked, through such methods as the  
5 installation of permanent vegetative cover and installation of  
6 slope-protective materials; and

7 c. Control the introduction of contaminants  
8 and pollutants into, and reduce and treat contaminants in  
9 drainage water, drainage control facilities, surface water and  
10 groundwater, and the public drainage control system by methods  
11 such as covering of material stockpiles; proper disposal of  
12 hazardous materials; regular cleaning of catchbasins, gravel  
13 truck loading and heavy equipment areas; spill control for  
14 fueling operations; sweeping; and maintaining erosion control  
15 protective features described above.

16 4. Drainage Control Plan. For those projects  
17 meeting the review thresholds set forth in subsection B above  
18 and which are less than nine thousand (9,000) square feet, the  
19 applicant shall submit a drainage control plan as set forth in  
20 rules promulgated jointly by the Director of Engineering and  
21 the Director of Construction and Land Use. Standard designs  
22 for drainage control facilities as set forth in the rules  
23 ((prepared by the Director)) may be used. Projects exceeding  
24 nine thousand (9,000) square feet must submit a comprehensive  
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1 drainage control plan as set forth in subsection D below. The  
2 Director of Construction and Land Use may impose additional  
3 requirements, including a comprehensive drainage control plan  
4 prepared by a licensed civil engineer, when the project has  
5 complex or unusual drainage, or when additional requirements  
6 are otherwise necessary to accomplish the purposes of this  
7 subtitle.

8 5. Memorandum of Drainage Control. The owner(s)  
9 of the site shall sign a "memorandum of drainage control" that  
10 has been prepared by the Director of Engineering. Completion  
11 of the memorandum shall be a condition precedent to issuance  
12 of any permit or approval for which a drainage control plan is  
13 required. The memorandum shall not be required when the  
14 drainage control facility will be owned and operated by the  
15 City. A memorandum of drainage control shall include:

16 a. The legal description of the site;  
17 b. A summary of the terms of the drainage  
18 control plan, including any known limitations of the drainage  
19 control facilities, and an agreement by the owners to  
20 implement those terms;

21 c. An agreement that the owner(s) shall  
22 inform future purchasers and other successors and assignees of  
23 the existence of the drainage control facilities and other  
24 elements of the drainage control plan, the limitations of the  
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1 drainage control facilities, and of the requirements for  
2 continued inspection and maintenance of the drainage control  
3 facilities;

4 d. The side sewer permit number and the date  
5 and name of the permit or approval for which the drainage  
6 control plan is required;

7 e. Permission for the City to enter the  
8 property for inspection, monitoring, correction, and abatement  
9 purposes;

10 f. An acknowledgment by the owner(s) that the  
11 City is not responsible for the adequacy or performance of the  
12 drainage control plan, and a waiver of any and all claims  
13 against the City for any harm, loss, or damage related to the  
14 plan, or to drainage or erosion on the property, except for  
15 claims arising from the City's sole negligence; and

16 g. The owner(s)' signature, acknowledged by a  
17 notary public.

18 The applicant shall file the memorandum of drainage  
19 control with the King County Department of Records and  
20 Elections so as to become part of the King County real  
21 property records. The applicant shall give the Director of  
22 Engineering proof of filing of the memorandum.

23 6. Flood-Prone Areas. Sites within flood-prone  
24 areas must employ measures to minimize the potential for  
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1 flooding on the site and for the project to increase the risk  
2 of floods on adjacent or nearby properties. Flood control  
3 measures shall include those set forth in other titles of the  
4 Seattle Municipal Code and rules promulgated thereunder,  
5 including but not limited to, SMC Chapter 25.06 (Floodplain  
6 Development) and Chapter 25.09 (Environmentally Critical  
7 Areas), and in rules promulgated jointly by the Director of  
8 Engineering and the Director of Construction and Land Use to  
9 meet the purposes of this subsection.

10           7. Natural Drainage Patterns. Natural drainage  
11 patterns shall be maintained.

12           8. Obstruction of Watercourses. Watercourses shall  
13 not be obstructed.

14           D. Additional Requirements for Large Projects. All  
15 projects exceeding nine thousand (9,000) square feet of  
16 developmental coverage and those small projects identified by  
17 the Director according to subsection C above must comply with  
18 the requirements set forth in this subsection. These  
19 requirements are in addition to the requirements set forth in  
20 subsection C above. When the Directors develop rules  
21 prescribing best management practices for particular purposes,  
22 whether or not those rules are adopted by ordinance, BMPs  
23 prescribed in the rules shall be the BMPs required for  
24 compliance with this subsection. Best management practices  
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1 shall include, but not be limited to: maintenance and  
2 housekeeping practices such as proper storage of oil barrels  
3 and other contaminant sources, covering material stockpiles,  
4 proper use and storage of hazardous materials, as well as  
5 constructed facilities such as detention tanks, wet ponds,  
6 extended detention dry ponds, infiltration, vegetated  
7 streambank stabilization, structural stabilization,  
8 catchbasins, oil/water separators, grassed swales, and  
9 constructed wetlands.

10 1. In addition to detaining a twenty-five (25)  
11 year storm to a release rate of 0.2 cubic feet per second per  
12 acre, the peak drainage water discharge rate from projects of  
13 more than nine thousand (9,000) square feet of developmental  
14 coverage shall not exceed 0.15 cubic feet per second per acre  
15 in a two (2) year storm;

16 2. Control the sources of sediment and other  
17 contaminants and pollutants that could enter drainage water,  
18 including the selection, design and maintenance of temporary  
19 and permanent best management practices;

20 3. Minimize streambank erosion and effects on  
21 water quality in streams, including the selection, design and  
22 maintenance of temporary and permanent best management  
23 practices, where stormwater is discharged directly to a stream  
24 or to a conveyance system that discharges to a stream;

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1           4. Minimize the introduction of sediment, heat and  
2 other pollutants and contaminants into wetlands, including the  
3 selection, design and maintenance of temporary and permanent  
4 best management practices, where stormwater discharges  
5 directly to a wetland or to a conveyance system that  
6 discharges into a wetland;

7           5. Analyze impacts to off-site water quality  
8 resulting from the project. The analysis shall comply with  
9 this subsection and rules promulgated pursuant to this  
10 subsection. The analysis shall provide for mitigation of all  
11 surface water quality or sediment quality impacts. The  
12 impacts to be evaluated and mitigated shall include at-least  
13 the following:

- 14           a. Amount of sedimentation,
- 15           b. Streambank erosion,
- 16           c. Discharges to groundwater contributing to  
17 recharge zones,
- 18           d. Violations of state or federal surface  
19 water, groundwater, or sediment quality standards, and  
20           e. Spills and other accidental illicit  
21 discharges;

22           6. A schedule shall be provided for inspection and  
23 maintenance of proposed temporary and permanent drainage  
24 control facilities and other best management practices. The  
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1 schedule shall meet the requirements of this subtitle and  
2 rules promulgated under this subtitle.

3 7. In addition to the requirements described  
4 above, for land-disturbing activities and demolition of  
5 structures, an erosion/sediment control plan designed to  
6 comply with the requirements and purposes of this subtitle and  
7 rules promulgated hereunder shall be submitted and  
8 implemented. The erosion/sediment control plan shall be  
9 designed to accomplish the following,

- 10 a. Stabilization of exposed soils and  
11 sediment trapping,
- 12 b. Delineation of limits on clearing and  
13 easements,
- 14 c. Protection of adjacent property,
- 15 d. Appropriate timing and stabilization of  
16 sediment trapping measures,
- 17 e. Minimization of erosion on cut-and-fill  
18 slopes,
- 19 f. Control of off-site erosion,
- 20 g. Stabilization of temporary conveyance  
21 channels and outlets,
- 22 h. Protection of storm drain inlets,
- 23 i. Minimization of transport of sediment by  
24 construction vehicles,
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1                   j.   Appropriate timing for removal of  
2 temporary best management practices,

3                   k.   Control of discharges from construction  
4 site dewatering devices to minimize contamination of drainage  
5 water, and

6                   l.   Inspection and maintenance of best  
7 management practices for erosion/sediment control to insure  
8 functioning at design capacity;

9                   8.   Comprehensive Drainage Control Plan. A  
10 comprehensive drainage control plan to comply with the  
11 requirements of this subtitle and rules promulgated hereunder  
12 and to accomplish the purposes of this subtitle shall be  
13 submitted with the permit application. It shall be prepared  
14 by a licensed civil engineer in accordance with standards  
15 adopted by the Director of ((Engineering)) Construction and  
16 Land Use.

17                   E.   Basin Plans. The Director of ((Engineering))  
18 Construction and Land Use may determine that, for a particular  
19 project, compliance with a drainage basin plan satisfies  
20 subsections D1 through D4 above. The basin plan must have  
21 been adopted by rule or ordinance and must provide a level of  
22 protection for surface water and groundwater that equals or  
23 exceeds that which would otherwise be achieved.

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1 Section 16. Section 22.802.020 of the Seattle Municipal  
2 Code (Ordinance 116425, § 2 (part)) is amended as follows:

3 **22.802.020 Scope of drainage control review**  
4 **and application requirements.**

5 A. Scope of Review. Where drainage review and approval  
6 are required by Section 22.802.015, the scope of this review  
7 shall at least include the following.

8 1. Master Use Permit Applications. Master use  
9 permit applications shall contain sufficient information to  
10 allow the Director of ((Engineering)) Construction and Land  
11 Use to determine the effects of stormwater on-and off-site,  
12 including the propriety of a proposed discharge point,  
13 compliance with requirements for permanent drainage control  
14 facilities, compliance with the requirements to maintain  
15 natural drainage patterns and not obstruct water courses,  
16 compliance with applicable flood control requirements, and  
17 whether improvements to the public drainage control system  
18 shall be required. These determinations shall be part of  
19 approved master use permit conditions, and shall be used as a  
20 basis for further drainage planning for building permits and  
21 other permits listed below.

22 2. Applications for Building and Other Permits.  
23 The Director of ((Engineering)) Construction and Land Use  
24 shall review any application for a building permit or other  
25 permit listed in Section 22.802.015, other than master use

1 permit applications, for compliance with Section 22.802.015  
2 and to determine whether improvements to the public drainage  
3 control system shall be required.

4 3. Projects Exceeding Nine Thousand (9,000) Square  
5 Feet. For projects exceeding nine thousand (9,000) square  
6 feet of developmental coverage, in addition to the review  
7 criteria set forth above, the Director of (~~Engineering~~)  
8 Construction and Land Use shall review the comprehensive  
9 drainage control plan for compliance with applicable  
10 requirements.

11 4. Exceptions. Requests for exceptions to  
12 requirements shall be reviewed as set forth in Section  
13 22.808.010.

14 B. Application and Approval Requirements.

15 1. Drainage control plans for projects subject to  
16 review under Section 22.802.015 shall be reviewed by the  
17 Director of (~~Engineering~~) Construction and Land Use. The  
18 Director of Construction and Land Use may approve those plans  
19 which comply with the provisions of this subtitle and rules  
20 promulgated hereunder, and may place conditions upon the  
21 approval in order to assure compliance with the provisions of  
22 this subtitle. Submission of the required drainage control  
23 application information shall be a condition precedent to the  
24 processing of any of the above-listed permits. Approval of  
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1 drainage control shall be a condition precedent to issuance of  
2 any of the above-listed permits.

3 2. The Director of (~~Engineering~~) Construction  
4 and Land Use may disapprove plans which do not comply with the  
5 provisions of this subtitle and rules promulgated hereunder.  
6 ~~Disapproved plans shall be returned to the applicant, who may~~  
7 correct and resubmit the plans.

8 C. Submittal Requirements.

9 1. Applications shall be prepared and submitted in  
10 accordance with provisions of this section, with Chapter 21.16  
11 (Side Sewers) and with associated rules and regulations  
12 adopted jointly by the Director of Construction and Land Use  
13 and the Director of Engineering.

14 2. The Director of Construction and Land Use may  
15 require additional information necessary to adequately  
16 evaluate applications for compliance with the requirements and  
17 purposes of this subtitle and other laws and regulations,  
18 including SMC Chapter 25.09, Regulations for Environmentally  
19 Critical Areas. The Director of Construction and Land Use may  
20 also require appropriate information about adjoining  
21 properties which may be related to, or affected by, the  
22 drainage control proposal in order to evaluate effects on the  
23 adjacent property. This additional information may be

1 required as a precondition for permit application review and  
2 approval.

3 3. Where an applicant simultaneously applies for  
4 more than one of the permits listed in subsection A above for  
5 the same property, the application shall comply with the  
6 requirements for the permit which are the most detailed and  
7 complete.

8 Section 17. Section 22.802.060 of the Seattle Municipal  
9 Code (Ordinance 116424, § 2 (part)) is amended as follows:

10 **22.802.060 Installation of drainage control facilities.**

11 A. All privately owned and operated drainage control  
12 facilities or systems, whether or not they discharge to a  
13 public drainage control system, shall be considered side  
14 sewers and shall be subject to Title 21 of the Seattle  
15 Municipal Code, the Engineering Department Director's Rules  
16 promulgated under that title, and the ((~~Engineering Depart-~~  
17 ~~ment/s~~)) design and installation specifications and permit  
18 requirements of the Engineering Department and Department of  
19 Construction and Land Use for side sewer and drainage control  
20 systems.

21 B. Side sewer permits and inspections shall be required  
22 for construction, capping, alterations, or repairs of  
23 privately owned and operated drainage control systems as  
24 provided in Chapter 21.16 of the Seattle Municipal Code. When  
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1 the work is ready for inspection, the permittee shall notify  
2 the Director of Engineering. If the work is not in accordance  
3 with plans approved under this subtitle and in accordance with  
4 Chapter 21.16, Engineering Department and Department of  
5 Construction and Land Use Director's Rules, and Engineering  
6 Department and Department of Construction and Land Use design  
7 and installation specifications, the Engineering Department,  
8 after consulting with the Department of Construction and Land  
9 Use, may order the work stopped by written notice to the  
10 persons engaged in performing the work or causing the work to  
11 be done, and may require modifications as provided in this  
12 subtitle and Chapter 21.16.

13 Section 18. Subsection A of Section 22.802.070 of the  
14 Seattle Municipal Code (Ordinance 116425, § 2 (part)) is  
15 amended as follows:

16 **22.802.070 Modifications of drainage control**  
17 **facilities during construction.**

18 A. During construction the Director of Engineering may  
19 require, or the applicant may request, that the construction  
20 of drainage control facilities and associated project designs  
21 be modified if physical conditions are discovered on the site  
22 which are inconsistent with the assumptions upon which the  
23 approval was based, including but not limited to unexpected  
24 soil and/or water conditions, weather generated problems, or  
25 changes in the design of the improved areas. Modifications

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1 shall be submitted to the Director of Construction and Land  
2 Use for approval prior to implementation.

3 Section 19. Subsections C and E of Section 22.802.090 of  
4 the Seattle Municipal Code (Ordinance 116425, § 2 (part)) are  
5 amended as follows:

6 **22.802.090 Maintenance and inspection.**

7 C. Entry for Inspection and Abatement Purposes.

8 1. New Installations and Connections. When any  
9 new drainage control facility is installed on private  
10 property, and when any new connection is made between private  
11 property and a public drainage control system, sanitary sewer  
12 or combined sewer, the property owner shall execute a  
13 permission form provided by the Director of Engineering. The  
14 property owner shall grant the City the right to enter the  
15 property at reasonable times and in a reasonable manner  
16 pursuant to an inspection program established pursuant to  
17 subsection B above, and to enter the property when the City  
18 has a reasonable basis to believe that a violation of this  
19 subtitle is occurring or has occurred, and to enter when  
20 necessary for abatement of a public nuisance or correction of  
21 a violation of this subtitle.

22 2. Existing Land Uses and Discharges. Owners of  
23 property with existing discharges or land uses subject to this  
24 subtitle who are not installing a new drainage control  
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1 facility or making a new connection between private property  
2 and a public drainage control system, sanitary sewer or  
3 combined sewer, shall have the option to execute a permission  
4 form for the purposes described above when provided with the  
5 form by the Director of Engineering.

6 E. Records of Installation and Maintenance Activities.  
7 When a new drainage control facility is installed, the party  
8 having the facility installed shall obtain a copy of the  
9 as-built plans from the Director of Engineering. Responsible  
10 parties shall make records of the installation and of all  
11 maintenance and repair, and shall retain the records for at  
12 least ten (10) years. These records shall be made available  
13 to the Director of Engineering during inspection of the  
14 facility and at other reasonable times upon request of the  
15 Director of Engineering.

16 Section 20. Subsection A of Section 22.804.030 of the  
17 Seattle Municipal Code (Ordinance 116425 § 2 (part)) is  
18 amended as follows:

19 **22.804.030 Grading permit or approval required.**

20 A. Grading Permit Required. A grading permit shall be  
21 required for all grading activities as specified below.  
22 Actions exempt from a grading permit are specified in  
23 Subsection C.  
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1           4.    In-Place Ground Modification.  A permit shall  
2   be required for any site where in-place ground modification  
3   will take place.  The Director of Construction and Land Use  
4   may waive the requirement for a permit when the Director  
5   determines the in-place ground modification will be  
6   insignificant in amount or type.

7           5.    Temporary Stockpiles.  A grading permit or approval  
8   shall be required for temporary stockpiles which meet the  
9   thresholds of subsections A1 through A3 above and are not  
10  located on sites for which a valid grading permit or grading  
11  approval has been issued.

12           6.    Grading Near Public Places.  A permit shall be  
13  required for all grading activities in excess of four feet  
14  (4'), measured vertically, on private property within any area  
15  between the vertical prolongation of the margin of an improved  
16  public place, and a one hundred percent (100%) slope line  
17  (forty-five degrees (45°) from a horizontal line) from the  
18  existing elevation of the margin of the traveled surface of an  
19  improved public place to the proposed elevation of the private  
20  property.

21           Section 21.  Subsections B and C of Section 22.808.020 of  
22  the Seattle Municipal Code (Ordinance 116425, § 2 (part)) are  
23  amended as follows:

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1           **22.808.020 Liability and defenses of**  
2                           **responsible parties.**

3           B.    Joint and Several Liability.  Each responsible party  
4 is jointly and severally liable for a violation of this  
5 subtitle.  The Director of Engineering or the Director of  
6 Construction and Land Use or both of them may take enforcement  
7 action, in whole or in part, against any responsible party.  
8 All applicable civil penalties may be imposed against each  
9 responsible party.  In the event enforcement action is taken  
10 against more than one (1) responsible party, recoverable  
11 damages, costs, and expenses may be allocated among the  
12 responsible parties by the court or the Hearing Examiner based  
13 upon the extent to which each responsible party's acts or  
14 omissions caused the violation, unless this factor cannot be  
15 determined, or the party receiving the allocation under this  
16 factor is unable to correct the violation, or is unable to pay  
17 the damages, costs, expenses, and any penalty imposed, in  
18 which case the trier of fact shall consider:

- 19                   1.  Awareness of the violation;
- 20                   2.  Ability to correct the violation;
- 21                   3.  Ability to pay the damages, costs, and  
22 expenses;
- 23                   4.  Cooperation with government agencies;

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1           4. The responsible party implemented and  
2 maintained all appropriate best management practices  
3 identified in rules promulgated by the Director of  
4 Construction and Land Use and the Director of Engineering, or  
5 in manuals published by the State Department of Ecology until  
6 superseded by rules of the Directors.

7           Section 22. Section 22.808.030 of the Seattle Municipal  
8 Code (Ordinance 116, 425, § 2 (part)) is amended as follows:

9           **22.808.030 Enforcement actions.**

10          A. Investigation. The Director of Engineering or the  
11 Director of Construction and Land Use or both of them may  
12 investigate any site where there is reason to believe that  
13 there may be a failure to comply with the requirements of this  
14 subtitle.

15          B. Notice of Violation.

16           1. Issuance. Whenever the Director determines  
17 that a violation of this subtitle has occurred or is  
18 occurring, the Director is authorized to issue a notice of  
19 violation to the property owner or other responsible party.  
20 The notice of violation shall be considered an order of the  
21 Director.

22           2. Contents.

23           a. The notice of violation shall include the  
24 following information:  
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1                   i. A description of the violation and  
2 the action necessary to correct it;

3                   ii. The date of the notice; and

4                   iii. A deadline by which the action  
5 necessary to correct the violation must be completed.

6                   b. A notice of violation may be amended at  
7 any time to correct clerical errors and to add citations of  
8 authority.

9                   3. Service. The Director of Engineering or the  
10 Director of Construction and Land Use shall serve the notice  
11 upon the responsible party either by personal service or by  
12 certified mail, return receipt requested, sent to the party's  
13 last known address and, where possible, by posting a copy on  
14 the site. Service by certified mail shall be effective on the  
15 date of mailing. If the whereabouts of the responsible party  
16 is unknown and cannot be ascertained in the exercise of  
17 reasonable diligence, and ((the)) either Director makes an  
18 affidavit to that effect, then service may be accomplished by  
19 publishing the notice once each week for two (2) consecutive  
20 weeks in the City official newspaper.

21                   C. Alternatives to Notice of Violation.

22                   1. Stop-Work Order.

23                   a. In lieu of issuing a notice of violation,  
24 the Director of Engineering or the Director of Construction  
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1 and Land Use may order work on a site stopped when ((the  
2 Director)) he or she determines it is necessary to do so in  
3 order to obtain compliance with or to correct a violation of  
4 any provision of this subtitle or rules promulgated hereunder  
5 or to correct a violation of a permit or approval granted  
6 under this subtitle. The stop-work notice shall contain the  
7 following information:

8 i. A description of the violation; and  
9 ii. An order that the work be stopped  
10 until corrective action has been completed and approved by  
11 ((the)) either Director.

12 b. The stop-work order shall be posted  
13 conspicuously on the premises or personally served on the  
14 property owner or other person known to be responsible for the  
15 work. It is unlawful for any work to be done after posting or  
16 service of a stop-work order, except work necessary to conduct  
17 the required corrective action, until authorization to proceed  
18 is given by ((the)) either Director. It is unlawful for any  
19 person to remove, obscure or mutilate a posted stop work  
20 order.

21 2. Emergencies.

22 a. The Director of Engineering and the  
23 Director of Construction and Land Use are each ((is))  
24 authorized to enter any property when it reasonably appears  
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1 that a condition associated with grading, drainage, erosion  
2 control or a drainage control facility creates a substantial  
3 and present or imminent danger to the public health, safety or  
4 welfare, the environment, or public or private property. The  
5 Director of Engineering and the Director of Construction and  
6 Land Use each may enter property without permission or an  
7 administrative warrant in the case of an extreme emergency  
8 placing human life, property or the environment in immediate  
9 and substantial jeopardy which requires corrective action  
10 before either permission or an administrative warrant can be  
11 obtained.

12 b. The Director of Engineering or the  
13 Director of Construction and Land Use or both of them may  
14 order the responsible party to take corrective action and set  
15 a schedule for compliance(~~(. The Director)~~) and may require  
16 immediate compliance with an order to correct. Any emergency  
17 which is not corrected as ordered by the Director of  
18 Engineering or the Director of Construction and Land Use is a  
19 public nuisance which (~~(the)~~) each Director is authorized to  
20 abate summarily. The costs of abatement shall be collected as  
21 set forth in Section 22.808.080.

22 D. Appeal of Director's Decisions. Any Notice of  
23 Violation or final order other than a stop-work order or  
24 emergency order issued by the Director of Engineering or the  
25

1 Director of Construction and Land Use pursuant to this  
2 subtitle may be appealed to the Hearing Examiner by an  
3 aggrieved person. Appeals shall be initiated by filing a  
4 written notice with the applicable fee, as set forth in SMC  
5 Section 23.76.022. When, as set forth in Section 22.808.070,  
6 an invoice is issued without a prior hearing, the appeal  
7 period shall commence upon issuance of the invoice.

8 E. Filing Notice or Order. A notice of violation,  
9 voluntary compliance agreement or an order issued by a  
10 Director of Engineering, Director of Construction and Land  
11 Use, Hearing Examiner or municipal Judge, may be filed with  
12 the King County Department of Records and Elections.

13 F. Change of Ownership. When a notice of violation,  
14 voluntary compliance agreement or an order issued by a  
15 Director of Engineering, Director of Construction and Land  
16 Use, Hearing Examiner or municipal Judge has been filed with  
17 the King County Department of Records and Elections, a notice  
18 of violation or an order regarding the same violations need  
19 not be served upon a new owner of the property where the  
20 violation occurred. If no notice of violation or order is  
21 served upon the new owner, the Director of Engineering or  
22 Director of Construction and Land Use may grant the new owner  
23 the same number of days to comply as was given the previous  
24 owner. The compliance period for the new owner shall begin on  
25

1 the date that the conveyance of title to the new owner is  
2 completed.

3 Section 23. Section 22.808.040 of the Seattle Municipal  
4 Code (Ordinance 116425, § 2 (part)) is amended as follows:

5 **22.808.040 Enforcement of notice of violation.**

6 A. Hearing Examiner and Municipal Court. The Director  
7 of Engineering or the Director of Construction and Land Use or  
8 both of them may choose to enforce a Notice of Violation  
9 through either of the following means:

10 1. An enforcement hearing through the Hearing  
11 Examiner's Office, as set forth in this section; or

12 2. Referral to the City Attorney's Office for  
13 action in the appropriate court according to that court's  
14 normal rules and procedures.

15 B. Enforcement Through Hearing Examiner's Office.  
16 Enforcement actions through the Office of the Hearing Examiner  
17 shall proceed according to this subsection.

18 1. Hearing Schedule. The Hearing Examiner's  
19 Office shall schedule a hearing after notification by the  
20 Director that enforcement will be pursued through the Hearing  
21 Examiner's Office.

22 2. Conduct of the Hearing. The Hearing Examiner  
23 shall conduct a hearing on the violation pursuant to the rules  
24 of procedure of the Hearing Examiner, as modified by this  
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1 section. The Director, the person to whom the notice of  
2 violation was issued, and any other responsible party  
3 regarding the matters addressed in the notice of violation may  
4 participate as parties in the hearing, with or without  
5 representation by an attorney. Each party may call and compel  
6 the attendance of witnesses.

7 3. Standard of Review and Burden of Proof. The  
8 ((Director's)) determinations of the Director of Engineering  
9 and the determinations of the Director of Construction and  
10 Land Use shall be accorded substantial weight by the Hearing  
11 Examiner. The defending responsible party shall have the  
12 burden of proving by a preponderance of the evidence all  
13 defenses, mitigating factors and objections to the required  
14 corrective action or schedule.

15 4. Hearing Examiner's Order. The Hearing Examiner  
16 shall affirm, vacate or modify the Director's determinations.  
17 The Hearing Examiner shall issue an order within fifteen (15)  
18 days following the close of the record unless all parties  
19 agree to an extension of time. The order shall contain the  
20 following information:

21 a. The decision regarding the alleged  
22 violation;

23 b. Findings of fact and conclusions based  
24 thereon in support of the decision;

- 1                   c. The required corrective action (if any);
- 2                   d. The date and time by which the corrective
- 3 action must be completed;
- 4                   e. The monetary penalties and other costs,
- 5 expenses, or damages being assessed against the responsible
- 6 party;
- 7                   f. Notice that the responsible party has
- 8 fifteen (15) days from service of the order for appeal to
- 9 Superior Court; and
- 10                   g. Authorization for the City to abate or
- 11 correct the violation following expiration of the appeal
- 12 period and the time set for compliance with the order if the
- 13 responsible party has not completed the required corrective
- 14 action, and to charge the responsible party for its costs, as
- 15 set forth in Section 22.808.080. The order shall not require
- 16 the City to abate or correct the violation.
- 17                   5. Failure to Appear. If the responsible party to
- 18 whom the notice of violation was issued fails to appear at a
- 19 scheduled hearing before the Hearing Examiner, and no other
- 20 responsible party appears to defend, then, upon an offer of
- 21 proof by the City, which may be made by declaration, the
- 22 Hearing Examiner shall issue an order finding that the
- 23 violation occurred. The order shall contain the information
- 24 set forth in subsection B4 above. In the absence of an offer
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1 of proof by the City, the Hearing Examiner shall issue an  
2 order finding the responsible party to be in default, and  
3 setting forth the penalties and other relief described in  
4 subsection B4.

5 Section 24. Section 22.808.050 of the Seattle Municipal  
6 Code (Ordinance 116425, § 2 (part)) is amended as follows:]

7 **22.808.050 Voluntary compliance agreement.**

8 A. Initiation. Either a responsible party or the  
9 Director of Engineering or the Director of Construction and  
10 Land Use may initiate negotiations for a voluntary compliance  
11 agreement at any time. ((The)) Neither Director has ((no))  
12 any obligation to enter into any voluntary compliance  
13 agreement.

14 B. Contents. A voluntary compliance agreement shall  
15 set forth actions to be taken by the responsible party that  
16 will correct past or existing violations of this subtitle. It  
17 may also set forth actions to mitigate the impacts of  
18 violations. The voluntary compliance agreement shall set  
19 forth a schedule for completion of the corrective and  
20 mitigating actions. It shall contain a provision allowing the  
21 Director of Engineering and the Director of Construction and  
22 Land Use to inspect the premises to determine compliance with  
23 the agreement.

24 C. Effect of Agreement.  
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1           1. A voluntary compliance agreement is a binding  
2 contract between the party executing it and the City. It is  
3 not enforceable by any other party. All voluntary compliance  
4 agreements shall provide that the responsible party agrees the  
5 City may perform the actions set forth in the agreement if the  
6 responsible party fails to do so according to the terms and  
7 schedule of the agreement, and the responsible party will pay  
8 the costs, expenses and damages the City incurs in performing  
9 the actions, as set forth in Section 22.808.080 regarding  
10 abatements. By entering into a voluntary compliance  
11 agreement, a responsible party waives the right to an  
12 administrative appeal of the violation.

13           2. Penalties may be reduced or waived if  
14 violations are corrected or mitigated according to the terms  
15 and schedule of a voluntary compliance agreement. If the  
16 responsible party fails to perform according to the terms and  
17 schedule of the voluntary compliance agreement, penalties for  
18 each violation addressed in the agreement may be assessed  
19 starting from the date the violation occurred.

20           D. Modification. The terms and schedule of the  
21 voluntary compliance agreement may be modified by mutual  
22 agreement of the responsible party and ((the)) either Director  
23 if circumstances or conditions outside the responsible party's  
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1 control, or unknown at the time the agreement was made, or  
2 other just cause necessitate such modifications.

3 Section 25. Section 22.808.070 of the Seattle Municipal  
4 Code (Ordinance 116425, § 2 (part)) is amended as follows:

5 **22.808.070 Collection of costs and penalties.**

6 A. Invoice and Demand for Payment. When (~~the~~) either  
7 Director has abated a public nuisance or corrected a violation  
8 of this subtitle and a hearing has not been conducted, the  
9 Director shall issue an invoice and demand for payment of the  
10 City's abatement costs. The invoice shall include:

11 1. The amount of the City's abatement or  
12 correction costs;

13 2. Either a legal description of the property  
14 corresponding as nearly as possible to that used for the  
15 property on the rolls of the King County Assessor or, where  
16 available, the property's street address;

17 3. A notice that the Director's determinations  
18 regarding the abatement and correction, including the amount  
19 owed, may be appealed to the Hearing Examiner by following the  
20 procedure set forth in SMC Section 23.76.022;

21 4. Notice that if the amount due is not paid  
22 within thirty (30) days, the outstanding balance may be  
23 collected in any of the manners set forth in subsection B of  
24 this section; and

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1           5. Notice that interest shall accrue on the unpaid  
2 balance.

3           B. Collection Following a Hearing. The Director of  
4 Construction and Land Use and the Director of Engineering  
5 ~~((is))~~ are not required to issue an invoice for payment when a  
6 hearing has been conducted as set forth in Section 22.808.040,  
7 and an order has issued imposing any penalties, costs,  
8 damages, expenses or abatement costs. If the order is not  
9 appealed within fifteen (15) days of mailing or other delivery  
10 of the order to the responsible party, the Director of  
11 Construction and Land Use or the Director of Engineering may  
12 immediately seek to collect the amounts owed by:

13           1. Referral to the City Attorney's Office for  
14 action in the appropriate court; or

15           2. Referral, after consultation with the City  
16 Attorney's Office to a collection agency; or

17           3. Addition of a surcharge in the amount owed  
18 under the order to the Drainage and Wastewater Utility bill  
19 for the site. If unpaid, the surcharge may become a lien on  
20 the property, may be foreclosed, and may accrue interest as  
21 provided by state law or SMC Section 21.33.110.

22           Section 26. Subsections E and F of Section 22.808.080 of  
23 the Seattle Municipal Code (Ordinance 116425, § 2 (part)) are  
24 amended as follows:

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1           **22.808.080 Public nuisance.**

2           E. Abatement by the City. The Director of Engineering  
3 and the Director of Construction and Land Use (~~(is)~~) are  
4 authorized, but not required, to investigate a condition that  
5 (~~the~~) either Director suspects of being a public nuisance  
6 under this subtitle, and to abate any public nuisance. If a  
7 public nuisance is an immediate threat to the public health,  
8 safety or welfare or to the environment, the Director of  
9 Engineering or the Director of Construction and Land Use may  
10 summarily and without prior notice abate the condition. The  
11 Director of Engineering or the Director of Construction and  
12 Land Use shall give notice of the abatement to the responsible  
13 party as soon as reasonably possible after the abatement.

14           F. Collection of Abatement Costs. The costs of  
15 abatement may be collected from the responsible party,  
16 including a reasonable charge for attorney time and a  
17 fifteen-percent (15%) charge for administrative expenses as  
18 set forth in Section 22.808.060 C. Abatement costs and other  
19 damages, expenses and penalties collected by the City shall go  
20 into an abatement account for the department collecting the  
21 moneys. The money in the abatement account shall be used for  
22 abatements and corrections of violations conducted by the  
23 City. When the account is insufficient the Director of  
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1 Engineering and the Director of Construction and Land Use may  
2 use other available funds.

3 Section 27. Subsection B of Section 22.808.090 of the  
4 Seattle Municipal Code (Ordinance 116425, § 2 (part)) is  
5 amended as follows:

6 **22.808.090 Violations.**

7 B. Criminal Violations.

8 1. Failing to Comply with Orders. Failing to  
9 comply with an order properly issued pursuant to this subtitle  
10 by the Director of Engineering, the Director of Construction  
11 and Land Use, the Hearing Examiner, or a Judge is a criminal  
12 violation, punishable upon conviction by a fine of not more  
13 than Five Thousand Dollars (\$5,000.00) per day of each  
14 violation or imprisonment for each violation for not more than  
15 three hundred sixty (360) days, or both such fine and  
16 imprisonment.

17 Section 28. Section 22.808.110 of the Seattle Municipal  
18 Code (Ordinance 116425, § 2 (part)) is amended as follows:

19 **22.808.110 Suspension or revocation.**

20 Approvals or permits granted in error, or on the basis of  
21 incomplete, inaccurate or misleading information, or in  
22 violation of any law, ordinance or regulation may be suspended  
23 or revoked. Other permits or approvals interrelated with an  
24 approval suspended or revoked under this section, including  
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1 certificates of occupancy or approvals for occupancy, may also  
2 be suspended or revoked. When an approval or permit is  
3 suspended or revoked, the Director of Engineering or the  
4 Director of Construction and Land Use may require the  
5 applicant to take corrective action to bring the project into  
6 compliance with this subtitle by a deadline set by the  
7 Director of Engineering or the Director of Construction and  
8 Land Use, or may take other enforcement action.

9 Section 29. Section 22.808.120 of the Seattle Municipal  
10 Code (Ordinance 116425, § 2 (part)) is amended as follows:

11 **22.808.120 Fees.**

12 Fees for grading permits, drainage control plan review  
13 and approvals shall be as set forth in the Permit Fee  
14 Ordinance, (~~Chapter 22.900~~) Subtitle IX of Title 22, Seattle  
15 Municipal Code. Fees for (~~drainage control plan review~~)  
16 recordkeeping or other activities pursuant to this subtitle  
17 shall, unless otherwise provided for in this subtitle, be  
18 prescribed by ordinance.

19 Section 30. Section 22.808.130 of the Seattle Municipal  
20 Code (Ordinance 116425, § 2 (part)) is amended as follows:

21 **22.808.130 Financial assurance and covenants.**

22 As a condition precedent to issuance of any permit or  
23 approval provided for in this subtitle, the Director of of  
24 Construction and Land Use may require an applicant for a  
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1 permit or approval to submit financial assurances as provided  
2 in this section.

3 A. Insurance.

4 1. The Director of Construction and Land Use may  
5 require the owner(s), or contractor to carry liability and  
6 property damage insurance against damage, naming the City as  
7 an additional insured. The amount shall be commensurate with  
8 the risks as determined by the Director.

9 2. The Director of Construction and Land Use may  
10 also require the owner(s) to maintain a policy of general  
11 public liability insurance against personal injury, death,  
12 property damage and/or loss from activities conducted pursuant  
13 to the permit or approval, or conditions caused by such  
14 activities, and naming the City as an additional insured. The  
15 policy shall be in an amount which the Director determines to  
16 be commensurate with the risks. It shall cover a period of  
17 not more than ten (10) years from the date of issuance of a  
18 certificate of occupancy or finalization of the permit or  
19 approval. A certificate evidencing such insurance shall be  
20 filed with the Director of Construction and Land Use before  
21 issuance of a certificate of occupancy or finalization of a  
22 permit for any single family dwelling or duplex.

23 3. The insurance policy shall provide that the  
24 City will be notified of cancellation of the policy at least  
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1 thirty (30) days prior to cancellation. The notice shall be  
2 sent to the Director of Construction and Land Use who required  
3 the insurance and shall state the insured's name and the  
4 property address. If a property owner's insurance is canceled  
5 and not replaced, the permit or approval and any interrelated  
6 permit or approval may be revoked, including a certificate of  
7 occupancy or approval for occupancy.

8 B. Bonds, Cash Deposits or Instruments of Credit.

9 1. a. Surety Bond. The Director of Construction  
10 and Land Use may require that the owner or contractor deliver  
11 to the Director for filing in the Office of the City Clerk a  
12 surety bond, cash deposit or an instrument of credit in such  
13 form and amounts deemed by the Director to be necessary to  
14 ensure that requirements of the permit or approval are met. A  
15 surety bond may be furnished only by a surety company licensed  
16 to do business in The State of Washington. The bond shall be  
17 conditioned that the work will be completed in accordance with  
18 the conditions of the permit or approval, or, if the work is  
19 not completed, that the site will be left in a safe condition.  
20 The bond shall also be conditioned that the site and nearby,  
21 adjacent or surrounding areas will be restored if damaged or  
22 made unsafe by activities conducted pursuant to the permit or  
23 approval.  
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1                   b.    The bond will be exonerated one (1) year  
2 after a determination by the Director of Construction and Land  
3 Use that the requirements of the permit or approval have been  
4 met. For work under a building permit, issuance of a  
5 certificate of occupancy or approval for occupancy following a  
6 final inspection shall be considered to be such a  
7 determination. For grading, completion of the final grading  
8 inspection and submittal of required final reports in  
9 accordance with Section 22.804.200 shall be such a  
10 determination.

11                   2.    Assurance in Lieu of Surety Bond. In lieu of a  
12 surety bond, the owner may elect to file a cash deposit or  
13 instrument of credit with the Director in an amount equal to  
14 that which would be required in the surety bond and in a form  
15 approved by the Director of Construction and Land Use. The  
16 cash deposit or instrument of credit shall comply with the  
17 same conditions as required for surety bonds.

18                   C.    Covenants.

19                   1.    The Director of Construction and Land Use may  
20 require a covenant between the owner(s) of the property and  
21 the City. The covenant shall be signed by the owner(s) of the  
22 site and notarized prior to issuance of any permit or approval  
23 in a potential landslide area, potentially hazardous location,  
24 flood prone zone, or other area of potentially hazardous soils  
25

1 or drainage or erosion conditions. The covenant shall not be  
2 required where the permit or approval is for work done by the  
3 City. The covenant shall include:

- 4 a. A legal description of the property; and  
5 b. A description of the property condition  
6 making this subsection applicable; and  
7 c. A statement that the owner(s) of the  
8 property understands and accepts the responsibility for the  
9 risks associated with development on the property given the  
10 described condition, and agrees to inform future purchasers  
11 and other successors and assignees of the risks; and  
12 d. The application date, type, and number of  
13 the permit or approval for which the covenant is required; and  
14 e. A statement waiving the right of the  
15 owner(s), the owner's heirs, successors and assigns to assert  
16 any claim against the City by reason of or arising out of  
17 issuance of the permit or approval by the City for the  
18 development on the property, except only for such losses that  
19 may directly result from the negligence of the City.

20 2. The covenant shall be filed by the Director of  
21 Construction and Land Use with the King County Department of  
22 Records and Elections, at the expense of the owner, so as to  
23 become part of the King County real property records.  
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1 identified as heavy traffic generators and may be permitted as  
2 a conditional use according to the following criteria:

3 a. The design of the structure, including  
4 architectural treatment, signage, landscaping and lighting, is  
5 compatible with other structures in the vicinity; and

6 b. Appropriate litter-control measures are  
7 provided; and

8 c. The applicant, if required by the  
9 Director, prepares an analysis of traffic, circulation and  
10 parking impacts, and demonstrates that the use does not:

11 (1) Cause significant additional traffic  
12 to circulate through adjacent residential neighborhoods; or

13 (2) Disrupt the pedestrian character of  
14 an area by significantly increasing the potential for  
15 pedestrian-vehicle conflicts; or

16 (3) Create traffic or access problems  
17 which will require the expenditure of City funds to mitigate;  
18 or

19 (4) Interfere with peak-hour transit  
20 operations, by causing auto traffic to cross a designated  
21 high-occupancy vehicle lane adjacent to the lot; or

22 (5) Cause cars waiting to use the  
23 facility to queue across the sidewalk or onto the street; or

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1 (6) Interrupt established retail or  
2 service frontage designed to serve pedestrians.

3 d. In addition to the criteria in subsections  
4 B1a, B1b and B1c, in pedestrian-designated zones, the use  
5 shall not:

- 6 (1) Include a drive-in facility; or  
7 (2) Provide any accessory parking; or  
8 (3) Attract a significant number of  
9 customers who drive to the pedestrian district for the primary  
10 purpose of patronizing the business.

11 This shall be determined by a transportation  
12 analysis of travel modes and patterns of customers of similar  
13 businesses in the same or similar commercial areas, which  
14 shall be prepared by a traffic consultant retained by the  
15 applicant. (~~The Director shall review the application and  
16 the transportation analysis in conjunction with the Director  
17 of Engineering.~~)

18 e. Fast-food restaurants which are drive-in  
19 businesses shall also comply with the provisions of Section  
20 23.47.028, Standards for drive-in businesses.

21 2. Taverns and brewpubs in NC1 and NC2 zones may  
22 be permitted as conditional uses. A tavern or brewpub in an  
23 NC1 or NC2 zone shall be evaluated according to the following  
24 criteria:

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a. The size of the tavern or brewpub, design of the structure, signing and illumination shall be compatible with the character of the commercial area and other structures in the vicinity, particularly in areas where a distinct and definite pattern or style has been established.

b. The location, access and design of parking shall be compatible with adjacent residential zones.

c. Special consideration shall be given to the location and design of the doors and windows of taverns and brewpubs to ensure that noise standards will not be exceeded. The Director may require additional setbacks and/or restrict openings on lots which abut residential zones.

d. Taverns and brewpubs shall not generate traffic which creates traffic congestion or further aggravates spillover parking on residential streets.

3. Park-and-ride lots in NC3, C1 and C2 zones may be permitted as conditional uses.

a. Conditional Use Criteria.

(1) The park-and-ride lot shall have direct vehicular access to a designated arterial improved to City standards.

(2) If the proposed park-and-ride lot is located on a lot containing accessory parking for other uses,

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1 there shall be no substantial conflict in the principal  
2 operating hours of the park-and-ride lot and the other uses.

3 b. Mitigating Measures. Landscaping and  
4 screening in addition to that required for surface parking  
5 areas, noise mitigation, vehicular access controls, signage  
6 restrictions, and other measures may be required to provide  
7 comfort and safety for pedestrians and bicyclists and to  
8 insure the compatibility of the park-and-ride lot with the  
9 surrounding area.

10 4. In order to conserve the limited amount of  
11 commercially zoned land for commercial uses, single-purpose  
12 residential structures shall generally not be allowed in  
13 commercial zones. Single-purpose residential structures as  
14 provided for in Section 23.47.008 may be permitted in NC1,  
15 NC2, NC3 and C1 zones as an administrative conditional use  
16 only if the following circumstances exist:

17 a. The amount of residential development  
18 existing and proposed would not reduce the current viability  
19 or significantly impact the longer-term potential of the  
20 commercial area; and

21 b. Residential development would not displace  
22 existing commercial uses at street level or disrupt a  
23 continuous commercial street front, particularly of retail and  
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1 personal services uses, or significantly detract from the  
2 area's overall commercial character; and

3 c. There is an ample amount of vacant  
4 commercial land in the zone and/or, due to location, terrain  
5 or parcel size, the proposed site is not particularly suited  
6 to commercial development; and

7 d. There is limited demand for commercial use  
8 in the commercial zone (as evidenced by a lack of commercial  
9 activity for a prolonged period of time (three (3) to five (5)  
10 years), commercial structures in disrepair, and/or high  
11 vacancy rates) coupled with a variety of commercial services  
12 available in nearby commercially zoned areas, and/or ample  
13 land which is particularly suited for additional commercial  
14 development.

15 5. Residential Uses in C2 Zones.

16 a. Residential uses in single-purpose or  
17 mixed-use structures may be permitted in C2 zones as  
18 administrative conditional uses according to the following  
19 criteria:

20 (1) Availability of Suitable Land for C2  
21 Activities. Residential uses shall generally be discouraged in  
22 areas which have limited vacant land and where, due to terrain  
23 and large parcel size, land is particularly suitable for  
24 commercial rather than residential development.

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(2) Relationship to Transportation

Systems. Residential uses shall generally be discouraged in areas with direct access to major transportation systems such as freeways, state routes and freight rail lines.

(3) Compatibility With Surrounding Areas.

Residential uses shall not be allowed in close proximity to industrial areas and/or in areas where nonresidential uses may create a nuisance or adversely affect the desirability of the area for living purposes.

b. Residential uses required to obtain a shoreline conditional use shall not be required to obtain an administrative conditional use.

6. Residential Use in International Special Review District. Single-purpose residential structures shall be permitted outright in those parts of the International Special Review District east of the Interstate 5 Freeway as provided in Section 23.66.330.

7. Low-income Housing Projects. Single-purpose residential structures for low-income housing projects shall be permitted outright in all commercial zones if:

a. Applications for a reservation of tax credits for 1988 and 1989 under the low-income tax credit program administered by the Washington State Housing Finance Commission have been filed on or before March 15, 1988; or

1                   b.    A nonprofit corporation has purchased  
2 sites, signed options or entered into real estate purchase  
3 agreements prior to March 15, 1988.

4                   8.    Development of a medical service use over ten  
5 thousand (10,000) square feet, outside but within two thousand  
6 five hundred feet (2,500') of a medical Major Institution  
7 overlay district boundary, shall be subject to administrative  
8 conditional use approval, unless included in an adopted master  
9 plan. In making a determination whether to approve or deny a  
10 medical service use, the Director shall determine whether an  
11 adequate supply of commercially zoned land for businesses  
12 serving neighborhood residents will continue to exist. The  
13 following factors shall be used in making this determination:

14                   a.    Whether the amount of medical service use  
15 development existing and proposed in the vicinity would reduce  
16 the current viability or significantly impact the longer-term  
17 potential of the neighborhood-serving character of the  
18 commercial area; and

19                   b.    Whether medical service use development  
20 would displace existing neighborhood-serving commercial uses  
21 at street level or disrupt a continuous commercial street  
22 front, particularly of retail and personal services uses, or  
23 significantly detract from an area's overall neighborhood-  
24 serving commercial character.

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1           9.    Change of One (1) Nonconforming Use to Another.

2           a.    A nonconforming use may be converted by an  
3 administrative conditional use authorization to a use not  
4 otherwise permitted in the zone based on the following  
5 factors:

6                   (1) New uses shall be limited to those  
7 first permitted in the next more intensive zone;

8                   (2) The relative impacts of size,  
9 parking, traffic, light, glare, noise, odor and similar  
10 impacts of the two (2) uses, and how these impacts could be  
11 mitigated.

12           b.    The Director must find that the new  
13 nonconforming use is no more detrimental to property in the  
14 zone and vicinity than the existing nonconforming use.

15           Section 33. Subsection C of Section 23.47.028 of the  
16 Seattle Municipal Code (Ordinance 112777, § 25 (part), as  
17 amended by Ordinance 113263, § 18) is further amended as  
18 follows:

19           **23.47.028 Standards for drive-in businesses.**

20           c.    If the drive-in bank or car wash is located along  
21 either a principal arterial, a minor arterial, or along a  
22 street with only one (1) lane for moving traffic in each  
23 direction, the Director shall determine, after consulting with  
24 the Seattle Engineering Department, ((shall determine))

1 whether additional queuing spaces are necessary or whether  
2 access should be restricted. (~~Based on the Engineering~~  
3 ~~Department's determination,~~) ((~~t~~)) The Director may for the  
4 purpose of environmental mitigation restrict access to the  
5 facility from that arterial or street, or may require  
6 additional queuing space up to a maximum of:

- 7 1. Banks with one (1) or two (2) drive-in lanes,  
8 eight (8) spaces per lane;
- 9 2. Banks with three (3) or more drive-in lanes,  
10 six (6) spaces per lane;
- 11 3. Car washes, twenty (20) spaces per lane.

12 Section 34. Subsection C of Section 23.47.044 of the  
13 Seattle Municipal Code (Ordinance 112777, § 25 (part), as  
14 amended by Ordinance 117263, § 31) is further amended as  
15 follows:

16 **23.47.044 Required parking in pedestrian-**  
17 **designated zones.**

18 C. Additional parking waivers may be permitted by the  
19 Director as a special exception according to the following  
20 provisions:

- 21 1. In P1 designated zones, additional parking  
22 waivers may be permitted up to the maximum size of use  
23 permitted outright or permitted by special exception for the  
24 following uses:

- 1                   a.    Personal and household retail sales and  
2   service uses;
- 3                   b.    Eating and drinking establishments;
- 4                   c.    Customer service offices;
- 5                   d.    Entertainment uses.
- 6                   2.    In P2 designated zones, additional parking  
7   waivers may be permitted as special exception for the  
8   following uses:
- 9                   a.    Eating and drinking establishments, up to  
10   a maximum waiver of five thousand (5,000) square feet;
- 11                   b.    Motion picture theaters, up to a maximum  
12   waiver of three hundred (300) seats.
- 13                   3.    The following factors shall be considered by  
14   the Director in determining whether to permit additional  
15   parking waivers:
- 16                   a.    Anticipated parking demand for the  
17   proposed use;
- 18                   b.    The extent to which an additional parking  
19   waiver is likely to create or add significantly to spillover  
20   parking in adjacent residential areas;
- 21                   c.    The availability of shared parking  
22   opportunities within eight hundred feet (800') of the  
23   business;
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1                   d. Whether land is available for parking  
2 without demolishing an existing commercial structure,  
3 displacing a commercial use, or rezoning property to  
4 commercial.

5                   4. Transportation Study.

6                   a. In order to determine whether to permit,  
7 condition, or deny additional parking waivers, the Director  
8 may require that a transportation study be submitted for  
9 review (~~by the Seattle Engineering Department and the~~  
10 ~~Department of Construction and Land Use~~)).

11                   b. The Director shall determine the level of  
12 detail to be disclosed in the transportation study based on  
13 the following factors:

14                               (1) The size and type of the proposed  
15 use; and

16                               (2) The size of the requested parking  
17 waiver; and

18                               (3) Any anticipated impacts of an  
19 additional parking waiver.

20                   Section 35. Section 23.49.018 of the Seattle Municipal  
21 Code (Ordinance 112303, § 3 (part) as amended by Ordinance  
22 13279, § 3) is further amended as follows:

23                   **23.49.018 Standards for location of access to parking.**

24                   A. Curbcut Location.

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1                   1.    When a lot abuts more than one (1)  
2    right-of-way, the location of access shall be determined by  
3    the Director (~~(in consultation)~~) after consulting with the  
4    Director of Engineering. Except as provided in subsection A3,  
5    the location of access shall be determined by the  
6    classification of rights-of-way on Map IB and the ranking of  
7    the classification below, from most to least preferred:

- 8                   a.    Alley - if of sufficient width to  
9    accommodate anticipated uses;  
10                  b.    Access street;  
11                  c.    Class II pedestrian street - Minor  
12    arterial;  
13                  d.    Class II pedestrian street - Principal  
14    arterial;  
15                  e.    Class I pedestrian street - Minor  
16    arterial;  
17                  f.    Class I pedestrian street - Principal  
18    arterial;  
19                  g.    Principal transit street.

20                   2.    Curbcut controls on street parks shall be  
21    evaluated on a case-by-case basis, but generally access from  
22    street parks shall not be allowed.

23                   3.    The Director, (and) after consulting with the  
24    Director of Engineering, shall also determine whether the

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1 location of the access will expedite the movement of vehicles,  
2 facilitate a smooth flow of traffic, avoid the on-street  
3 queuing of vehicles, enhance vehicular safety and pedestrian  
4 comfort, and will not create a hazard.

5 B. Curbcut Width and Number. Curbcut width and the  
6 number of curbcuts shall satisfy the provisions of Section  
7 23.54.030, Parking space standards.

8 Section 36. Subsection D of Section 23.53.015 of the  
9 Seattle Municipal Code (Ordinance 115326, § 26 (part), as last  
10 amended by Ordinance 116262, § 15) is further amended as  
11 follows:

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

14 D. Exceptions.

15 1. Streets With Existing Curbs.

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

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(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, 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 shall be required; provided, however, that if a setback has

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1 been provided under this provision, other lots on the block  
2 shall provide the same setback. In all residential zones  
3 except Highrise zones, an additional three-foot (3') setback  
4 shall also be required. The area of the setback may be used  
5 to meet any development standards, except that required  
6 parking may not be located in the setback. Underground  
7 structures which would not prevent the future widening and  
8 improvement of the right-of-way may be permitted in the  
9 required setback by the Director of Construction and Land Use  
10 after consulting with the Director of Engineering ((in the  
11 required setback;)).

12 (2) Grading Requirement. When a setback  
13 is required, all structures on the lot shall be designed to  
14 accommodate the grade of the future street according to the  
15 Street Improvement Manual.

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

21 2. Projects With Reduced Improvement Requirements.

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

3 (1) If there is no existing hard-surfaced  
4 roadway, a crushed-rock roadway at least sixteen feet (16') in  
5 width shall be required, according to the Street Improvement  
6 Manual.

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

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

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

18 (1) Types of Projects.

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

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

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

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

14 v. Remodeling and use changes  
15 within existing structures;

16 vi. Additions to existing structures  
17 which are exempt from environmental review; and

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

21 (2) Paving Requirement. For the types of  
22 projects listed in subsection D2b(1), the streets abutting the  
23 lot shall have a hard-surfaced roadway at least eighteen feet  
24 (18') wide. If there is not an eighteen-foot (18') wide  
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1 hard-surfaced roadway, the roadway shall be paved to a width  
2 of at least twenty feet (20') from the lot to the nearest  
3 hard-surfaced street meeting this requirement, or one hundred  
4 feet (100'), whichever is less. Streets that form a dead end  
5 at the property to be developed shall be improved with a  
6 cul-de-sac or other vehicular turnaround in accordance with  
7 the Street Improvement Manual. The Director, (~~in consulta-~~  
8 ~~tion~~) after consulting with the Director of Engineering,  
9 shall determine whether the street has the potential for being  
10 extended or whether it forms a dead end because of topography  
11 and/or the layout of the street system.

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

15 3. Exceptions from Required Street Improvements.  
16 The Director (~~in consultation with the Director of~~  
17 ~~Engineering~~) may waive or modify the requirements for paving  
18 and drainage, dedication, setbacks, grading, no-protest  
19 agreements, landscaping and curb and sidewalk installation  
20 when it is determined that one (1) or more of the following  
21 conditions are met:

22 a. Location in an environmentally critical  
23 area, disruption of existing drainage patterns, or removal of  
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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 rights-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 eliminate street access to an existing lot.

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

18 f. One (1) 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  
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1 the street for vehicular access to the lot, for example due to  
2 an inability to meet the required twenty percent (20%) maximum  
3 driveway slope.

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

9 Section 37. Section 23.53.020 of the Seattle Municipal  
10 Code (Ordinance 115326, § 26 (part), as last amended by  
11 Ordinance 116744, § 26) is further amended as follows:

12 **23.53.020 Improvement requirements for existing**  
13 **streets in industrial zones.**

14 A. General Requirements.

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

- 20 a. Pavement;
- 21 b. Curb and sidewalk installation;
- 22 c. Pedestrian walkways;
- 23 d. Drainage;
- 24 e. Grading to future right-of-way grade;

1                   f. Design of structures to accommodate future  
2 right-of-way grade;

3                   g. No-protest agreements;

4                   h. Planting of street trees and other  
5 landscaping.

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

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

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

17                   4. Detailed requirements for street improvements  
18 are located in the current Street Improvement Manual, as  
19 adopted by joint Rule of the Director and the Director of the  
20 Seattle Engineering Department.

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

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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.

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.

(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, 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, dedication of additional right-of-way equal to

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1 half the difference between the current right-of-way and the  
2 minimum right-of-way width established in subsection A shall  
3 be required; provided, however, that if right-of-way has been  
4 dedicated since 1982, other lots on the block shall not be  
5 required to dedicate more than that amount of right-of-way.

6 2. Curbs and Sidewalks. A paved roadway with a  
7 concrete curb and sidewalk and drainage facilities shall be  
8 provided in the portion of the street right-of-way abutting  
9 the lot, as specified in the Street Improvement Manual.

10 3. Street Trees.

11 a. Street trees shall be provided along  
12 designated street frontages. Street trees shall be provided  
13 in the planting strip according to City (~~of Seattle~~  
14 ~~Engineering Department~~) Tree Planting Standards.

15 b. Exceptions to Street Tree Requirements.

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

19 i. Existing trees and/or land-  
20 scaping on the lot provide improvements substantially  
21 equivalent to those required in this section;

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

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

9 1. Pedestrian Walkway Requirement. When an  
10 existing street right-of-way abuts a lot and the street does  
11 not have curbs, pedestrian walkways shall be provided  
12 according to the Street Improvement Manual.

13 2. Setback Requirement. When the right-of-way  
14 abutting a lot has less than the minimum width established in  
15 subsection A6, a setback equal to half the difference between  
16 the current right-of-way width and the minimum right-of-way  
17 width established in subsection A shall be required; provided,  
18 however, that if a setback has been provided under this  
19 provision, other lots on the block shall provide the same  
20 setback. The area of the setback may be used to meet any  
21 development standards, except that required parking may not be  
22 located in the setback. Underground structures which would not  
23 prevent the future widening and improvement of the right-of-  
24 way may be permitted in the required setback by the Director

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1 of Construction and Land Use after consulting with the  
2 Director of Engineering (~~(in the required setback)~~).

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

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

14 5. Dead-end Streets. Streets that form a dead end  
15 at the property to be developed shall be improved with a  
16 cul-de-sac or other vehicular turnaround in accordance with  
17 the Street Improvement Manual. The Director, (~~(in consulta-~~  
18 ~~tion)~~) after consulting with the Director of Engineering,  
19 shall determine whether the street has the potential for being  
20 extended or whether it forms a dead end because of typography  
21 and/or the layout of the street system.

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

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

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

12 a. Improvements to Arterials.

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

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

22 b. Improvements to Nonarterial Streets.

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

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

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

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

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

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

12 ii. Improvement Requirement. A  
13 paved roadway with a concrete curb and sidewalk, drainage  
14 facilities, and any landscaping required by the zone in which  
15 the lot is located shall be provided in the portion of the  
16 street right-of-way abutting the lot, according to the Street  
17 Improvement Manual.

18 iii. Fire Access. If the lot does  
19 not have vehicular access from a street or private easement  
20 which meets the regulations for fire access roads in Chapter  
21 10 of the Seattle Fire Code, such access shall be provided.

22 iv. Dead-end Streets. When an  
23 existing street does not meet these regulations, the Chief of  
24 the Fire Department may approve an alternative which provides  
25

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1 adequate emergency vehicle access. The Director, ((in  
2 ~~consultation~~) after consulting with the Director of  
3 Engineering, shall determine whether the street has the  
4 potential for being extended or whether it forms a dead end  
5 because of topography and/or the layout of the street system.

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

10           E. Exceptions.

11           1. Streets With Existing Curbs.

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

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

23                   (2) A no-protest agreement to future  
24 street improvements shall be required, as authorized by RCW  
25

1 Chapter 35.43. The agreement shall be recorded with the title  
2 to the property with the King County Department of Records and  
3 Elections.

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

7 i. Remodeling and use changes  
8 within existing structures;

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

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

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

5 (2) Grading Requirement. When a setback  
6 is required, all structures on the lot shall be designed to  
7 accommodate the grade of the future street, according to the  
8 Street Improvement Manual.

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

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

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

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

5                   c.    Nonresidential structures which have less  
6 than four thousand (4,000) square feet of gross floor area and  
7 which do not contain uses listed in subsection D2b which are  
8 larger than seven hundred fifty (750) square feet;

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

14                   e.    Remodeling and use changes within existing  
15 structures;

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

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

21                   3.    Exceptions From Required Street Improvement  
22 Requirements. The Director(~~(7 in consultation with the~~  
23 ~~Director of Engineering 7)~~) may waive or modify the  
24 requirements for paving, dedication, setbacks,  
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1 grading, no-protest agreements, landscaping and sidewalk and  
2 pedestrian walkway installation when it is determined that one  
3 (1) or more of the following conditions are met:

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

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

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

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

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

23 f. One (1) or more substantial principal  
24 structures on the same side of the block as the proposed  
25

1 project are located in the area needed for future expansion of  
2 the right-of-way and the structure(s)' condition and size make  
3 future widening of the remainder of the right-of-way unlikely.

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

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

14 Section 38. Subsections F and G of Section 23.53.030 of  
15 the Seattle Municipal Code (Ordinance 115326, § 26, as last  
16 amended by Ordinance 117263, § 50) is further amended as  
17 follows:

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

19 **F. Existing Alleys Which Do Not Meet the Minimum Width.**

20 1. When an existing alley is used for access to  
21 parking spaces, open storage, or loading berths on a lot, and  
22 the alley does not meet the minimum width established in  
23 subsection D, except as provided in subsection G, a dedication  
24 equal to half the difference between the current alley

1 right-of-way width and minimum right-of-way width established  
2 in subsection D shall be required; provided, however, that if  
3 right-of-way has been dedicated since 1982, other lots on the  
4 block shall not be required to dedicate more than that amount  
5 of right-of-way. Underground and overhead portions of  
6 structures that would not interfere with the functioning of  
7 the alley may be allowed by the Director of Construction and  
8 Land Use after consulting with the Director of Engineering.  
9 When existing structures are located in the portion of the lot  
10 to be dedicated, that portion of the lot shall be exempt from  
11 dedication requirements. The improvements required under E1  
12 shall then be installed, depending on the type of project.

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

18 a. A setback equal to half the distance  
19 between the current alley right-of-way width and the minimum  
20 right-of-way width established in subsection D shall be  
21 required; provided, however, that if a setback has been  
22 provided under this provision, other lots on the block shall  
23 provide the same setback. The area of the setback may be used  
24 to meet any development standards, except that required  
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1 parking may not be located in the setback. Underground and  
2 overhead structures which would not prevent the future  
3 widening and improvement of the right-of-way may be permitted  
4 in the required setback by the Director of Construction and  
5 Land Use after consulting with the Director of Engineering  
6 ((in the required setback)).

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

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

14 G. Exceptions. The Director, ((in consultation)) after  
15 consulting with the Director of the Department of Engineering,  
16 may modify or waive the requirements for dedication, paving  
17 and drainage, setbacks, grading and no-protest agreements, if  
18 it is determined that one (1) or more of the following  
19 conditions are met. The Director may require access to be  
20 from a street if alley improvements are also waived.

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



1           1. Residential Uses.

2           a. Driveways shall be at least ten feet (10')  
3 wide. Driveways with a turning radius of more than thirty-five  
4 degrees (35°) shall conform to the minimum turning path radius  
5 shown in Exhibit 23.54.030 B.

6           b. Vehicles may back onto a street from a  
7 parking area serving five (5) or fewer vehicles, provided  
8 that:

9                   (1) The street is not an arterial as  
10 defined in Section 11.18.010 of the Seattle Municipal Code;

11                   (2) The slope of the driveway does not  
12 exceed ten percent (10%) in the first twenty feet (20') from  
13 the property line; and

14                   (3) For one single family structure, the  
15 Director (~~(, in consultation with the Seattle Engineering~~  
16 ~~Department,)~~) may waive the requirements of subsections D1b(1)  
17 and (2) above, and may modify the parking access standards  
18 based upon a safety analysis, addressing visibility, traffic  
19 volume and other relevant issues.

20           c. Driveways less than one hundred feet  
21 (100') in length, which serve thirty (30) or fewer parking  
22 spaces, shall be a minimum of ten feet (10') in width for one  
23 (1) way or two (2) way traffic.

1                   d.    Except for driveways serving one  
2 single-family dwelling, driveways more than one hundred feet  
3 (100') in length which serve thirty (30) or fewer parking  
4 spaces shall either:

5                   (1)   Be a minimum of sixteen feet (16')  
6 wide, tapered over a twenty-foot (20') distance to a ten-foot  
7 (10') opening at the property line; or

8                   (2)   Provide a passing area at least  
9 twenty feet wide (20') and twenty feet (20') long. The  
10 passing area shall begin twenty feet (20') from the property  
11 line, with an appropriate taper to meet the ten-foot (10')  
12 opening at the property line. If a taper is provided at the  
13 other end of the passing area, it shall have a minimum length  
14 of twenty feet (20').

15                  e.    Driveways serving more than thirty (30)  
16 parking spaces shall provide a minimum ten-foot (10') wide  
17 driveway for one (1) way traffic or a minimum twenty-foot  
18 (20') wide driveway for two (2) way traffic.

19                  f.    Nonconforming driveways. The number of  
20 parking spaces served by an existing driveway that does not  
21 meet the standards of this subsection D1 shall not be  
22 increased. This prohibition may be waived by the Director  
23 (~~in consultation~~) after consulting with the Seattle  
24 Engineering Department based on a safety analysis.

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1                   2.    Nonresidential Uses.

2                   a.    Driveway Widths.

3                   (1)   The minimum width of driveways for  
4   one (1) way traffic shall be twelve feet (12') and the maximum  
5   width shall be fifteen feet (15').

6                   (2)   The minimum width of driveways for  
7   two (2) way traffic shall be twenty-two feet (22') and the  
8   maximum width shall be twenty-five feet (25').

9                   b.    Driveways shall conform to the minimum  
10   turning path radius shown in Exhibit 23.54.030 B.

11                   3.    Maximum grade curvature for all driveways shall  
12   not exceed the curvature shown in Exhibit 23.54.030 C.

13                   4.    Driveway Slope.  No portion of a driveway,  
14   whether located on private property or on a right-of-way,  
15   shall exceed a slope of twenty percent (20%), except as  
16   provided in this subsection.  The maximum twenty percent (20%)  
17   slope shall apply in relation to both the current grade of the  
18   right-of-way to which the driveway connects, and to the  
19   proposed finished grade of the right-of-way if it is different  
20   from the current grade.  The Director may permit a driveway  
21   slope of more than twenty percent (20%) if it is found that:

22                   a.    The topography or other special  
23   characteristic of the lot makes a twenty percent (20%) maximum  
24   driveway slope infeasible;

1                   b. The additional amount of slope permitted  
2 is the least amount necessary to accommodate the conditions of  
3 the lot; and

4                   c. The driveway is still useable as access to  
5 the lot.

6           F. Curbcuts. Curbcut requirements shall be determined  
7 by whether the parking served by the curbcut is for  
8 residential or nonresidential use, and by the zone in which  
9 the use is located. When a curbcut is used for more than one  
10 (1) use, the requirements for the use with the largest curbcut  
11 requirements shall apply.

12                   1. Residential Uses in Single-family and  
13 Multi-family Zones and Single-purpose Residential Uses in All  
14 Other Zones.

15                   a. For lots not located on a principal  
16 arterial as designated on Exhibit 23.53.015 A, the number of  
17 curbcuts permitted shall be according to the following chart:

Street or Easement Frontage of the Lot	Number of curb- cuts Permitted
0 - 80 feet	1
81 - 160 feet	2
161 - 240 feet	3
241 - 320 feet	4

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22 For lots with frontage in excess of three hundred twenty feet  
23 (320'), the pattern established in the chart shall be  
24 continued.

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b. Curbcuts shall not exceed a maximum width of ten feet (10') except that:

(1) One (1) curbcut greater than ten feet (10') but in no case greater than twenty feet (20') in width may be substituted for each two (2) curbcuts permitted by subsection Fla; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten feet (10') in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three feet (23') shall be permitted according to the following chart.

Street Frontage of the Lot	Number of curbcuts Permitted
0 - 160 feet	1
161 - 320 feet	2
321 - 480 feet	3

For lots with street frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued.

d. There shall be at least thirty feet (30') between any two (2) curbcuts located on a lot.

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1 e. A curbcut may be less than the maximum  
2 width permitted but shall be at least as wide as the minimum  
3 required width of the driveway it serves.

4 f. Where two (2) adjoining lots share a  
5 common driveway according to the provisions of Section  
6 23.54.030 D1, the combined frontage of the two (2) lots shall  
7 be considered one (1) in determining the maximum number of  
8 permitted curbcuts.

9 2. Nonresidential Uses in Single-family and  
10 Multi-family Zones, and All Uses, Except Single-purpose  
11 Residential Uses, in All Other Zones Except Industrial Zones.

12 a. Number of Curbcuts.

13 (1) In RC, NC1, NC2, NC3, and Major  
14 Institution zones, a maximum of two (2) curbcuts for one (1)  
15 way traffic or one (1) curbcut for two (2) way traffic shall  
16 be permitted on lots with street frontage of eighty feet (80')  
17 or less. On lots with street frontage of more than eighty  
18 feet (80'), up to two (2) two (2) way curbcuts shall be  
19 permitted for each two hundred forty feet (240') of street  
20 frontage.

21 (2) In C1 and C2 zones, the Director ((~~of~~  
22 ~~Engineering~~)) shall review and make a recommendation on shall  
23 review and determine the number and location of curbcuts.

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1 (3) In downtown zones, a maximum of two  
2 (2) curbcuts for one (1) way traffic at least forty feet (40')  
3 apart, or one (1) curbcut for two (2) way traffic, shall be  
4 permitted on each street front where access is permitted by  
5 Section 23.49.018. No curbcut shall be located within forty  
6 feet (40') of an intersection. These standards may be  
7 modified by the Director on lots with steep slopes or other  
8 special conditions, the minimum necessary to provide vehicular  
9 and pedestrian safety and facilitate a smooth flow of traffic,  
10 in accordance with the Downtown Land Use Policies.

11 (4) For public schools, the minimum  
12 number of curbcuts determined necessary by the Director shall  
13 be permitted.

14 b. Curbcut Widths.

15 (1) For one (1) way traffic, the minimum  
16 width of curbcuts shall be twelve feet (12'), and the maximum  
17 width shall be fifteen feet (15').

18 (2) For two (2) way traffic, the minimum  
19 width of curbcuts shall be twenty-two feet (22'), and the  
20 maximum width shall be twenty-five feet (25'), except that the  
21 maximum width may be increased to thirty feet (30') when truck  
22 and auto access are combined.

23 (3) For public schools, the maximum width  
24 of curbcuts shall be twenty-five feet (25'). Development  
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1 standards departure may be granted or required pursuant to the  
2 procedures and criteria set forth in Chapter 23.79.

3 (4) When one (1) of the following  
4 conditions applies, the Director (~~(, in consultation with the~~  
5 ~~Seattle Engineering Department,)~~) may require a curbcut of up  
6 to thirty feet (30') in width, if it is found that a wider  
7 curbcut is necessary for safe access:

8 i. The abutting street has a single  
9 lane on the side which abuts the lot; or

10 ii. The curb lane abutting the lot  
11 is less than eleven feet (11') wide; or

12 iii. The proposed development is  
13 located on an arterial with an average daily traffic volume of  
14 over seven thousand (7,000) vehicles; or

15 iv. Off-street loading space is  
16 required according to subsection H of Section 23.54.015.

17 c. The entrances to all garages accessory to  
18 nonresidential uses and the entrances to all principal use  
19 parking garages shall be at least six feet nine inches (6'9")  
20 high.

21 3. All Uses in Industrial Zones.

22 a. Number and Location of Curbcuts. The  
23 number and location of curbcuts shall be determined by the  
24 Director (~~(in consultation with the Director of Engineering)~~).

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b. Curbcut Width. Curbcut width in Industrial zones shall be provided as follows:

(1) When the curbcut provides access to a parking area or structure it shall be a minimum of fifteen feet (15') wide and a maximum of thirty feet (30') wide.

(2) When the curbcut provides access to a loading berth, the maximum width of thirty feet (30') set in subsection E3b(1) may be increased to fifty feet (50').

(3) Within the minimum and maximum widths established by this subsection, the Director shall determine the size of the curbcuts (~~in consultation with the Director of Engineering~~).

4. Curbcuts for Access Easements.

a. When a lot is crossed by an access easement serving other lots, the curbcut serving the easement may be as wide as the easement roadway.

b. The curbcut serving an access easement shall not be counted against the number or amount of curbcut permitted to a lot if the lot is not itself served by the easement.

5. Curbcut Flare. A flare with a maximum width of two and one-half feet (2 1/2') shall be permitted on either side of curbcuts in any zone.

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1           6. Replacement of Unused Curbcuts. When a curbcut  
2 is no longer needed to provide access to a lot, the curb and  
3 any planting strip shall be replaced.

4           Section 40. Subsection C of Section 23.54.035 of the  
5 Seattle Municipal Code (Ordinance 113658, § 10) is amended as  
6 follows:

7           **23.54.035 Loading berth requirements**  
8           **and space standards.**

9           C. Standards for Loading Berths.

10           1. Width and Clearance. Each loading berth shall  
11 be not less than ten feet (10') in width and shall provide not  
12 less than fourteen feet (14') vertical clearance.

13           2. Length.

14           a. High-demand Uses. Each loading berth for  
15 a high- demand use shall be a minimum of fifty-five feet (55')  
16 in length unless reduced by determination of the Director as  
17 provided at subsection C2c.

18           b. Low- and Medium-demand Uses. Each loading  
19 berth for low- and medium-demand uses, except those uses  
20 identified in subsection C2d, shall be a minimum of  
21 thirty-five feet (35') in length unless reduced by  
22 determination of the Director as provided at subsection C2c.

23           c. Exceptions to Loading Berth Length. Where  
24 the Director finds, ~~upon consultation~~ after consulting with  
25 (~~the Seattle Engineering Department and~~) the property user,

1 that site design and use of the property will not result in  
2 vehicles extending beyond the property line, loading berth  
3 lengths may be reduced to not less than the following:

4 (i) High-demand Uses. Thirty-five feet  
5 (35') when access is from a collector arterial or local access  
6 street; and forty-five feet (45') when access is from a  
7 principal or minor arterial street;

8 (ii) Low- and Medium-demand Uses.  
9 Twenty-five feet (25').

10 d. Multi-purpose convenience stores, sales,  
11 service and rental of major durables, and specialty food  
12 stores may be required by the Director (~~(, following review by~~  
13 ~~the Seattle Engineering Department,~~) to increase the length  
14 of required loading berths; however, these uses shall not be  
15 required to provide loading berths in excess of fifty-five  
16 feet (55'). The review of loading berth length requirements  
17 for these uses shall focus on the size of vehicles that  
18 frequently serve the business and the frequency of loading  
19 activity that will extend beyond the lot line during daytime  
20 hours (six (6:00) a.m. to six (6:00) p.m.). Large-truck  
21 loading occurring on a daily basis shall generally require  
22 longer loading berths; when such activity occurs on at least a  
23 weekly basis, it will be evaluated regarding the amount of  
24 traffic disruption and safety problems potentially created;

1 such activity occurring on less than a weekly basis shall  
2 generally not require longer loading berths.

3 3. For uses not listed in Chart A, the Director  
4 (~~(following review by the Seattle Engineering Department,)~~)  
5 shall determine the loading berth length requirements.  
6 Loading demand and loading requirements for similar uses shall  
7 be considered.

8 4. Maneuvering Space for Loading Berths. In  
9 addition to the length of the loading berth, additional  
10 maneuvering space may be required by the Director (~~(following review by the Seattle Engineering Department,)~~) in  
11 the following cases:  
12

13 a. For any uses with over ten thousand  
14 (10,000) square feet of gross floor area with loading berth  
15 access from a principal or minor arterial street;

16 b. For high-demand uses with over ten  
17 thousand (10,000) square feet of gross floor area with loading  
18 berth access from a collector arterial or local access street,  
19 especially if located across the street from another  
20 high-demand use. When required, the additional maneuvering  
21 space shall be designed and arranged to allow the most  
22 efficient use of all required loading berths by motor vehicles  
23 of the types typically employed by the activities served.  
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1                   (~~5. The location, design and access for loading~~  
2 ~~areas shall be determined by the Director, following review by~~  
3 ~~the Seattle Engineering Department, to ensure that safe~~  
4 ~~traffic conditions are maintained. The cost and availability~~  
5 ~~of land, and the goal of providing for industrial activity,~~  
6 ~~shall also be considered.))~~

7           Section 41. Subsection B of Section 23.71.016 of the  
8 Seattle Municipal Code (Ordinance 116795, § 2 (part)) is  
9 amended as follows:

10           **23.71.016 Parking and access.**

11           B. Additional Parking Waivers on Major Pedestrian  
12 Streets.

13           1. When the amount of required parking has been  
14 determined pursuant to subsection A of this section, waivers  
15 are permitted, as follows:

16           a. Parking shall not be required for the  
17 first one hundred fifty (150) seats of all motion picture  
18 theatre uses and the first seventy hundred fifty (750) square  
19 feet for all eating and drinking establishments.

20           b. Parking shall not be required for an  
21 additional two thousand five hundred (2,500) square feet to a  
22 maximum of five thousand (5,000) square feet for all other  
23 required street-level personal and household retail sales and  
24 service uses.

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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- 1                   2.    The Director may permit an additional parking  
2 waiver up to a maximum of four thousand (4,000) square feet  
3 for eating and drinking establishments as a special exception  
4 subject to the provisions of Chapter 23.76, Procedures for  
5 Master Use Permits and Council Land Use Decisions.  The  
6 following factors shall be considered by the Director in  
7 making a determination whether to allow additional parking  
8 waivers for eating and drinking establishments:
- 9                   a.    Anticipated parking demand for the  
10 proposed use;
- 11                   b.    The extent to which an additional parking  
12 waiver is likely to create or add significantly to spillover  
13 parking in adjacent residential neighborhoods;
- 14                   c.    Whether land is available for parking  
15 without demolishing an existing commercial structure,  
16 displacing a commercial use, or rezoning land to a commercial  
17 designation;
- 18                   d.    The availability of shared or joint use  
19 parking within eight hundred feet (800') of the business  
20 establishment;
- 21                   e.    The Director may require that a  
22 transportation study be submitted for review by the Director  
23 (~~and the Seattle Engineering Department~~);
- 24  
25  
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1 f. The Director (~~and SED~~) shall determine  
2 the content of the transportation study based on the following  
3 factors:

4 i. The size and type of the proposed  
5 use;

6 ii. The size of the requested parking  
7 waiver;

8 iii. Any anticipated impacts of an  
9 additional parking waiver.

10 3. Parking waivers permitted by this subsection  
11 shall apply to each street-level business establishment in a  
12 structure.

13 Section 42. Subsections D and G of Section 23.71.018 of  
14 the Seattle Municipal Code (Ordinance 116795, § 2 (part)) are  
15 amended as follows:

16 **23.71.018 Transportation management program.**

17 D. The TMP shall be approved by the Director if, after  
18 (~~he or she receives a recommendation from the Director of~~  
19 ~~Engineering~~) consulting with the Seattle Engineering  
20 Department, the Director determines that the TMP measures are  
21 likely to achieve the SOV goals.

22 G. After approval of a TMP and issuance of a master use  
23 permit as prescribed in subsections C and D of this section,  
24 if the owner applies for a master use permit for additional  
25

1 development, before approving the new master use permit, the  
2 Director, (~~in consultation~~) after consulting with the  
3 Director of Engineering, shall review the implementation of  
4 the TMP. If substantial progress has not been made in  
5 achieving the goal for the proportion of SOV trips, the  
6 Director may:

- 7 1. Require the applicant to revise the TMP to  
8 include additional measures in order to achieve compliance  
9 with the TMP goal before the issuance of a permit; and/or
- 10 2. Require measures in addition to those in the  
11 TMP that encourage alternative means of transportation for the  
12 proposed new development; and/or
- 13 3. Deny the permit if the Director determines that  
14 the owner has failed to make a good-faith effort to implement  
15 the TMP; or
- 16 4. Determine that a revised or new program is not  
17 needed, and that the permit can be issued without changes to  
18 the existing TMP.

19 Section 43. Repeal. Section 21.24.060 of the Seattle  
20 Municipal Code (Ordinance 82583, § 3, amended by Ordinance  
21 91436, § 2) is hereby repealed.

22 Section 44. Continuation of Authority. Existing rules  
23 and administrative standards of the Director of Engineering  
24 related to the functions transferred by this ordinance shall  
25

1 remain in effect unless and until they expire by their own  
2 terms, or they are amended, superseded, or repealed. All  
3 pending notices and enforcement proceedings related to the  
4 functions transferred by this ordinance shall continue  
5 unaffected by this ordinance, except that in each of those  
6 proceedings either the Director of Engineering or the Director  
7 of Construction and Land Use or both of them may exercise the  
8 powers and responsibilities heretofore possessed by the  
9 Director of Engineering.

10 Section 45. Publication. The City Clerk shall publish  
11 in the City's official newspaper the title and sections one  
12 (1) and forty-four (44) of this ordinance, a numerical  
13 tabulation by Code number of the Seattle Municipal Code  
14 sections that are amended under the caption "Amendments to  
15 Code Sections," and a listing of the Seattle Municipal Code  
16 section repealed under the caption "Section Repealed" as the  
17 summary of this ordinance, and state that the entire text may  
18 be examined at the offices of the City Clerk, 1st Floor,  
19 Seattle Municipal Building, 600 - 4th Avenue, Seattle,  
20 Washington, 98104, or will be mailed upon request.

21 Section 46. Severability. The several provisions of  
22 this ordinance are declared to be separate and severable and  
23 the invalidity of any clause, sentence, paragraph,  
24 subdivision, section, subsection, or portion of this  
25

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 ordinance, or the invalidity of the application thereof to any  
2 person or circumstance, shall not affect the validity of the  
3 remainder of this ordinance or the validity of its application  
4 to other persons or circumstances.

5 Section 47. Ratification and Confirmation. All acts  
6 consistent with the authority and prior to the effective date  
7 of this ordinance are hereby ratified and confirmed.

8 Section 48. Construction. It is the intent of the City  
9 legislative authority that the amendments made by this  
10 ordinance to subsection B of section 23.47.006 of the Seattle  
11 Municipal Code and the amendments made to that same subsection  
12 by the ordinance designated Council Bill 110464 (An Ordinance  
13 relating to land use and zoning and the building code . . . )  
14 both be given full force and effect.

15 Section 49. Effective Date. This ordinance shall take  
16 effect and be in force thirty (30) days from and after its

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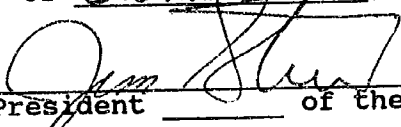
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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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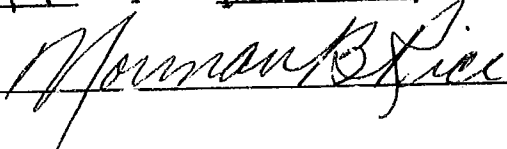
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approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

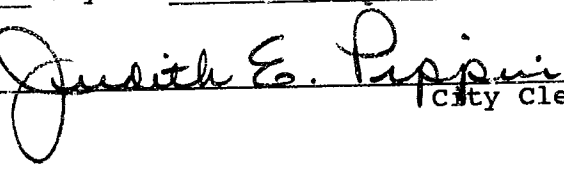
Passed by the City Council the 12 day of December, 1994, and signed by me in open session in authentication of its passage this 12 day of December, 1994.

  
\_\_\_\_\_  
President of the City Council

Approved by me this 19 day of December, 1994.

  
\_\_\_\_\_  
Mayor

Filed by me this 20 day of December, 1994.

  
\_\_\_\_\_  
City Clerk

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 contractor representing the owner, and the Director of  
2 Engineering shall determine whether the permit application  
3 conforms to the requirements of this chapter and other  
4 ordinances of the City regulating side sewers and compute the  
5 amount of the fee in accordance with the following schedule:

6 \*\*\*

7 D. STORM DRAINAGE.

8 1. Drainage Systems Connecting Directly to Storm Drains  
9 or Discharging Directly to Receiving Waters.

10 Single-Family connection . . . . . \$ 160.00

11 (Less than Nine  
12 Thousand (9,000)  
13 Square Feet of ((~~review fee~~ . . . . . \$ 55.00))  
14 Developmental  
15 Coverage)

16 INSPECTION TIME IN EXCESS OF ONE HOUR WILL BE BILLED  
17 SEPARATELY.

18 Multi-Family or connection . . . . . \$ 300.00  
19 Commercial with ((~~review fee~~ . . . . . 110.00))  
20 less than 9,000  
21 square feet of  
22 developmental  
23 coverage

24 INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED  
25 SEPARATELY.

26 All developments connection . . . . .  
with greater than . \$ 0.02 per square foot plus \$285.00  
9000 square feet  
of developmental  
coverage ((~~review fee (per square foot)~~ . . . . . \$0.00))

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED  
SEPARATELY

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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2. Drainage Systems with Detention Required

Single-Family connection. . . . . \$ 245.00  
(Less than 9000 square feet of developmental coverage) ~~((review fee . . . . . 110.00))~~

INSPECTION TIME IN EXCESS OF ONE HOUR WILL BE BILLED SEPARATELY

Multi-Family or Commercial with less than 9000 square feet of developmental coverage connection. . . . . \$ 400.00  
~~((review fee . . . . . 300.00))~~

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

All developments with greater than 9000 square feet of developmental coverage connection. . . . . \$ 0.02 per square foot plus \$350  
~~((review fee (per square foot) . . . . . \$0.06))~~

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

~~((3. TEMPORARY DRAINAGE AND EROSION CONTROL~~

~~All developments over 9000 square feet of developmental coverage . . . . . \$ 100.00))~~

G. INSPECTION FEE.

For the purpose of the ordinance inspection time in excess of the base fee will be charged per hour. . \$ ~~((60.00))~~  
90.00

In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the Director of Engineering shall be final and conclusive.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 hard-surfaced roadway, the roadway shall be paved to a width  
2 of at least twenty feet (20') from the lot to the nearest  
3 hard-surfaced street meeting this requirement, or one hundred  
4 feet (100'), whichever is less. Streets that form a dead end  
5 at the property to be developed shall be improved with a  
6 cul-de-sac or other vehicular turnaround in accordance with  
7 the Street Improvement Manual. The Director, (~~in consulta-~~  
8 ~~tion~~) after consulting with the Director of Engineering,  
9 shall determine whether the street has the potential for being  
10 extended or whether it forms a dead end because of topography  
11 and/or the layout of the street system.

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

15 3. Exceptions from Required Street Improvements.  
16 The Director, (~~in consultation~~) after consulting with the  
17 Director of Engineering, may waive or modify the requirements  
18 for paving and drainage, dedication, setbacks, grading,  
19 no-protest agreements, landscaping and curb and sidewalk  
20 installation when it is determined that one (1) or more of the  
21 following conditions are met:

22 a. Location in an environmentally critical  
23 area, disruption of existing drainage patterns, or removal of  
24  
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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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1                   b. The following uses when they are smaller  
2 than seven hundred fifty (750) square feet of gross floor  
3 area: fast-food restaurants; major and minor vehicle repair  
4 uses; and multi- purpose convenience stores;

5                   c. Nonresidential structures which have less  
6 than four thousand (4,000) square feet of gross floor area and  
7 which do not contain uses listed in subsection D2b which are  
8 larger than seven hundred fifty (750) square feet;

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

14                   e. Remodeling and use changes within existing  
15 structures;

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

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

21                   3. Exceptions From Required Street Improvement  
22 Requirements. The Director, (~~in consultation~~) after  
23 consulting with the Director of Engineering, may waive or  
24 modify the requirements for paving, dedication, setbacks,  
25

1 standards departure may be granted or required pursuant to the  
2 procedures and criteria set forth in Chapter 23.79.

3 (4) When one (1) of the following  
4 conditions applies, the Director, (~~in consultation~~) after  
5 consulting with the Seattle Engineering Department, may  
6 require a curbcut of up to thirty feet (30') in width, if it  
7 is found that a wider curbcut is necessary for safe access:

8 i. The abutting street has a single  
9 lane on the side which abuts the lot; or

10 ii. The curb lane abutting the lot  
11 is less than eleven feet (11') wide; or

12 iii. The proposed development is  
13 located on an arterial with an average daily traffic volume of  
14 over seven thousand (7,000) vehicles; or

15 iv. Off-street loading space is  
16 required according to subsection H of Section 23.54.015.

17 c. The entrances to all garages accessory to  
18 nonresidential uses and the entrances to all principal use  
19 parking garages shall be at least six feet nine inches (6'9")  
20 high.

21 3. All Uses in Industrial Zones.

22 a. Number and Location of Curbcuts. The  
23 number and location of curbcuts shall be determined by the  
24 Director (~~in consultation with the Director of Engineering~~)  
25

1 f. The Director ((and SED)) shall determine  
2 the content of the transportation study based on the following  
3 factors:

4 i. The size and type of the proposed  
5 use;

6 ii. The size of the requested parking  
7 waiver;

8 iii. Any anticipated impacts of an  
9 additional parking waiver.

10 3. Parking waivers permitted by this subsection  
11 shall apply to each street-level business establishment in a  
12 structure.

13 Section 42. Subsections D and G of Section 23.71.018 of  
14 the Seattle Municipal Code (Ordinance 116795, § 2 (part)) is  
15 amended as follows:

16 **23.71.018 Transportation management program.**

17 D. The TMP shall be approved by the Director if, after  
18 ~~((he or she receives a recommendation from the Director of~~  
19 ~~Engineering))~~ consulting with the Seattle Engineering  
20 Department, the Director determines that the TMP measures are  
21 likely to achieve the SOV goals.

22 G. After approval of a TMP and issuance of a master use  
23 permit as prescribed in subsections C and D of this section,  
24 if the owner applies for a master use permit for additional  
25

1 development, before approving the new master use permit, the  
2 Director, ((in consultation)) after consulting with the  
3 Director of Engineering, shall review the implementation of  
4 the TMP. If substantial progress has not been made in  
5 achieving the goal for the proportion of SOV trips, the  
6 Director may:

- 7 1. Require the applicant to revise the TMP to  
8 include additional measures in order to achieve compliance  
9 with the TMP goal before the issuance of a permit; and/or
- 10 2. Require measures in addition to those in the  
11 TMP that encourage alternative means of transportation for the  
12 proposed new development; and/or
- 13 3. Deny the permit if the Director determines that  
14 the owner has failed to make a good-faith effort to implement  
15 the TMP; or
- 16 4. Determine that a revised or new program is not  
17 needed, and that the permit can be issued without changes to  
18 the existing TMP.

19 Section 43. Repeal. Section 21.24.060 of the Seattle  
20 Municipal Code (Ordinance 82583, § 3, amended by Ordinance  
21 91436, § 2) is hereby repealed.

22 Section 44. Publication. The City Clerk shall publish  
23 in the City's official newspaper the title and the first one  
24 (1) section of this ordinance, a numerical tabulation by Code  
25  
26

1 number of the Seattle Municipal Code sections that are amended  
2 under the caption "Amendments to Code Sections," and a listing  
3 of the Seattle Municipal Code section repealed under the  
4 caption "Section Repealed" as the summary of this ordinance,  
5 and state that the entire text may be examined at the offices  
6 of the City Clerk, 1st Floor, Seattle Municipal Building,  
7 600 - 4th Avenue, Seattle, Washington, 98104, or will be  
8 mailed upon request.

9 Section 45. Severability. The several provisions of  
10 this ordinance are declared to be separate and severable and  
11 the invalidity of any clause, sentence, paragraph,  
12 subdivision, section, subsection, or portion of this  
13 ordinance, or the invalidity of the application thereof to any  
14 person or circumstance, shall not affect the validity of the  
15 remainder of this ordinance or the validity of its application  
16 to other persons or circumstances.

17 Section 46. Ratification and Confirmation. All acts  
18 consistent with the authority and prior to the effective date  
19 of this ordinance are hereby ratified and confirmed.

20 Section 47. Effective Date. This ordinance shall take  
21 effect and be in force thirty (30) days from and after its  
22 approval by the Mayor, but if not approved and returned by the  
23 Mayor within ten (10) days after presentation, it shall take  
24 effect as provided by Municipal Code Section 1.04.020.

1 ordinance, or the invalidity of the application thereof to any  
2 person or circumstance, shall not affect the validity of the  
3 remainder of this ordinance or the validity of its application  
4 to other persons or circumstances.

5 Section 47. Ratification and Confirmation. All acts  
6 consistent with the authority and prior to the effective date  
7 of this ordinance are hereby ratified and confirmed.

8 Section 48. Effective Date. This ordinance shall take  
9 effect and be in force thirty (30) days from and after its  
10 approval by the Mayor, but if not approved and returned by the  
11 Mayor within ten (10) days after presentation, it shall take  
12 effect as provided by Municipal Code Section 1.04.020.

13 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_,  
14 1994, and signed by me in open session in authentication of  
15 its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

16  
17 \_\_\_\_\_  
18 President \_\_\_\_\_ of the City Council

19 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

20 \_\_\_\_\_  
21 Mayor

22 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

23 \_\_\_\_\_  
24 City Clerk

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NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
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Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_,  
1994, and signed by me in open session in authentication of  
its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
City Clerk

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE  
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

**TITLE AND SECTIONS-ONLY PUBLICATION, ALONG WITH TWO SECTIONS IN FULL.**

The entire text may be examined at the Office of the City Clerk, 1st Floor, Seattle Municipal Building, 600 - 4th Avenue, Seattle, 98104, or will be mailed at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk Office at 684-8344.

**ORDINANCE NO. 117432**

AN ORDINANCE relating to the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with development permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

**AMENDMENTS TO CODE SECTIONS**

- 21.16.030 Definitions. (Ord. 97016 & 114298)
- 21.16.040 Connection or abandonment of side sewers. (Ord. 97016 & 114298)
- 21.16.070 Permit required. (Ord. 97016 & 114298)
- 21.16.150 Subsection A Trenches and excavations. (Ord. 97016 & 114298)
- 21.16.200 Use of existing sewer for new building. (Ord. 97016 & 114298)
- 21.16.260 Installation when compliance is impractical -- Conditional permit. (Ord. 97016 & 114298)
- 21.16.350 Authority to make rules and regulations. (Ord. 97016 & 114298)
- 21.24.021 Subsections D and G Permit application and fee. (Ord. 116421)
- 22.800.080 Subsection A Authority. (Ord. 116425)
- 22.801.050 Definitions "D." (Ord. 116425)
- 22.801.170 Definitions "P." (Ord. 116425)
- 22.802.012 Subsections A, D, and F Prohibited discharges. (Ord. 116425)
- 22.802.013 Subsections A and B Requirements for existing discharges and land uses. (Ord. 116425)
- 22.802.015 Stormwater, drainage, and erosion control requirements. (Ord. 116425)
- 22.802.020 Scope of drainage control review and application requirements. (Ord. 116425)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

- 22.802.060 Installation of drainage control facilities. (Ord. 116425)
- 22.802.070 Subsection A Modifications of drainage control facilities during construction. (Ord. 116425)
- 22.802.090 Subsections C and E Maintenance and inspection. (Ord. 116425)
- 22.804.030 Subsection A Grading permit or approval required. (Ord. 116425)
- 22.808.020 Subsections B and C Liability and defenses of responsible parties. (Ord. 116425)
- 22.808.030 Enforcement actions. (Ord. 116425)
- 22.808.040 Enforcement of notice of violation. (Ord. 116425)
- 22.808.050 Voluntary compliance agreement. (Ord. 116425)
- 22.808.070 Collection of costs and penalties. (Ord. 116425)
- 22.808.080 Subsections E and F Public nuisance. (Ord. 116425)
- 22.808.090 Subsection B Violations. (Ord. 116425)
- 22.808.110 Suspension or revocation. (Ord. 116425)
- 22.808.120 Fees. (Ord. 116425)
- 22.808.130 Financial assurance and covenants. (Ord. 116425)
- 23.22.016 Subsection A Application. (Ord. 110570 & 112522)
- 23.47.006 Subsection B Conditional uses. (Ord. 112777 & 117263)
- 23.47.028 Subsection C Standards for drive-in businesses. (Ord. 112777 & 113263)
- 23.47.044 Subsection C Required parking in pedestrian-designated zones. (Ord. 112777 & 117263)
- 23.49.018 Standards for location of access to parking. (Ord. 112303 & 113279)
- 23.53.015 Subsection D Improvement requirements for existing streets in residential and commercial zones. (Ord. 115326 & 116262)
- 23.53.020 Improvement requirements for existing streets in industrial zones. (Ord. 115326 & 116744)
- 23.53.030 Subsections F and G Alley improvements in all zones. (Ord. 115326 & 117263)
- 23.54.030 Subsections D and F Parking space standards. (Ord. 110381 & 117263)
- 23.54.035 Subsection C Loading berth requirements and space standards. (Ord. 113658)
- 23.71.016 Subsection B Parking and Access. (Ord. 116795)
- 23.71.018 Subsections D and G Transportation management program. (Ord. 116795)

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

**SECTION REPEALED**

**21.24.060 Computation of area of structure. (Ord. 82583 & 91436)**

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



November 29, 1994

The Honorable Mark Sidran  
City Attorney  
City of Seattle

*OK  
ale  
11/30/94*

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 the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with ~~Master Use~~ <sup>development</sup> permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

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 Ethan Melone at 684-8066

Sincerely,

Norman B. Rice  
Mayor

by

DIANA GALE  
Budget Director

legis/melone12

Enclosure

cc: Director, Construction and Land Use

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# STATE OF WASHINGTON - KING COUNTY

51026  
City of Seattle, City Clerk

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No. TITLE W/SECT

## City of Seattle

The entire text may be examined at the Office of the City Clerk, 1st Floor, Seattle Municipal Building, 600 - 4th Avenue, Seattle, 98104, or will be mailed at no cost, upon request for two months after this publication. For further information, contact the Seattle City Clerk at 681-1544.

### ORDINANCE NO. 11

AN ORDINANCE relating to the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with development permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

### AMENDMENTS TO CODE SECTIONS

- 21.16.030 Definitions. (Ord. 97016 & 114298)
- 21.16.040 Connection of abandonment of side sewers. (Ord. 97016 & 114298)
- 21.16.070 Permit required. (Ord. 97016 & 114298)
- 21.16.150 Subsection A Trenches and excavations. (Ord. 97016 & 114298)
- 21.16.200 Use of existing sewer for new building. (Ord. 97016 & 114298)
- 21.16.260 Installation when compliance is impractical - Conditional permit. (Ord. 97016 & 114298)
- 21.16.350 Authority to make rules and regulations. (Ord. 97016 & 114298)
- 21.24.021 Subsections D and G Permit application and fee. (Ord. 116421)
- 22.808.080 Subsection A Authority. (Ord. 116425)
- 22.801.050 Definitions "D." (Ord. 116425)
- 22.801.170 Definitions "P." (Ord. 116425)
- 22.802.012 Subsections A, D, and F Prohibited discharge. (Ord. 116425)
- 22.802.013 Subsections A and B Requirements for existing discharges and land uses. (Ord. 116425)
- 22.802.015 Stormwater, drainage, and erosion control requirements. (Ord. 116425)
- 22.802.020 Scope of drainage control review and application requirements. (Ord. 116425)
- 22.802.060 Installation of drainage control facilities. (Ord. 116425)
- 22.802.078 Subsection A Modifications of drainage control facilities during construction. (Ord. 116425)
- 22.802.080 Subsections C and E Maintenance and inspection. (Ord. 116425)
- 22.804.030 Subsection A Grading permit or approval required. (Ord. 116425)
- 22.808.020 Subsections B and C Liability and defense of responsible parties. (Ord. 116425)
- 22.808.030 Enforcement actions. (Ord. 116425)
- 22.808.040 Enforcement of notice of violation. (Ord. 116425)
- 22.808.050 Voluntary compliance agreement. (Ord. 116425)
- 22.808.070 Collection of costs and penalties. (Ord. 116425)
- 22.808.080 Subsections E and F Public nuisance. (Ord. 116425)
- 22.808.090 Subsection B Violations. (Ord. 116425)
- 22.808.110 Suspension or revocation. (Ord. 116425)
- 22.808.120 Fees. (Ord. 116425)
- 22.808.130 Financial assurance and covenants. (Ord. 116425)
- 23.22.016 Subsection A Application. (Ord. 110570 & 112522)
- 23.47.006 Subsection B Conditional uses. (Ord. 112777 & 117263)
- 23.47.028 Subsection C Standards for drive-in businesses. (Ord. 112777 & 113263)
- 23.47.044 Subsection C Required parking in pedestrian-designated zones. (Ord. 112777 & 117263)
- 23.49.018 Standards for location of access to parking. (Ord. 112303 & 113279)
- 23.53.016 Subsection D Improvement requirements for existing streets in residential and commercial zones. (Ord. 115326 & 116262)
- 23.53.020 Improvement requirements for existing streets in industrial zones. (Ord. 115326 & 116744)
- 23.53.030 Subsections F and G Alley improvements in all zones. (Ord. 115326 & 117263)
- 23.54.030 Subsections D and F Parking space standards. (Ord. 110381 & 117263)
- 23.54.035 Subsection C Loading berth requirements and space standards. (Ord. 113658)
- 23.71.016 Subsection B Parking and Access. (Ord. 116795)
- 23.71.018 Subsections D and G Transportation management program. (Ord. 116795)

## Affidavit of Publication

The undersigned, on oath states that he is a representative of The Daily Journal of Commerce, a paper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months in publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, Washington, and it is now and during all of said time in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce on the 24th day of June, 1941, approved as a legal newspaper for the Superior Court of King County.

The copy of the same in the exact form annexed, was published in regular issue of the Daily Journal of Commerce, which was regularly read by its subscribers during the below stated period. The copy of the same in the exact form annexed, was published in regular issue of the Daily Journal of Commerce, which was regularly read by its subscribers during the below stated period. The copy of the same in the exact form annexed, was published in regular issue of the Daily Journal of Commerce, which was regularly read by its subscribers during the below stated period. The copy of the same in the exact form annexed, was published in regular issue of the Daily Journal of Commerce, which was regularly read by its subscribers during the below stated period.

### SECTION REPEALED

21.24.060 Computation of area of structure. (Ord. 82583 & 91436)

Section 1. Responsibility for carrying out the following functions in connection with development permits is hereby transferred from the Engineering Department to the Department of Construction and Land Use:

- a. review of the geotechnical and structural shoring designs necessary to protect the public rights of way during temporary excavations necessary for private development;
- b. review of drainage system and erosion control design necessary for development permits required by the Stormwater, Grading, and Drainage Code;
- c. determination of required street improvements associated with activity that requires a development permit;
- d. review of site access, including truck loading/unloading; and
- e. review of necessary transportation analyses, and related improvements.

Section 44. CONTINUATION OF AUTHORITY. Existing rules and administrative standards of the Director of Engineering related to the functions transferred by this ordinance shall remain in effect unless and until they expire by their own terms, or they are amended, superseded, or repealed. All pending notices and enforcement proceedings related to the functions transferred by this ordinance shall continue unaffected by this ordinance, except that in each of those proceedings either the Director of Engineering or the Director of Construction and Land Use or both of them may exercise the powers and responsibilities heretofore possessed by the Director of Engineering.

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, January 11, 1995. 1/11(51026)

Subscribed and sworn to before me on

Notary Public for the State of Washington, residing in Seattle

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