

ORDINANCE No. 118409

COUNCIL BILL No. 111467

AN ORDINANCE creating a new department, Seattle Transportation Department, based on the functions contained within the former transportation division and related executive management functions of the Engineering Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Engineering Department.

1 of 3

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Law Department

Oversight

The City of Seattle--Legislative

* 28

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 the

Full Council Vote 8-0

Committee Chair

Law Department

Oversight

The City of Seattle--Legislative Department

* 28

Date Reported
and Adopted

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Honorable President:

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Full Council Vote 8-0

Committee Chair

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ORDINANCE 118409

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AN ORDINANCE creating a new department, Seattle Transportation Department, based on the functions contained within the former transportation division and related executive management functions of the Engineering Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Engineering Department.

WHEREAS, the City has undertaken a comprehensive review and reorganization of its utility and transportation functions to take effect in the 1997-1998 biennium; and

WHEREAS, as a result of that review, it has been determined that the transportation functions of the Engineering Department would be better served by being consolidated in a new, focused department, named Seattle Transportation; Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

I. ABOLITION OF THE ENGINEERING DEPARTMENT AND TRANSFER OF FUNCTIONS

Section 1. Abolition of the Engineering Department and Transfer of Powers, Duties and Resources Related to Transportation. Effective January 1, 1997, the Engineering Department is abolished. From and after that date, except as may be provided in an ordinance transferring certain utility and engineering service functions formerly contained in the Engineering Department to the Seattle Public Utilities, all functions responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets and liabilities of the Engineering Department related to transportation functions shall be transferred to the newly created department, Seattle Transportation. The Director of Transportation is hereby authorized to perform all responsibilities, duties and obligations and exercise all powers related to transportation functions heretofore belonging to the Director of Engineering.

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Section 2. Creation of Seattle Transportation. Effective January 1, 1997, there is created a new department, named Seattle Transportation, based on the Transportation Division of the former Engineering Department. Seattle Transportation, under the direction of the Director of Transportation, shall be responsible for maintenance and operation of streets, bridges, retaining walls and seawalls, and traffic control systems in the City.

Section 3. Continuation of Authority. From and after January 1, 1997, all rules, regulations, notices and proceedings in effect with respect to the transportation functions of the former Engineering Department shall continue in effect unless and until they expire of their own terms or are superseded by order of the Director of Transportation or by ordinance.

II. AMENDMENTS TO CODE SECTIONS

A. PURPOSE

Section 4. Purpose of Code Section Amendments. The purpose of amending the following array of Seattle Municipal Code sections is to accomplish the transfer of transportation functions from the former Engineering Department to the newly created department, Seattle Transportation. In doing so, it is inevitable that some specific sections which ought to have been amended will be overlooked. In such cases, therefore, any remaining references to the Engineering Department or the Director of Engineering

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1 which relate to transportation functions shall be interpreted to be references to Seattle Transportation and
2 the Director of Transportation.

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4 **B. AMENDMENTS**

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6 Section 5. SMC Chapter 3.12 is hereby amended as follows:

7 **~~((ENGINEERING DEPARTMENT)) SEATTLE TRANSPORTATION~~**

8 **Sections:**

9 **Subchapter I**

10 **Department Regulations**

- 11 **3.12.010 Department created-Director.**
12 **3.12.020 Adoption of rules.**
13 **3.12.030 Director's duties.**
14 **3.12.040 Transfer from Charter authorization.**
15 **~~(3.12.050 Operation of debris collection barge.)~~**

16 **Subchapter II Funding of
17 Restricted Parking Zones**

- 18 **3.12.120 Disposition of permit fees.**

19 **Subchapter III Agreements and Payments
20 for Departmental Work for Services**

- 21 **3.12.210 Payment for work or services.**
22 **3.12.220 Use of funds.**

23 **Subchapter I Department Regulations**

- 24 **3.12.010 Department created-Director.**

A. There shall be a ~~((n-Engineering Department))~~ department named Seattle Transportation, the head of which shall be the Director of ~~((Engineering))~~ Transportation.

B. The Director of ~~((Engineering))~~ Transportation shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall be subject to reappointment and reconfirmation every four years ~~((; provided, that the City Engineer appointed pursuant to Charter Article VII prior to its 1977 amendment, and serving immediately prior to the effective date of the ordinance codified in this~~

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1 subchapter, I shall serve as the first Director of Engineering pursuant to the provisions of this subchapter
2 until December 31, 1980).

3 **3.12.020 Adoption of rules.**

4 Pursuant to the Administrative Code (Ordinance 102228), the Director of ((Engineering)) Transportation
5 may adopt whatever rule he or she deems useful for the conduct of the Department's business.

6 **3.12.030 Director's duties.**

7 Under the direction of the Mayor, the functions of the Director of ((Engineering)) Transportation
8 include:

9 A. Making ((engineering)) transportation surveys, maps, profiles, plans, specifications, estimates
10 and reports as required by the City;

11 B. Laying out, directing and supervising the construction of transportation public works required
12 by the City within the City and on property belonging to or controlled by the City, except as otherwise
13 provided by ordinance placing such responsibility in another department;

14 C. Superintending, managing, constructing, repairing, maintaining, cleaning and controlling
15 bridges, wharves, streets, gutters, sidewalks ((sewers and drains, and solid waste facilities of the City,
16 subject to the Street Use Ordinance (90047)));

17 D. Enforcing and implementing City ordinances, contracts, and rules that relate to the
18 ((Engineering)) Seattle Transportation;

19 E. Appointing, supervising and controlling the officers and employees of ((the Engineering))
20 Seattle Transportation subject to personnel ordinances and rules of the City;

21 F. Conducting transportation planning; coordinating with and assisting ((the Municipality of))
22 Metropolitan King County ((Seattle (METRO))) in transit activities; participating in regional
23 transportation planning; operating programs and activities to reduce traffic congestion, including among
24 other activities, encouragement of carpools, vanpools, ride sharing, the use of transit or traveling at other
than peak hours, and furthering bicycling and other modes of travel; ((and managing and promoting the
Waterfront Streetcar;))

25 ((G. Managing, controlling, operating and maintaining the municipal sewerage utility system;

26 H. Managing, controlling, operating and maintaining the municipal solid waste utility and
27 resource recovery programs and projects;))

28 ((I) G. Maintaining a repository of City survey, graphic, climatic, soils and engineering records;
29 of plans and construction notes of all work in street area; ((and City activities and contracts affecting
30 drainage and the City's rights and duties with respect to stream flows and riparian rights within the
31 City;))

32 ((J) H. Performing such other functions as assigned by the City.

33 If the Director does not possess at least ten (10) years' experience in civil engineering, he or she
34 shall appoint and consult on all engineering matters with an assistant who is a professional engineer and
has such experience.

35 **3.12.040 Transfer from Charter authorization.**

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1 A. The Department of Engineering heretofore established by Charter Article VII prior to its 1977
2 amendments shall become ~~((the Engineering))~~ Seattle Transportation established pursuant to the
3 provisions of this subchapter.

4 B. All of the records, books, papers, properties, equipment, offices, rights, and responsibilities of
5 the department heretofore created by Charter are transferred to the department established by this
6 subchapter.

7 C. The appointment of each employee of the Engineering Department heretofore established by
8 Charter is ratified and confirmed as an appointment to ~~((the Engineering))~~ Seattle Transportation
9 established pursuant to the provisions of this subchapter and such employment shall be deemed to be
10 continuous and without interruption of service, and no employee shall suffer any loss of accrued service
11 credit, vacation time or any other benefit, on account of the transfer from a department created by
12 Charter to the department created by this subchapter.

13 ~~(3.12.050 Operation of debris collection barge.~~

14 ~~As of February 1, 1963, the debris collection barge operation on waters adjacent to the City is transferred
15 to the Engineering Department.)~~

16 **Subchapter II Funding of Restricted Parking Zones**

17 **3.12.120 Disposition of permit fees.**

18 Fees collected by ~~((the))~~ Seattle ((Engineering)) Transportation for permits or other means of extending
19 parking privileges in any restricted parking zone, as authorized in Seattle Municipal Code Section
20 11.16.315, shall be deposited in the ~~((Engineering))~~ Seattle Transportation Operating Fund for the
21 purpose of reimbursing ongoing operating costs of residential parking zones.

22 **3.12.210 Payment for work or services.**

23 The Director of ~~((Engineering))~~ Transportation is authorized for and on behalf of The City of
24 Seattle to execute agreements for, and pursuant thereto, to accept moneys received from owners and/or
25 developers for work or services performed or furnished by ~~((the Engineering))~~ Seattle Transportation in
26 connection with the development, subdivision or platting of real property as:

- 27 A. Payments pursuant to voluntary agreements authorized by RCW 82.02.020;
- 28 B. Payments for environmental mitigation and conditions pursuant to RCW Chapter 43.21C
(State Environmental Policy Act) and WAC 197-11-660 (State Environmental Policy Act Rules);
- 29 C. Payments pursuant to Chapter 179, Laws of 1988;
- 30 D. Payments for studies or services performed or for
31 acquiring consultant services in connection with the department's environmental review or analysis of a
32 proposed development, subdivision, or project; and/or
- 33 E. Payments under a contract for the City to conduct particular studies or supply information
34 sought by a contracting party in connection with a proposed improvement.

35 The work or services may include, among other activities, capital improvements; studies and/or
36 assessments of the impact of a proposed improvement on traffic, parking, or the structural integrity of a

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1 street in the vicinity; adjusting or installing traffic control devices; establishing residential preference
2 parking zones on nearby streets; and/or extraordinary research into departmental archives. The Director
of ~~((Engineering))~~ Transportation is authorized to retain expert and consultant services as appropriate for
such work in accordance with City and department selection procedures.

3 **3.12.230 Use of funds.**

4 Funds received shall be deposited into the Guaranty Deposit Fund and used only for the purposes
5 contemplated by the payment. Payments received under voluntary agreements that remain unexpended
6 after five (5) years shall be refunded as required by RCW 82.02.020; surpluses remaining after providing
7 studies and contractual services shall be refunded within thirty (30) days after completion thereof. All
appropriations of funds received and deposited appropriate to carry out the purposes of payments
8 authorized in Section 3.12.210 and to make refunds of unexpended funds are hereby made and
authorized.

9 Section 6. SMC 3.80.010 is hereby amended as follows:

10 **Membership.**

11 The City of Seattle School Traffic Safety Committee (called the "Committee" in this chapter)
12 shall consist of nine (9) members who shall serve without compensation. The members shall include the
following:

13 A. One representative from the Seattle Police Department, to be designated by the Chief of
Police;

14 B. One (1) representative from ~~((the))~~ Seattle ~~((Engineering))~~ Transportation, to be designated
by the ~~((City Engineer))~~ Director of Transportation;

15 C. Two (2) representatives from Seattle Public School District No. 1, to be designated by the
Superintendent of Seattle Public Schools;

16 D. One (1) representative designated by the Evergreen Safety Council;

17 E. One (1) representative designated by the Seattle Council of the Parent-Teacher-Student
Association;

18 F. One (1) representative designated by the Automobile Club of Washington;

G. Two (2) members appointed by the Mayor and confirmed by a majority of the City Council,
one (1) of whom must be representative of private schools in Seattle.

19 Section 7. SMC 5.78.040 is hereby amended as follows:

20 **Expenditures-~~((Engineering Department))~~ Seattle Transportation programs.**

21 The Director of ~~((Engineering))~~ Transportation is authorized to direct expenditures from
22 donations made to ~~((the Engineering))~~ Seattle Transportation programs in the City's Gift Catalogue as
23 designated by the donor; and the City Finance Director is authorized to draw and to pay warrants against
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1 said program accounts or subaccounts on vouchers approved by the Director of ((Engineering))
2 Transportation as to payee and purpose.

3 Section 8. SMC 7.16.010 is hereby amended as follows:

4 **7.16.010 Delivery of certificate to grantee--Information required--Exceptions.**

5 A. The grantor of any fee title or beneficial interest in real property in a transaction subject to the tax
6 on conveyances provided in RCW Chapter 28A.45 shall, prior to transmitting the instrument of
7 conveyance to the County Department of Records and Elections for recording, deliver or cause to be
8 delivered to the grantee a certificate on a form prepared by the Director of Construction and Land Use
9 and signed by the real estate broker representing the grantor, or by the grantor if not so represented,
10 which states:

- 11 1. The existing zoning classification of the property conveyed;
- 12 2. The established permitted use of said property, if any, as shown by the records of the
13 Department of Construction and Land Use;
- 14 3. The date and description of the most recent building or use permit, if any, issued for the
15 property conveyed;

16 4. The amount of any proposed assessments for local improvements against the property
17 conveyed as shown on any preliminary assessment roll therefor in the records of the Director of
18 ((Engineering)) Transportation; and

19 5. The amount of any existing assessments for local improvements against the property
20 conveyed, as shown on any assessment roll therefor in the records of the Finance Director.

21 B. Provided, no such certificate shall be required where the property conveyed is improved only with
22 a single-family dwelling and accessory structures, and the grantor or his agents do not represent to the
23 grantee that the property may be lawfully used as a site for more than one dwelling unit; nor shall such
24 certificate be required in any transaction where the grantee has expressly waived such requirement by a
written instrument to such effect separate and apart from any agreement to purchase the property
conveyed.

Section 9. SMC 10.04.010 is hereby repealed.

Section 10. SMC 11.16.020 is hereby amended as follows:

Police Department authority.

It is the function of the Police Department to enforce this subtitle and all of the State Motor
Vehicle Laws applicable to traffic and trains in this City, to make arrests and/or issue citations for traffic
offenses, to cooperate with the Director of ((Engineering)) Transportation and other officers of the City
in the administration of the traffic laws and in developing ways and means to improve traffic conditions,
and to carry out those functions specially imposed upon the Police Department by this subtitle and other
traffic ordinances of this City.

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Section 11. SMC 11.16.120 is hereby amended as follows:

Director of ((Engineering)) Transportation -Authority.

The Director of ((Engineering)) Transportation is authorized:

- A. To increase the maximum speed allowed upon arterial streets;
- B. To declare a minimum speed limit which shall be effective when appropriate signs giving notice thereof are erected when it is determined that slow speeds on any part of an arterial street unreasonably impede the normal movement of traffic;
- C. To make recommendations to the City Council for parking meter rates within parking meter zones and for fees for permits issued pursuant to this subtitle;
- D. To determine the maximum load limits on all streets, alleys, bridges or elevated structures in the City;
- E. To adopt a Traffic Control Manual for In-street Work;
- F. To recommend to the ((Street Use Appeals Board)) the establishment, revision, or abolition of restricted parking zones;
- G. To promulgate rules and regulations for the use of restricted parking zones, and the issuance or revocation of permits in accordance with the provisions of the Administrative Code (SMC Chapter 3.02).

Section 12. SMC 11.16.122 is hereby amended as follows:

Authority to close certain areas under bridges, viaducts, and overpasses.

A. The Director of ((Engineering)) Transportation is authorized, in accordance with the Administrative Code (Chapter 3.02), to close off from entry or use by the public any public place under the structure of a bridge, viaduct or overpass, other than a roadway as defined in Section 11.14.530 or a paved pedestrian walkway, whenever and for as long as the Director deems closure of the area to be necessary in order to preserve the public peace, accommodate construction or maintenance work, prevent injury to the public, or respond to any identified danger to the public health or safety.

B. Upon ordering its closure, the Director shall cause the area to be enclosed with fencing, or posted with "no admittance" or "no trespassing" signs, or both enclosed and posted.

Section 13. SMC 11.16.125 is hereby amended as follows:

Director of ((Engineering)) Transportation -Authority ((subject to appeal to Street Use Appeals Board.))

The Director of ((Engineering)) Transportation is authorized ((subject to appeal to the Street Use Appeals Board.)):

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1 A. To close, or authorize closure, of any street or alley or portion thereof to any or all traffic
pursuant to the provisions of this subtitle;

2 B. To close or authorize closure of any alley for entry or travel by the general public in order to
3 make repairs or maintenance of the street; to accommodate construction on abutting properties or of
4 utilities in the alley or a special use of an abutter under permit; to protect the public from a health or
5 sanitation hazard, a hazard or obstruction in the alley or an unsafe structure on abutting property; or
6 based on a recommendation of the Chief of Police that such a closure is necessary in order to prevent
7 criminal activity occurring in or emanating from the alley. Unless otherwise ordered, the alley shall
8 remain open to access by the following persons: owners and occupants of the abutting properties and
9 their guests; agents of utilities with facilities in the alley or serving the abutting properties; government
10 employees and emergency personnel in the performance of their duties; and permittees under a street use
11 permit issued pursuant to Title 15. Upon ordering the closure, the Director shall cause the area to be
12 posted with signs or barricades stating the hours of closure;

13 C. To designate any streets for one (1) way traffic and the required direction of such traffic.

14 Section 14. SMC 11.16.170 is hereby amended as follows:

15 **Traffic Engineer-Appointment.**

16 The Director of ~~((Engineering))~~ Transportation, or a designee, shall appoint a City Traffic
17 Engineer who shall be a registered professional engineer, and who shall be directly responsible to and
18 supervised by the Director of ~~((Engineering))~~ Transportation or the Director's designee.

19 Section 15. SMC 11.16.180 is hereby amended as follows:

20 **Traffic Engineer-Authority-Studies.**

21 It shall be the function of the Traffic Engineer under the supervision of the Director of
22 ~~((Engineering))~~ Transportation to:

23 A. Conduct studies of traffic and transportation impacts including but not limited to noise
24 pollution, air pollution, and community disruption;

25 B. Conduct studies of traffic, traffic collisions, congestion and other conditions affecting the safe
26 and convenient use of the street and alleys;

27 C. Collect facts regarding the effect and operation of regulations controlling street or alley traffic;

28 D. Study means for the facilitation of traffic along existing routes;

29 E. Make traffic surveys;

30 F. Prepare traffic-flow maps;

31 G. Conduct studies of the utilization of street or alley curb space;

32 H. Conduct such other similar studies relating to traffic and transportation as may be requested
33 by the Director of ~~((Engineering))~~ Transportation.

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1 Section 16. SMC 11.16.200 is hereby amended as follows:

2 **Traffic Engineer-Authority-Records.**

3 It is the function of the Traffic Engineer under the supervision of the Director of ((Engineering))
4 Transportation to keep records of:

- 5 A. Traffic collisions;
6 B. Traffic volume;
7 C. Traffic-control devices;
8 D. Street curb space utilization.

9 Section 17. SMC 11.16.220 is hereby amended as follows:

10 **Traffic Engineer-Authority-Annual report.**

11 The Traffic Engineer shall prepare an annual traffic and transportation report containing
12 information on traffic conditions with particular reference to number of traffic collisions, number of
13 persons killed and injured, other traffic collision data and traffic trends throughout the City. This report
14 shall be submitted to the Director of ((Engineering)) Transportation who shall file copies with the
15 Mayor, the City Council, and the Chief of Police.

16 Section 18. SMC 11.16.240 is hereby amended as follows:

17 **Traffic Engineer-Authority-Review and recommend.**

18 It shall be the function of the Traffic Engineer under the supervision of the Director of
19 ((Engineering)) Transportation to:

- 20 A. Review and make recommendations on all applications for street vacations, rezones,
21 variances, conditional use permits and plats with respect to the effect on traffic and transportation;
22 B. Review and make recommendations on all designs, drawings and plans prepared by any
23 department or agency of the City for the construction, major modification or location of any public
24 building, park, or recreational area, or other structure which may affect the movement of traffic;
25 C. Recommend and review plans for traffic and transportation improvements;
26 D. Prepare and approve traffic-control layout and detour plans;
27 E. Review and make recommendations regarding Metropolitan King County Transit routes in the
28 City;
29 F. Review and make recommendations concerning pedicab and horse carriage routes;
30 G. Review and make recommendations concerning all applications for all building permits
31 except in single-family SF and multi-family, Lowrise 1 (L1) zones regarding facilitation of traffic with
32 respect to new or existing driveways;

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1 H. Review and make recommendations concerning all applications for commercial driveways
2 regarding facilitation of traffic with respect to the size, number and location of such commercial
3 driveways.

4 Section 19. SMC 11.16.280 is hereby amended as follows:

5 **Traffic Engineer-Authority-Special zones.**

6 Consistent with Section 11.23.420 the Traffic Engineer is authorized under the supervision of the
7 Director of ((Engineering)) Transportation to:

- 8 A. Determine the location of and establish stage zones and bus zones;
- 9 B. Determine the location of and establish truck load and commercial load zones where
10 practicable, when upon investigation it appears that there are no alley entrances or other similar means of
11 approach to buildings or property and that congested traffic conditions require such zones for the
12 purpose of loading or unloading, and in each case to fix the hours during which such zones shall be
13 maintained open for the purpose for which the same are intended;
- 14 C. Determine the location of and establish passenger load zones and in each case to fix the hours
15 during which such zones shall be maintained open for the purpose for which the same are intended;
- 16 D. Determine the location of and establish taxicab, pedicab and other for-hire car stands;
- 17 E. Determine the location of and establish pedestrian zones;
- 18 F. Determine the location of and establish other special zones for the purpose and in accordance
19 with the criteria specified in this section.
- 20 G. Make surveys and recommendations with respect to the Stadium Event Restricted Parking
21 Zone, process applications for parking in the zone, issue decals or other authorizations for such parking,
22 and delegate to the University of Washington or deputize its staff to receive applications and deliver
23 such permits.

24 Section 20. SMC 11.16.300 is hereby amended as follows:

Traffic Engineer-Authority-Parking.

The Traffic Engineer is authorized under the supervision of the Director of ((Engineering))
Transportation to:

- 25 A. Determine upon what streets or alleys or portions thereof vehicles shall be angle parked, as
26 distinguished from parallel parked, and shall indicate the same by marks or signs placed in such
27 streets or alleys, or portions thereof;
- 28 B. Determine the location of and establish time-limit regulations for parking;
- 29 C. Determine upon what streets or alleys or portions thereof stopping, standing or parking of
30 vehicles shall be prohibited at certain times, or entirely;
- 31 D. Establish parking metered areas and the time limit for parking therein; order installation or
32 removal of parking meters where it is determined upon the basis of an engineering and traffic
33 investigation that the installation or removal of parking meters shall be necessary to aid in the regulation,

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1 control, and inspection of the parking of vehicles; and designate the parking space adjacent to each
2 parking meter for which such meter is to be used by appropriate markings upon the pavement and/or the
3 curb. Each parking meter shall be so designed, constructed, installed and set, that upon the expiration of
4 the time period registered by the deposit of one or more coins of United States currency, it will indicate
5 by a mechanical or electronic operation and the display of an appropriate signal that the lawful parking
6 period has expired, and during said period of time and prior to the expiration thereof, will indicate the
7 interval of time which remains of such period. Each parking meter shall bear thereon a legend indicating
8 the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be
9 deposited, and the limited period of time for which parking is lawfully permitted in the parking space
10 adjacent to which the meter is located;

11 E. Make surveys and recommendations with respect to restricted parking zones, process
12 applications for parking in restricted parking zones, and implement rules and regulations for the use of
13 restricted parking zones and the issuance, use, and revocation of permits.

14 Section 21. SMC 11.16.310 is hereby amended as follows:

15 **Traffic Engineer-Carpool parking.**

16 A. The Traffic Engineer shall perform or cause to be performed an impact analysis, including
17 where appropriate, origin/destination and turnover studies, of the preferential and free use of on-street
18 parking spaces by certified carpool vehicles, and pursuant to such analysis, the Traffic Engineer, under
19 the supervision of the Director of ((Engineering)) Transportation, shall designate and establish on-street
20 parking spaces for such use under a flexible system for such designation and establishment to allow for
21 changing uses of adjacent land and for changing parking demands.

22 B. The use and effects of such preferential parking shall be monitored and evaluated by the
23 Traffic Engineer and periodic reports shall be provided to the City Council.

24 Section 22. SMC 11.16.315 is hereby amended as follows:

Authority for, administration of, restricted parking zones.

A. The Director of ((the Engineering Department)) Transportation may establish a restricted
parking zone, consistent with Section 11.16.317 and according to the Policies and Procedures
Concerning the Implementation of Residential Parking Zones. A restricted parking zone may have one
(1) or more of the following provisions:

1. Parking in the street is reserved for the exclusive use by the owners of abutting properties and/or
residents in a prescribed vicinity; vehicles used by their visitors; and service vehicles of persons having
business in the street or with the residents; and/or

2. Parking in the street is reserved during certain posted hours for such exclusive use and available
at all other times without restriction; and/or

3. Time limits are established for parking in the street which apply to all vehicles except vehicles
owned by or used by such residents, their visitors or service vehicles of persons having business in the

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1 street or with the residents; provided, that each restricted parking zone shall be subject to review by the
2 Director of ~~((the Engineering Department))~~ Transportation after its first six (6) months of operation.
3 B. In any restricted parking zone, the Director of ~~((the Engineering Department))~~ Transportation may
4 issue permits or other means of identification, maintain lists of vehicles owned or used by residents, or
5 adopt any other reasonable means of distinguishing, from other vehicles, vehicles that may validly be
6 parked in any
7 restricted parking zone. The establishment of restricted parking zones shall not limit parking of vehicles
8 displaying a card or decal issued pursuant to RCW 46.16.381 (Disabled Person's Parking Card).
9 Restricted parking zones shall be appropriately signed and/or marked.

6 Section 23. SMC 11.16.317 is hereby amended as follows:

7 **Establishing, expanding and reducing restricted parking zones.**

8 The Director of ~~((the Engineering Department))~~ Transportation may establish a restricted
9 parking zone whenever seventy-five percent (75%) or more of the capacity of the streets available for
10 parking in such designated area is generally occupied during regular business hours or any consecutive
11 eight (8) hour period during evenings or during any consecutive eight (8) hour period on both Saturdays
12 and Sundays; at least twenty-five percent (25%) of the vehicles parked on the street in the area during
13 such hours are not owned by residents of the designated area; a petition signed by, or a survey indicating
14 that, a majority of the residents in the designated area approves the restricted parking zone; and the
15 public interest would be served. In cases where the criteria listed above are not all met, the Director of
16 the Engineering Department is authorized to establish a restricted parking zone when, in his or her
17 judgment, the parking problem will be ameliorated by a restricted parking zone and the public interest
18 would be served. The Director of ~~((the Engineering Department))~~ Transportation's decision to
19 establish or not to establish a restricted parking zone may be appealed to the Street Use Appeals Board
20 within fifteen (15) days of publication in the Seattle Daily Journal of Commerce and/or local newspaper.
21 The decision of the Street Use Appeals Board is final. Appeals may be initiated by residents, business
22 owners, or employees in the proposed RPZ. Grounds for appeal may include the validity of the study;
23 the stringency of the parking restrictions; the boundaries of the restricted parking zone; and violations of
24 Policies and Procedures Concerning the Implementation of Residential Parking Zones.

17 A restricted parking zone may be expanded consistent with Policies and Procedures Concerning
18 the Implementation of Residential Parking Zones.

18 A restriction of parking shall first take effect on a street segment when it is signed or posted, and
19 shall cease when the signs or posting are removed pursuant to lawful order; provided, that vandalism or
20 destruction of parking control signs shall not affect the validity of a restriction upon parking on any
21 street segment designated by the Director of ~~((the Engineering Department))~~ Transportation if other
22 signs or traffic control devices give notice that parking in the street segment is restricted.

21 Section 24. SMC 11.16.319 is hereby amended as follows:

22 **Fees for resident identification permits.**

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1 ((The Engineering Department)) Seattle Transportation shall collect from the recipient a fee of
2 Twenty-seven Dollars (\$27.00) for each regular resident identification permit sticker issued for a two (2)
3 year period, or for each identification of preferential parking privilege using other means except for fees
4 stated below:

Type of Permit	Fee
Temporary permit	\$10.00
Guest permit as only permit	\$27.00
Lost guest permit	\$10.00 - \$20.00
Elderly/low-income permanent permit	\$10.00

8 Section 25. SMC 11.16.320 is hereby amended as follows:

9 **Traffic Engineer-Authority-Regulations.**

10 The Traffic Engineer is authorized under the supervision of the Director of ((Engineering))
11 Transportation to:

- 12 A. Formulate traffic rules and regulations and laws, and make recommendations regarding the
13 same;
14 B. Supervise the movement of all heavy and wide equipment on the streets and alleys of the City;
15 C. Designate and have charge of the routing and passenger stops of all stages entering, passing
16 through or operating over the streets or alleys of the City;
17 D. Determine locations at which all vehicles, a class of vehicles, or vehicles with less than a
18 specified number of occupants, shall either make or not make turns or other movements, or shall not use
19 certain lanes of streets or alleys; (RCW 47.52.025, 1974)
20 E. Develop and publish a Traffic Control Manual for In-street Work which sets forth the
21 guidelines for the methods and devices to be used for safeguarding and controlling traffic at and near
22 work in streets or alleys;
23 F. Designate alleys and short sections of streets for one (1) way traffic;
24 G. Determine and designate streets, parts of streets, or specific lanes thereon upon which
vehicular traffic, regardless of the centerline of the roadway, shall proceed in one (1) direction during a
given period and in the opposite direction during another period of the day and shall place and maintain
appropriate markings, signs, or other devices to give notice thereof;
H. Decrease the maximum speed allowed upon any street from those established by this subtitle
or other ordinances by the City Council, where, on the basis of an engineering and traffic investigation it
is determined by the Director of ((Engineering)) Transportation that such maximum speed is greater than
is reasonable or safe under the conditions found to exist on any street: Provided, that in no case shall
speed limits be less than twenty (20) miles per hour. (RCW 41.61.405)

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1 Section 26. SMC 11.16.340 is hereby amended as follows:

2 **Traffic Engineer-Authority-Traffic control devices.**

3
4 The Traffic Engineer is authorized under the supervision of the Director of ~~((Engineering))~~
Transportation to:

5 A. Design and prepare the specifications for the operation of all traffic-control devices including,
6 but not limited to those traffic-control devices specifically mentioned in this subtitle;

7 B. Determine and designate the points of stop, and shall order the placement of a stop sign on
8 each and every street intersecting the arterial street system unless traffic at any such intersection is
9 controlled at all times by traffic signals, or unless the intersecting street is a one (1) way street
10 designated for travel away from the arterial street: Provided, that when the findings of a traffic
11 engineering study show that the condition of an intersection is such that vehicles may safely enter the
12 arterial street without stopping, the ~~((Director of Engineering))~~ Traffic Engineer may order the
13 placement of a "yield" sign;

14 C. Determine intersections which require control by "stop" or "yield" signs and order placement
15 of same;

16 D. Determine and order the marking of crosswalks at intersections or at such other places where
17 the Traffic Engineer deems it appropriate for the identification of the crossing location;

18 E. Determine and order the closure of certain crosswalks to pedestrians;

19 F. Determine and order the marking of traffic lanes upon the roadway of any street or alley;

20 G. Determine and order the designation of a two (2) way left-turn lane on a roadway; (RCW
21 46.61.290(3)(a));

22 H. Determine and order the placement of curbs, buttons, paint lines or other devices to form
23 islands or barriers upon the roadway to channel and control traffic;

24 I. Order the placement of signs at all arterial street entrances to the City indicating that the speed
limit on arterial streets is thirty (30) miles per hour and the placement of signs along all arterial streets
upon which the maximum speed limit has been increased above thirty (30) miles per hour; (RCW
46.61.415(3));

J. Determine and order the designation of no-passing zones;

K. Determine and order the placement of traffic-control devices indicating the course to be
traveled by turning vehicles, which course to be traveled may conform to or be other than as prescribed
by this subtitle; (RCW 46.61.290(4));

L. Test new or proposed traffic-control devices under actual conditions of traffic; (SB 3211,
Section 47(23));

M. Order the placement at the ends of designated streets, alleys, bridges or elevated structures,
signs setting forth specified maximum load limits allowed on such streets, alleys, bridges or elevated
structures or notice of closure as conditions warrant as determined;

N. Determine and order the placement of official traffic-control devices when and as required
under this subtitle to make effective the provisions of this subtitle, and order the placement of such
additional official traffic-control devices as may be deemed appropriate to regulate, warn, or guide
traffic under this subtitle; (SB 3211, Section 47(1));

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1 O. Determine the placement of official traffic-control devices as may be deemed appropriate to
2 regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions; (SB 3211,
3 Section 47 (2)); and

4 P. Determine the streets where the use of compression brakes shall be prohibited; devise signs
5 prohibiting their use; and place the signs at the appropriate locations. To be eligible for designation, a
6 street shall have a grade five percent (5%) or more for a distance of one thousand feet (1,000').

7 Section 27. SMC 11.16.360 is hereby amended as follows:

8 **Traffic Engineer-Authority-General.**

9 It shall be the function of the Traffic Engineer, under the supervision of the Director of
10 ((Engineering)) Transportation to:

- 11 A. Issue permits in accordance with the provisions of this subtitle;
- 12 B. Determine and make recommendations concerning arterial street and business district street
13 lighting needs and in connection therewith determine design criteria necessary for traffic safety;
- 14 C. Perform such other duties as may be appropriate for facilitating traffic and transportation.

15 Section 28. SMC 11.16.380 is hereby amended as follows:

16 **Official foreign career consul vehicle-Mayor's duties.**

17 The Mayor shall:

- 18 A. Certify each foreign career consul vehicle, on the written request of the presiding officer of
19 the City Consular Corps, as being eligible to park in a space located and marked by the Director of
20 ((Engineering)) Transportation in accordance with Section 11.16.420;
- 21 B. Forward to the Director of ((Engineering)) Transportation a written notice of certification of
22 each foreign career consul vehicle;
- 23 C. Order a hearing for any foreign career consul charged with abusing parking privileges
24 provided by Section 11.16.400. If the charges are sustained, the Mayor may revoke the certification.

Section 29. SMC 11.16.400 is hereby amended as follows:

Official foreign career consul vehicle-Parking space allocation.

The Director of ((Engineering)) Transportation shall allocate one (1) free parking space for each
official foreign career consul vehicle, as conveniently near as possible to each foreign career consul's
work place, the parking space to be located so as not to interfere with existing street traffic patterns, and
the Director of ((Engineering)) Transportation shall so mark each such space so that it is readily apparent
that it is unlawful to park any vehicle in the space other than the designated official foreign career consul
vehicle.

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Section 30. SMC 11.16.420 is hereby amended as follows:

Official foreign career consul vehicle-Director of ((Engineering)) Transportation's functions.

The Director of ((Engineering)) Transportation further shall:

A. Locate and appropriately mark, within two (2) weeks after receiving the Mayor's certification, the parked space mentioned in Sections 11.16.380 and 11.16.400 for the official foreign career consul vehicle;

B. Inform the Seattle Police Department, the Violations Bureau and the City Finance Director, in writing, of the parking space location and consular corps' license plate number of the certified vehicle and of any change of such location or license plate number;

C. Maintain each such parking space in accordance with the standards provided for in this subtitle; and

D. Furnish to the Mayor, in writing, any information concerning the abuse of any of the privileges provided by Section 11.16.400.

Section 31. SMC 11.66.020 is hereby amended as follows:

Railroad Company responsible for violation.

Whenever an act or omission is declared to be a violation of Sections 11.66.030 through 11.66.120, the railroad company shall be the person responsible for the operation of the train, locomotive, car or cars and such responsible person shall receive a citation in accordance with Chapter 11.32. A railroad company shall maintain an engineer in the locomotive while it is in operation.

Each railroad engaging in business activities in the City shall maintain with the City Director of ((Engineering)) Transportation the name and address of its agent with Seattle for the service of process for citations under this chapter.

Section 32. SMC 11.66.180 is hereby amended as follows:

Fences, barriers and gates-When required.

Every owner, agent, lessee or operator of any railroad, trestle or other property in the City where the same is open or accessible to the public as a route of pedestrian, bicycle, horse, or motor or vehicle travel, either along or across the same, shall be and is required within ten (10) days after receipt of notice from the Director of ((Engineering)) Transportation, to guard and protect the public properly in the safe use of the same by the erection of fences, barriers, or other means of protection, approved by said Director along the edge of all trestles and at all other exposed and dangerous places in or along such railroads or other property. Every such owner, agent, lessee or operator of any such railroad or other

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1 property, upon notice from said Director, shall provide, within the time to be prescribed by said Director,
2 in such official's reasonable discretion, proper lights and signals at crossings and other dangerous places,
3 such lights to be of the same character and to be maintained during the same hours as the streetlights in
4 the district adjacent to such crossing, or other dangerous place, and every agent, lessee or operator of any
5 such railroad is further required, upon notice from the Director of ((Engineering)) Transportation, to
6 provide within such time as may be specified by such official, in such official's reasonable discretion,
7 gates or barriers and flaggers at crossings over such tracks as may be designated by said Director.

8 Section 33. SMC 11.66.200 is hereby amended as follows:

9 **Failure to erect or repair fences, gates and barriers-Forfeiture of right to use track-Work**
10 **done by City-Penalty-Removal of barrier.**

11 A. Any owner, agent, lessee or operator of any railroad, trestle or other property in the City,
12 where the same is open or accessible to the public as a route of pedestrian, bicycle, horse, or motor
13 vehicle travel, either along or across the same, who shall fail to erect proper fences or barriers or other
14 suitable means of protection along the edge of all trestles and at all other exposed or dangerous places
15 within thirty (30) days after notice from the Director of ((Engineering)) Transportation, or to thereafter
16 maintain the same, or shall fail to provide the required lights and signals at the designated points within
17 the time specified in the notice from said Director, and to thereafter maintain the same, or to provide
18 gates or barriers and flaggers at crossings designated by said Director, within the time specified by said
19 Director's notice, or to thereafter maintain the same, or who shall fail to repair or replace any of the
20 things specified within ten (10) days after notice from said Director so to do, shall forfeit the right to use
21 such track, trestle or other property until protection to the public is afforded as set forth in this chapter.
22 The Director of ((Engineering)) Transportation shall forthwith proceed to erect such temporary barrier or
23 other suitable means of protection as shall be necessary to prevent all access to any exposed or
24 dangerous places, and to thoroughly protect any unlighted or unguarded crossing.

B. Any person who shall remove, or attempt to remove, any such barricades, upon a finding
thereof, shall be assessed a penalty not exceeding Three Hundred Dollars (\$300.00), and the cost of
replacement thereof.

C. In all cases where such temporary barricades have been erected by ((the Engineering
Department)) Seattle Transportation, as provided in this section, the same shall not be removed until a
permit shall be granted by the Director of ((Engineering)) Transportation for the construction of the
required permanent fences or barricades, nor until the required lights, signals, gates or flaggers are
provided, nor until the said owner, agent, lessee or operator shall have paid to the City the amount of all
costs incurred by the City in the construction and maintenance of such temporary barricades or other
suitable means of protection as shall be necessary, as indicated on a statement of such costs furnished by
the Director of ((Engineering)) Transportation.

Section 34. SMC 15.02.042 is hereby amended as follows:

Definitions A through C.

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- 1
2 A. "Adjacent property" means and includes the property abutting the margin of and contiguous
3 to the public places.
4 B. "Appendix I" and "Appendix II" mean, respectively, the description of park drives and
5 boulevards and the map at the end of this title.
6 C. "Areaway" means a space below the level of the sidewalk, covered or uncovered, affording
7 room, access or light to a building. An "areaway" is sometimes called a "light well."
8 D. "Authorizing official" means the Director of ((Engineering)) Transportation, the Director of
9 Construction and Land Use, the Superintendent of Parks and Recreation, or the Seattle Center Director,
10 identified in Section 15.04.015, as the case may be.
11 E. "Awning" means a protective covering attached to the wall of a building.
12 F. "Banner" means any fabric or sign material hanging over or stretched across any public place.
13 G. "Canopy" means a protective covering located at an entrance to a building.

14
15 Section 35. SMC 15.02.044 is hereby amended as follows:

16
17 **Definitions D through M.**

- 18 A. "Director of ((Engineering)) Transportation" means the City Director of ((Engineering))
19 Transportation and his or her authorized representatives.
20 B. "Director of Construction and Land Use" means the City Director of the Department of
21 Construction and Land Use, and his or her authorized representatives.
22 C. "Driveway" means that portion of a public place which provides vehicular access to adjacent
23 property through a depression in the constructed curb or, when there is no constructed curb, that area in
24 front of such vehicular facility as is well defined or as is designated by authorized signs or markings.
25 D. "Marquee" means an approximately horizontal, rigid, nonretractable, noncollapsible
26 structure, projecting from and supported by a building.
27 E. "Marquee sign" means a sign placed on, constructed in, or attached to a marquee.

28
29 Section 36. SMC 15.02.085 is hereby amended as follows:

30
31 **Public fora.**

32 The Director of ((Engineering)) Transportation and the Superintendent are authorized to
33 designate by permit from time to time one (1) or more particular areas within a public place where
34 citizens may place commemorative displays, monuments, or symbols, for up to ten (10) days in order to
35 communicate a message to the public, and to establish the terms and conditions of their placement.
36 Unless the permit expressly provides otherwise, the commemoration must be removed between the
37 hours of 12:01 a.m. and six a.m. (6:00 a.m.) each day. An appropriate sign shall be placed near the
38 commemoration identifying its sponsor and the location as a public forum.

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1 Section 37. SMC 15.04.010 is hereby amended as follows:

2 **Permit-Required.**

3 It is unlawful for anyone to make use, as defined in this title, of any public place without first
4 securing a written permit from the Director of ~~((Engineering))~~ Transportation, the Director of
5 Construction and Land Use, or the Superintendent of Parks, as authorized in Section 15.04.015, and
6 without complying with all the provisions of this title; provided, that the requirements of obtaining a
7 permit, and permit procedures do not apply to street maintenance work performed by the City, or street,
8 ~~((sewer or storm drain installation and))~~ improvement work authorized by ordinance and administered
9 by the Director of ~~((Engineering))~~ Transportation.

7 Section 38. SMC 15.04.015 is hereby amended as follows:

8 **Authorizing official.**

9 A. The Director of Construction and Land Use may authorize the construction of a curb cut, a
10 sidewalk cafe, or a structural building overhang, or reconstruction of an areaway in a public place under
11 the Master Use Permit procedures of Chapter 23.76, particularly Section 23.76.006 C6, or removal of
12 trees and vegetation located in an environmentally critical area under Chapter 25.09. An authorization
13 for construction in a park drive, boulevard, or area under the jurisdiction of the Superintendent of Parks
14 and Recreation identified in Appendix I or shown on the map as Appendix II is dependent upon (a) a
15 description of the encroachment or use in the application for the Master Use Permit or the accompanying
16 materials; (b) its identification as park drive, boulevard, or property under the jurisdiction of the
17 Superintendent of the area to be used; (c) the written concurrence of the Superintendent; (d) payment of
18 applicable fees; and (e) if there is a modification, written concurrence of the Superintendent thereto.
19 Continuation of such uses after completion of construction is subject to compliance with the terms and
20 conditions of this title; inspection and administration by the Director of ~~((Engineering))~~ Transportation
21 or the Superintendent, as the case may be; and payment of an annual fee, if applicable.

22 B. The Superintendent of Parks and Recreation may authorize the use and occupation of, and
23 administer this title for, public places under the jurisdiction of the Department of Parks and Recreation,
24 including park drives and boulevards. These areas are identified in Appendix I or shown on the map as
Appendix II.

25 C. The Director of ~~((Engineering))~~ Transportation has authority to issue use and occupation of,
26 and administer this title for, all other public places and for uses other than those authorized to the
27 Director of Construction and Land Use under Chapter 23.76. The Director of ~~((Engineering))~~
28 Transportation may delegate to the Director of the Seattle Center the administration of permits for streets
29 within the Seattle Center, and to the Superintendent the administration of permits for sidewalks and
30 planting strips adjacent to parks.

31 D. When a street, bridge, overpass or underpass crosses a park, park drive, or boulevard, the
32 authorizing official shall be the Director of ~~((Engineering))~~ Transportation as to the surfaces or
33 structures maintained by ~~((the Engineering Department))~~ Seattle Transportation, and the Superintendent
34 as to areas within the jurisdiction of the Department of Parks and Recreation.

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1 E. In order to better coordinate the administration of this ordinance for a particular event or
2 project, any of the foregoing officials may delegate to another authorized official the issuance of any
3 particular permit or its supervision. When the appropriate official to process an application is uncertain,
4 the Director of ~~((Engineering))~~ Transportation may receive and forward the materials to the appropriate
5 official.

6 Section 39. SMC 15.04.020 is hereby amended as follows:

7 **Filing of application.**

8 An application for use of a public place in accordance with the procedures for issuance of a
9 Master Use Permit under Chapter 23.76 or a permit under Chapter 25.09 shall be filed with the Director
10 of Construction and Land Use.

11 An application for use of a park drive or boulevard as described in Appendix I or shown on the
12 map in Appendix II or administered by the Superintendent as contemplated by Section 15.04.015 shall
13 be filed with the Superintendent.

14 All other applications for permits provided for by this title shall be filed with the Director of
15 ~~((Engineering))~~ Transportation.

16 Section 40. SMC 15.04.072 is hereby amended as follows:

17 **Authority to remove occupancy.**

18 If any structure or obstruction, or use or occupancy, is not discontinued on notice from the City
19 to do so, the Director of ~~((Engineering))~~ Transportation or the Superintendent with respect to public
20 places under jurisdiction of the Department of Parks and Recreation may forthwith prohibit its further
21 use and remove such structure or obstruction from the public place, or make such repairs upon such
22 structure or obstruction as may be necessary to render the same secure and safe, at the expense of the
23 permittee or the permittee's successor or user or person responsible for said use. The City may collect
24 such expense in the manner provided by law.

Section 41. SMC 15.04.074 is hereby amended as follows:

Permit-Fees.

A. From time to time the Director of ~~((Engineering))~~ Transportation shall prepare and
recommend for adoption by the City Council a schedule of fees applicable to all such permits for public
places under the jurisdiction of ~~((the Engineering Department))~~ Seattle Transportation. The
Superintendent shall recommend a schedule of fees applicable to permits for use of public places under
the jurisdiction of the Department of Parks and Recreation, and the Director of Construction and Land
Use shall recommend a schedule of fees applicable to permits required by Section 15.44.020. The fee

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1 schedule, when adopted by ordinance, shall govern the amount of the fee for permits heretofore or
2 hereafter issued. The amount of the fee shall be set commensurate with the cost of administration,
3 inspection and policing involved in the issuance and continuance of such permits and the use thereby
4 granted. Fees for use of park drives and boulevards may take into consideration City policy of
5 discouraging encroachments inconsistent with their park-like character and may be included in the
6 schedule of fees for use of facilities of the Department of Parks and Recreation.

7 B. The fee shall be collected as a condition to the issuance or continuance of any such permit or
8 use. In order to effectuate collection of such fees the Director of ((Engineering)) Transportation, or the
9 Superintendent as to public places under the jurisdiction of the Department of Parks and Recreation,
10 shall promptly notify holders of outstanding permits issued to pay the applicable fee or the permit will
11 be revoked.

12 The rate in the schedule for permits for filming shall identify which, if any, of the factors
13 identified in SMC Section 15.35.020 are taken into consideration in setting the rate and which are to be
14 determined with respect to particular applications.

15 C. Upon petition by a public agency for a vacation of street area, street use fees for such street
16 area shall be suspended if the Director of ((Engineering)) Transportation finds that such public agency,
17 as a current practice, would convey to, or permits use by, the City of a portion of the public agency's
18 property for street or other public purpose without charge; provided, should the street vacation petition
19 be denied, street use fees shall be payable for the full period of use.

20 D. When a use requiring a permit is made of a public place without first obtaining the permit,
21 the fee shall be double the amount provided in the schedule of fees. The double fee shall apply only to
22 the first tenure of the permit.

23 E. Fees for the use of public places under the jurisdiction of the Department of Parks and
24 Recreation shall be deposited to the credit of the Park and Recreation Fund; all other fees shall be
deposited to the credit of the General Fund.

Section 42. SMC 15.06.010 is hereby amended as follows:

Construction.

A driveway must be constructed to provide vehicular access from a public place over and across
a concrete curb and gutter and/or sidewalk to the adjacent property. The Director of Construction and
Land Use has authority to issue a permit for construction of a driveway associated with a development
proposal as contemplated by Section 23.76.006. All applications for other permits for driveways shall be
submitted to the Director of ((Engineering)) Transportation for public places under the jurisdiction of the
Engineering Department, and to the Superintendent of Parks for public places under the jurisdiction of
the Department of Parks and Recreation. Temporary permission may be granted by the authorizing
official to plank a curb and walk while gaining temporary access to property but the practice must be
discontinued immediately upon notice from the City.

Section 43. SMC 15.06.050 is hereby amended as follows:

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2 **Curb setbacks.**

3 Curb setbacks may be allowed by the Director of Construction and Land Use after consulting
4 with the Director of ((Engineering)) Transportation, or the Superintendent as to park drives and/or
5 boulevards, on the basis of demonstrated need by the applicant therefor upon the following terms and
6 conditions:

7 A. Space for tree planting shall be reserved, with a minimum of ten feet (10') from the new curb
8 location to the property line, unless existing trees in the area supply the need.

9 B. Curb setbacks are not permitted on streets where parking is allowed in the existing curb lane.

10 C. Curb setbacks must be able to provide for a minimum of a twelve foot (12') driving lane and
11 an eight foot (8') parking lane in the public place adjacent to the new curb location. Exhibit 15.06.050
12 illustrates these requirements.

13
14 Section 44. SMC 15.06.060 is hereby amended as follows:

15 **Driveways by freeway access roads.**

16 The Director of Construction and Land Use shall refer to the Director of ((Engineering))
17 Transportation the relevant part of every application for a permit that involves constructing,
18 reconstructing, repairing, or altering any driveway providing direct vehicular access to a street which
19 serves as an approach or exit from a limited access facility where all or any portion of the driveway lies
20 or would lie between the proximate margin of the limited access facility and a line projected at right
21 angles to the centerline of the street from a point thereon which is four hundred feet (400') distant,
22 measured along the centerline of the street, from the proximate margin of the limited access facility.

23 The Director of ((Engineering)) Transportation shall make a report and recommendation to the
24 Director of Construction and Land Use as to the potential effect of the use of the proposed driveway
upon the safe and efficient flow of traffic. The Director of Construction and Land Use shall issue a
permit for the driveway work only upon a determination (a) that the design, standard of construction,
operational use, location or number of locations of the proposed driveway or driveways will not
unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the
adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and
from the proximate limited access highway facility, and (b) that denial of the permit would totally
deprive the property to be served of vehicular access. The Director of Construction and Land Use may
attach such conditions to any such permit as may be reasonably required under the particular
circumstances for the protection of public safety.

Section 45. SMC 15.06.070 is hereby amended as follows:

Revocation of permit or alteration of driveway.

Where the safe and efficient flow of vehicular and pedestrian traffic requires it, the Director of

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1 ((Engineering)) Transportation may revoke any permit for a driveway to a street or other public place
2 under its jurisdiction and order removal of the driveway or order the alteration of a driveway for which a
3 permit has been issued. The Superintendent has a similar authority as to park drives and boulevards. The
4 notice to remove or to make an alteration shall be in writing, be served upon the permittee, or the
5 permittee's successor, and shall require compliance within one hundred eighty (180) days.

6 Section 46. SMC 15.06.080 is hereby amended as follows:

7 **Sidewalk elevators.**

8 Every sidewalk elevator shall be so constructed that when in use, the sides of opening will be
9 closed by sheet metal guards, strengthened with an iron frame having a height equal to that of the
10 elevator door. The maximum overall size of a sidewalk elevator shall not exceed five feet (5') by seven
11 feet (7'), and where practicable it shall be placed seventeen inches (17") from the curb, and if of less
12 width than the maximum, the lesser width shall be placed at right angles to the curb. No sidewalk
13 elevator shall be constructed without approval of the Director of ((Engineering)) Transportation and a
14 permit from the Director of Construction and Land Use to construct and operate the same.

15 Section 47. SMC 15.10.020 is hereby amended as follows:

16 **Lowest point.**

17 The lowest point of any part of any marquee, awning, canopy, or other decorative element shall
18 be not less than eight feet (8'), or sixteen feet (16') if in an alley, from the surface over which it is
19 constructed, unless an exception to that requirement is approved by the Director of ((Engineering))
20 Transportation after a showing that traffic considerations have been satisfied.

21 Section 48. SMC 15.10.030 is hereby amended as follows:

22 **Vertical depth.**

23 No marquee shall exceed thirty inches (30") in vertical depth, unless an exception to that
24 requirement is approved by the Director of ((Engineering)) Transportation after a showing that the
25 proposed marquee will not obscure the visibility of any sign or traffic control devices in the immediate
26 area.

27 Section 49. SMC 15.12.010 is hereby amended as follows:

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1
2 **Conformance to applicable regulations.**

3 A. All signs in public places and their supports shall be reviewed as to structural strength and
4 quality of materials, and for conformance to all applicable ordinances by the Director of Construction
5 and Land Use.

6 B. All signs, banners, barber poles and street clocks constructed upon or projecting over a public
7 place shall conform to SMC Chapter 23.55, and, except those located in park drives and boulevards, the
8 decisions and policies of the Director of ((Engineering)) Transportation.

9 C. No new signs, barber poles, or street clocks shall be constructed over park drives and
10 boulevards.

11 Section 50. SMC 15.12.040 is hereby amended as follows:

12 **Street clocks.**

13 A. No clock shall be constructed, erected or maintained in
14 or upon any public place within one hundred feet (100') of any other clock on the same side of such
15 place, nor within eight feet (8') of any utility pole or fire hydrant, nor so that any portion thereof extends
16 beyond the curbline.

17 B. No clock shall be more than fifteen feet (15') nor less than twelve and one-half feet (12 1/2') in
18 height from the sidewalk to the center of the clock face. Each dial or the time on a digital clock shall be
19 illuminated from within only, by electric light of not less than ninety (90) candlepower to each dial or
20 number on a digital clock. The clock shall be kept lighted during the hours of the day in which the
21 municipal streetlights are lit.

22 C. No clock shall be erected which has a base greater than twenty-eight inches (28") nor less
23 than sixteen inches (16") in any dimension, nor which has a dial greater than three feet (3') nor less than
24 two feet (2') in diameter.

D. No more than two (2) lines of advertising matter shall appear upon the dial, nor anything
other than the name and address of the owner, occupant or lessee upon the post or base of any clock.

E. No cloth, drapery, sign or other thing shall be added, attached or suspended from the head of
any clock.

F. No person shall permit a street clock of which he/she is the owner, to incorrectly record the
time unless all dials thereof are covered. The cover of such a clock shall not have advertising matter
thereon. Any clock not showing correct time or which has been covered for more than fourteen (14) days
shall be removed upon order of the Director of ((Engineering)) Transportation.

Section 51. SMC 15.14.050 is hereby amended as follows:

Congestion control.

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1 A. Without a permit no newsstand shall be placed within one hundred twenty feet (120') of any
2 corner or other location with more than four (4) newsstands, or a modular unit newsstand with a capacity
of at least four (4) units, or within one hundred twenty feet (120') of an attended newsstand.

3 B. As long as the requirements of Section 15.14.030 are not violated, an authorizing official may
defer enforcing the congestion control criteria of subsection A at a location until a complaint is made by
4 a publisher, distributor, property owner, or member of the public.

5 C. If a complaint is made that the criteria in subsection A are exceeded, or an application is
made for a permit under this section, the authorized official shall determine whether the totality of
6 newsstands at such location will conflict with the requirements of Section 15.14.030. If no such conflict
is evident, and the authorizing official using the guidelines in Section 15.14.010 shall determine that the
placement represents a reasonable accommodation furthering the overall public interest, the authorizing
7 official may issue a permit for such proposed newsstand.

8 D. Upon the timely appeal of the issuance or denial by the authorizing official of a permit for a
proposed newsstand under this section, the Street Use Appeals Board shall determine: (1) whether there
9 is a satisfactory alternate location for such newsstand in the vicinity, and if no such location exists, (2)
whether an existing newsstand shall be displaced for such proposed newsstand. When necessary,
allocations of space for newsstands at particular locations as provided herein shall be made in a manner
10 which:

- 11 (a) Offers the public convenient access to all publications, whether of large or small circulation;
- 12 (b) Guarantees to all publishers a reasonable representation of their newsstands in public places;
- (c) Provides opportunity for placement of newsstands for new publications;
- (d) Encourages efficient use of space through attractive multiple-publication modular units; and
- (e) Minimizes hardship to applicants denied permits and to publishers whose newsstands are
13 displaced.

14 Before allocating space at any location, the Director of ((Engineering)) Transportation or the
Street Use Appeals Board, as the case may be, shall afford the publishers affected a reasonable
opportunity to do so voluntarily.

15 Section 52. SMC 15.14.070 is hereby amended as follows:

16 **Authority of Director of ((Engineering)) Transportation.**

17 The Director of ((Engineering)) Transportation is authorized to:

18 A. Adopt rules and regulations implementing SMC Sections 15.14.020 through 15.14.080,
including, but not limited to:

- 19 1. Establishing standards relating to advertising, safety, maintenance, location and the
fastening of newsstands to traffic-control devices, and standards relating to the design of newsstands
20 located within downtown Seattle between Stewart Street on the north, Sixth Avenue on the east, Yesler
Street on the south and First Avenue on the west, or located along Alaskan Way adjacent to Piers 50
21 through 61, or located in the University District within sixty feet (60') of the street margins of Northeast
45th Street between Brooklyn Avenue Northeast and 15th Avenue Northeast, or within sixty feet (60') of
22 the street margins of University Way between Northeast 42nd Street and Northeast 50th Street,
- 23 2. Requiring that every newsstand in any public place have the name, address, and

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- 1 telephone number of the owner or other responsible party affixed thereto in a place where it may be
2 easily seen; and that every publisher maintain on file with the Director of ~~((Engineering))~~ Transportation
3 a current listing of newsstands placed in public places as authorized in this chapter without a permit,
4 3. Prohibiting newsstands in any particular sidewalk segment to alleviate congestion and
5 maintain safe passage,
6 4. Requiring or providing for the relocation of newsstands temporarily to accommodate
7 construction, maintenance and primary street uses,
8 5. Requiring any publisher to take such actions respecting placement, maintenance, and
9 repair of newsstands from time to time as may be appropriate and to cooperate with City officials in the
10 implementation of this chapter;
11 B. Upon five (5) days' notice, or without notice if emergency or unsafe conditions exist,
12 impound newsstands unused for thirty (30) days or left in place more than ten (10) days after the
13 publisher discontinues publication;
14 C. Upon five (5) days' notice, or with such notice as may be practical if emergency or unsafe
15 conditions exist, impound newsstands in violation of this chapter, including newsstands maintained
16 without a permit where a permit is required;
17 D. Integrate newsstands into structures such as bus-stop shelters and traffic-control devices in
18 street area in special districts by local improvement district;
19 E. Recommend to the City's legislative authority for adoption, by ordinance, of a schedule of
20 fees for newsstands under permit, for impounding and storage of newsstands, and for relocating
21 newsstands where authorized;
22 F. Dispose of, as abandoned property, any impounded newsstand that is not claimed by the
23 owner or other person responsible within thirty (30) days from the date of impoundment;
24 G. Allow two (2) or more publications to share the use of a newsstand or the same place within a
modular unit; and
H. Recommend to publishers particular modular unit newsstands that comply with the standards
of Section 15.14.040.
The Superintendent shall have comparable authority with respect to newsstands in park drives
and boulevards.

Section 53. SMC 15.14.080 is hereby amended as follows:

Review and hearings-Appeals.

Any person or publisher aggrieved by the placement of a newsstand in a public place under the
jurisdiction of ~~((the Engineering Department))~~ Seattle Transportation or an action of the Director of
~~((Engineering))~~ Transportation with respect to a newsstand may seek review of such action by filing
within ten (10) days after such action, a notice of appeal with the Street Use Appeals Board on a form
provided by the Director or the Board. Such notice shall identify the action being appealed, the
appellant's objections thereto, and the relief or action desired from the Board. The Street Use Appeals
Board shall then conduct a hearing thereon. Unless an emergency or an unsafe condition exists, a
newsstand already in place shall remain in place during a timely appeal until the Street Use Appeals
Board makes its decision. The Street Use Appeals Board may sustain, modify, prohibit, or reverse any

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1 such newsstand placement or action of the Director of (~~Engineering~~) Transportation, and its decision
2 shall be final and conclusive, subject to judicial review.

3 Any person or publisher aggrieved by the placement of a newsstand in a park drive or boulevard
4 under the jurisdiction of the Department of Parks and Recreation identified in Appendix I or shown on
5 the map as Appendix II or an action of the Superintendent with respect to a newsstand may seek review
6 of such placement by the Superintendent, or if the action be that of the Superintendent, its
7 reconsideration by the Superintendent; and for that purpose, the appellant may request a hearing by the
8 Superintendent, sitting with the Board of Park commissioners, by filing a notice of review within ten
9 (10) days after such action. At or promptly after the close of the hearing, the Board shall give its advice
10 and recommendations to the Superintendent, whose decision shall be final and conclusive, subject to
11 judicial review.

12 Section 54. SMC 15.16.040 is hereby amended as follows:

13 **Terms and conditions.**

14 A. The Director of Construction and Land Use may issue a permit for use of a sidewalk for
15 sidewalk cafe purposes in the event and to the extent that he or she determines that:

16 1. The applicant is the owner or occupant of the adjacent property and operates a cafe,
17 restaurant, or tavern thereon;

18 2. The proposed use for a sidewalk cafe would not unduly and unreasonably impair
19 passage to and fro by the public on the sidewalk for which the permit is sought and is consistent with
20 any applicable standards established by the federal Americans with Disabilities Act; and

21 3. The proposed sidewalk cafe area is included within a food-service establishment
22 permit pursuant to Seattle City Code Chapter 13.20, or the Seattle-King County Director of Public
23 Health or his or her representative, has otherwise authorized such a use of the area.

24 B. The Director may include in the permit such terms and conditions as the Director may deem
appropriate including, but not limited to:

- Restrictions as to the number and placement of tables and chairs and as to the
hours and dates of use;

- A requirement that the area be cleared when not in use as a sidewalk cafe, or upon
the order of the Director of Engineering or other appropriate City officer such as the Chief of Police or
Fire Chief or their authorized representatives;

- Provisions that the permittees shall maintain the sidewalk in a clean and safe
condition for pedestrian travel;

- A requirement that the applicant clear the sidewalk as may be necessary to
accommodate deliveries to adjacent or other nearby properties;

- Regulations upon lighting and illumination of the sidewalk cafe; limitations upon
noise; and restrictions upon the placement of furniture or equipment used in connection with the
sidewalk cafe;

- The posting of a surety bond or establishment of an escrow account in accordance
with the provisions of this title;

- If the sidewalk cafe causes a change in pedestrian travel patterns, appropriate

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1 repairs to the sidewalk in the immediate vicinity in order to accommodate the change or to assure
2 compliance with the federal Americans with Disabilities Act;

3 - Restoration of the sidewalk upon completion of the use.

4 C. Unless expressly authorized by the City no pavement shall be broken, no sidewalk surface
5 disturbed, and no permanent fixture of any kind shall be installed in or on sidewalk area in connection
6 with a sidewalk cafe.

7 D. The Director of Construction and Land Use or the Director of ((Engineering)) Transportation
8 may suspend or revoke the permission granted if an applicant violates this ordinance, any implementing
9 rules, or the terms and conditions of the permit.

10 Section 55. SMC 15.16.060 is hereby amended as follows:

11 **Insurance.**

12 An applicant for a permit for a sidewalk cafe shall, prior to issuance of such a permit, provide
13 and maintain in full force and effect while the permit is in effect, public liability insurance in an amount
14 specified by the Director of ((Engineering)) Transportation sufficient to cover potential claims for bodily
15 injury, death, or disability and for property damage, which may arise from or be related to the use of
16 sidewalk area for sidewalk cafe purposes, naming the City an additional insured.

17 Section 56. SMC 15.16.070 is hereby amended as follows:

18 **Indemnity.**

19 The applicant for a sidewalk cafe permit shall execute and deliver to the City upon a form
20 supplied by the Director of ((Engineering)) Transportation an agreement in writing and acknowledged
21 by the applicant, forever to hold and save the City and harmless from any and all claims, actions or
22 damages of every kind and description which may accrue to, or be suffered by, any persons by reason of
23 or related to the operation of such sidewalk cafe. In addition, such agreement shall contain a provision
24 that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon
thirty (30) days' notice, posted on the premises, or by publication in the official newspaper of the City, or
without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated
in accordance with the provisions of this title, the same may be revoked and the sidewalk cafe furniture
ordered removed.

Every such agreement, after it has been received in his or her office and numbered, and shall be
filed with the City Clerk.

Section 57. SMC 15.16.080 is hereby amended as follows:

Sidewalk condition.

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1 The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and
2 shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately
3 clear the sidewalk area when ordered to do so by the Director of ((Engineering)) Transportation or other
4 appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives.

5 Section 58. SMC 15.17.150 is hereby amended as follows:

6 **Sidewalk displays.**

7 The Director of ((Engineering)) Transportation may issue a permit to the owner or manager of a
8 business upon adjoining property making sales at retail to the public in a zone other than a single-family
9 or lowrise multifamily zone to display on a public sidewalk goods or wares that are being offered for
10 sale inside the business. Sidewalk displays are subject to rules of the Director of ((Engineering))
11 Transportation, the terms and conditions of the permit, and the following criteria:

12 A. The display may not obstruct passage on the sidewalk nor the use of any crosswalk,
13 wheelchair ramp, bus or taxi loading zone. The display must allow at least six feet (6') of clearance for
14 pedestrian passage to the nearest street trees; utility pole; traffic control signs, parking meters, or fire
15 hydrants and may not be fastened to any of the foregoing;

16 B. The display must be flush against the building of the adjoining property, must leave entrances
17 and driveways clear, and may not extend more than three feet (3') into the sidewalk;

18 C. The display must be removed during those hours that the business is closed. If the display is
19 in place before sunrise or after sunset, the display must be lighted and readily visible to passing
20 pedestrians on the sidewalk;

21 D. Sales of goods or merchandise displayed must occur on the adjoining privately owned
22 property;

23 E. The display may not contain alcoholic beverages, tobacco, firearms or munitions, or any
24 article which a minor is prohibited by law from purchasing; nor any material restricted by the Fire Code
from direct access or handling by the public;

F. The display must be removed at any time that the Director of ((Engineering)) Transportation,
the Chief of Police, or the Fire Chief determine that a clear sidewalk is needed for use of travel or
transportation, street cleaning or maintenance, street utility work, a crowd control event or parade, or an
emergency and request removal;

G. The City assumes no responsibility for the items on display, irrespective of whether the loss
occurs through accident, collision, vandalism, theft or otherwise;

H. The applicant must provide public liability insurance naming the City as an insured on any
additional insured in an amount determined by the authorizing official by rule; and

I. The applicant shall provide the City an indemnity agreement and acknowledgment of the
temporary nature of the permission granted comparable to that required of sidewalk cafes under Section
15.16.070.

Section 59. SMC 15.17.200 is hereby amended as follows:

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1 **Street fairs and vending by nonprofit organizations.**

2 The Director of ~~((Engineering))~~ Transportation, the Superintendent, and the Director of the
3 Seattle Center are authorized to adopt rules relating to the time, place and manner in which a nonprofit
4 organization may vend merchandise in which the organization's political, religious, sociological or
5 ideological message is inextricably intertwined when the sale exercises the vendor's rights guaranteed by
6 the United States or the Washington Constitution. Such rules may address the issuance and duration of
7 permits, the size and placement of tables and other equipment used, their siting and location on the
8 sidewalks, the type of merchandise offered for sale, advertising and posting of prices, the display of
9 licenses, the exclusion of ineligible merchandise, documentation to accompany applications for
10 registration, and prohibitions against discrimination, among other subjects.

11 An authorizing official may authorize vending in a public place as part of a street fair, carnival,
12 athletic activity, or other public event authorized by and in accordance with a permit issued by the
13 Special Events Committee under Chapter 15.52.

14 Section 60. SMC 15.18.010 is hereby amended as follows:

15 **Duty to maintain-Notice of hazardous condition-Barricading.**

16 A. The owner of a structure on property adjoining a public place has an obligation to maintain it
17 so that it does not create a hazard to the public using the public place; and, if a hazard to the public
18 should develop, to promptly place barricades in the public place to warn the public of the danger and
19 discourage entry into the area of risk. Upon discovering the hazard, the owner shall immediately inform
20 the Director of Construction and Land Use, and, as to park drives and boulevards, the Superintendent of
21 Parks and Recreation, and as to other public places, the Director of ~~((Engineering))~~ Transportation.

22 B. Whenever the Director of Construction and Land Use finds that a building is unsafe,
23 according to the Building Code (SMC Title 22), or any other applicable ordinance, and a hazard to
24 public safety, health or welfare may exist to members of the public using a public place, then the
authorizing official may in his or her discretion immediately barricade the public place or require the
owner or occupant of the adjoining property to set up barricades to the extent necessary, so as to prevent
public access to such area in the interest of public safety. If the City incurs an expense in erecting or
maintaining barricades, the authorizing official shall bill the owner or occupant the cost thereof together
with an administrative charge equal to fifteen percent (15%) of the amounts expended.

 The Director of Construction and Land Use forthwith shall notify the owner or his or her agent of
such hazardous condition and to correct this condition within ten (10) days from the date of notice
thereof.

 Section 61. SMC 15.18.020 is hereby amended as follows:

Construction of covered way.

 If the hazardous condition described in Section 15.18.010 has not been corrected by the owner or

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1 agent within the ten (10) day period, the owner or agent shall be notified to obtain a permit for the
2 construction and maintenance of a covered way over that portion of the sidewalk or street area as
3 directed by the Director of ((Engineering)) Transportation, or in the case of boulevards and park drives,
4 by the Superintendent of Parks and Recreation. The covered way shall comply with the standards in
5 Section 15.22.120, and with specifications in City manuals for work in public places. An owner or agent
6 who fails to begin and complete construction according to a permit or to obtain such permit in the time
7 specified is subject to the penalties in Chapter 15.50. In addition, the City may cause such covered way
8 to be constructed and charge the cost plus fifteen percent (15%) thereof against the property described,
9 and such charges shall be collected in the manner of the collection of debts.

6 Section 62. SMC 15.20.010 is hereby amended as follows:

7 **Permit-Required.**

8 It is unlawful for anyone to occupy a public place with scaffolding, ladders or equipment to clean
9 or paint a building, wall, or sign without first obtaining a permit to do so from the Director of
10 ((Engineering)) Transportation, or, as to park drives and boulevards, the Superintendent of Parks and
11 Recreation. No permit is required for using a single, attended ladder fourteen feet (14') or less in length,
12 without other equipment. The term "equipment" includes machinery and power tools for generating or
13 applying steam, high-pressure granular material, water, compressed air, and/or chemical solvents, paints
14 and other coatings.

13 Section 63. SMC 15.22.020 is hereby amended as follows:

14 **Application for use permit.**

15 An application shall be filed with the Superintendent of Parks and Recreation for use of a park
16 drive or boulevard and with the Director of ((Engineering)) Transportation for use of other public places
17 for construction, demolition, or repair of a building. The application shall specify the proposed use of the
18 area and the period of time the applicant desires to use the specified area and be accompanied by a plan
19 of the definite limits of areas desired for use. The use shall be confined to the public place adjoining the
20 property to be improved, but if the application is accompanied by written permission of other adjacent
21 property owners, the authorizing official may allow the use of a public place extending beyond the
22 immediately adjoining property.

20 Section 64. SMC 15.22.022 is hereby amended as follows:

21 **Investigation.**

22 The Director of ((Engineering)) Transportation or the Superintendent of Parks and Recreation as
23 to park drives or boulevards shall investigate the area of the proposed use to determine the traffic carried
24

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1 by the adjacent roadway and walks, and to determine the inconvenience and hazard to the public. The
2 authorizing official may revise the applicant's plans and confine the proposed use of the public place to
3 an area that the official finds to be consistent with public safety and use of the street and boulevard for
4 travel and transportation.

5 Section 65. SMC 15.22.026 is hereby amended as follows:

6 **Insurance; conditions; appeal.**

7 A. Upon completion of the investigation of the application, the authorizing official may grant
8 the requested permit, subject to the applicant's furnishing public liability insurance and a deposit and/or
9 surety bonds or an escrow account as the authorizing official deems necessary to protect the City from
10 any claims for damages to persons or property or any other cause arising out of the proposed use.

11 B. The authorizing official may alter a condition of the permit at any time that the authorizing
12 official finds that such use may cause damage to persons or property.

13 C. The Director of ~~((Engineering))~~ Transportation shall determine the adequacy of protective
14 devices installed in a public place to safeguard utility and traffic facility devices.

15 D. All determinations of the Director of ~~((Engineering))~~ Transportation with respect to the
16 issuance or denial of permits under this chapter are subject to appeal to the Street Use Appeals Board. A
17 person aggrieved by a determination of the Superintendent may petition the Superintendent for an
18 opportunity for a hearing and reconsideration of the decision.

19 Section 66. SMC 15.22.030 is hereby amended as follows:

20 **Fence or enclosure-When required.**

21 A fence or enclosure shall be erected at any location at which a building is to be erected, razed,
22 repaired or altered, and a hazard to pedestrian traffic is created: (A) within ten feet (10') of a walk or
23 roadway, (B) in a business district, or (C) in any case deemed necessary by the City Director of
24 ~~((Engineering))~~ Transportation or, as to park drives and boulevards, the Superintendent.

Section 67. SMC 15.22.080 is hereby amended as follows:

Repair of damage to public property.

Any damage done to sidewalk, pavement, sewers, drain inlets, catchbasins or any other public
facility shall be repaired as directed by the Director of ~~((Engineering))~~ Transportation as he or she finds
necessary, and, if repaired by the Director, all costs plus fifteen percent (15%) shall be charged against
the owner, agent or contractor; except that:

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1 A. If the damage be to a park drive or boulevard, the Superintendent of Parks and Recreation
2 may make the repairs and charge the costs plus fifteen percent (15%) to cover administrative expenses to
3 the owner, agent or contractor;

4 B. If the authorizing official grants a permit to do so, the owner, agent or contractor may restore
5 and repair such damages as required by, and under the inspection of, the authorizing official; and

6 C. Injury to City-owned street trees shall be remedied in the discretion of the authorizing official
7 by compensation and/or replacement so that the City is made whole.

8 If construction or demolition activities cause the City to undertake additional maintenance
9 activities in the vicinity (such as street cleaning or sweeping; or clearing of its drain inlets, catchbasins,
10 or storm drains functioning; or removing of other material from a public place), the authorizing official
11 may charge the owner, agent, or contractor responsible therefor the cost of the added maintenance plus
12 fifteen percent (15%) to cover administrative expenses.

13 Section 68. SMC 15.22.122 is hereby amended as follows:

14 **All walkways-Requirements.**

15 A. The walkway area shall have four feet (4') or more of clear walking width.

16 B. A tight fence of board or chain link shall stand along the entire length on the side abutting the
17 building site.

18 C. The walkway shall have a handrail on the roadway side, not less than three and one-half feet
19 (3 1/2') high capable of withstanding a fifty (50) pound load per linear foot applied horizontally to the
20 top rail.

21 D. If the walkway is also used as a bus zone, as much of the handrail and wire mesh on the
22 roadway side as stipulated by the Director of ((Engineering)) Transportation shall be omitted or removed
23 from the walkway.

24 E. The walkway area shall be kept well lighted continuously between sunset and sunrise, and at
such other times as necessary.

 F. The walkway area shall have warning lights, painting and other devices prescribed by the
Traffic Control Manual for In-Street Work.

 G. A well-defined walking surface must be provided if pedestrians are to be routed off a paved
sidewalk or into a roadway area. The walking surface must be solid and not slippery, and the transition
between the temporary walkway surface and the sidewalk shall be without abrupt breaks or stubs.
Pedestrians shall not be required to walk in a gutter.

 Section 69. SMC 15.24.020 is hereby amended as follows:

Permit required.

 It is unlawful for any person to erect, hang, build or maintain any scaffold or staging over any
public place without a permit from the Director of ((Engineering)) Transportation, or as to park drives or
boulevards, from the Superintendent of Parks and Recreation. However, a general permit for the use of

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1 the place while building or remodeling a structure shall carry with it the right for such scaffolding or
2 staging.

3 Section 70. SMC 15.24.030 is hereby amended as follows:

4 **Tarpaulin required.**

5 A substantial tarpaulin shall be attached to the underside of a scaffold or staging where directed
6 by the Director of ((Engineering)) Transportation or the Superintendent as to park drives and boulevards
7 in such a manner as to stop any spray, debris, or other material from spreading on the surface below.

8 Section 71. SMC 15.26.010 is hereby amended as follows:

9 **Authority of City.**

10 The Director of ((Engineering)) Transportation, or as to park drives and boulevards, the
11 Superintendent of Parks and Recreation, shall have the control of the refilling and restoring of any public
12 place to its proper condition, after an excavation or other use has disturbed its surface. The authorizing
13 official may allow or require the permittee to complete the backfilling or restoration subject to City
14 inspection or the City may perform the work itself.

15 Section 72. SMC 15.28.010 is hereby amended as follows:

16 **Permit required.**

17 It is unlawful to move a building or equipment which requires relocation of utility wires or
18 cables along or across any public place without a permit to do so from the Director of ((Engineering))
19 Transportation. When the move is along or across a park drive or boulevard, the Director shall
20 coordinate with the Superintendent of Parks and Recreation and the permit is subject to the
21 Superintendent's concurrence.

22 Section 73. SMC 15.28.020 is hereby amended as follows:

23 **Bond and insurance.**

24 A. Bond. The applicant shall furnish to the Director of ((Engineering)) Transportation, for filing
with the City Clerk, a surety bond approved as to form by the City Attorney in an amount determined in
accordance with Section 15.04.040, or have deposited a like amount into an escrow account under
Section 15.04.042. If the Director elects to forego making an individual determination as to a particular

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1 application, the amount shall be Ten Thousand Dollars (\$10,000.00), and conditioned upon the
2 requirements of Sections 15.04.040 through 15.04.044, subject to RCW 19.72.107. The bond shall be
3 further conditioned to pay all costs and expenses contemplated by Sections 15.28.040 through
4 15.28.070, including the making of any necessary repairs to public places or facilities caused by reason
5 of the permittee's operations in moving a building or equipment on or along any public place.

6 B. Insurance. In addition to the bond, the applicant shall furnish to the Director of
7 ~~((Engineering)) Transportation~~ a certificate stating that the City is included as an additional insured on
8 his or her protective public liability insurance. The amount and coverage shall be determined in
9 accordance with Section 15.04.045 but, in lieu of making an individual determination as to the
10 particular application, the Director may stipulate that the insurance shall provide for a limit of not less
11 than One Million Dollars (\$1,000,000.00) for all damages arising out of bodily injuries to, or death of
12 any persons in any one (1) accident; and shall also provide property damage liability insurance providing
13 for a limit of not less than One Hundred Fifty Thousand Dollars (\$150,000.00) for all damages arising
14 out of injury to or destruction of property in any one (1) accident. The insurance shall state that the
15 Director of ~~((Engineering)) Transportation~~ shall be given ten (10) days' notice of any change,
16 cancellation or expiration of such insurance policy.

17 C. Revocation. The Director of ~~((Engineering)) Transportation~~ may revoke a permit at any time
18 upon a failure to comply with any of the terms of the permit or this chapter or upon the conditions in
19 Section 15.04.070.

20 Section 74. SMC 15.28.030 is hereby amended as follows:

21 **Application for permit.**

22 Every application for a permit to move a building or equipment which requires relocation of
23 utility wires or cable through or across a public place of the City shall be made to the Director of
24 ~~((Engineering)) Transportation~~ on a form provided by the Director. Every such application shall state the
location of the building to be moved, its dimensions and principal materials, and shall describe the route
over which the building is to be moved, the length of time that will be required to move it, and the
proposed new location thereof. Before any permit to move a building to a site within the City is issued,
specific written approval must be obtained from the Department of Construction and Land Use. The
concurrence of the Superintendent of Parks and Recreation is necessary if the building or such
equipment will be moved along or across a park drive or boulevard; and the approval of all utilities is
also necessary, if those utilities are to be disturbed.

Section 75. SMC 15.28.050 is hereby amended as follows:

Wires and cables-Relocation and costs; trees in boulevards or parks.

A person who maintains wires, cable or appurtenances in or over a public place shall move or
disconnect them in order to accommodate a move authorized by permit as contemplated by Section
15.32.110. When the wires are below minimum vertical clearances above the roadway surface set by

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1 state statute, City ordinance, or rules of the authorizing official, and timely notice has been given, and no
2 adjustment or disconnection would be necessary had the minimum vertical clearance been maintained,
3 otherwise the cost shall be assessed to the grantee of the permit to move the building or equipment.

4 The Director of ((Engineering)) Transportation shall determine the probable injury and cost
5 which the moving of a building or equipment will cause to owners of wires and cables that are at or
6 above minimum vertical clearances over the surface of the public place, and also the probable injury and
7 inconvenience the severance of such wires and cables will cause to patrons of public utilities. The
8 Superintendent shall determine the probable injury and cost of restoration or loss which the moving of a
9 building or equipment along or across a park drive or boulevard or a street abutting a park will cause to
10 the department's trees and shrubbery. Such findings shall be endorsed upon the application for permit.

11 Section 76. SMC 15.28.060 is hereby amended as follows:

12 **Determination of probable interference.**

13 A. Investigation. The Director of ((Engineering)) Transportation shall ascertain the probable
14 interference with the rights of the public that such moving will cause, and any other facts which may aid
15 in determining whether or not such permit should be granted. The Director of ((Engineering))
16 Transportation shall also prescribe the time such moving shall be done, the route to be followed and such
17 traffic barricades and escorts and any other stipulations such official may deem necessary for public
18 safety and convenience. The determinations of the Director shall be subject to the concurrence of the
19 Superintendent with respect to movement along or across a park drive or boulevard.

20 B. Opportunity for Hearing. If the Director of ((Engineering)) Transportation finds the injury
21 and inconvenience to the public, to owners of private property, and to public utilities is minor, or that the
22 affected parties consent to the move, and the Superintendent concurs in authorizing the movement
23 planned along or across a park drive or boulevard, the Director may grant the permit without a hearing.
24 If the Director of ((Engineering)) Transportation finds that there would be substantial injury or
inconvenience to the public, to public utilities or to owners of private property and there are unresolved
objections to the move, the Director shall notify the applicant that the permit may only be granted
through a public hearing process; and, if the applicant so requests, the Director shall schedule a hearing
before the Street Use Appeals Board.

C. Hearings. If a hearing is scheduled, the Director shall notify the applicant and the owners or
agents of the properties that may be affected of the date, time, and place of the public hearing before the
Street Use Appeals Board regarding such application. At this hearing, all persons interested may appear
and offer their opinion regarding whether or not such permit should be granted.

D. Cost of Advertising. Whenever the Director of ((Engineering)) Transportation determines
that a public hearing must be held to determine whether or not a permit to move a building or
equipment should be granted, the applicant shall pay the cost to the City for advertising the hearing.

E. Decision. Based upon the findings of the Director of ((Engineering)) Transportation with
respect to such application and the testimony received during its public hearing on such application, the
Street Use Appeals Board shall determine whether or not such permit shall be granted.

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1 Section 77. SMC 15.28.070 is hereby amended as follows:

2 **Grantee to bear expenses.**

3 The grantee of a permit to move a building or equipment which requires relocating utility wires
4 or cable along or across any public place shall bear any and all expenses to the ((City Engineering,))
5 Parks, Seattle Transportation and Police Departments that may be occasioned by such moving; provided,
6 that nothing contained in this chapter shall be construed as repealing any of the provisions of any
7 franchise ordinance.

7 Section 78. SMC 15.28.080 is hereby amended as follows:

8 **Authority to make rules and regulations.**

9 The Director of ((Engineering)) Transportation may make rules and regulations pursuant to the
10 Administrative Code of the City (Ordinance 102228) and governing the moving of buildings along or
11 across public places. Violation of those rules and regulations constitutes a violation of this subtitle.

11 Section 79. SMC 15.32.010 is hereby amended as follows:

12 **Permit-Required.**

13 It is unlawful for anyone to construct, maintain and operate on, under or over the streets, alleys or
14 public places of the City, any railroad or streetcar tracks, pipes, ducts, utility tunnels, vaults,
15 maintenance holes, poles, fixtures, wires or any other appurtenants necessary for the purpose of
16 conducting any lawful business, either public or private, or to go upon any such public place to perform
17 any work therein which will disturb the surface of the street, planting strip or sidewalk, or to occupy area
18 upon the surface or beneath the surface of the street, planting strip or sidewalk, without complying with
19 all the provisions of any ordinance in relation thereto and obtaining and having a permit from the
20 Director of ((Engineering)) Transportation for such purpose, or as to park drives and boulevards, a
21 permit from the Superintendent of Parks and Recreation. This prohibition includes everyone, whether an
22 individual or a corporation or association; whether acting as an individual or as employee or agent of
23 another; and whether or not the person has a right under the Charter, any ordinance or franchise, or any
24 other authority of law to conduct business within a public place.

20 Section 80. SMC 15.32.030 is hereby amended as follows:

21 **Application.**

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1 Anyone desiring to place or maintain in any public place any of the authorized facilities
2 mentioned in Section 15.32.010 shall, prior to the commencement of any construction work, file an
3 application for a permit therefor with the Director of ((Engineering)) Transportation, or in the case of a
4 park drive or boulevard, with the Superintendent of Parks and Recreation (collectively herein the
5 "authorizing official"). The application shall be on a form furnished by the authorizing official. The
6 authorizing official may require that the application be accompanied by a plat drawn to an accurate
7 scale, conforming to such reasonable rules and regulations as such official may prescribe, and showing
8 the exact location, character, position, dimension, depth and height of the work proposed to be done.

9 Section 81. SMC 15.32.300 is hereby amended as follows:

10 **Attachments to City-owned poles.**

11 The terms and conditions for attaching to City-owned poles by entities other than co-owners of
12 the poles shall be as follows:

13 A. The City shall reserve one (1) communication space on City-owned poles for its own use.

14 B. If additional communication space is available on City-owned poles, after reserving one (1)
15 space for the City and after accounting for the space occupied by existing services already on the poles,
16 the City may permit additional attachments under the following conditions:

17 1. The needs of the City are paramount. The City shall be the determinant regarding any
18 question of right to attach, construction compliance or contract interpretation regarding attachment to
19 poles. Permission to make attachments to the City's poles may be withdrawn for violation of applicable
20 codes, for breach of contract, for failure to supply proof of required permits, by governmental directive
21 or for any reason associated with the City's requirements for the use of its poles or public right-of-way.
22 The City may direct the immediate removal of attachments at the owner's expense, if attachments fail to
23 conform to codes or the City's requirements, or if attachments interfere with City operations.

24 2. All attachments shall be made in accordance with all applicable codes as well as City
electrical standards, guidelines and practices.

3. All attachments, including co-lashing, shall be subject to approval of the ((Department
of Administrative Services, the Engineering Department)) Executive Services Department, Seattle
Transportation and the City Light Department in accordance with the following principles, requirements
and procedures:

a. Providing for the safety of the public, City employees, and other users of poles
is a fundamental principle which must be observed.

b. The primary function of the City's poles is to support the City's electrical lines
and equipment.

c. The City shall neither replace existing poles with taller poles nor add crossarms
to existing poles to create more communication space on the poles.

d. Any new attachments must accommodate any prior agreements between the
City and other entities regarding use of space on the poles.

e. The City shall not relinquish the one (1) communication space reserved for its
own use on every pole. At the request of the applicant, however, the City shall consider creating
additional space for communication uses on the poles by taking such actions as removing secondary rack

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1 wiring and substituting triplex wire, moving streetlight fixtures, guy wires and other attachments to the
2 poles and by providing for co-lashing. Any actions undertaken to create more communication space
shall be considered make-ready work, and any such costs shall be borne by the applicant.

3 f. Approval of attachments may include requirements for extra mitigation
4 measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks,
5 historic districts and viewsheds. All such extra measures, including any additional public involvement
and/or environmental
6 review, shall be taken in accordance with directives from the Superintendent of the City Light
Department, and all costs associated with such extra measures and review shall be paid by the applicant.

7 g. All make-ready costs, including any permit review and environmental review
8 costs, shall be paid by the applicant prior to making any attachments to the poles.

9 h. As a condition of securing the City's permission to use its poles for attachment
10 of cable, all applicants shall be required to permit co-lashing to their own cable of up to two (2) other
11 cables, which may be owned and operated by other entities. All cable attachments that initially occupy a
12 space on a City-owned pole shall be required to provide an external or internal support ("messenger")
13 wire that is capable of supporting two (2) other cables in addition to the initial cable installed by the
14 applicant. Owners of cable subsequently co-lashed to the initial cable shall pay the owner of the initial
15 cable a proportionate share of the cost of the messenger wire. All entities co-lashing together shall be
16 required to provide one another with reciprocal indemnity provisions equivalent to those which must be
17 granted to the City by each of them pursuant to Section 15.32.150. Co-lashing shall not be required of
18 any applicant until all other spaces on the pole, other than the City's reserved space, have been utilized.
19 The City Light Department shall issue a Department Policy and Procedure for providing co-lashing
20 space based on costs, operational convenience, and other criteria which are developed in the course of
21 producing such Department Policy and Procedure.

22 i. In addition to the indemnification required by Section 15.32.150, the City may
23 require that the applicant provide the City and entities permitted to co-lash with additional
24 indemnification, such as indemnification from a parent company, and/or require that the applicant
provide proof of specific insurance provisions acceptable to the City which cover potential exposure of
both the applicant and the City.

25 j. As a further condition of securing the City's permission to use its poles for
26 attachment of cable, all applicants upon request shall be required to provide the City with capacity on the
27 applicant's cable over and above the capacity specifications submitted by the applicant. Such additional
28 capacity may be in the form of dedicated fiber or dedicated space on the same cable being installed by
29 the applicant or in the form of separate cable, as specified by the Department of Administrative Services,
30 and shall be dedicated to the City for as long as the cable is attached to the City's poles. The City shall
31 have the right to use that capacity for any governmental purpose and the right to lease that capacity to
32 any public or nonprofit entities. The incremental costs of adding the specified amount of capacity for the
33 City shall be borne by the City.

34 k. Applications for attachment to City-owned poles shall be submitted to the City
Light Department. The City Light Department shall then coordinate that request with ~~((the Engineering
Department))~~ Seattle Transportation and the Department of Administrative Services. Approval of all
three (3) departments shall be required prior to the issuance of a permit to attach to the poles.

35 l. All applications for pole attachment shall be considered on a first-come, first-
serve basis, provided that where space is limited, attachment permits shall be given first to public

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1 entities, second to entities which act as large-scale common carriers, third to entities which request
attachment to six (6) poles or less for their own private communication needs, and fourth to others.

2 m. If no space can be created on the poles requested, the applicant may seek an
exception to any of the requirements set forth in this section by submitting a written request to a three
3 (3) person review committee comprised of one (1) representative each from the ((Department of
Administrative Services, the Engineering Department)) Executive Services Department, Seattle
4 Transportation and the City Light Department. The committee shall review the request with reference to
considerations which may warrant making an exception including, but not limited to reduced
5 environmental effects, the lack of alternatives for achieving equivalent service available to the applicant,
the lack of alternative routing which can be made available and the feasibility of undergrounding all or
6 part of the cable. After engaging in a review of the application, the committee shall forward a
recommendation to the Mayor and City Council. Any exceptions to the requirements of this section must
7 be approved by ordinance.

8 n. All entities that are provided attachments to City-owned poles, including attachments
by means of co-lashing, shall pay a use fee for each such attachment at a rate established by ordinance,
provided that fees established by prior agreement shall remain in effect until the expiration or
9 termination of such agreement.

10 Section 82. SMC 15.35.010 is hereby amended as follows:

11 **Permits for filming.**

12 To accommodate filming motion pictures and videotaping productions, and pursuant to a filming
13 permit, the Director of ((Engineering)) Transportation, or as to park drives and boulevards, the
Superintendent of Parks and Recreation, may close public places for a duration consistent with
14 preserving necessary access to adjacent properties; authorize temporary changes in the appearance
thereof; relocate street signs and other fixtures; permit erection of temporary structures and parking of
15 vehicles in designated areas longer than twenty-four (24) hours or parking meter limits; and provide
other appropriate services.

16 Applications for a filming permit shall be made to the permitting authority, and when issued the
17 permit shall be in the nature of a master permit for the activities described, covering uses contemplated
by Chapters 15.08 through 15.46, inclusive.

18 Section 83. SMC 15.36.010 is hereby amended as follows:

19 **Permits-Authority.**

20 The Director of ((Engineering)) Transportation, or as to park drives and boulevards, the
21 Superintendent of Parks and Recreation, may grant permits to raise and/or lower safes, machinery or any
other heavy articles into and from buildings and to occupy in so doing such portion of the public place as
22 the authorizing official may deem necessary and subject to such conditions and regulations as may be
prescribed for the safety and convenience of the public.
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Section 84. SMC 15.38.010 is hereby amended as follows:

Procedure generally.

A. Seizure. The Director of ((Engineering)) Transportation, and as to park drives and boulevards, the Superintendent of Parks and Recreation (collectively, the "authorizing official") may take custody of any personal property which is in a public place without a permit as follows:

1. Immediately with respect to property which constitutes a hazard to public safety or obstructs travel or transportation;
2. Immediately with respect to property identified in Section 15.38.040 or Sections 15.48.100 -15.48.110;
3. In accordance with the statute or section cited as to property within Section 15.38.050;
4. After twenty-four (24) hours of continuous occupancy, when a permit is required for the occupancy; and/or
5. After a reasonable time, when the location of the property reflects circumstances described in Section 15.38.060.

B. Persons Authorized. The authorizing official may remove and dispose of the property, in accordance with the section of this chapter which is most nearly applicable under the circumstances. The impounding may be made under the direction of the authorizing official by any City employee, or by any police officer, by a contractor, or by an authorized volunteer.

C. Order to Remove. As an alternative to taking custody, the City may decline to accept the property and require the owner or the last person in possession of the property to remove the property from a public place; or, if the owner is known, relocate the property to the owner's premises.

D. Disposition. Upon taking custody, the City's remedies include, among other alternatives, retaining the property for City use, selling it and depositing the funds, donating it for charitable purposes in accordance with RCW 63.24.160, and/or disposing of it as solid waste, each as indicated in the following sections.

Section 85. SMC 15.38.040 is hereby amended as follows:

Seizure and summary disposal.

The Director of ((Engineering)) Transportation, or as to park drives and boulevards, the Superintendent of Parks and Recreation (the "authorizing official") may take custody of and dispose of without notice any of the following objects or articles within a public place:

A. Debris, spilled loads, or obstructions, as contemplated by Chapter 15.46; and any solid waste accumulated in violation of Sections 21.36.400 through 21.36.440;

B. Personal property that the owner disclaims or authorizes the City to take; and property that appears to be abandoned and is valued at Twenty-five Dollars (\$25.00) or less, unless the property is of a character to be of interest to the Chief of Police;

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1 C. Any contraband or other property which it is unlawful to produce or possess; any object
2 declared a nuisance by statute or City ordinance where summary abatement is authorized; and, unless
3 authorized by permit from the Fire Chief, any explosives or other substances that may present a danger
4 to public safety;

5 D. Any unauthorized sign, signal or marking as defined in RCW 46.61.075 or Seattle Municipal
6 Code Sections 11.50.520 through 11.50.560; and

7 E. Any advertising sign or notice affixed without City permission to a traffic control device, a
8 utility pole, a City structure, other than a poster board or kiosk designated for handbills, or a City-owned
9 tree or shrub.

10 If the property is of a character that it appears to be of interest to the Chief of Police, the
11 authorizing official shall allow the Chief an opportunity to take possession as contemplated by RCW
12 63.21.050-63.21.060 and RCW Chapter 63.32, and if the Chief declines to take custody, the authorizing
13 official may dispose of it.

14 Each authorizing official may authorize any person or association to assist in removing litter,
15 solid waste, debris, disclaimed or abandoned property, and unauthorized signs or notices from a public
16 place and may arrange for disposal of material so collected.

17 Section 86. SMC 15.38.050 is hereby amended as follows:

18 **Motor vehicles; boats; animals; newsstands.**

19 The impoundment and disposition of abandoned and/or unauthorized vehicles is regulated by
20 Seattle Municipal Code Chapter 11.30 and RCW 46.55.080 through 46.55.115, and as to a vehicle,
21 watercraft, camper, or component part thereof whose manufacturer's serial or distinguishing number or
22 mark has been removed or altered by RCW 46.12.310-46.12.340. The Director of ~~((Engineering))~~
23 Transportation and the Superintendent are authorized to assist the Chief of Police and the Director of
24 Licenses and Consumer Affairs in arranging for the removal thereof from public places.

The impounding of animals is regulated by Seattle Municipal Code Chapter 9.25.

The impounding of newsstands is regulated by Seattle Municipal Code Section 15.14.070.

Section 87. SMC 15.40.030 is hereby amended as follows:

Placement by City – Payment

The Director of ~~((Engineering))~~ Transportation or, as to park drives and boulevards, the
Superintendent of Parks and Recreation (collectively the "authorizing official") is authorized to place
barricades and warning lights at unguarded or inadequately guarded excavations, obstructions, or other
dangerous conditions existing in any public place and anyone causing or permitting such condition shall
pay the cost of barricading and lighting by the City according to a fee schedule established by ordinance.

Section 88. SMC 15.42.030 is hereby amended as follows:

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1 **Contact with telephone or electric wires.**

2 No trees shall be allowed to come in contact with telephone, telegraph, electric or power wires of
3 public service companies or of the City where such wires are twenty-five feet (25') or more above the
4 level of the public place over which they pass. When the Director of ~~((Engineering))~~ Transportation
5 finds that such trees are coming in contact with such wires of public service companies or of the City,
6 said Director may order the trees trimmed, and if not so trimmed within ten (10) days after service of
7 written notice upon the owner of such trees, or the posting of written notice thereof upon the premises,
8 the Director of ~~((Engineering))~~ Transportation may issue a permit to the owner(s) of the wires,
9 authorizing them to trim such trees at their own expense. If the work is done by the owner(s) of the
10 wires, the Director of ~~((Engineering))~~ Transportation or his/her representative may accompany such
11 owner(s) or the contractor thereof and have charge of the work, and the cost of supervising such
12 trimming shall be borne by the owner(s) of the wires.

13 Section 89. SMC 15.42.050 is hereby amended as follows:

14 **Conformance to Street Tree Planting Standards.**

15 Tree planting shall conform to the Street Planting Standards of the City of Seattle adopted by the
16 Board of Public Works and continued in effect pursuant to this subtitle or as later modified by the
17 Director of ~~((Engineering))~~ Transportation, insofar as practical. Changes from those standards may not
18 be granted without approval of the Director of ~~((Engineering))~~ Transportation.

19 Section 90. SMC 15.42.060 is hereby amended as follows:

20 **Removal of hazards.**

21 If any such trees or shrubs are or become a hazard, the Director of ~~((Engineering))~~ Transportation
22 may order the same removed as provided by this subtitle.

23 Section 91. SMC 15.44.003 is hereby amended as follows:

24 **Permit-Required.**

 It is unlawful to make any excavation or fill in or upon any public place without a permit from
the Director of ~~((Engineering))~~ Transportation, or as to park drives and boulevards, the Superintendent
of Parks and Recreation (collectively called the "authorizing official"). This section shall not apply to
activities of the City for the purpose of street or boulevard maintenance; activities of City contractors in
performing public works contracts in accordance with the plans and specifications of an authorizing

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1 official; gardening activities for the care of planting strips and unimproved streets as contemplated by
2 Section 15.02.048; and tree planting in unimproved areas in conformance with Chapter 15.42.

3 Section 92. SMC 15.44.090 is hereby amended as follows:

4 **Permit procedures.**

5 The following procedures and criteria shall be used in processing an application for the permit
6 required by Section 15.44.003 or Section 15.44.020:

7 A. Plans, specifications and methods of construction required by the authorizing official shall be
8 submitted in quadruplicate.

9 B. Shoring plans submitted shall be designed by and bear the seal of a professional engineer
10 licensed in the state.

11 C. All shoring systems, including the members, their connections and support, shall be designed
12 to carry the loads imposed on them and details shall be shown on the plans.

13 D. Allowable stresses, including allowances for short term loading, for timber, steel or concrete
14 shall be based on the Seattle Building and Construction Code (Title 22).

15 E. Soil investigations and reports may be required for all excavations described in Section
16 15.44.020 so that appropriate pressures may be established. The authorizing official may require
17 investigations at any depth whenever specific conditions existing at the site of such excavation reveal an
18 unstable soil structure, circumstances indicate that the excavation may impair the lateral support of any
19 public place or any adjacent City property, or that such further investigation will supply information
20 necessary to properly evaluate the application for the permit or shoring plans submitted. When highway
21 traffic can come within a horizontal distance from the top of the shoring equal to one-half (1/2) of its
22 height, the pressure shall have added to it a live load surcharge pressure equal to not less than two feet
23 (2') of earth.

24 F. Soldier piles, tie-back rods, anchors and other shoring materials that are intended to remain in
a public place after completion of the construction on adjoining property shall be shown on the plans
submitted and so identified. If approved, the authorizing official may require that the plans filed be
supplemented upon completion of construction, with a set of plans or other documents showing such
residuals in public places, as constructed.

G. When the plans presented show an encroachment upon the property interest of an abutting
owner or of a franchise holder in a public place, the authorizing official may require that the consent of
the person so affected be obtained as a condition of the issuance of the permit provided for in Section
15.44.020.

H. If in the opinion of the Director of ((Engineering)) Transportation or Director of Construction
and Land Use the design of any excavation or fill, whether shored or not, does not adequately protect the
public place, the authorizing official may require a third party review of the design. Third party review
requires the applicant's geotechnical and/or additional technical studies to be reviewed by an
independent third party, paid for by the applicant but hired by the authorizing official. Third party
review shall be conducted by a qualified engineering consultant.

I. Backfilling and restoring of excavations or cave-ins in public places is regulated by Chapter
15.26.

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2 Section 93. SMC 15.44.130 is hereby amended as follows:

3 **Collection of charges.**

4 A. The holder of any permit required by SMC Sections 15.44.003 or 15.44.020, or contractor
5 making the excavation or fill described in SMC Sections 15.44.003 or 15.44.020, or the owner of the
6 property upon which such excavation or fill is being made shall pay all charges assessed pursuant to this
7 title on or before thirty (30) days after mailing of a statement of charges by the authorizing official. In
8 event of an appeal pursuant to SMC Sections 15.44.140 and 15.44.150 from a determination of the
9 Director of ~~((Engineering))~~ Transportation, the Street Use Appeals Board may extend the time for
10 payment pending its determination of the appeal and for a reasonable time thereafter.

11 B. Such charge shall be the joint and several obligation of the permit holder, contractor and
12 owner and in the event such charges remain unpaid thirty (30) days after the date due, recovery thereof
13 may be made from the cash deposit and/or upon the security provided pursuant to Section 15.44.030,
14 and/or by civil action in the manner provided by law.

15 Section 94. SMC 15.44.140 is hereby amended as follows:

16 **Appeal.**

17 A. An applicant for the permit required by SMC Section 15.44.003, feeling aggrieved by any of the
18 following actions, charges or determinations of the Director of ~~((Engineering))~~ Transportation may
19 within ten (10) days thereof appeal the same to the Director personally, or the Director's designated
20 hearing officer by filing a written notice of appeal with the Director:

- 21 1. The denial of a permit to excavate or fill required by SMC Section 15.44.003;
- 22 2. The amount or sufficiency of the security to be posted pursuant to SMC Section
23 15.44.030;
- 24 3. The amount and coverage of the insurance to be supplied pursuant to SMC Section
15.44.040 ;
4. Requests for soil investigations made pursuant to SMC Section 15.44.090; and/or
5. Actions imposing conditions modifying, or rejecting any special plans, specifications,
shoring plans, and proposed methods of construction required by SMC Sections 15.44.070 or
15.44.090.

No appeal may be made from such actions or determinations after the applicant has accepted the
permit to excavate or fill. Unless otherwise determined by the Director of ~~((Engineering))~~
Transportation, no such permit to excavate or fill shall issue until after final determination of any such
appeal.

B. A holder of the permit required by SMC Sections 15.44.003 or 15.44.020, feeling aggrieved
by any of the following actions, charges or determinations of the Director of ~~((Engineering))~~
Transportation may within three (3) days thereof (exclusive of Saturdays, Sundays, and holidays) appeal

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1 the same to the Director personally or the Director's designated hearing officer by filing a written notice
2 of appeal with the Director:

- 3 1. A directive by the Director of ((Engineering)) Transportation to increase the security
4 required pursuant to SMC Section 15.44.030;
5 2. The amount of charges for actions taken pursuant to SMC Section 15.44.120 or
6 15.22.090 to protect the public;

7 3. Suspension or revocation of the permit pursuant to SMC Section 15.44.110.
8 C. Any such permit holder feeling aggrieved by any action directive or determination of the
9 Director of ((Engineering)) Transportation made or taken pursuant to SMC Section 15.44.120, other than
10 the amount of charges made thereunder, may appeal from the same to the Director personally or to the
11 Director's designated hearing officer by filing a written notice of appeal with the Director within three
12 (3) days (exclusive of Saturday, Sunday and holidays) from the date the direction or determination was
13 first made, or the action first taken; provided, that the permit holder shall fully comply with the Director
14 of Engineering's direction or determination pending the decision on the appeal, and no compensation
15 shall be paid or allowed such permit holder for any expenses incurred in connection with compliance.

16 D. The Director may delegate to a designated hearing officer the conduct of a hearing and may,
17 after opportunity for a hearing, sustain, modify or reverse any such action, charge or determination. The
18 decision of the Director of ((Engineering)) Transportation shall be final.

19 Section 95. SMC 15.44.150 is hereby amended as follows:

20 **Form of notice of appeal.**

21 The written notice of appeal required in SMC Section 15.44.140 shall be filed in triplicate,
22 describe precisely the action or determination appealed, explain the error alleged therein, and propose
23 the action desired from the Director of ((Engineering)) Transportation.

24 Section 96. SMC 15.46.010 is hereby amended as follows:

Removal of obstructions or nuisances.

Whenever it furthers the safety or convenience of the public, the Director of ((Engineering))
Transportation, and, as to park drives and boulevards, the Superintendent of Parks and Recreation, may
remove obstructions, hazards or nuisances from public places, and anyone causing the obstruction,
hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same
and cleaning the public place together with a charge equal to fifteen percent (15%) of the City's costs to
cover administrative expenses.

Section 97. SMC 15.46.020 is hereby amended as follows:

Spilled loads.

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1 The owner or operator of any vehicle which has spilled, dropped, dumped, or in any manner
2 deposited any matter upon a public place shall cause the public place to be cleaned when notified so to
3 do by the ((City)) Director of ((Engineering)) Transportation, or as to park drives and boulevards, by the
4 Superintendent of Parks and Recreation.

5 Section 98. SMC 15.48.120 is hereby amended as follows:

6 **Responsibility for costs of removal.**

7 Any person responsible for any posting made unlawful by Section 15.48.100 shall be liable to the
8 City for the costs incurred by the City in removal thereof and, in event of a failure to pay, for billing and
9 collection charges.

10 The Director of ((the Engineering Department)) Transportation, or his or her designee, is
11 authorized to effect the collection of the removal cost incurred by the City, and, if the charge is not paid
12 promptly, interest and the costs of collection, including reasonable attorney's fees. The cost shall be
13 determined in accordance with a rate schedule approved by the City by ordinance. Costs include, but are
14 not limited to, direct labor, material and equipment costs, as well as department and general City
15 overhead costs attributable to the removal of signs and to identifying the responsible person or persons
16 and collecting from them the costs of removal.

17 If the person responsible for posting the handbill, sign or poster is a minor or indigent, the
18 Director of ((the Engineering Department)) Transportation, or his or her designee, is authorized to accept
19 in settlement community service or labor in litter collection or removal of signs from public places equal
20 in value to the City's cost of removal.

21 The Director of ((the Engineering Department)) Transportation is authorized to promulgate rules
22 for the implementation of the program to recover the costs of removal, including providing for an
23 administrative hearing before the Director of his or her designee.

24 Section 99. SMC 15.50.010 is hereby amended as follows:

Notice calling for compliance.

The Director of ((Engineering)) Transportation, and, as to park drives and boulevards, the
Superintendent of Parks and Recreation, is authorized to post notice on private property at or abutting
the scene of any violation of this title, calling for the terms of this title to be complied with.

Section 100. SMC 15.50.023 is hereby amended as follows:

Stop Order-Activity in a public place.

A. Order; Effect. Whenever the Director of ((Engineering)) Transportation or Superintendent of

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1 Parks and Recreation as to park drives and boulevards (collectively called "the authorizing official")
2 shall post a Stop Order at a site in a public place and serve a copy upon a person doing or responsible for
the work, all work in the public place shall cease except that authorized in the Stop Order.

3 B. Basis for Order. A Stop Order directed to activity in a public place may issue for any of the
following reasons:

- 4 1. The order is ancillary to or to implement an order authorized in Sections 15.44.100-
15.44.110;
- 5 2. The order is authorized by Sections 15.76.050- 15.76.060 with respect to a bridge,
trestle, viaduct, retaining wall or other structure;
- 6 3. No permit has been issued for the activity in the public place; the permit issued to the
permittee does not authorize the work being stopped; or the permit has expired;
- 7 4. A violation of this title is occurring that would be grounds for suspending or revoking
the permit;
- 8 5. There is a hazard that creates a substantial risk of injury to the public, the utilities in
the public place, or damage to the public place, itself; or
- 9 6. If required, the public liability insurance to be furnished by the permittee is no longer
in force.

10 C. Contents. The Stop Order shall state the work being stopped and state the basis of the order.
The Stop Order shall permit work to continue for the purpose of correcting the violation or hazard that
prompted the order.

11 D. Review. A Stop Order of the Director of ((Engineering)) Transportation directed to activity in
12 a public place may be appealed to the Street Use Appeals Board and shall be heard under the Board's
rules as a contested matter as soon as practicable. Unless the Director provides otherwise, the Stop Order
13 shall remain in effect pending the hearing. The decision of the Board shall be final. A person aggrieved
by a Stop Order of the Superintendent may request the Superintendent to reconsider the matter and shall
14 be granted a hearing to present evidence and make objections; the decision of the Superintendent upon
reconsidering the matter is final.

15 Section 101. SMC 15.50.025 is hereby amended as follows:

16 **Stop Orders-Adjacent property.**

17 A. Authorization. When activity in a public place is related to activity upon adjacent property,
18 and the Director of ((Engineering)) Transportation or the Superintendent of Parks and Recreation as to
park drives and boulevards (collectively called the "authorizing official") has issued, or is about to issue,
19 a Stop Order as to activity in a public place, the authorizing official may issue a Stop Order for the
activity on the adjacent property that would supplement the Stop Order issued, or about to be issued, as
20 to the public place if he or she, upon inspection, determines that one (1) of the following circumstances
exists:

- 21 1. There is a hazard that, unless corrected promptly, creates a substantial risk of injury to
the public in the public place or damage to the public place or utilities in a public place; or there is a
22 substantial risk that the work, if allowed to continue in its current course, will create such a hazard
unless the City intervenes;

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- 1 2. The order is authorized by Sections 15.44.100- 15.44.110 with respect to excavations
- 2 or fills;
- 3 3. The order is authorized by Sections 15.76.050- 15.76.060 with respect to bridges,
- 4 trestles, viaducts, and other structures;
- 5 4. A material violation of Title 15 is occurring and stopping the work on the adjacent
- 6 property is germane to and an appropriate method of correcting the violation; or
- 7 5. The authorizing official has served notice upon the permittee to correct the violation, a
- 8 reasonable time has elapsed and the violation remains uncorrected, the delay is without satisfactory
- 9 excuse, and the public need for getting the violation corrected justifies the remedy requested by the
- 10 authorizing official.
- 11 B. Posting; Effect. The Stop Order shall be posted conspicuously on the premises and a copy
- 12 served upon a person doing or responsible for the work. Upon such posting or service, all work except
- 13 that authorized in the Stop Order shall cease.
- 14 C. Contents. The Stop Order shall identify the work to be stopped and the violation or hazard to
- 15 be corrected. The Stop Order shall permit work to continue for the purpose of correcting the violation or
- 16 hazard that prompted the Stop Order.
- 17 D. Review. A Stop Order as to property adjoining a public place shall be subject to appeal to the
- 18 Street Use Appeals Board within ten (10) days after the date of the Order. The decision of the Board on
- 19 review shall be final. A person aggrieved by a Stop Order of the Superintendent may request the
- 20 Superintendent to reconsider the matter and shall be granted a hearing to present evidence and make
- 21 objections; the decision of the Superintendent upon reconsidering the matter is final.

12 Section 102. SMC 15.50.028 is hereby amended as follows:

13 **Violation of Stop Order.**

- 14 A. It is unlawful for anyone to engage in or cause any further work to be done in a public place
- 15 when a stop Order has been posted at or upon the premises, except as authorized by the order or a
- 16 written authorization from the Director of ~~((Engineering))~~ Transportation, or as to park drives and
- 17 boulevards, the Superintendent of Parks and Recreation.
- 18 B. It is unlawful for anyone to engage in or cause any further work to be done upon any
- 19 premises adjacent to a public place when a Stop Order has been posted at or upon the premises, except
- 20 as authorized by the Order or a written authorization from the issuing official.
- 21 C. The term "work" includes, but is not limited to, construction, demolition, repair,
- 22 transportation of materials or equipment to or from the premises, installation or testing of equipment,
- 23 excavation or fill, and connection of utility service.

20 Section 103. SMC 15.50.060 is hereby amended as follows:

21 **Civil infractions.**

- 22 A. Except as otherwise provided in Section 15.50.040, failure to perform any act required or the
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1 performance of any act prohibited by this title or the failure to remove any obstruction or discontinue a
2 use or occupancy of a public place when ordered to do so by an authorized City official is designated a
civil infraction as and shall be processed as contemplated by RCW Chapter 7.80.

3 B. All civil infractions under this title shall be subject to a monetary penalty as a Class 1 civil
4 infraction under RCW 7.80.120 of not more than Two Hundred Fifty Dollars (\$250.00), not including
statutory assessments, except those identified in subsection C and in Section 15.48.050.

5 C. Violation of the following sections shall be subject to a monetary penalty as a Class 4 civil
6 infraction under RCW 7.20.120 of not more than Twenty-five Dollars (\$25.00), not including statutory
assessments, and a default amount of Twenty-five Dollars (\$25.00):

15.12.040 "Signs, Banners and Street

Clocks," Street clocks

15.14.030

"Newsstands," Requirements 15.14.040 "Newsstands," When permit
required - Issuance

15.14.050

"Newsstands," Congestion
control

15.14.070

"Newsstands," Authority of

Director of ((Engineering)) Transportation (and violation of a rule promulgated
pursuant thereto)

(Quotation marks above enclose chapter headings.)

10 D. The civil penalty is separate from, and does not limit, any amounts that may be imposed as
11 restitution.

12 Section 104. SMC 15.50.080 is hereby amended as follows:

13 **Citation, prosecution, and civil actions.**

14 A. A prosecution for a criminal offense identified in Section 15.50.040 may be initiated by an
15 arrest or by citation and notice on the manner authorized by the criminal rules for courts of limited
jurisdiction promulgated by the Washington Supreme Court.

16 B. An action for a penalty for a civil infraction may be initiated by the issuance, service, and
17 filing of a notice of civil infraction as contemplated by RCW 7.80.050 and the infraction Rules for
Courts of Limited Jurisdiction (IRLJ). For purposes of RCW 7.80.040, the "enforcement officer"
18 authorized to enforce the provisions of this title are: (1) as to park drives and boulevards, the
Superintendent of Parks and Recreation, and as to other public places, the Director of ((Engineering))
Transportation; (2) authorized representatives or assistants of either of them; and (3) a commissioned
19 officer of the Seattle Police Department and a person issued a Special Police Officer Commission by the
Chief of Police with authority to enforce this title.

20 C. An action for a civil infraction shall be processed in the manner contemplated by RCW
Chapter 7.80.

21 D. The City Attorney is authorized for and on behalf of The City of Seattle to bring a
22 prosecution for a criminal and civil penalty in order to enforce this title as needed, appropriate and bring
a civil action for damages and/or injunctive relief.

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1 Section 105. SMC 15.52.020 is hereby amended as follows:

2 **Committee membership.**

3 The Special Events Committee shall be comprised of the following voting members:

4 A. A representative of the Mayor, the Budget Director, the Fire Chief, the Police Chief, the
5 Superintendent of Parks and Recreation, and the Directors of (~~Engineering~~) Transportation,
6 Construction and Land Use, Finance, and Neighborhoods, and of the Seattle-King County Health
7 Department;

8 B. A representative of the Metropolitan Services Division of King County;

9 C. Three (3) citizens and one (1) alternate appointed by the Mayor, subject to confirmation by
10 the City Council; an alternate may vote when the appointee is absent. One (1) of the citizens shall have
11 experience in organizing special events with attendance over ten thousand (10,000) people; another shall
12 have experience organizing smaller events. Members shall serve without compensation, by reason of
13 their committee membership. Citizen members and alternates may be reimbursed for expenses incurred
14 in attending committee meetings and performing committee duties. The Mayor shall appoint the chair of
15 the Committee, who shall serve for a term of two (2) years and may be reappointed. The incumbent chair
16 shall hold over at the expiration of his or her term until a successor is appointed and qualifies. The chair
17 shall provide for maintaining committee records, arranging meeting times and places, sending
18 statements, and issuing permits on behalf of the Committee.

12 Section 106. SMC 15.52.040 is hereby amended as follows:

13 **Special event permits required.**

14 A. A special event permit or authorization from the Special Events Committee is required for
15 any event in a park or public place that is reasonably anticipated to require police personnel in order to
16 provide crowd or traffic control. Such special event permit shall be in addition to any street or park use,
17 or other regular permits as may be required by ordinance.

18 B. To avoid duplication, when a special event permit covers the subject matter to their
19 satisfaction, the Director of (~~Engineering~~) Transportation and/or as to parks, park drives, and
20 boulevards, the Superintendent of Parks and Recreation, respectively, may waive issuing a separate use
21 permit or park use permit.

22 C. When a special event permit is required, no street use permit shall issue under this title, nor
23 shall a park use permit issue pursuant to Title 18 for such an event until the Special Events Committee
24 has issued its special event permit therefor or otherwise authorized the issuance of the departmental
25 permits, unless pursuant to subsection (1), the Director and/or the Superintendent waive issuance of
26 separate permits.

27 D. When such an event will be an exercise of rights protected by the First and Fourteenth
28 Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington
29 Constitution, the application shall be processed promptly, without charging a fee for political or
30 religious activities or imposing terms or conditions that infringe constitutional freedoms, and in a

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1 manner that respects the liberties of applicants and the public.

2 Section 107. SMC 15.60.015 is hereby amended as follows:

3 **Street classification system.**

4 The classification of streets contemplated by RCW 35.78.010 and RCW 47.28.180, adopted by
5 Ordinance 113194 and amended from time to time, and the "Seattle Comprehensive Transportation
6 Program - Street Classification Guidelines" adopted by Resolution 27152, as revised from time to time,
7 are available for inspection and copying at ~~((the Engineering Department))~~ Seattle Transportation,
~~((Traffic and Transportation Division,))~~ and at the office of the City Clerk, Seattle Municipal Building.

8 Section 108. SMC 15.62.030 is hereby amended as follows:

9 **Petition fees.**

10 Every petition for the vacation of any street, alley or public place, or any part thereof, shall be
11 accompanied by an initial payment to the City of a pre-hearing fee of Four Hundred Fifty Dollars
12 (\$450.00) to defray a portion of the administrative costs incurred in processing such vacation petitions.
13 Subsequent fees for post-hearing activities shall be One Hundred Fifty Dollars (\$150.00) for single-
14 family residential zoned land, and Three Hundred Dollars (\$300.00) for all other street vacation
15 petitions. Such fees shall not be refunded under any circumstances. In addition, at the time the City
16 Council, or a committee thereof, recommends granting a vacation petition for single-family residential
17 zoned land, the petitioner shall deposit Six Hundred Dollars (\$600.00) with the Director of
18 ~~((Engineering))~~ Transportation to be applied to the cost of an appraisal. If the land is zoned other than
19 single-family residential or multiple parcels of land are involved in the vacation, the petitioner shall
20 deposit an amount determined by the Director of ~~((Engineering))~~ Transportation to be the Director's best
21 estimate of the cost of an appraisal of the land. In the event an appraisal cost is less than the amount
22 deposited, the vacation compensation payable to the City shall be reduced by the difference between the
23 deposit and the actual cost or, in the alternative, such difference shall be refunded. In the event an
24 appraisal cost is more than the amount deposited, the vacation compensation payable to the City shall be
increased by the difference between the deposit and the actual cost, or, in the alternative, such difference
shall be separately billed and paid prior to final approval of the vacation.

19 Section 109. SMC 15.62.100 is hereby amended as follows:

20 **Appraisals.**

21 The Director of ~~((Engineering))~~ Transportation is authorized to obtain appraisals from either
22 qualified, independent appraisers or qualified ~~((Engineering Department))~~ City of Seattle personnel in
23 the discretion of the Engineer of such streets or alleys as are recommended for vacation after hearing by
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1 the City Council or a committee thereof, and is further authorized to obtain appraisals from either
2 qualified independent real estate appraisers or qualified ~~((Engineering Department))~~ City of Seattle
3 personnel, in the discretion of the Director of ~~((Engineering))~~ Transportation of the fair market value of
4 the alternate right-of-way of land proposed to be granted or dedicated to the City for street or alley
5 purposes in lieu of a cash payment in the manner contemplated by Section 15.62.090 and in such
6 instance an additional appraisal deposit fee shall be paid for the appraisal of such parcel or parcels, and
7 according to the fee and time schedule provided for in Section 15.62.030. Where qualified
8 ~~((Engineering Department))~~ City of Seattle personnel are used to make the required appraisals, a
9 reasonable hourly rate of compensation, as determined from time to time by the Director of
10 ~~((Engineering))~~ Transportation shall be charged against the appraisal deposit fee.

11 Section 110. SMC 15.62.110 is hereby amended as follows:

12 **Payment of compensation or conveyance.**

13 Upon securing an appraisal of the value of the street or alley area to be vacated as provided in
14 this chapter, the Director of Engineering shall notify the petitioner of the amount of compensation,
15 deducting therefrom any remaining appraisal fee deposit not previously refunded to petitioner. The
16 payment shall be delivered to the Director of ~~((Engineering))~~ Transportation who, upon receipt of any
17 such payment shall forthwith transmit the same to the City Finance Director for deposit in the
18 Cumulative Reserve Fund and shall make a written report of such payment to the City Council. In the
19 event that the petitioner has received approval of delivery of an instrument granting or dedicating to the
20 City a parcel or parcels of land in lieu of a cash payment as contemplated by Section 15.62.090, the
21 Director of ~~((Engineering))~~ Transportation, in his or her discretion, at the applicant's expense shall obtain
22 either a policy of title insurance insuring title thereto in the City, or a certificate of title as to the title
23 thereof, and upon receipt of such policy or certificate shall transmit the same to the City Council for
24 inclusion in the appropriate file.

Section 111. SMC 15.62.120 is hereby amended as follows:

Posting and mailing notices-Recording ordinance.

Posting and mailing of the notices provided for in this chapter shall be the responsibility of the
City Clerk, who shall have the discretion to permit the Director of ~~((Engineering))~~ Transportation or
his/her designee to post and mail the notices under the supervision of the City Clerk. As required by
RCW 35.79.030, a certified copy of the ordinance vacating a street, alley or public place, or part thereof,
shall be recorded by the City Clerk and in the office of the King County Comptroller.

Section 112. SMC 15.64.040 is hereby amended as follows:

Preliminary application.

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At the time of filing the application, the applicant shall also submit to the Director of ((Engineering)) Transportation on a form supplied by such official, the following:

- A. Conceptual drawings of the proposed skybridge, which shall include its location, size, height above ground surface, and cost estimate;
- B. Conceptual drawings of alternatives to the skybridge, with cost estimates;
- C. Drawings of the proposed skybridge showing its visual appearance;
- D. Photographs of the location and immediately surrounding area;
- E. An environmental checklist as defined by WAC 197-11-742 and WAC 197-11-960 and adopted by SMC Sections 25.05.315 and 25.05.960;
- F. A statement of the reasons for the necessity of the proposed skybridge;
- G. Any additional information deemed necessary for processing the application.

Section 113. SMC 15.64.050 is hereby amended as follows:

Circulation of preliminary application.

A. The Director of ((Engineering)) Transportation shall circulate the preliminary application and conceptual drawings to the Seattle Design Commission, the various interested City departments, and public and private utilities affected by the proposed skybridge for review, comment and recommendation.

B. In making the recommendation on the proposed skybridge, the following elements shall be considered:

- 1. That horizontal and vertical clearance is adequate;
- 2. That structural adequacy is insured;
- 3. Potential conflict with existing or proposed utilities, street lighting or traffic control devices;
- 4. View blockage;
- 5. Interruption or interference with existing streetscape;
- 6. Reduction of natural light;
- 7. Reduction of pedestrian activity at street level;
- 8. The number of pedestrians projected to use the skybridges;
- 9. Effect on commerce and enjoyment of neighboring land use;
- 10. Availability of reasonable alternatives;
- 11. Effect on traffic and pedestrian safety; and
- 12. Accessibility for elderly and handicapped.

Section 114. SMC 15.64.060 is hereby amended as follows:

Preliminary conceptual approval.

The Director of ((Engineering)) Transportation shall compile the comments and

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1 recommendations of the Seattle Design Commission, the various City departments, Executive
2 Department offices, and utilities and submit them, along with the preliminary application, conceptual
3 drawings and environmental documents, to the Street Use Appeals Board for conceptual approval review
4 of the proposed skybridge. Upon completion of review, the Street Use Appeals Board shall recommend
5 to approve, deny or modify the application, and transmit the recommendation, together with the
6 preliminary application, conceptual drawings and environmental documents, to the City Council or a
7 committee thereof, for conceptual approval.

8 Section 115. SMC 15.64.070 is hereby amended as follows:

9 **Submission of construction plans.**

10 If conceptual approval of the preliminary application is obtained from the City Council, the
11 applicant shall submit construction plans to the Director of ((Engineering)) Transportation, the Director
12 of Construction and Land Use, and the Seattle Design Commission for their final review and
13 recommendation to the Street Use Appeals Board.

14 Section 116. SMC 15.64.080 is hereby amended as follows:

15 **Council consideration of petition.**

16 A. The Director of ((Engineering)) Transportation shall determine if the construction plans are in
17 substantial conformance with the application which was given preliminary conceptual approval,
18 including any requirements or conditions imposed by the Council.

19 B. Upon completion of final review of the construction plans, the Director of ((Engineering))
20 Transportation shall transmit a final recommendation to the City Council for its decision to grant or deny
21 the petition for a skybridge permit.

22 C. Approval of a petition for a skybridge and permit shall be granted only by ordinance.

23 Section 117. SMC 15.70.030 is hereby amended as follows:

24 **Notification to construct or reconstruct-When work to be done by ((Department of
Engineering)) Seattle Transportation.**

Whenever the City Council has adopted such resolution, it shall cause a notice to be served on
the owner of the property directly abutting on such portion of such street instructing said owner to
construct or reconstruct a sidewalk on such portion in accordance with plans and specifications which
shall be attached to such notice. Such notice shall be served by delivering it in person to the owner or
leaving at his home with a person of suitable age and discretion then resident therein, or with an agent of
such owner, authorized to collect rentals on such property, or, if the owner is a nonresident of the state,
by mailing a copy to his last known address, or, if the owner is unknown or if his address is unknown,

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1 then by posting a copy in a conspicuous place on such portion of said street where such improvement is
2 to be made. Such notice shall specify a reasonable time within which such construction or reconstruction
3 shall be made, and shall state that in case the owner fails to make the same within such time, the City
4 will proceed to make the same through ~~((its Department of Engineering))~~ Seattle Transportation and at a
5 subsequent date, to be definitely stated in the notice, said department will report to the City Council an
6 assessment roll showing the lot or parcel of land directly abutting on such portion of such street so
7 improved, the cost of such improvement, the name of the owner, if known, and that the City Council at
8 the time stated in the notice or at the time or times to which the same may be adjourned, will hear any
9 and all protests against the proposed assessment. Upon the expiration of the time fixed within which the
10 owner is required to construct or reconstruct such sidewalk, if the owner has failed to perform such
11 work, the City may proceed to perform the work and shall, within the time fixed in said notice, report to
12 the City Council an assessment roll showing the lot or parcel of land directly abutting on such portion of
13 such street so improved, the cost of such work, and the name of the owner, if known. The City Council
14 shall, at the time in such notice designated, or at an adjourned time or times, assess the cost of such
15 improvement against the property and shall fix the time and manner for payment thereof, which
16 assessment shall become a lien upon the property and shall be collected in the manner provided by law
17 for collection of local improvements assessments under Title 35 of the Revised Code of Washington.

18 Section 118. SMC 15.72.010 is hereby amended as follows:

19 **Notice to clear or clean sidewalk.**

20 Whenever, in the judgment of the Director of ~~((Engineering))~~ Transportation, the condition of
21 any sidewalk, or any portion thereof, in the City is such as to render the same unfit or unsafe for
22 purposes of public travel, or require clearing, cleaning, repair or renewal, said official is authorized,
23 empowered and directed to serve upon the owner of the property immediately abutting upon the
24 sidewalk, a notice advising such owner of the condition thereof and instructing him/her to clear, clean,
repair or renew the same.

Section 119. SMC 15.72.020 is hereby amended as follows:

Notice-Information.

The notice provided for in SMC Section 15.72.010 shall specify a reasonable time, to be stated
therein, within which such clearing, cleaning, repair or renewal shall be done, and shall state that in case
the owner shall fail to do such clearing or cleaning or to make such repairs or renewals within the time
therein specified, ~~((the Engineering Department))~~ Seattle Transportation will clear or clean the walk or
make such repairs or renewal forthwith, and will report to the City Council at its next regular meeting, or
as soon thereafter as possible, the date to be definitely stated, an assessment roll showing the lot or
parcel of land immediately abutting on that portion of the sidewalk so improved, the cost of such
improvement or repair, and the name of the owner if known; and that the Council will hear any or all
protests against the proposed assessment.

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Section 120. SMC 15.72.040 is hereby amended as follows:

Work done by ~~((Engineering Department))~~ Seattle Transportation -Report to Council.

In case any property owner fails or neglects to clear, clean, repair or renew the sidewalk, or any portion thereof, in accordance with the requirements of the notice provided for in SMC Section 15.72.010, the Director of ~~((Engineering))~~ Transportation shall cause such sidewalk to be cleared, cleaned, repaired or renewed, and thereupon shall report to the City Council an assessment roll showing the lot or parcel of land immediately abutting upon the portion of the sidewalk so improved, the cost of such improvement or repair and the name of the owner, if known.

Section 121. SMC 15.76.010 is hereby amended as follows:

Inspection of bridges, trestles, viaducts, skybridges and other structures.

The Director of ~~((Engineering))~~ Transportation may annually, or as often as deemed necessary for the protection of the public safety, inspect or cause to be inspected all bridges, trestles, viaducts, tunnels, grade crossings, skybridges and other structures which have been or may be constructed or installed in, along, over, or across the public places of the City pursuant to ordinance granting any franchise or special permit and required by such ordinance to be maintained by the grantee of any such franchise or special permit. Pursuant to agreement with the Superintendent of Parks and Recreation, the Director of ~~((Engineering))~~ Transportation may also inspect or cause to be inspected such structures in, along, over, or across park drives and boulevards.

Section 122. SMC 15.76.020 is hereby amended as follows:

Inspection costs.

The cost of such inspection shall be paid by the grantee of any such franchise or special permit. The Director of ~~((Engineering))~~ Transportation, and/or as to park drives and boulevards, the Superintendent of Parks and Recreation, is authorized to bill for and collect fees in such amounts as are commensurate with the reasonable cost of such inspections.

Section 123. SMC 15.76.050 is hereby amended as follows:

Barricading of hazards authorized.

If the inspection authorized in Section 15.76.010 should disclose that there is a hazard to the public safety, health or welfare, then the Director of ~~((Engineering))~~ Transportation, and as to park

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1 drives and boulevards, the Superintendent of Parks and Recreation may order that the grantee of the
2 franchise immediately close the structure and set up barricades, warnings, and/or lights to the extent
3 necessary, so as to prevent public access to the area of the hazard in the interest of public safety. If the
4 City incurs an expense in erecting or maintaining barricades, warnings, lights, and/or detours of traffic,
5 the authorizing official shall bill the owner or occupant the cost thereof together with an amount equal to
6 fifteen percent (15%) of such costs to cover administrative charges.

7 Section 124. ~~SMC 15.76.060~~ is hereby amended as follows:

8 **Other protective action.**

9 A. If the inspection authorized in Section 15.76.010 should disclose that the structure is not
10 being maintained in accordance with approved plans and specifications, the Director of ((Engineering))
11 Transportation, and as to park drives and boulevards, the Superintendent of Parks and Recreation (the
12 "authorizing official") may require that the grantee within ten (10) days present a plan for making the
13 necessary repairs or improvements to bring the structure into as good or better condition than
14 contemplated by the approved plans and specifications; that the plan include time tables for completion
15 of the work, and that the grantee adopt a plan of regular maintenance and repair.

16 B. If the inspection should disclose that the structure endangers persons in the public place
17 (whether through a collapse, dropping of materials, channelizing water or debris, or subsidence of the
18 surface of the public place) or that the structure does not meet applicable standards of the Building and
19 Construction Code (Title 23), the authorizing official may direct that the grantee at his or her expense
20 make immediate repairs to correct the hazard to the public place and to bring the structure into
21 conformity with applicable City codes. The authorizing official, in consultation with the Director of
22 Construction and Land Use, may set a reasonable deadline for the grantee to complete the necessary
23 repairs or removal of the structure.

24 C. Should the grantee fail to make satisfactory progress toward remedying a hazard to the public
25 health, safety, or welfare or a reasonable time elapse after notice to the grantee to make such repairs, the
26 Director of ((Engineering)) Transportation or the Superintendent of Parks and Recreation, as to park
27 drives and boulevards, may enter upon the property and take such actions as deemed necessary to protect
28 the public from the hazard; and the owner or grantee shall be liable to the City for the costs thereof
29 together with an amount equal to fifteen percent (15%) of such costs to cover the City's administrative
30 expenses.

31 D. In the event a franchise ordinance provides an alternative procedure for remedying a hazard
32 to the public health, safety or welfare, from such structures, the procedure in the franchise ordinance
33 shall be followed.

34 Section 125. ~~SMC 15.90.010~~ is hereby amended as follows:

35 **Street Use Appeals Board established-Membership.**

36 A. There is hereby established a Street Use Appeals Board composed of the following officials:

1 1. The Superintendent of Parks and Recreation;
2 2. The Director of ~~((Engineering))~~ Transportation;
3 3. The Director of Construction and Land Use;
4 4. The Director of Neighborhoods; and
5 5. The ~~((Superintendent of Water))~~ Director of Seattle Public Utilities or the
6 Superintendent of City Light, as determined by the chair of the Board for each matter coming before the
7 Board.

8 B. Each such member may designate, on an annual basis, such member's alternate, who shall be
9 a senior administrator within such member's department who has knowledge of the concerns of that
10 department and City policies and interests regarding matters coming before the Board.

11 C. The members of such Board other than the Superintendents of ~~((Water and))~~ City Light and
12 the Director of Seattle Public Utilities shall elect from among themselves, on an annual basis, a chair
13 who shall preside over all meetings of such Board in addition to exercising the right to vote in all matters
14 coming before such Board.

15 Section 126. SMC 15.90.020 is hereby amended as follows:

16 **Street Use Appeals Board-Functions.**

17 In addition to the advisory and quasi-legislative decision-making specified in SMC Sections
18 11.16.315 and 11.16.317, the Street Use Appeals Board may hear and decide appeals of the
19 determinations and actions of the Director of ~~((Engineering))~~ Transportation and Traffic Engineer listed
20 below:

21 A. The closure, or authorization to close, pursuant to SMC Section 11.16.125 A, of any street or
22 alley or portion thereof to any or all traffic;

23 B. The designation of which streets shall be used for one (1) way traffic, and the allowable
24 direction thereof, under SMC Section 11.16.125 B;

 C. The addition or deletion, pursuant to SMC Section 11.16.317, of streets or street segments
within a residential parking zone along which parking shall be restricted;

 D. The issuance or revocation, pursuant to SMC Section 1.73.200, of permits for parking in a
residential parking zone;

 E. The approval or denial of a street use permit, generally, pursuant to SMC Section 15.04.010;

 F. The determination, pursuant to SMC Section 15.04.040, of the amount of any cash indemnity
deposit, or surety bond in lieu thereof or in addition thereto, that is required of an applicant
for a street use permit;

 G. The determination, pursuant to SMC Section 15.04.045, of the amount of public liability
insurance coverage that is required of an applicant for a street use permit;

 H. The determination, pursuant to SMC Section 15.04.050, of the amount of any surety bond
that is required of an applicant for a street use permit;

 I. The revocation, pursuant to SMC Section 15.04.070, of any street use permit;

 J. The approval or denial, pursuant to SSMC Section 15.08.080, of a request to construct a street
elevator;

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1 K. The approval or denial, pursuant to SSMC Section 15.10.020, of a request for exception to
minimum height requirement applicable to marquees, awnings and canopies;

2 L. The approval or denial, pursuant to SSMC Section 15.10.030, of a request for exception to
vertical depth requirement applicable to marquees;

3 M. The approval or denial, pursuant to SSMC Section 15.12.030, of a request for a permit to
hang a banner;

4 N. The approval or denial, pursuant to SSMC Sections 15.14.040 and 15.14.050, of a request for
a permit for a newsstand location not generally permitted by ordinance, or the placement of a newsstand
5 pursuant to Section 15.14.080;

6 O. A resolution of objections to the moving of a building or equipment; the assessment, pursuant
to Section 15.28.050, of the costs of relocating wires between persons moving a building or equipment
and the utility maintaining the wires or app enances; and objections to the amount of City costs
7 assessed pursuant to Section 15.28.070;

8 P. The determination of the cost of removal of a handbill, sign or poster pursuant to Sections
15.48.120 and 15.48.130;

9 Q. An order to paint or repaint a pole pursuant to Section 15.32.100;

10 R. Any of the actions relating to an excavation or fill identified in Section 15.44.140;

11 S. A Stop Order of the Director of ((Engineering)) Transportation pursuant to Section 15.50.023;
or of either authorizing official under Section 15.50.025; and

12 T. The issuance or denial, under SSMC Chapter 16.60, of a permit to use or occupy any part of a
waterway or any part of the land portion of a waterway.

13 Section 127. SMC 15.90.030 is hereby amended as follows:

14 **Street Use Appeals Board-Procedures.**

15 Any person aggrieved by a determination or action of the Director of ((Engineering)) Transportation or
Traffic Engineer listed in SSMC Section 15.90.020 may seek review thereof by filing with the Street
Use Appeals Board, a notice of appeal on a form provided by the Director of ((Engineering))
16 Transportation therefor, within ten (10) days after the determination or action that is to be the subject of
such appeal. The notice of appeal shall identify the action(s) taken and determination(s) made that are
17 being appealed, the appellant's objection(s) thereto, the specific relief or alternative action that is sought
by the appellant and whether or not an immediate stay of any authorization granted by the Traffic
18 Engineer or Director of ((Engineering)) Transportation is desired. The Street Use Appeals Board shall
conduct a hearing regarding such appeal within thirty (30) days after receipt of any such appeal,
19 according to hearing rules adopted by such Board pursuant to the City's Administrative Code (SSMC
Chapter 3.02). The Street Use Appeals Board may affirm, modify, prohibit or reverse any action or
20 determination listed in SSMC Section 15.90.020; and such Board action shall be final and conclusive,
subject to judicial review.

21
22 Section 128. SMC 16.08.050 is hereby amended as follows:
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Waterway Operations and Maintenance Account.

A. A restricted account designated the "Waterway Operations and Maintenance Account" is established in the Transportation Fund to which restricted account shall be deposited all fees collected from waterway use and occupation permits issued under this chapter; reimbursements of expenses incurred by the Port Warden in removal, towing, impoundment of vessels, watercraft or obstructions in waterways and receipts from sale of such vessels, watercraft or obstructions; its proportionate share of interest earnings of invested Transportation Fund balances; and any other moneys accruing from activities under this title in waterways or appropriated or budgeted to such fund. If the Waterway Operation and Maintenance Account has a credit balance greater than that of the Transportation Fund, the Director of Finance shall credit interest to the Account at the rate of the City's investment earnings for funds of its size.

B. The Waterway Operations and Maintenance Account shall be charged with the cost of administration, inspection and policing involved in the issuance and continuance of such permits; activities of the City in maintaining waterways as public ways for watercraft and for commerce and navigation; and for maintaining a reserve to clear waterways of vessels that may sink therein and for emergency activities related to waterways and navigation. Vouchers for expenditures shall be approved by the Director of ((Engineering)) Transportation or his or her designee.

Section 129. SMC 16.32.050 is hereby amended as follows:

Unseaworthy craft.

A. It shall be unlawful for a master, owner or other person without a permit from the Port Warden to tow or move in any fairway any vessel, watercraft or obstruction which prior to movement or tow:

1. Has been used as a permanent place of abode and was not engaged in navigation under its own power within ninety (90) days; or

2. Appears or exists in an unseaworthy condition, uses or needs support from another vessel or watercraft to remain afloat, or otherwise appears to lack the capacity for safe movement through and across navigable waters, other than the following: (a) barges, scows, log booms, or disabled but buoyant aircraft in tow by a towage company authorized to do business in the state, (b) vessels or watercraft temporarily disabled by accident, collision, or other malfunction but otherwise seaworthy and capable of safe movement, and (c) vessels, watercraft or obstructions being towed or moved by or under the control of the Port Warden or the Director of ((Engineering)) Transportation.

B. Any person seeking a permit to tow or move any vessel, watercraft or obstruction identified in subsection A shall apply to the Port Warden therefor, and shall, irrespective of the distance to be moved, post a surety bond with the City in an amount that the Director of ((Engineering)) Transportation shall determine reflects the estimated expense of the removal of such vessel, watercraft, or obstruction in event of its breakup or sinking, provided the Port Warden may accept in lieu thereof an indemnity agreement by a towage company agreeing to remove the vessel, watercraft or obstruction within ten (10) days in event of breakup or sinking; and if not so removed, to reimburse the City any expense incurred

1 by removal thereof by the City. In addition, the person seeking the permit shall specify the destination of
2 the vessel, watercraft or obstruction to be towed and, if the destination is a waterway, fairway,
3 submerged street end or other area which requires a permit or other governmental approval for
4 occupancy, shall secure and present such permit or approval to the Port Warden when applying for the
5 permit. An anchorage as defined in Chapter 16.04 of this title shall not be considered a permitted
6 destination. The Port Warden shall not issue a towing permit until all required permits, leases and
7 occupancy agreements whether public or private, and other needed approvals have been issued.

8 Section 130. SMC 16.36.040 is hereby amended as follows:

9 **Impounding-in-place.**

10 When taking possession as authorized in Section 16.36.010 or in Section 16.32.020 D, the Port
11 Warden may impound the vessel, watercraft or obstruction in place by posting the same with one (1) or
12 more signs or notices in conspicuous places stating "POLICE IMPOUND-KEEP OFF" and notifying the
13 owner, master or person in charge of the impounding. The Port Warden may in his discretion appoint as
14 custodian the owner or master, the owner or operator of the facility or property where the vessel is
15 moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

16 A. To move, load or unload, rebuild, or enter upon such vessel, watercraft, or obstruction without
17 written permission from the Port Warden, other than for necessary maintenance and repair to prevent
18 deterioration of the same or sinking;

19 B. To remove, mutilate, destroy or conceal any notice or sign posted by the Port Warden or the
20 Director of ~~((Engineering)) Transportation~~ pursuant to the provisions of this title.

21 Section 131. SMC 16.60.010 is hereby amended as follows:

22 **Use of land portions of waterways.**

23 It shall be unlawful for anyone to use or occupy the land portion of a waterway for private
24 purposes without a written permit from the Director of ~~((Engineering)) Transportation~~ so to do other
than for access to or immediate loading and unloading of vessels, watercraft or obstructions then in the
navigable portions thereof or launching or landing the same.

Section 132. SMC 16.60.020 is hereby amended as follows:

Use of waterways.

A. All use and occupation of waterways, whether by permit or otherwise, shall be subject to the
following terms and conditions:

1. An unobstructed channel of at least fifty feet (50') width must be preserved at all times;
provided, that the Director of ~~((Engineering)) Transportation~~ may authorize a lesser unobstructed

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1 channel when both sides of a waterway are owned or controlled through lease by the same person, firm,
2 or corporation and said official finds it to be in the public interest.

3 2. All vessels, watercraft or obstructions shall be anchored, moored or secured in such a
4 manner as to minimize interference with navigation in the waterway, and shall be promptly removed
5 upon order of the Port Warden in the event clearance of the waterway be necessary for navigation or in
6 an emergency.

7 3. The owner or master of any vessel, watercraft or obstruction anchored or moored in the
8 navigable portions of any waterway shall be responsible for the safe anchorage and fastening of the
9 same, and for any actions necessary to prevent sinking.

10 4. It shall be unlawful to use any vessel, watercraft or obstruction as a place of abode
11 while moored or anchored in the navigable portions of a waterway, unless so authorized by permit from
12 the City.

13 5. No use of a waterway shall unreasonably restrict water access to adjacent privately
14 owned or controlled property; or conflict with a use of a waterway permitted by any public body
15 pursuant to the terms of RCW 79.01.540 or 79.16.190.

16 B. The public or abutting property owners may use the navigable portions of waterways for the
17 loading, unloading and repair of vessels and watercraft in connection with commerce or navigation for a
18 reasonable period of time for the activity and waterway involved without prior written permission from
19 the City; provided, that:

20 1. If the Port Warden has established by regulation or posted notice a maximum time
21 limit for uses of any particular waterway or part thereof, no vessel or watercraft shall occupy such
22 waterway or part thereof for a longer period of time;

23 2. The period of use and occupation of any and all of the navigable portions of waterways
24 by such vessel or watercraft shall not exceed twenty-one (21) consecutive days; and

3. No more than one (1) use and occupancy of waterways in excess of seven (7)
consecutive days by such vessel or watercraft may occur in any sixty (60) day period.

Section 133. SMC 16.60.030 is hereby amended as follows:

Permits for use of waterways.

A. Authorization. The Director of ((Engineering)) Transportation may authorize the use and
occupancy of all of or any portion of a waterway, including land and water parts, by a written use and
occupation permit as provided in this section, and may issue an interim permit pending the final
determination regarding the permit application. Such a permit may authorize use of either a specific area
of waterway or use of a particular waterway by specified vessels, watercraft or obstructions, and shall be
processed in the same manner as permits pursuant to SSMC Title 15, Subtitle I unless otherwise
specified in this chapter. The issuance or denial of any such permit shall be appealable to the Street Use
Appeals Board.

B. Application. Any person seeking the use and occupation of a waterway or a portion thereof for
a period in excess of twenty-one (21) consecutive days, a longer period than that allowed by regulations
or posted notice of the Port Warden for a particular waterway, or an occupancy for a vessel, watercraft or
obstruction in excess of seven (7) consecutive days within sixty (60) days of a prior occupancy, shall

1 apply in writing to the Director of ((Engineering)) Transportation therefor. The application shall be
2 accompanied by a deposit to cover the cost of publishing notice when required by subsection D of this
3 section. If the application be for a specific vessel, watercraft or obstruction, the application shall state the
4 owner and master's name, address and telephone number, the type and size of vessels or watercraft, the
5 waterway(s) in which anchorage or moorage is requested, the reason for the application, and the length
6 of time for which the permit is desired.

7 C. Processing. The Director of ((Engineering)) Transportation shall investigate the application;
8 give notice to the owner, managing agent or principal lessee of property, which may have water access
9 affected by the use sought by the application; and make his recommendation to the Director of
10 Administrative Services. In the event that the application shall request a use for a period in excess of
11 three hundred sixty-five (365) days, the application shall be referred to the Department of Construction
12 and Land Use, which shall make its recommendations thereon.

13 D. Notice. In the event that the application shall seek a usage in excess of three hundred sixty-
14 five (365) days the Director of ((Engineering)) Transportation shall mail notice of the application and the
15 date, time and place at which such official will consider such application, at least ten (10) days prior
16 thereto to the State of Washington, Commissioner of Public Lands, and the Port of Seattle, publish such
17 notice in a newspaper of general circulation in the county and post a copy of the same in prominent
18 places in the immediate vicinity of the waterway. The cost of such publication shall be borne by the
19 applicant.

20 E. Issuance. The Director of ((Engineering)) Transportation may issue a permit for the use and
21 occupancy of a waterway with appropriate terms and conditions upon finding that the use and
22 occupation sought is compatible with use of the waterway as public ways for watercraft and the
23 convenience of commerce, is consistent with the City's land use planning in the immediate vicinity, and
24 does not deprive adjacent properties of reasonable water access. The Director of ((Engineering))
Transportation may waive compliance with the terms and conditions of this section with permit
applications by the United States of America and its agencies, by the state and by municipal
corporations, and in the case of an application for moorage of a vessel listed upon the national historic
register maintained by the United States, with the bond requirements in subsection G of this section.

Among other terms and conditions, the Director of ((Engineering)) Transportation may, but need
not require that the vessel or watercraft connect its plumbing system to the nearest available City
sanitary sewers; that the vessel or watercraft permit the anchorage or fastening of vessels or watercraft
alongside and access thereto; or that the vessel or watercraft be removed as soon as privately owned or
privately controlled moorage space becomes available. The applicant shall comply with the terms and
conditions of the permit, shall pay the fees prescribed in advance of each month, and shall cease the use
and occupancy of the waterway on expiration of the permit, unless an additional permit be issued.

F. Insurance. An applicant for a permit shall, prior to issuance of the permit, provide and
maintain in full force and effect while the permit is in force, public liability insurance in an amount
specified by the Director of ((Engineering)) Transportation sufficient to cover potential claims for bodily
injury, death or disability and for property damage, which may arise from or be related to the applicant's
use of the waterway, naming the City as an additional insured.

G. Bond. An applicant for a permit shall provide prior to issuance of the permit and thereafter
maintain during the period of the permit, a bond or cash deposit in an amount specified by the Director
of ((Engineering)) Transportation sufficient to cover the potential cost of removal of watercraft,
vessel(s), or obstruction(s) to be located therein in the event of sinking, and in the event of adjacent

1 publicly owned structures, to cost of repair thereof in event of collision; and in the event of fixed
2 structures, the estimated cost of removal upon expiration of the permit.

3 H. Indemnity. The applicant shall execute and deliver to the City upon a form supplied by the
4 Director of ((Engineering)) Transportation an agreement in writing and acknowledged by the applicant
5 to hold and save harmless the City from any and all claims, actions or damages of every kind and
6 description which may accrue to, or be suffered by, any persons by reason of or related to the use and
7 occupation of the waterway by the permit holder.

8 Section 134. SMC 16.60.040 is hereby amended as follows:

9 **Fixed structure in waterway.**

10 No fixed structure of any kind shall be built or placed in any waterway unless approved by the
11 Director of ((Engineering)) Transportation, the State of Washington, Commissioner of Public Lands, the
12 Port of Seattle and the United States of America, Department of Army, Corps of Engineers; or approved
13 by the Director of ((Engineering)) Transportation where the other agencies have declined jurisdiction or
14 expressed in writing no objection to the erection of such a structure.

15 Section 135. SMC 16.60.050 is hereby amended as follows:

16 **Permit revocation and fees.**

17 A. Revocation Without Notice. All permits granted under the provisions of this title for the use
18 of any waterways shall be wholly of a temporary nature, shall vest no permanent right; and may be
19 revoked without notice in case:

20 1. Any such use or occupation shall become dangerous to the public or persons other than
21 the permit holder, or fail to comply with the provisions of this title on a matter directly or materially
22 affecting the health or safety of the public or the safety of adjoining property or passage through other
23 portions of the waterway; or

24 2. The permit holder shall refuse to comply with the provisions of this title.

B. Revocation With Notice. Permits of sixty (60) days or more may be revoked upon thirty (30)
days' notice, and all other permits upon ten (10) days' notice.

C. Fees Authorized. In order to cover the costs of administration, inspection, and policing
involved in the issuance and continuance of such permits, and to avert interference with commerce or
navigation and unauthorized or unduly prolonged use and occupation of waterways, the Director of
((Engineering)) Transportation is further authorized and directed to prepare and recommend to the City
Council for adoption, a schedule of fees applicable to all such permits, which fees shall be
commensurate with fees established by ordinance for the use and occupation of public places of similar
character in the vicinity;

D. Exceptions and Allowances.

1. No fees shall be charged the United States and its agencies, and the state or any
municipal corporation.

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1 2. Subject to part 4 below, waterway areas used exclusively for youth activities related to
2 navigation and water safety, without charge to participants, by a nonprofit corporation or an organization
3 that is open to public membership by eligible youth shall not be considered in calculating the amount of
4 fees for use and occupation of waterways.

3 3. Subject to part 4 below, the fee schedule may provide a special classification for
4 nonprofit organizations that, under a contract with the City, participate actively in City water-safety and
5 boating programs for youth in which the rate or the calculation of the area used takes into account the
6 activities of the organization at the site for the youth program.

5 4. The exception and allowance in parts 2 and 3 apply whenever the Director of
6 ~~((Engineering)) Transportation~~ and the Port Warden determine that upon application and issuance of a
7 permit no substantial administration or policing would be involved and the usage would not interfere
8 with commerce or navigation nor be unduly prolonged.

7 E. Fee Schedule. The fee schedule, when approved by the City Council by ordinance, shall
8 govern the amount of the fee for any such permit, which fee shall be collected as a condition to the
9 issuance or continuance of any such permit other than permits issued to the United States and its
10 agencies, the state, or any municipal corporation. The fee schedule for waterway use permits may be
11 appended to and adopted in conjunction with the ordinance establishing street use fees.

10 F. Exclusion of Clear Channel. Fees shall be computed according to the area actually included in
11 the permit or area obstructed by the vessel, watercraft or obstruction and shall not include any charge for
12 the area within an unobstructed fifty-foot (50') channel maintained pursuant to SSMC Section 16.60.020.

12 Section 136. SMC 20.04.030 is hereby amended as follows:

13 **Notice of hearings-Mailing.**

14 The Director of ~~((Engineering)) Transportation~~ shall mail all notices of hearings on proposed
15 improvements and assessment rolls required by law to be mailed, and shall make all certificates of
16 mailing required by law in such connection, and file the same with the City Clerk.

16 Section 137. SMC 20.04.060 is hereby amended as follows:

17 **Preliminary assessment roll.**

18 A. After the City has ordered a local improvement and created a local improvement district by
19 ordinance, the Director of ~~((Engineering)) Transportation~~ shall prepare, and within fifteen (15) days after
20 the improvement of work has been ordered and a local improvement district created, file with the City
21 Finance Director the following:

- 21 1. The title of the improvement;
- 22 2. The district number;
- 23 3. Copy of a diagram or print showing the boundaries of the district;
- 24 4. Preliminary assessment roll or abstract thereof showing the lots, tracts and parcels of
land that will be especially benefited;

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1 5. The estimated cost and expense of such improvement to be borne by each such lot,
tract or parcel; and

2 6. The name of the owner thereof, if known, but in no case shall a mistake in the name of
the owner affect the validity of any assessment when the description of the property is correct.

3 B. The City Finance Director shall immediately post the proposed assessment roll upon his or her
index of local improvement district assessments against the properties affected.

4
5 Section 138. SMC 20.04.070 is hereby amended as follows:

6 **Final assessment roll-Hearing-Date, notice and general procedure.**

7 Within ninety (90) days following the completion and acceptance of the improvement, the Director of
8 ((Engineering)) Transportation shall prepare and file with the City Clerk the proposed final assessment
roll, unless the time for filing such roll shall be extended by the City Council by resolution, or the
9 ordinance ordering the improvement provides otherwise. Upon receipt of such roll, the City Council
shall by resolution fix a date for a hearing on the roll before the City Council, a committee thereof, the
10 City Hearing Examiner, or an officer, as designated in the resolution, and direct the City Clerk to give
notice of the time, place and purpose of the hearing by publication at least five (5) times in the official
11 daily newspaper or at least two (2) times in a weekly newspaper of general circulation in the community
where the improvement is constructed; provided, that at least fifteen (15) days must elapse between the
12 date of the last publication thereof and the date fixed for the hearing. Notice of the hearing shall be
mailed by the City Clerk or a person designated by the City Clerk to do so under his/her supervision to
13 the owner or reputed owner of each property described on the assessment roll, at the address shown on
the tax rolls of the County Comptroller at least fifteen (15) days before the date fixed for such hearing.
14 At the time fixed for the hearing, the City Council, a committee thereof, the Hearing Examiner, or
designated officer shall sit as a Board of Equalization for the purpose of considering the assessment roll;
15 provided, that if the ordinance authorizing the improvement so states, award of the improvement
contract or commencement of work by the City shall be deferred until confirmation and filing of the
16 assessment roll, and until funds for the improvements are assured in the judgment of the City Council
expressed by resolution.

17 Section 139. SMC 20.04.080 is hereby amended as follows:

18 **Final assessment roll-Departmental representatives at hearing.**

19 One or more representatives of the Director of ((Engineering)) Transportation and any affected
20 department of the City may be designated by the department head to assist in the presentation of
pertinent materials at the hearing.

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22 Section 140. SMC 20.04.090 is hereby amended as follows:

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Final assessment roll-Hearing-Conduct.

In a hearing before the City Council, a committee thereof, the Hearing Examiner or designated officer, the City Attorney shall be the legal representative of the local improvement district.

A. 1. The City Council, the committee thereof, the Hearing Examiner or officer designated by the City Council shall commence the hearing on the date and at the time and place fixed by the resolution of the City Council, but may in the exercise of discretion recess the hearing to times certain in order to allow the parties to obtain essential additional information, provided, however, that an effort shall be made at all times to avoid delays which unnecessarily allow interest to accumulate upon obligations for which the local improvement district is responsible.

2. The Hearing Examiner or officer shall reduce his/her findings, recommendations and decisions to writing and shall file them with the City Clerk within twenty (20) days following the conclusion of the hearing. Notice of the filing, together with copies of the findings, recommendations and decisions shall be mailed by the City Clerk or any person designated by the City Clerk to do so under his/her supervision within three (3) business days of the filing to all persons who filed timely written objections to confirmation of the assessment roll as prepared. Instructions as to the filing of any appeal to the City Council shall be included in the mailing.

B. Upon receipt of the report, findings, recommendations and decisions of the Hearing Examiner or officer the City Council or a committee thereof shall review the same. As soon as all timely appeals from the findings, recommendations and decisions of Hearing Examiner or officer have been decided or the time allowed for filing appeals has expired with no appeals having been filed the City Council may accept the assessment roll as prepared, or may correct, revise, raise, lower, change or modify the roll or any part thereof, or may set aside the roll and order the assessment to be made de novo, and at the conclusion thereof, and after the Director of ~~((Engineering))~~ Transportation has made the appropriate changes on the assessment roll at the City Council's direction, confirm the roll by ordinance. If an appeal has been filed from the findings, recommendations and decisions of the Hearing Examiner or officer it shall be heard and determined and the results thereof incorporated into the assessment roll before it is confirmed.

C. Any finding, recommendation or decision of the Hearing Examiner, or officer designated by the City Council to conduct a hearing pursuant to RCW 35.44.070 and RCW 35.44.080, shall be subject to appeal to the City Council, which may direct that the appeal shall be heard by a committee thereof.

D. 1. An appeal pursuant to subsection A3 of this section may be filed only by a party who timely perfected a protest at the initial hearing. The notice of appeal shall, in addition to requirements as to content specified elsewhere in this chapter, state clearly on the cover or cover page the number of the local improvement district and the appellant's name and shall be filed with the City Clerk no later than the fifteenth day after the day upon which the report and recommendation of the Hearing Examiner or other officer is filed with the City Clerk.

2. Upon the filing of a notice of appeal the City Clerk shall immediately notify the City Attorney and furnish a copy of the notice to the City Council and the City Departments immediately concerned. Within fifteen (15) days following the filing of a notice of appeal the City Council shall set a time and place for a hearing on the appeal before the City Council or a committee thereof and shall immediately mail or cause to be mailed notice of the time and place to the appellant, provided the time shall be as soon as practicable in order to avoid accumulation of additional interest on the obligations of

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1 the local improvement district.

2 E. Review by the City Council or council Committee on appeal shall be limited to and shall be
3 based solely upon the record from the hearing below, provided, however, that the City Council or the
4 appropriate City Council committee may permit oral or written arguments or comments when confined
5 to the content of the record of the hearing below. Written arguments shall not be considered unless filed
6 with the City Council or Council Committee prior to the conclusion of the hearing on appeal, and the
7 City Council or committee thereof may determine the appeal on the record, with or without written
8 argument.

9 F. The recommendation appealed from shall be accorded substantial weight and the burden of
10 establishing the contrary shall be upon the appealing party. In respect to the matter appealed the City
11 Council may adopt or reject, in whole or in part, the findings, recommendations and decisions of the
12 Hearing Examiner or officer or make such other disposition of the matter as is authorized by RCW
13 35.44.100 and subsection B above. The City Council shall reduce its determination to writing, file the
14 original in the record of the local improvement district, and transmit a copy of the same to the appellant.
15 No ordinance confirming an assessment roll shall be enacted by the legislative authority until all appeals
16 to the City Council or a committee thereof are decided.

17 Section 141. SMC 20.04.280 is hereby amended as follows:

18 **Segregation of assessments.**

19 A. The City Finance Director is authorized to collect and receive from any owner or owners of
20 any subdivision or subdivisions of any lot, tract or parcel of land, upon which a local improvement
21 assessment has been, or may hereafter be, made, such portion of the assessment or assessments levied or
22 to be levied against such lot, tract or parcel of land in the payment of said local improvement as the
23 Director of ~~((Engineering)) Transportation~~ shall certify to be chargeable to such subdivision or
24 subdivisions in accordance with state law.

B. Whenever, on account of the filing of a plat or replat on account of a sale or contract to sell or
other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land
assessed for local improvements, it shall appear to be to the best interest of the City to segregate a local
improvement district assessment thereupon, the Director of ~~((Engineering)) Transportation~~ is authorized
to make the proper certification as provided in this chapter, upon the written application of the owner,
approved by the City Finance Director, and confirmed by the City Council by resolution, and upon
payment of the fee hereinafter provided. In all instances it shall be the duty of the Director of
~~((Engineering)) Transportation~~ to submit the necessary Resolution for Segregation for City Council
approval. A fee of Sixty Dollars (\$60.00) shall be charged for each tract of land for which a segregation
is to be made together with a fee of Ten Dollars (\$10.00) per description for each description added to
the assessment roll, to defray the cost of the engineering and clerical work involved. Such fees shall be
paid to the City Finance Director and shall be deposited in the General Fund.

C. Upon receipt of a certified copy of a resolution of the City Council authorizing segregation,
the City Finance Director shall enter the segregation, together with the amount of the bonded interest
with respect thereto, upon the assessment records and, upon payment thereof, together with any penalties
accruing according to law and any additional interest due with respect to the segregated portion, give a

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1 proper receipt; provided, that this chapter shall not authorize the segregation of any assessment which
2 has been delinquent for a period of two (2) years or more, or in any case where it appears that the
3 property, when or as already divided according to the requested segregation, is not or would not be of
4 sufficient value, or is not or would not be in such condition or title, as to provide adequate security for
5 the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or
6 chargeable against the undivided whole. In such instance, upon a recommendation by the City Finance
7 Director, the City Council shall determine such question of fact. No segregation of any assessment on
8 unplatted lands or large platted tracts shall be made until a plat thereof has been furnished to the Director
9 of ~~((Engineering)) Transportation~~ by the applicant, showing that the proposed segregation of property
10 will conform to the system of streets as platted in adjacent territory. In all such instances, upon a
11 recommendation by the Director of ~~((Engineering)) Transportation~~, the City Council shall determine
12 such question of fact.

13 Section 142. ~~SMC 20.12.080~~ is hereby amended as follows:

14 **Administration by City officials.**

15 A. The City Director of ~~((Engineering)) Transportation~~ shall administer the deferral of collection
16 of assessments, except such duties as are assigned by this chapter or by law to other City officials. The
17 City Director of ~~((Engineering)) Transportation~~ shall have the power and authority to:

- 18 1. Give notice to property owners of the availability of ordinance procedures for deferral
19 of collection of assessments;
- 20 2. Accept and process applications for deferral of collection of assessments, and
21 amendments thereof as appropriate;
- 22 3. Conclude with the persons responsible for payment of an assessment an agreement
23 setting the terms and conditions consistent with this chapter and state law, including, on request and at
24 his or her discretion, without extra charge, provision for billing and payment of installment on a monthly
or quarterly basis;
4. Secure execution and filing of any necessary instruments, and, upon notice from the
City Finance Director, note satisfaction thereof;
5. Terminate the deferral of collection of assessments upon occurrence of conditions that
render the assessment or installments thereof due and payable;
6. Recommend to the City Finance Director the amounts to be paid from the Local
Improvement Guaranty Fund to the fund of such local improvement district upon the making of such
deferral;
7. Take such other actions as necessary and appropriate to administer this chapter in
accordance with RCW 35.43.250, 35.49.010, 35.50.050, and 35.54.100. The agreement with the person
responsible for an assessment setting forth the terms and conditions of deferral of collection of the
assessment shall be recorded with the King County Office of Records and Elections and transmitted to
the City Clerk, and a copy thereof to the City Finance Director. All records retained by the Director of
~~((Engineering)) Transportation~~ containing the application and information received in processing an
application shall be kept confidential.

B. The Budget Director shall annually determine the income eligibility criteria, report his or her

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1 determination to the City Council, and file a copy thereof with both the City Clerk and the City Director
2 of ~~((Engineering))~~ Transportation.

3 C. The City Finance Director shall draw such warrants upon the Local Improvement Guaranty
4 Fund as necessary and appropriate to make payments to the local improvement district fund for
5 assessments, the collection of which has been deferred, and shall report annually to the City Council and
6 the Budget Director about the amount of payments made from the Local Improvement Guaranty Fund
7 for assessments or installments deferred pursuant to this chapter and RCW 35.43.250, 35.50.050, and
8 35.50.100, as now existing or hereafter amended; the current balance in such fund and outstanding
9 obligations guaranteed by such fund.

6 Section 143. ~~SMC 20.76.280~~ is hereby amended as follows:

7 **Segregation of condemnation assessments.**

8 A. The City Finance Director is authorized to collect and receive from any owner or owners of
9 any subdivision or subdivisions of any lot, tract or parcel of land upon which a condemnation
10 assessment has been, or may hereafter, be made, such portion of the assessment or assessments levied or
11 to be levied against such lot, tract or parcel of land in the payment of the condemnation improvement as
12 the City Director of ~~((Engineering))~~ Transportation shall certify to be chargeable to such subdivision or
13 subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the
14 legislative authority authorizing such segregation the City Finance Director shall enter such segregation,
15 together with the amount of the bonded interest with respect thereto, upon the assessment records, and
16 upon payment thereof, together with any penalties accruing according to law and any additional interest
17 due with respect to such segregated portion, give a proper receipt; provided that this section shall not
18 authorize the segregation of any assessment which has been delinquent for a period of two (2) years or
19 more, or in any case where it appears that such property, when or as already divided according to the
20 requested segregation, is not or would not be of sufficient value, or is not or would not be in such
21 condition or title, as to provide adequate security for the payment of the total amount of the unpaid
22 assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such
23 instances, upon a recommendation by the City Finance Director, the City Council shall determine such
24 question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be
made until a plat thereof has been furnished the City Director of ~~((Engineering))~~ Transportation by the
applicant, showing that the proposed segregation of property will conform to the system of streets as
platted in adjacent territory. In all such instances, upon a recommendation by the City Director of
~~((Engineering))~~ Transportation, the City Council shall determine such question of fact.

19 B. Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell
20 or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of
21 land assessed in such improvement district, it shall appear to be to the best interest of the City to
22 segregate such assessments, the City Director of ~~((Engineering))~~ Transportation is authorized to make
23 the proper certification as provided in this section, upon the written application of the owner, approved
24 by the City Finance Director, and confirmed by City Council resolution, and upon payment of the fee
hereinafter provided. In all instances it shall be the duty of the City Director of ~~((Engineering))~~
Transportation to submit the necessary resolution for segregation for City Council approval.

1 C. A fee of Ten Dollars (\$10.00) shall be charged for each tract of land for which a segregation is
2 to be made together with a fee of Five Dollars (\$5.00) per description for each description added to the
3 assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved,
4 by such certificate of the City Director of ~~((Engineering))~~ Transportation, as approved by City Council
5 resolution. Such fees shall be paid to the City Finance Director and shall be deposited in the General
6 Fund.

7 Section 144. SMC 20.84.030 is hereby amended as follows:

8 **Definitions.**

9 For the purpose of this chapter and for the purpose of administering and implementing any
10 federal, state or local relocation assistance statute, law, ordinance, rule, regulation, order or program,
11 applicable to any acquisition of real property or any interest therein by the City or to any program or
12 project involving the City or any of its departments:

13 A. "City Department Head" means the head of the City department (such as the Director of
14 ~~((Engineering))~~ Transportation, Superintendent of Parks and Recreation, Director of Administrative
15 Services, among others) having authority over and responsibility for the applicable program or project
16 and its costs.

17 B. The City Department Head, as defined in subsection A, is declared to be "the executive head
18 of the displacing entity" as those or similar terms may be used in state or federal statutes, rules,
19 regulations or orders.

20 Section 145. SMC 22.900.030 is hereby amended as follows:

21 **Administration and enforcement.**

22 A. For the purpose of this chapter, the term "Director" shall mean the Director of the Department
23 or an authorized representative.

24 B. The Director is authorized to administer, interpret and enforce the provisions of this chapter;
provided, that the Director of Public Health shall administer, interpret and enforce sections of this
chapter that are applicable to fuel gas piping permits; provided further that the Director of
~~((Engineering))~~ Transportation shall administer, interpret and enforce sections of this chapter that are
applicable to Seattle ~~((Engineering Department (SED)))~~ Transportation review of projects; and provided,
further, that the Director of the Department of Neighborhoods shall administer, interpret and enforce
sections of this chapter that are applicable to Certificates of Approval, Special Tax Valuation for
Historic Properties and for environmental (SEPA) review of projects that include City of Seattle
landmarks and projects located in special review districts or landmark districts.

C. The Director is authorized to collect fees for ~~((SED))~~ Seattle Transportation review associated
with Department review, and to transfer those funds to ~~((SED))~~ Seattle Transportation.

D. Where no definite method is prescribed in the chapter for calculating the amount of fees, the
Director may assess charges as required to cover expenses.

1 E. The Director shall have full authority to specify the terms and conditions upon which services
2 and materials shall be made available, and the fees as determined by the Director shall be consistent with
the reasonable estimated cost to the City for furnishing such services or materials.

3 F. The total fee assessed for any permit, decision or approval shall be rounded to the nearest
4 whole dollar (rounded down: One Cent (\$.01) through Fifty Cents (\$.50); rounded up: Fifty-one Cents
5 (\$.51) through Ninety-nine Cents (\$.99).

6 Section 146. SMC 21.100.010 is hereby amended as follows:

7 **Definitions.**

8 As used in this chapter:

9 A. "Street facilities" means and includes all city streets, alleys, areaways, street lighting, traffic-
10 control devices, bridges, sidewalks, curbs, gutters, and parking facilities owned by The City of Seattle
11 and now and hereafter within the jurisdiction of ~~((the Engineering Department))~~ Seattle Transportation,
12 except those facilities, property rights, and interests owned by the City and placed under the jurisdiction
13 of the Drainage and Wastewater Utility or the Solid Waste Utility.

14 B. "Transportation purposes" means and includes but shall not be limited to the following:

- 15 1. The operation and preservation of streets and other transportation improvements;
- 16 2. New construction, reconstruction and expansion of City streets, and other
17 transportation improvements;
- 18 3. Development and implementation of public transportation and high-capacity transit
19 improvements and programs;
- 20 4. Planning, design, and acquisition of right-of-way and sites for such transportation
21 purposes.

22 Section 147. SMC 21.100.020 is hereby amended as follows:

23 **Establishment.**

24 A Street Utility is hereby established within ~~((the Engineering Department))~~ Seattle
Transportation, and the Director of ~~((Engineering))~~ Transportation shall manage, control, and operate the
Street Utility pursuant to RCW 82.80.040 through 82.80.060. The Street Utility shall have jurisdiction of
all street facilities as defined in this chapter.

Section 148. SMC 21.100.030 is hereby amended as follows:

Street Utility charges.

The City may impose, and the Street Utility may collect, periodic street utility charges for the use

1 or availability of the streets. The Street Utility may use other authorized funding sources to raise
2 revenues for transportation purposes. Pursuant to RCW 82.80.050, the total annual amount of periodic
3 street utility charges imposed by the City shall not exceed fifty percent (50%) of the actual costs of
4 operation, maintenance- and preservation of the street facilities. The Director of ((Engineering))
5 Transportation is authorized to negotiate and, upon execution, implement agreements with other utilities
6 or local government entities to provide for billing and collection of street utility charges.

7 Section 149. SMC 21.100.050 is hereby amended as follows:

8 **Use of Street Utility funds and other funds.**

9 Money in the Street Utility Subfund shall be used strictly for transportation purposes as defined
10 by this chapter and as required by RCW 82.80.060. Pursuant to RCW 82.80.060, ((the Engineering
11 Department)) Seattle Transportation may, in addition to funds in the Street Utility Subfund, expend
12 other funds from other sources for street facilities and for transportation purposes.

13 Section 150. SMC 21.100.060 is hereby amended as follows:

14 **Administration of Utility.**

15 The Director of ((Engineering)) Transportation shall maintain a system of accounts to ensure all
16 revenues collected pursuant to RCW 82.80.050 and other funds designated for the Street Utility Subfund
17 are used strictly for transportation purposes. Pursuant to RCW 82.80.050, the Director shall maintain a
18 system of accounts that enables the Director to determine the actual costs of operation, maintenance, and
19 preservation of the street facilities, and the Director shall calculate the annual limitation on the total
20 amount of periodic street utility charges based upon fifty percent (50%) of the actual costs of operation,
21 maintenance, and preservation of the street facilities.

22 Section 151. SMC 21.101.020 is hereby amended as follows:

23 **Street Utility charges.**

24 A. Residential Charge. As of January 1, 1993, there is imposed upon each category of housing
unit within the City, a Street Utility residential charge as follows:

1. Single family, Two Dollars (\$2.00) per month per housing unit;
2. Multiple family, One Dollar and Thirty-five Cents (\$1.35) per month per housing unit.

B. Business Charge. As of January 1, 1993, there is imposed upon each business within the City,
a uniform Street Utility business charge of Two Dollars (\$2.00) per full-time equivalent employee per
month.

C. Implementation Period. Notwithstanding subsection A and B above, during the first year of
implementation, from January 1, 1993, to December 31, 1993, the Street Utility charges shall be one-

1 half (1/2) of the residential and business charges established in this section.

2 D. Adoption of Rules and Regulations. The Director of ((Engineering)) Transportation is
authorized to from time to time, adopt, publish, and enforce rules and regulations not inconsistent with
this chapter for the purpose of carrying out the provisions hereof.

3 E. Other Charges and Fees. The Street Utility charge shall not replace any other charge or fee
4 imposed by the City pursuant to Seattle Municipal Code Chapter 15, including but not limited to use and
occupation permit fees, public utility permit fees, or franchise fees.

5 Section 152. SMC 21.101.060 is hereby amended as follows:

6 **Adjustments of Street Utility charge.**

7 A. Any person receiving a bill or notice of a Street Utility charge may apply in writing to the
8 Director of ((Engineering)) Transportation or his or her designee for a bill adjustment. References to the
Director of ((Engineering)) Transportation in this section shall mean the Director or his or her designee.
9 Filing such a request does not extend the period for payment of the charge. Requests for adjustments on
delinquent accounts will not be acted upon until the delinquency is paid in full.

10 B. Requests for adjustments of the Street Utility business charge shall be filed with the Director
of ((Engineering)) Transportation and must be accompanied by a copy of the preceding quarterly reports
11 to the State Department of Labor and Industries, reporting the number of employee hours worked. For
businesses that did not file reports with the State Department of Labor and Industries, an affidavit can be
12 filed with the Director of ((Engineering)) Transportation reporting the number of full-time equivalent
employees or the total number of hours worked by all employees. The burden of proof shall be on the
13 applicant to show that the charge adjustment sought should be granted. All decisions of the Director of
((Engineering)) Transportation shall be final.

14 C. To receive credit in the current billing period, applications for rate adjustment must be made
not more than ninety (90) days after the billing due date, except for low-income credit, which shall be
15 administered in accordance with SMC Chapter 21.76. Applications received more than ninety (90) days
after the billing due date shall be effective for subsequent billing periods only.

16 D. If the Director of ((Engineering)) Transportation grants an adjustment which reduces the
charge, the applicant shall receive a credit on the next bill or be refunded the amount overpaid. If the
17 Director of ((Engineering)) Transportation determines that an adjustment should be made which
increases the charge due, the applicant shall receive a notice for payment that will be due within forty-
18 five (45) days of the date of issue. Applicants for Street Utility charge adjustments will be notified in
writing of the Director of ((Engineering)) Transportation's decision.

19
20 Section 153. SMC 21.101.070 is hereby amended as follows:

21 **Collection and billing procedures.**

22 A. Billing. The Director of ((Engineering)) Transportation shall determine the length and
frequency of the billing periods for each Street Utility charge classification. The Street Utility residential
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1 charge may be included on the annual King County property tax statement. The Street Utility business
2 charge may be on a separate bill or notice. The Street Utility charge shall become due and payable as
stated in such billing or notice.

3 B. Application of Payments to Utility Funds. If payment is received for a combined property tax,
4 drainage service charge and street utility charge, the payment shall be applied to the amount then due
5 and payable (including delinquencies, if any), first, for annual property tax, second, to the Street Utility
charge, and third to the drainage service charge; provided, if payment is designated for a charge, the
6 payment will, to the extent the payment exceeds the amount of the property tax due and payable, be
7 applied to the designated charge.

8 C. Interest. The Director of ((Engineering)) ~~Transportation~~ shall add interest at a rate not to
9 exceed eight percent (8%) per year to the delinquent charges. In addition, the Director may adopt a
10 schedule of charges and impose charges to cover the administrative costs of handling delinquent
11 payments and non-sufficient-fund checks.

12 D. Joint Collection of Charges. The Finance Director and the Director of ((Engineering))
13 ~~Transportation~~ are authorized to combine collection procedures for street use charges and license or
14 business and occupation tax where possible.

15 Section 154. ~~SMC 21.101.020~~ is hereby amended as follows:

16 **Collection.**

17 Each person who owns a housing unit or business shall be liable for the charge imposed by
18 Section 21.101.020. In addition to the above remedies, if any person fails to pay his or her Street Utility
19 charge or any part thereof, the Director of ((Engineering)) ~~Transportation~~ may ascertain the amount of
20 the charge and the interest due and administrative charges, issue a final notice to the person, and upon
21 failure to pay, the Director of ((Engineering)) ~~Transportation~~ may employ a collection agency to collect
any delinquent charges and interest and administrative charges, including the costs of utilizing the
collection agency, and the City may bring a suit or action for the collection thereof.

22 Section 155. ~~SMC 21.101.100~~ is hereby amended as follows:

23 **Violation-Civil penalties.**

24 It shall be unlawful to fail to pay upon final notice by the Director of ((Engineering))
~~Transportation~~ the Street Utility charges imposed by this chapter. The failure to pay upon issuance of
final notice by the Director of ((Engineering)) ~~Transportation~~ shall constitute a violation. A violation
may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), provided
that a conviction of a violation shall not give rise to any disability or legal disadvantage based on the
conviction of a criminal offense.

Section 156. ~~SMC 22.806.020~~ is hereby amended as follows:

1
2 **Liability.**

3 A. Nothing contained in this subtitle is intended to be nor shall be construed to create or form
4 the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or
5 damage resulting from the failure of an owner of property or land to comply with the provisions of this
6 subtitle, or by reason or in consequence of any inspection, notice, order, certificate, permission or
7 approval authorized or issued or done in connection with the implementation or enforcement of this
8 subtitle, or by reason of any action or inaction on the part of the City related in any manner to the
9 enforcement of this subtitle by its officers, employees or agents.

6 B. The Director of Construction and Land Use or the Director of ~~((Engineering))~~ Transportation
7 or any employee charged with the enforcement of this chapter, acting in good faith and without malice
8 on behalf of the City in the discharge of his/her duties, shall not be personally liable for any damage that
9 may accrue to persons or property as a result of any act required or by reason of any act or omission in
10 the discharge of his/her duties. Any suit brought against the Director of Construction and Land Use,
11 Director of ~~((Engineering))~~ Transportation or employee because of such act or omission performed by
12 him/her in the enforcement of any provisions of this subtitle shall be defended by the City.

10 Section 157. ~~SMC 22.900.030~~ is hereby amended as follows:

11 **Administration and enforcement.**

12 A. For the purpose of this chapter, the term "Director" shall mean the Director of the Department
13 or an authorized representative.

14 B. The Director is authorized to administer, interpret and enforce the provisions of this chapter;
15 provided, that the Director of Public Health shall administer, interpret and enforce sections of this
16 chapter that are applicable to fuel gas piping permits; provided further that the Director of
17 ~~((Engineering))~~ Transportation shall administer, interpret and enforce sections of this chapter that are
18 applicable to Seattle ~~((Engineering Department (SED)))~~ Transportation review of projects; and provided,
19 further, that the Director of the Department of Neighborhoods shall administer, interpret and enforce
20 sections of this chapter that are applicable to Certificates of Approval, Special Tax Valuation for
21 Historic Properties and for environmental (SEPA) review of projects that include City of Seattle
22 landmarks and projects located in special review districts or landmark districts.

18 C. The Director is authorized to collect fees for ~~((SED))~~ Seattle Transportation review associated
19 with Department review, and to transfer those funds to ~~((SED))~~ Seattle Transportation.

19 D. Where no definite method is prescribed in the chapter for calculating the amount of fees, the
20 Director may assess charges as required to cover expenses.

20 E. The Director shall have full authority to specify the terms and conditions upon which services
21 and materials shall be made available, and the fees as determined by the Director shall be consistent with
22 the reasonable estimated cost to the City for furnishing such services or materials.

22 F. The total fee assessed for any permit, decision or approval shall be rounded to the nearest
23 whole dollar (rounded down: One Cent (\$.01) through Fifty Cents (\$.50); rounded up: Fifty-one Cents
24 (\$.51) through Ninety-nine Cents (\$.99).

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Section 158. SMC 22.900.245 is hereby amended as follows:

Design Commission fees.

A. City Capital Improvement Projects. Design Commission fees shall be assessed at a rate of three tenths of one percent (0.3%) of the construction cost of City capital improvement projects. Billing will occur at the time of contract award by the Public Works and Consultant Contracting Section of the Department of Administrative Services, who will forward the bills to the Department for distribution to appropriate City departments. Payment will be made through a fund transfer to the Department Operating Fund.

B. Special Exceptions. Rather than assessing fees as a percentage of the construction cost as described in Subsection A., low-income and special needs housing projects subject to Design Commission review and projects with total construction budgets of Fifty Thousand Dollars (\$50,000.00) or less will be billed at the hourly rate of One Hundred Dollars (\$100.00) per hour per Commissioner. Fees for review of these projects may be waived at the discretion of the Commission.

C. Street Use Permit Reviews. Street use permit reviews, which are required before issuance of a street use permit for improvements within the public right-of-way, will be billed at the hourly rate of One Hundred Dollars (\$100.00) per hour per Commissioner. Billing will be sent to ~~((the SED))~~ Seattle Transportation for inclusion into the plan review costs charged to the applicant, or be billed directly by the Department. Payment will be made by a fund transfer from the ~~((SED))~~ Seattle Transportation Operating Fund to the Department Operating Fund from funds paid by the applicant for those projects billed through ~~((SED))~~ Seattle Transportation.

D. Early Master Use Permit Stage or Projects Outside City Contract Process. For design review at an early Master Use Permit stage or for projects outside the City of Seattle contract award process, Design Commission fees will be billed by the Department at an hourly rate of One Hundred Dollars (\$100.00) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars (\$700.00) per hour for full Commission review.

Section 159. SMC 22.900.070 is hereby amended as follows:

General provisions-Revisions and additions.

A. According to standards promulgated by the Director, the Department shall assess an additional fee for the plan examination of previous designs when a subsequent redesign of a project is submitted prior to permit issuance but after previous designs have been examined. The revision fee shall be assessed at the hourly rate not to exceed the permit fee that would have been charged for the original design. The total permit fee shall be the fee for the final design plus the revision fee.

B. The Department may assess a fee in addition to fees already charged for the original permit if the applicant makes an amendment to an existing unexpired or reestablished permit. The applicable fees will be assessed for all work necessary to process the amendment, including ~~((SED))~~ Seattle Transportation review associated with the submitted amendment.

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2 Section 160. SMC 22.900.265 is hereby amended as follows:

3 **Fees for ~~((SED)) Seattle Transportation~~ review associated with department review.**

4 In addition to review by the Department, certain construction and land use proposals require review by
5 the Seattle ~~((Engineering Department (SED))) Transportation~~ Fees for ~~((SED)) Seattle Transportation~~
6 review shall be charged according to Table 23. The minimum fee for ~~((SED)) Seattle Transportation~~
7 review shall be charged at the rate of one (1) times the Base Fee per Section 22.900.060, except as noted
8 below.

9 Section 161. SMC 22.901A.040 is hereby amended as follows:

10 **Administration and enforcement.**

11 A. For the purpose of this subtitle, the term "Director" shall mean the Director of the
12 Department or an authorized representative

13 B. The Director is authorized to administer, interpret, and enforce the provisions of this subtitle
14 provided, that the Director of Public Health shall administer, interpret and enforce sections of this
15 subtitle that are applicable to fuel gas piping permits; provided further that the Director of
16 ~~((Engineering)) Transportation~~ shall administer, interpret and enforce sections of this subtitle that are
17 applicable to Seattle ~~((Engineering Department (SED))) Transportation~~ review of projects; ~~the Director~~
18 ~~of Seattle Public Utilities shall administer, interpret and enforce sections of this subtitle that are~~
19 ~~applicable to Seattle Public Utilities review of projects;~~ and provided, further, that the Director of the
20 Department of Neighborhoods shall administer, interpret and enforce sections of this subtitle that are
21 applicable to Certificates of Approval, Special Tax Valuation for Historic Properties and for
22 environmental (SEPA) review of projects that include City of Seattle landmarks and projects located in
23 special review districts or landmark districts.

24 C. The Director is authorized to collect fees for ~~((SED)) Seattle Transportation or Seattle Public~~
~~Utilities~~ review associated with Department review, and to transfer those funds to ~~((SED)) Seattle~~
~~Transportation or Seattle Public Utilities~~ respectively.

D. Where no definite method is prescribed in the subtitle for calculating the amount of fees, the
Director may assess charges as required to cover expenses.

E. The Director shall have full authority to specify the terms and conditions upon which
services and materials shall be made available, and the fees as determined by the Director shall be
consistent with the reasonable estimated cost to the City for furnishing such services or materials.

F. The total fee assessed for any permit, decision, review, inspection, or approval shall be
rounded to the nearest whole dollar (rounded down: One Cent (\$.01) through Fifty Cents (\$.50); rounded
up: Fifty-one Cents (\$.51) through Ninety-nine Cents (\$.99))

Section 162. SMC 22.901B.060 is hereby amended as follows:

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General provisions-Revisions and additions.

A. According to standards promulgated by the Director, the Department shall assess an additional fee for the plan examination of previous designs when a subsequent redesign of a project is submitted prior to permit issuance but after previous designs have been examined. The revision fee shall be assessed at the hourly rate not to exceed the permit fee that would have been charged for the original design. The total permit fee shall be the fee for the final design plus the revision fee.

B. The Department may assess a fee in addition to fees already charged for the original permit if the applicant makes an amendment to an existing unexpired or reestablished permit. The applicable fees will be assessed for all work necessary to process the amendment, including ((SED)) Seattle Transportation or Seattle Public Utilities review associated with the submitted amendment.

C. Fees for land use revisions shall be charged according to Table 6.

Section 163. SMC 23.12.060 is hereby amended as follows:

Multifamily land use policies.

Policy 1: Multifamily Designation

In designating areas for the various multifamily classifications, a match shall be sought between the physical characteristics of areas and the locational criteria established for the multifamily classifications in the Land Use Code. One objective is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. An equally important objective is to ensure that new development is compatible with neighborhood character.

The achievement of both of these objectives will mean sensitively increasing the scale and intensity of development while attempting to minimize the impacts on existing character. The locational criteria are established so that new development will maintain a compatible scale in an area, preserve views, and enhance the streetscape and pedestrian environment, while achieving an efficient use of the land without major disruption of the natural environment.

Policy 2: Multifamily Residential Classifications

The multifamily classifications specify the types of housing permitted in the different multifamily areas. The housing types are defined in terms of: 1) height, bulk and setbacks, 2) the amount of usable open space and the physical relationship of the open space to individual units, and 3) the location and appearance of parking and access to parking. Development standards regulating these elements are intended to provide for a transition in scale between multifamily and single family areas, facilitate an attractive pedestrian environment at the street level, conform with the topography to maintain natural hills and valleys and preserve views, encourage new development which is compatible with existing neighborhood character, and enhance the livability of new housing. Cluster development is also

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1 encouraged in all classifications. A greater variety of housing types is encouraged, particularly in the
2 lower classifications. Each of the multifamily classifications allows all housing types permitted in a less
intense classification.

3 - **Lowrise Duplex/Triplex (LDT)**

4 **Purpose of the Zone:** The intent of the Lowrise Duplex/Triplex (LDT) zone is to provide opportunities
5 for limited infill housing development, both through new construction and the conversion of existing
6 single-family structures to duplexes and triplexes, in areas that do not meet the single-family criteria,
7 but where, in order to preserve the character of the neighborhood, the recycling of existing structures to a
8 slightly higher density and small-scale infill development is preferable to single-family zoning or to the
9 development of townhouses or higher density apartments. Areas appropriate for designation as Lowrise
Duplex/Triplex maintain a single-family character, but do not meet the criteria for designation as a
single-family area under the Single-family Policies, and include a mix of single-family dwellings,
duplexes, triplexes, and single-family structures already converted to multiple units. Council-adopted
neighborhood plans may allow locating the LDT zone in an area otherwise meeting the criteria for
designation as a single family zone in limited circumstances.

10 Development standards for the zone are intended to ensure that new and converted structures are not
11 only compatible with existing development, but are also reflective of the character of that development
in terms of scale, open space, setbacks, siting, unit orientation, and provision of ground-level open
space.

12 - **Lowrise 1 (L1)**

13 **Purpose of the Zone:** The intent of the Lowrise 1 zone is to provide areas for multifamily development
14 of low height and small bulk where units have direct access to private, landscaped yards, thereby
increasing housing opportunities for families with children and others seeking ground-related housing.
15 The primary objective is the development of townhouses that are generally compatible in scale, siting,
and landscaping with single family areas. Council-adopted neighborhood plans may allow locating the
16 L1 zone in an area otherwise meeting the criteria for designation as a single family zone under limited
circumstances. This zone is intended to provide a transition in intensity, rather than scale, between
17 single-family and other multifamily areas.

18 - **Lowrise 2 (L2)**

19 **Purpose of the Zone:** The intent of the Lowrise 2 zone is to encourage a variety of multifamily housing
20 types with less emphasis on ground-related units, while remaining at a scale compatible with single-
family structures. Limits on height and bulk ensure a building scale that is consistent with the
21 development of single lots and with the lower building heights characteristic of most lower density
residential areas.

22 - **Lowrise 3 (L3)**

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1 **Purpose of the Zone:** The intent of the Lowrise 3 zone is to provide additional housing opportunities in
2 multifamily neighborhoods where it is desirable to limit development to infill projects and conversions
3 compatible with the existing mix of houses and small to moderate scale apartments. To accommodate
4 greater density allowed in the zone, L3 designations should be located in areas with adequate alley
5 access and on- street parking.

4 - **Lowrise 4 (L4)**

5 **Purpose of the Zone:** The intent of the Lowrise 4 zone is to provide for higher density infill
6 development in residential neighborhoods already characterized by larger, high density residential
7 structures. To accommodate greater density allowed in the zone, L4 should be located in areas with good
8 vehicular circulation, adequate alley access and on-street parking. In addition to housing types permitted
9 in less intensive zones; new housing types appropriate for Lowrise 4 are four-story apartments.

8 - **Midrise (MR)**

9 **Purpose of the Zone:** The intent of the Midrise zone is to allow for higher density residential
10 development in neighborhoods where significant concentrations of housing are desired and where
11 services are available to accommodate such growth. This classification allows multifamily housing of a
12 medium to large scale, fairly high density and heights greater than those in the lowrise zones. The
13 development standards for the Midrise zone are intended to provide for larger scale structures while
14 maintaining the livability of these high density residential areas. Development standards should include
15 measures which minimize the appearance of bulk. Ground floor commercial use in apartment buildings
16 is allowed in blocks adjacent to healthy commercial areas.

13 - **Highrise (HR)**

14 **Purpose of the Zone:** The intent of the Highrise zone is to allow very high-density residential
15 development in areas where concentrations of such housing are desired and can be accommodated. This
16 most intense residential classification allows development of highrise structures.

17 In order to add activity and visual interest to the street environment and contribute to the neighborhood's
18 livability, ground floor commercial use in residential buildings is permitted throughout Highrise areas
19 and greater bulk may be permitted in the base of highrise structures.

20 In order to provide public open spaces, preserve or provide low and moderate cost housing, preserve
21 historically or architecturally significant buildings, or provide more space between towers to decrease
22 view blockage and shadows on adjacent structures and open spaces, additional height beyond the height
23 limit may be granted to structures in the Highrise zone.

21 **Policy 3: Density Limits**

22 The purpose of establishing limits on density is to provide greater predictability about the allowed
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1 intensity of development by specifying a maximum number of units achievable on sites in each lowrise
2 multifamily classification. The density limits shall provide for a wide range of housing types and
3 achieve development that is compatible with the predominant character of multifamily areas.

3 Permitted density shall be determined on a lot area per dwelling unit basis. Each zone classification shall
4 establish the minimum amount of lot area required for each permitted unit. Density limits for housing for
5 low-income elderly and low-income disabled persons shall be established to provide for the special
6 needs of these families. In the Lowrise Duplex/Triplex zone, new lots created for the construction of
7 single family dwelling units shall comply with the minimum lot area requirements for Single Family
8 5000 zones.

6 **Implementation Guideline: Density Limits for Housing for Low-income Elderly or Low-income
7 Disabled Persons**

8 In order to reduce costs and provide sufficient density to make the development of housing for low-
9 income elderly and low-income disabled persons feasible, maximum density limits shall be increased for
10 such housing in the L3 and L4 zones. The density limits reflect the fact that low-income elderly and low-
11 income disabled families create less impacts than the general population, and that it is the City's policy
12 to facilitate the development of housing for these families.

11 **Policy 4: Height of Buildings**

12 The intent of this policy is to establish predictable maximum heights, maintain a consistent height limit
13 throughout the building envelope, maintain scale relationships with adjacent buildings under varying
14 topographic conditions, reduce view blockage, and encourage pitched roofs. The appropriate height for
15 an area shall be determined according to the locational criteria for the multifamily classifications. In
16 order to encourage a residential character and to accommodate appropriate mechanical equipment,
17 additional height exceptions may be permitted for pitched roofs and special rooftop features.

15 The height measurement technique shall assure predictable maximum heights consistent with the
16 maximum height limit permitted in these zones and shall reflect the natural contours of the land.
17 Artificially created grades to gain height advantages shall be prohibited. Height measurement techniques
18 implementing these policies shall be established in the Land Use Code.

18 **Policy 5: Bulk Requirements**

19 Bulk limits are established to conform with the prevailing pattern of development in the surrounding
20 area, to prevent the development of wide buildings which block views, and to encourage infill
21 development. In order to minimize the appearance of bulk, modulation techniques shall be used which
22 allow buildings to be wider than their neighbors while appearing compatible. In each classification, there
23 are established two sets of width limits: more restrictive limitations for unmodulated buildings and less
24 restrictive limits for buildings which minimize the appearance of bulk through modulation.

23 **Implementation Guideline 1: Width and Depth Limitations**

1 Width and depth limits are established in multifamily classifications to ensure the scale of development
2 is generally compatible with existing character, to maintain light and air and encourage single lot
3 development.

4 **Implementation Guideline 2: Modulation Requirements**

5 Modulation requirements are established to reduce the appearance of bulk. Modulation shall be required
6 along the front facade of a building to allow increases in the building width. The width of modulation
7 shall vary by zoning classification and housing type.

8 **Implementation Guideline 3: Lot Coverage**

9 To ensure that there is an adequate proportion of open area on a site relative to the area occupied by
10 structures, and to provide residents of multifamily areas with sufficient access to light and air, a
11 maximum limit on lot coverage shall be established for apartment and townhouses structures in lowrise
12 zones. In order to encourage development of ground-related housing, greater lot coverage shall be
13 allowed for townhouses in lowrise zones.

14 **Policy 6: Open Space**

15 Multifamily developments shall be required to provide open space for the use of the residents, in order to
16 maintain existing street patterns of landscaped front yards, encourage permeable surfaces and vegetation
17 and mitigate the cumulative effects of development.

18 Ground-related housing shall have ground-level open space which is directly accessible to each unit and
19 is for the private use of the residents of that unit. In order to ensure the privacy of the open space,
20 openings (windows, doors, etc.) on walls adjacent to the open space which are part of a different unit or
21 common areas shall be prohibited.

22 Usable open space for terraced housing must be directly accessible to each unit but may be located
23 above ground level on the rooftop of units below.

24 Apartments shall have usable ground level open space for the residents of the building. Some required
open space may be provided as private decks and balconies.

Highrise apartments shall have a significant portion of the lot area as usable open space for the use of the
residents. Some of the open space requirements may be met with areas which are located above ground
level but are not higher than the roof of the base structure.

Policy 7: Setback Requirements

Setback requirements are established to ensure light and air to residents of multifamily structures, and
compatibility of new development with the existing pattern of multifamily areas. Front setbacks shall

1 maintain existing setback patterns and view corridors parallel to streets. Infill development that is
2 compatible in scale and siting with surrounding buildings and maintains the pattern of landscaping along
3 the street frontage shall be encouraged. Open balconies, decks and bay windows shall, within limits, be
4 allowed to project over the required front setback. Minimum side and rear setback requirements shall be
5 established to provide light, air, solar access, and privacy of units. Side setback requirements shall vary
6 depending on the height and depth of the building.

4 **Implementation Guideline 1: Front Setbacks**

5 Front setbacks shall be required of new development. To ensure that new development is compatible
6 with the existing pattern in the area, the minimum depth of the required front setback shall generally be
7 determined by the average of the setback of buildings on adjoining lots, measured from the front
8 property line to the closest wall.

8 **Implementation Guideline 2: Side Setback Requirements**

9 In order to provide a minimum sense of privacy, openness, light and air, to gain solar access, and to
10 mitigate shadows cast on adjacent sites, side setbacks shall be required. The required side setback shall
11 vary depending on the height and depth of a structure. Averaging the required setback shall be allowed
12 to encourage modulation and visual interest of side facades.

11 **Implementation Guideline 3: Rear Setback Requirements**

12 In order to ensure light and air and privacy to residents of multifamily structures, to maintain the pattern
13 of existing rear setbacks, and to provide adequate transition between zones of differing intensity, rear
14 setbacks shall be established. The greater the width and height of the structure, the greater the setback.

14 **Implementation Guideline 4: Projections Into Setbacks**

15 To encourage features that add visual interest to buildings, additional provisions shall allow specific
16 architectural features such as decks, open balconies, and bay or oriel windows to project into required
17 setbacks, provided they are at a specified distance from the property lines and do not adversely affect
18 neighboring lots.

18 **Policy 8: Quantity of Required Off-Street Parking**

19 Off-street parking shall be required for new housing developments. In establishing the parking ratio, a
20 balance shall be sought between the need for new developments to meet approximate parking demand on
21 site to avoid adding to the congestion of parked cars on surrounding streets, against the countervailing
22 need to minimize the costs of housing associated with required off-street parking, and to recognize the
23 City's energy policies which encourage the use of public transit and discourage the use of automobiles.

22 In recognition of these countervailing needs and policies, the required parking ratio for multifamily
23 residential units shall reasonably mitigate the most significant parking impacts, ensuring the ratio is an
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1 adequate amount when considered against the needs to keep housing costs low. Therefore, the parking
2 ratio shall vary according to the type of housing, the project and unit size and the number of bedrooms.

3 In order to respond to those situations in which the parking demand of the occupants may be
4 significantly different than those of the general population, exceptions shall be made for special
5 occupant groups, in certain situations where new units are added to existing development, and in
6 apartments containing units with multiple bedrooms.

7 These parking ratios shall be established in the Land Use Code. Additional mitigation of parking
8 impacts may be required under the State Environmental Policy Act (SEPA) where on-street parking is
9 already at capacity as defined by the Seattle ((Engineering)) Transportation Department or where the
10 development itself would cause on-street parking to reach capacity as so defined, provided that parking
11 impact mitigation in multifamily zones under SEPA may not include reduction in development density.
12 Mitigation under any other administrative review procedure shall not be required.

13 To ensure that this policy reflects as accurately as possible automobile ownership patterns and parking
14 demand in Seattle, the City shall monitor the implementation of this policy and conduct a study to
15 evaluate parking demand.

16 **Implementation Guideline 1: Quantity of Required Parking**

17 The overall off-street parking provided for new development of multifamily housing shall approximate
18 the city's average parking demand, by establishing parking at ratios that reflect the likely demand of the
19 unit's occupants. In order to ensure mitigation of significant parking impacts, the requirement shall
20 increase as unit and project size increase. Additional parking shall be required for structures with a
21 significant number of units with three or more bedrooms. However, to encourage infill development of
22 family-type housing, the minimum parking requirement of one off-street space per unit shall be
23 maintained for small ground-related projects.

24 **Implementation Guideline 2: Parking Overlays**

In order to ensure that new housing development will not increase on-street parking congestion or to
acknowledge areas in which parking demand may be less than the requirement, parking overlays may be
established to alter the minimum ratio of parking spaces per unit.

Policy 9: Location and Appearance of Required Off-Street Parking

Off-street parking for multifamily structures shall maintain an attractive environment at street level,
continue the existing pattern of landscaped front yards, facilitate traffic flow, and sustain on-street
parking capacity.

In order to achieve these goals, the location of parking in the front of multifamily buildings shall be
prohibited except as specified below. Parking shall be located in the rear or side of the lot or built into or
under the structure. Access to parking shall be required to be from the alley, where alleys are improved

1 and accessible, except in specified cases where a high intensity area borders on a lower density area.
2 Alley improvement is encouraged but not generally required. Width of curb cuts is limited. Where
3 parking would be directly visible from the street side, it shall be screened and landscaped along the street
4 side.

5 Exceptions to these guidelines shall be permitted in order to encourage and facilitate development of
6 ground- related housing, avoid creating additional construction costs, and to buffer areas of low intensity
7 development.

8 Off-site accessory use parking shall be prohibited in Lowrise and Midrise areas.

9 In order to encourage shared parking facilities and to provide the flexibility to develop parking separate
10 from residential structures in Highrise areas, off-site accessory use parking structures shall be permitted
11 in Highrise areas, subject to administrative review. Criteria for approval shall ensure that such parking is
12 compatible with the residential character of the area. Development standards for curb cuts, screening and
13 landscaping, setbacks, height, access, signs, and lighting shall be met.

14 **Policy 10: Expansion or Renovation of Existing Residential Structures**

15 The expansion and renovation of existing residential structures, and addition of new residential units to
16 existing residential structures in multifamily areas, shall be allowed. Any new part of the structure shall
17 conform to the development standards. No expansion, renovation or addition allowed under this policy
18 shall increase any existing non-conformity. The intent of this policy is to encourage increases in the
19 existing housing supply and encourage improvements to existing residential structures. Expansions of
20 non-conforming structures to provide access for the elderly and physically disabled, fire exits and other
21 features required by applicable laws shall be allowed.

22 **Policy 11: Adding Residential Units To Existing Structures With Non-Conforming Uses**

23 The City shall encourage the conversion of buildings containing non-conforming uses to ones which
24 contain multifamily uses by allowing alterations or expansions to structures as long as such alterations or
expansions conform to the development standards of the particular multifamily classification. The intent
of this policy is to promote additions to multifamily housing stock while controlling physical expansion,
in order to maintain the pattern of development in the surrounding area.

Policy 12: Principal Use

The principal or primary use of multifamily areas shall be multifamily residential. The intent is to help
preserve the character of multifamily residential areas, discourage the demolition of residences and
displacement of residents, and preserve land and development opportunities for multifamily use. In order
to protect multifamily residential areas from negative impacts of incompatible uses, the number and type
of non- residential uses permitted in these areas shall be limited.

Policy 13: Accessory Uses

1 In order to allow greater flexibility within permitted uses, accessory uses clearly incidental to the
2 permitted use, such as home occupations or offices in religious institutions, shall be permitted as detailed
3 in the Land Use Code.

4 An exception to this general rule will be made for neighborhood-oriented business and commercial uses,
5 which may be established on the ground floor of apartment buildings. Such ground floor commercial use
6 will be permitted in Midrise areas in close proximity to healthy business and commercial districts and
7 throughout Highrise areas. The intent of this provision is to allow a mix of multifamily housing with
8 business and commercial uses that may help reinforce commercial areas, while remaining compatible
9 with the residential use, and to provide services to the multifamily areas.

7 **Policy 14: Small Institutions and Public Facilities**

8 The City recognizes the positive contribution many institutions and public facilities have made to the
9 residential areas in which they are located, respecting community needs and providing necessary
10 services. Therefore, small institutions and public facilities shall be allowed to establish or expand in
11 multifamily areas, provided they are compatible with the residential character and scale of the area.
12 Small institutions of five or more acres which wish to expand outside their existing campus, and small
13 institutions which find that the development standards of the multifamily classification in which they are
14 located are inadequate to their development needs, may be considered for Major Institution status.

15 The provisions of this policy shall apply to all small institutions and public facilities located in
16 multifamily areas.

13 **Implementation Guideline 1: General Development Standards**

14 The following development standards for institutional and public facility development are included in
15 the Land Use Code:

- 16 1) Building Height, Bulk and Setbacks;
- 17 2) Open Space, Landscaping and Screening.

18 These standards shall be similar to those required of housing, but should be allowed to vary somewhat
19 because of the special structural requirements of some institutional uses. Criteria shall be established,
20 limiting variation in order to achieve design compatibility with scale and character of the surrounding
21 area. Height limits, however, with the exception of spires on religious institutions, shall not be allowed
22 to vary from the height limit for multifamily development.

23 Additional standards, not required of residential uses, shall also be established for institutions and public
24 facilities in multifamily areas. They include:

- 22 1) Light and Glare: Non-reflective surfaces shall be used to help reduce glare; lighting of
23 structures, signing and parking shall be reflected away from adjacent uses.

1 2) Noise: Standards for noise, based on traffic and hours of operation, shall be included in the
Land Use Code. The standards may vary with the intensity of the multifamily zone classification.

2 3) Parking and Transportation: Standards for required off-street parking shall be established in
3 the Land Use Code. The intent of this policy is not to require institutions and public facilities to satisfy
4 all parking demands generated by their staffs, clients, and visitors. Institutions or facilities which
5 generate sufficient traffic and parking to adversely impact the surrounding residential area shall be
6 required to prepare and implement a transportation plan which demonstrates how they will reduce traffic
impacts and aggressively pursue the use of public transit, carpools and/or vanpools. Number of
employees and anticipated clientele shall be an indication of the need to require such a plan (specific
criteria shall be established). Parking needs which cannot be met by alternative transportation modes
shall be accommodated by an on-site parking facility provided by the institution or facility.

7 Increased traffic and parking expected to occur due to the establishment or expansion of the institution
8 or facility shall not be permitted to create a serious safety problem or be a blighting influence on the
9 surrounding neighborhood. The negative impacts of traffic and parking may be mitigated by locating
parking facilities to avoid drawing traffic through residential streets, or establishing joint use of existing
parking with adjacent uses.

10 Standards for required off-street parking associated with uses which require administrative review may
11 be modified through the review process. The number of required parking spaces for a given institution or
12 facility shall be based on the anticipated use of the facility, size of meeting or assembly areas, hours of
use, anticipated effects of parking on the surrounding community, information contained in the
transportation plan, access to public transportation and carpools, and other considerations of need and
impact.

13 **Implementation Guideline 2: Administrative Review**

14 Development standards for institutions shall be used whenever possible to reduce the need for an
15 administrative review, thus shortening the development process and providing more certainty and
16 predictability for land owners, local residents, and developers. However, departures from the
17 development standards shall be allowed through an administrative review process, which will evaluate
18 the proposal for consistency with multifamily policy objectives and intent. This review process assures
neighboring areas that the unique features of the use and the area will be considered when determining
the acceptability of a use for a given location. Public notification and opportunity for comment shall be a
part of the review process.

19 **Implementation Guideline 3: Concentration of Institutions and Public Facilities**

20 Institutions and public facilities shall not be concentrated if that concentration creates or further
21 aggravates parking shortages, traffic congestion, and noise in or near residential areas. Standards relating
to concentration shall be developed in the Land Use Code.

22 **Implementation Guideline 4: Demolition or Conversion of Residential Structures**

1 Residential structures may be demolished or converted if necessary for the expansion of the facility.
2 However, no residential structure shall be demolished in order to develop a non-required parking lot.
3 Any building which is on the City, State or National Historic Register shall be preserved whenever
4 possible.

5 **Implementation Guideline 5: Expansion of Non-Conforming Structures**

6 The intent of this policy is to encourage the continued use of non-conforming institutional facilities;
7 therefore, rather than restricting work on the structures to normal maintenance only, allowances for
8 expansion or structural changes are allowed. Institutions and public facilities in non-conforming
9 structures shall be allowed to expand as long as such expansion does not increase the structure's non-
10 conformity and is within the development standards of the zone.

11 **Implementation Guideline 6: Public Facilities**

12 Public facilities which do not meet the definition of a small institution may be located in multifamily
13 areas for reasons of public necessity. However, relationship with surrounding uses shall be a
14 consideration in the design, siting, landscaping and screening of such facilities. Parking and
15 transportation considerations shall also be evaluated. Such facilities are unique and are not provided by
16 the private sector. Their location and expansion shall be determined by specific public service delivery
17 needs. If a City facility and site have been approved by ordinance through a public process which
18 includes notice and discussion of land use and environmental issues, an additional administrative review
19 shall not be required.

20 **Policy 15: Joint Use or Re-Use of Public Schools**

21 The continued use of public school buildings which are no longer fully utilized as schools shall be
22 encouraged in order to retain the facility for possible future school use. Therefore, the joint use or re-use
23 of public school facilities shall be allowed in multifamily areas. Nonresidential uses otherwise not
24 permitted in multifamily areas shall be allowed to locate in school buildings as long as specific criteria
for such re-use are met.

Implementation Guideline 1: Criteria for Proposed Uses

Criteria for judging the acceptability of proposed uses of school buildings shall be determined for each
school and may differ from school to school. The criteria shall address the effects of the uses on
students, teachers, and residents of the surrounding area, and traffic, parking and other land use impacts.
The specific criteria for each school shall be determined by a process which insures the participation of
representatives from the Seattle School District, the City of Seattle, and the neighborhood involved.

Implementation Guideline 2: Review Process

Joint use or re-use of public school buildings shall be permitted subject to a review process described in
the Land Use Code to assure the use is consistent with the criteria developed. This shall be the only

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1 review of the use; joint or new uses shall not be subject to additional review under Policy 14, Small
2 Institutions and Public Facilities.

3 **Implementation Guideline 3: Retention of School Structure**

4 Exceptions to existing land use policies and zoning for joint use or re-use of a school site will be allowed
5 only when the principal school structures are retained. If the school building is demolished, that site
6 shall be subject to the adopted land use policies and zoning requirements of that area classification.

7 Section 164. ~~SMC 23.22.024~~ is hereby amended as follows:

8 **Distribution of preliminary plans.**

9 If the Director determines that the subdivider has met all the application requirements for the
10 preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for
11 its approval or disapproval, the Director shall affix a file number and date of receipt to the application
12 and promptly forward three (3) copies of the plat and the subdivider's preliminary plans for streets and
13 other improvements to the Director of ~~((Engineering))~~ Transportation. The Director shall also forward a
14 copy of the preliminary plat to each of the following:

- 11 A. Director of Public Health;
- 12 B. Superintendent of City Light;
- 13 C. Director of Housing and Human Services;
- 14 D. Superintendent of Parks and Recreation;
- 15 E. ~~((Superintendent of Water))~~ Director of Seattle Public Utilities;
- 16 F. Chief, Fire Department;
- 17 G. Metropolitan Services Department;

18 who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to
19 the effect of the proposed subdivision upon the public health, safety and general welfare, and containing
20 their recommendations for approval or disapproval of the preliminary plat. The reports of the Director
21 of ~~((Engineering))~~ Transportation and the ~~((Superintendent of Water))~~ Director of Seattle Public
22 Utilities shall also include a recommendation as to the extent and type of improvements to be provided
23 in dedicated areas and a preliminary estimate of the cost of these improvements.

24 Section 165. ~~SMC 23.22.028~~ is hereby amended as follows:

Effect of preliminary plat approval.

A. Approval of the preliminary plat shall constitute authorization for the subdivider to develop
the subdivision facilities and improvements as required in the approved preliminary plat upon issuance
of the final plat. Development shall be in strict accordance with the plans and specifications as prepared
or approved by the Director of ~~((Engineering))~~ Transportation and subject to any conditions imposed by
the Council.

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1 B. No subdivision requirements which become effective after the approval of a preliminary plat
2 for a subdivision shall apply to such subdivision unless the Council determines that a change in
3 conditions created a serious threat to the public health or safety.

4 Section 166. SMC 23.22.064 is hereby amended as follows:

5 **Filing with Director of ((Engineering)) Transportation.**

6 A. Time of Filing.

7 1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this chapter,
8 shall be filed with the Director of ((Engineering)) Transportation within five (5) years of the date of
9 preliminary plat approval.

10 2. Within thirty (30) days of the date of filing of the final plat, unless the applicant
11 consents to an extension of the time period, final plats shall be approved or disapproved by action of the
12 Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this
13 chapter.

14 B. Submittal Requirements. The following shall be submitted for final plat review:

15 1. A final plat consistent with the technical requirements of Section 23.22.066 and
16 Subchapter V;

17 2. A complete survey of the section or sections in which the plat or replat is located, or as
18 many sections as may be necessary to properly orient the plat within the section or sections;

19 3. Complete field and computation notes as provided in Section 23.22.094;

20 4. A title report from a title company licensed to do business in the state showing the
21 ownership and title of all parties of interest in the subdivision and confirming that title of the lands as
22 described and shown on the final plat is in the name of the owners signing the certificate required in
23 Section 23.22.068;

24 5. A guarantee deposit in an amount established by the Director of ((Engineering))
Transportation sufficient to cover the expense of the City in checking the plat, advertising the ordinance,
and posting notices.

Section 167. SMC 23.22.066 is hereby amended as follows:

Technical standards for final plat.

A. The final plat shall be prepared upon the best grade of tracing medium and shall be eighteen
inches (18") by twenty-two inches (22") in size. The accuracy and completeness of the map shall be the
sole responsibility of a registered land surveyor whose seal shall appear on the plat and who shall make
field surveys and investigations as necessary to insure that the map is complete and accurate in every
detail. The preparation of the tracing shall be by an experienced draftsman and work shall conform to
established standards of workmanship. The final plat shall be presented at a scale not smaller than one
hundred feet (100') to one inch (1") and shall contain and show the following:

1. The name of the subdivision;

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- 1 2. The lines, widths and names of all streets, avenues, places, parks or other public
- 2 property, and the location of monuments marking the same;
- 3 3. The length and direction of all lot lines, also the angles made by lot lines with the
- 4 street lines;
- 5 4. The location of control points and monuments together with all ties;
- 6 5. The names of all subdivisions immediately adjacent;
- 7 6. The scale and north point;
- 8 7. The boundary of the tract as covered by the plat showing courses and distance on the
- 9 plat;
- 10 8. The initial point;
- 11 9. All protective improvements and restrictions on uses;
- 12 10. All dedications and all conveyances to a homeowner's nonprofit maintenance
- 13 corporation in lieu of dedication.

14 B. In the case of a replat, the lots, blocks, streets, alleys, easements and parks appearing on the

15 original plat shall be shown by dotted lines in their proper position in relation to the new arrangement of

16 the plat, and the new plat shall be shown clearly in solid lines to avoid ambiguity.

17 C. The description, dedication, acknowledgment, certificates of the City Finance Director and

18 County official performing the duties of the County Treasurer, certificates of approval by the Director of

19 ((Engineering)) Transportation, the City Clerk and the Director, and recording certificate, shall be

20 lettered with india ink or substantially equivalent lettering material and shall be substantially in the form

21 set forth in the Director of ((Engineering)) Transportation's Subdivision Manual.

22 Section 168. SMC 25.22.068 is hereby amended as follows:

23 **Certificates required.**

24 Each and every final plat, or replat, of any property to be filed for record shall:

- 1 1. Contain a statement of approval from the Director of ((Engineering)) Transportation as to the
- 2 survey date, the layout of streets, alleys and other rights-of-way, design of bridges, sewage and water
- 3 systems, and other structures;
- 4 2. Be acknowledged by the person filing the plat before the King County Director of Records
- 5 and Elections or any other officer who is authorized by law to take acknowledgment of deeds, and a
- 6 certificate of the acknowledgment shall be enclosed or annexed to the plat and recorded with it;
- 7 3. Contain a certification from the proper officer or officers in charge of tax collections that all
- 8 taxes and delinquent assessments for which the property may be liable as of the date of certification have
- 9 been duly paid, satisfied or discharged;
- 10 4. Contain a certificate giving a full and correct description of the lands divided as they appear
- 11 on the plat, including a statement that the subdivision has been made with the free consent and in
- 12 accordance with the desires of the owners. If the plat is subject to a dedication, the certificate or a
- 13 separate written instrument shall also contain the dedication of all streets and other areas to the public,
- 14 an individual or individuals, religious society or societies or to any corporation, public or private as
- 15 shown on the plat and a waiver of all claims for damages against any governmental authority which may
- 16 be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.

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1 The certificate or instrument of dedication shall be signed and acknowledged before a notary public by
2 all parties having any ownership interest in the land subdivided and recorded as part of the final plat.

3 Section 169. ~~SMC 23.22.070~~ is hereby amended as follows:

4 **Director's action on final plat.**

5 The Director of ~~((Engineering)) Transportation~~ shall refer the final plat to the Director who shall
6 review the final plat for substantial conformance to the approved preliminary plat, including any
7 requirements or conditions imposed by the Hearing Examiner, and to the standards established by RCW
8 Chapter 58.17 and this chapter. The Director shall within ten (10) days furnish the Director of
9 ~~((Engineering)) Transportation~~ with a report regarding the conformance of the plat. The Director of
10 ~~((Engineering)) Transportation~~ shall review the final plat for the following:

11 A. That the proposed final plat bears the certificates and statements of approval required by state
12 law and this chapter;

13 B. That a title insurance report furnished by the subdivider confirms the title of the land and the
14 proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

15 C. That the facilities and improvements required to be provided by the subdivider have been
16 completed or alternatively, that the subdivider will provide a bond in a form approved by the City
17 Attorney and in an amount commensurate with the cost of improvements remaining to be completed,
18 conditioned upon the construction and installation of improvements within a fixed time set by the
19 Council, not to exceed two (2) years after final approval of the plat;

20 D. That the map is technically correct and accurate as certified by the registered land surveyor
21 responsible for the plat.

22 Section 170. ~~SMC 23.22.072~~ is hereby amended as follows:

23 **Submission of final plat to Council.**

24 A. Pursuant to the requirements of RCW 58.17.150, the Director of ~~((Engineering))
Transportation~~ shall not modify the conditions or requirements made in the approval of the preliminary
plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of ~~((Engineering)) Transportation~~ determine that the
requirements of this subtitle are met, the Director of ~~((Engineering)) Transportation~~ shall certify that the
proposed final plat meets the requirements of RCW Chapter 58.17 and this chapter, and shall forward a
complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this chapter have not been met, the final
plat shall be returned to the applicant for modification, correction or other action as may be required for
approval; provided, that the final plat shall be forwarded to the Council together with the determination
of the Directors, upon written request of the subdivider.

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1 Section 171. SMC 23.22.074 is hereby amended as follows:

2 **Council determination of final plat.**

3 A. The Council shall determine:

- 4 1. Whether the final plat is in substantial conformance with the approved preliminary
5 plat;
6 2. Whether the requirements imposed when the preliminary plat was approved have been
7 met;
8 3. Whether the bond, if required by the City, is sufficient in its terms to assure
9 completion of improvements; and
10 4. Whether the requirements of state law and the Seattle Municipal Code which were in
11 effect at the time of preliminary plat approval have been satisfied by the subdivider.

12 B. The Council shall approve by ordinance, disapprove, or return the proposed final plat. If the
13 Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and
14 the Director of ((Engineering)) Transportation shall transmit the original plat to the King County
15 Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy
16 to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of
17 the Director of ((Engineering)) Transportation.

18 C. A subdivision shall be governed by the terms of approval of the final plat and any lots created
19 thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no
20 less than five (5) years unless the City Council finds that a change in circumstances creates a serious
21 threat to the public health or safety in the subdivision.

22 Section 172. SMC 23.22.094 is hereby amended as follows:

23 **Computations-Notes.**

24 A. The surveyor shall furnish the Director of ((Engineering)) Transportation with a full set of
survey notes which notes shall clearly show:

1. The ties to each permanent monument;
2. At least three (3) durable, distinctive reference points or monuments;
3. Sufficient data to determine readily the bearing and length of each line;
4. The base meridian referred to. B. A traverse of the boundaries of the subdivision
and all lots and blocks shall close within an area of one foot (1") in five thousand feet (5,000').

C. Primary survey control points shall be referenced to section corners and monuments, and
corners of adjoining subdivisions, or portions of subdivisions shall be identified and ties shown.

Section 173. SMC 23.22.096 is hereby amended as follows:

Permanent control monuments.

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- 1 A. Permanent control monuments shall be established at:
- 2 1. All controlling corners on the boundaries of the subdivision;
 - 3 2. The intersections of centerlines of roads within the subdivisions;
 - 4 3. The beginning and ends of curves on centerlines;
 - 5 4. All block corners.

6 B. Permanent control monuments may be placed on the
7 offset lines. The position and type of every permanent monument shall be noted on all plats of the
8 subdivision. Permanent control monuments shall be of a type approved by the Director of
9 ((Engineering)) Transportation.

10 C. Permanent control monuments within the streets shall be set after the streets are graded. In
11 the event a final plat is approved before streets are graded, the security deposit to provide for grading
12 shall be sufficient to pay the costs of setting the monuments estimated by the Director of ((Engineering))
13 Transportation.

14 D. Each lot corner shall be marked by a three-quarter-inch (3/4") galvanized iron pipe, twenty-
15 four inches (24") in length, or approved equivalent, driven into the ground.

16 Section 174. ~~SMC 23.22.100~~ is hereby amended as follows:

17 **Design standards.**

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

20 A. Streets and Alleys.

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

23 2. Major streets within each subdivision shall conform with the City's thoroughfare and
24 circulation plans and shall provide for the continuation of major streets which serve property contiguous
to the subdivision. Unless warranted by special physical circumstances, streets serving lots on two sides
shall be at least sixty feet (60') wide.

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

4. A cul-de-sac shall be so designed as to provide a circular turnaround at the closed end
which has a minimum radius of forty feet (40') and a minimum roadway radius of twenty-eight feet
(28'). A tee or other reasonable alternative may be authorized by the Council in lieu of the turnaround.
Cul-de-sac streets shall not exceed four hundred fifty feet (450') in length and the right-of-way shall be
at least fifty feet (50') wide, except under special circumstances a lesser width will be permitted.

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

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

B. Blocks. Blocks shall be designed to assure traffic safety and ease of traffic control and
circulation. Blocks shall be identified by letters or numbers.

C. Lots.

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1 1. Every lot shall be provided with convenient vehicular access to a street or to a
2 permanent appurtenant easement which satisfies the requirements of Section 23.54.010.

3 2. Lots shall be numbered with reference to blocks.

4 D. Sidewalks. Design of sidewalk or sidewalk easements in residential subdivisions shall be as
5 required by the Director of ~~((Engineering))~~ Transportation.

6 E. Drainage, Storm Sewer and Utility Easements.

7 1. Easements for drainage channels and ways shall be of sufficient width to assure that
8 they may be maintained and improved. Easements for storm sewers shall be provided and shall be of
9 sufficient width and in proper location to permit future installation. Utility easements shall be in
10 accordance with plans and specifications prepared by the appropriate City department.

11 2. Easements for electric, telephone, water, gas and similar utilities shall be of sufficient
12 width to assure installation and maintenance.

13 F. Underground Utility Installation. Subdivisions located adjacent to subdivisions having
14 underground utility lines shall provide underground utility lines including but not limited to those for
15 electricity, telephone, CATV and street lighting.

16 Section 175. ~~SMC 23.22.102~~ is hereby amended as follows:

17 **Improvements.**

18 A. Streets, Bridges and Other Construction. All streets, bridges, drains, culverts and other
19 structures and facilities in dedicated areas shall be constructed in accordance with plans and
20 specifications prepared or approved by the Director of ~~((Engineering))~~ Transportation.

21 B. Street Grading and Surfacing. All dedicated streets shall be graded to their full width with
22 adequate drainage provided prior to acceptance for public use. Grades shall be established by the
23 Director of ~~((Engineering))~~ Transportation and all roadways shall be surfaced according to plans and
24 specifications prepared or approved by the Director of ~~((Engineering))~~ Transportation.

 C. Water and Sewers. Water supply facilities adequate to provide potable water from a public
supply to each lot within a subdivision shall be installed in conformity with standards adopted by the
~~((Superintendent of Water))~~ Director of Seattle Public Utilities. Each lot shall be provided with a
sanitary sewer system connection approved by the Seattle-King County Health Department and the
~~((Department of Engineering))~~ Seattle Public Utilities unless the agencies determine that the lots can be
adequately served with private septic tanks. All connections shall conform to applicable City
regulations.

 D. Service Mains and Fire Hydrants. Prior to the construction of any structure in the subdivision,
service mains and fire hydrants shall be installed in accordance with plans and specifications prepared or
adopted by the ~~((Director of Engineering))~~ Director of Seattle Public Utilities and in accordance with
requirements and standards of the ~~((Water))~~ Seattle Public Utilities and the Fire Department(s).

 Section 176. ~~SMC 23.24.040~~ is hereby amended as follows:

Criteria for approval.

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1
2 A. The Director shall, after conferring with appropriate officials, use the following criteria to
3 determine whether to grant, condition or deny a short plat:
4 1. Conformance to the applicable Land Use Policies and Land Use Code provisions;
5 2. Adequacy of access for vehicles, utilities and fire protection as provided in Section
6 23.53.005;
7 3. Adequacy of drainage, water supply and sanitary sewage disposal;
8 4. Whether the public use and interests are served by permitting the proposed division of
9 land;
10 5. Conformance to the applicable provisions of SMC Section 25.09.100, Short
11 subdivisions and subdivisions, in environmentally critical areas;
12 6. Conformance to the provisions of Section 23.24.045, Townhouses, when the short
13 subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of
14 title of townhouses.

15 B. If the short subdivision contains a proposed dedication, the Director shall refer the matter to
16 the Director of ((Engineering)) Transportation for report and recommendation. The short plat or
17 dedication instrument shall be transmitted to the City Council for acceptance of the dedication by
18 ordinance.

19 Section 177. SMC 23.44.016 is hereby amended as follows:

20 **Parking location and access.**

21 Parking shall be required as provided in Chapter 23.54 and in accordance with the following:

22 **A. Access.**

- 23 1. Vehicular access to parking from an improved street, alley or easement is required.
24 2. Access to parking is permitted through a required yard abutting a street only if the
Director determines that one (1) of the following conditions exists:
a. There is no alley improved to the standards of Section 23.53.030 C; or
b. Existing topography does not permit alley access; or
c. A portion of the alley abuts a nonresidential zone; or
d. The alley is used for loading or unloading by an existing nonresidential use; or
e. Due to the relationship of the alley to the street system, use of the alley for
parking access would create a significant safety hazard; or
f. Parking access must be from the street in order to provide access to parking
space(s) which meet the Washington State Building Code, Chapter 31; or
3. Where access to required parking spaces passes through a required yard, automobiles,
motorcycles and similar vehicles may be parked on the access located in a required yard. Trailers, boats,
recreational vehicles or similar equipment shall not be parked in any required yard abutting a street or on
any access which is located in a required yard. When a rear yard abuts a street, trailers, boats,
recreational vehicles or similar equipment shall be prohibited from parking in the first ten feet (10') of
the rear yard abutting the street.

B. Parking on Lot of Principal Use.

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1 1. Except as otherwise provided in this subsection, accessory parking shall be located on
the same lot as the principal use.

2 2. Parking on planting strips is prohibited.

3 3. Parking accessory to a floating home may be located on another lot if within six
hundred feet (600') of the lot on which the floating home is located.

4 4. Parking accessory to a single-family structure existing on June 11, 1982 may be
established on another lot if all the following conditions are met:

5 a. There is no vehicular access to permissible parking areas on the lot.

6 b. Any garage constructed is for no more than two (2) two (2) axle or two (2) up-
to-four (4) wheeled vehicles.

7 c. Any garage is located and screened or landscaped per Section 23.44.016 E if
applicable, as required by the Director who shall consider development patterns of the block or nearby
blocks.

8 d. The lot providing the parking is within the same block or across the alley from
the principal use lot.

9 e. The accessory parking shall be tied to the lot of the principal use by a covenant
or other document recorded with the King County Department of Records and Elections.

10 5. Trailers, boats, recreational vehicles and similar equipment shall not be parked in
required front and side yards.

11 C. Location of Parking on Lot.

12 1. Except for public school use, parking may be located:

13 a. Within the principal structure; or b. In the side or rear yard except a required
sideyard abutting a street or the first ten feet (10') of a required rear yard abutting a street.

14 2. Parking shall not be located in the required front yard except as provided in
subsections C3, C4, C5 and C6.

15 3. Lots With Uphill Yards Abutting Streets. Accessory parking for one (1) two (2) axle
or one (1) up-to-four (4) wheeled vehicle may be established in a required yard abutting a street
according to subsection C3a or b below only if access to parking is permitted through that yard pursuant
to subsection A of this section.

16 a. Open Parking Space.

17 i. The existing grade of the lot slopes upward from the street lot line an
average of at least six feet (6') above sidewalk grade at a line which is ten feet (10') from the street lot
line; and

18 ii. The parking area shall be at least an average of six feet (6') below the
existing grade prior to excavation and/or construction at a line which is ten feet (10') from the street lot
line;

19 iii. The parking space shall be no wider than ten feet (10') for one (1)
parking space at the parking surface and no wider than twenty feet (20') for two (2) parking spaces when
permitted as provided in subsection C6.

20 b. Terraced Garage.

21 i. The roof of a terraced garage shall be no higher than two feet (2') above
existing or finished grade, whichever is lower, at any point which is ten feet (10') back from the street lot
line;

22 ii. The terraced garage structure width may not exceed fourteen feet (14')

23

24

1 for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle or twenty-four feet (24') when
2 permitted to have two (2) two (2) axle or two (2) up-to-four (4) wheel vehicles as provided in subsection
C6;

3 iii. All aboveground portions of the terraced garage shall be included in lot
coverage; and

4 iv. The roof of the terraced garage may be used as a deck and shall be
considered to be a part of the garage structure even if it is a separate structure on top of the garage.

5 4. Lots With Downhill Yards Abutting Streets. Accessory parking, either open or
enclosed, for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in a required
yard abutting a street when the following conditions are met:

6 a. The existing grade slopes downward from the street lot line which the parking
faces;

7 b. For front yard parking the lot has a vertical drop of at least twenty feet (20') in
8 the first sixty feet (60') as measured along a line from the midpoint of the front lot line to the midpoint of
the rear lot line;

9 c. Parking shall not be permitted in downhill required side yards abutting streets;

10 d. Parking in downhill rear yards shall be in accordance with Section 23.44.014
D6 and Section 23.44.016, subsections C1 and D3d;

11 e. Access to parking is permitted through the required yard abutting the street by
subsection A of this section; and

12 f. A driveway access bridge may be permitted in any required downhill yard
13 where necessary for access to parking. The access bridge shall be no wider than twelve feet (12') for
access to one (1) parking space or eighteen feet (18') for access to two (2) or more parking spaces. The
driveway access bridge may not be located closer than five feet (5') to an adjacent property line and shall
not be included in lot coverage calculations.

14 5. Through Lots. On through lots less than one hundred twenty-five feet (125') in depth,
accessory parking for one (1) two (2) axle or one (1) up-to-four (4) wheeled vehicle may be located in
one (1) of the required front yards.

15 The front yard in which the parking may be located shall be determined by the Director
16 based on the location of other private garages or parking areas on the block. If no pattern of parking
location can be determined, the Director shall determine in which yard the parking shall be located based
on the prevailing character and setback patterns of the block.

17 6. Lots With Uphill, Yards Abutting Streets Or Downhill Or Through Lot Front Yards
18 Fronting On Streets Which Prohibit Parking. Accessory parking for two (2) two (2) axle or four (4)
wheeled vehicles may be located in uphill yards abutting streets or downhill or through lot front yards as
provided in subsection C3, C4 or C5 if, in consultation with ~~((the Engineering Department))~~ Seattle
19 Transportation, it is found that uninterrupted parking for twenty-four (24) hours is prohibited on at least
one (1) side of the street within two hundred feet (200') of the lot line over which access is proposed.
20 The Director may authorized a curb cut wider than would be permitted under Section 23.54.030 if
necessary for access.

21 D. Private Garages Located in Required Yards. Private garages which are either detached
22 accessory structures or portions of a principal structure for the primary purpose of enclosing a two (2)
axle or four (4) wheeled vehicle may be permitted in required yards according to the following
conditions.

23
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1 1. Maximum Coverage and Size.

2 a. In accordance with Section 23.44.014 D6, private garages, together with any
3 other accessory structures and other portions of the principal structure, are limited to a maximum
4 combined coverage of forty percent (40%) of the required rear yard. In the case of a rear yard abutting an
5 alley, rear yard coverage shall be calculated from the centerline of the alley.

6 b. In accordance with Section 23.44.040, private garages located in side or rear
7 yards shall not exceed one thousand (1,000) square feet in area.

8 c. In front yards, the area of private garages shall be limited to three hundred
9 (300) square feet with fourteen foot (14') maximum width where one (1) space is allowed, and six
10 hundred (600) square feet with twenty-four foot (24') maximum width where two (2) spaces are allowed.
11 Access driveway bridges permitted under Section 23.44.016 C4f shall not be included in this calculation.

12 2. Height Limits.

13 a. Private garages shall be limited to twelve feet (12') in height as measured on
14 the facade containing the entrance for the vehicle.

15 b. The ridge of a pitched roof on a private garage located in a required yard may
16 extend up to three feet (3') above the twelve-foot (12') height limit. All parts of the roof above the height
17 limit shall be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof shall be
18 permitted to extend beyond the twelve-foot (12') height limit under this provision.

19 c. Open rails around balconies or decks located on the roofs of private garages
20 may exceed the twelve-foot (12') height limit by a maximum of three feet (3').

21 3. Separations.

22 a. Attached private garages are portions of principal structures. In accordance
23 with Section 23.44.014 D6, they may extend into the required rear yard, but shall not be within twelve
24 feet (12') of the centerline of any alley, nor within twelve feet (12') of any rear lot line which is not an
25 alley lot line nor closer than five feet (5') to any accessory structure.

26 b. If the facade of a private garage which contains the entrance for the vehicle
27 faces an alley, the garage shall not be within twelve feet (12') of the centerline of the alley.

28 c. In accordance with Section 23.44.040 D, any private garage which is an
29 accessory structure located in a required yard shall be separated from its principal structure by a
30 minimum of five feet (5').

31 d. In accordance with Section 23.44.040 F, on a reversed corner lot, no private
32 garage which is an accessory structure shall be located in that portion of the required rear yard which
33 abuts the required front yard of the adjoining key lot, nor shall the private garage be located closer than
34 five feet (5') from the key lot's side lot line unless the provisions of Section 23.44.014 D1 or 23.44.016
35 C3b apply.

36 e. In accordance with Section 23.44.014 D1, private garages which are accessory
37 structures may extend into a required side yard which is either within thirty-five feet (35') of the
38 centerline of an alley or within twenty-five feet (25') of any rear lot line which is not an alley lot line.

39 Private garages which are accessory structures may extend into a required side
40 yard which is more than thirty- five feet (35') from the centerline of an alley abutting the lot, or which is
41 more than twenty-five feet (25') from the rear lot line of a lot which does not abut an alley, upon the
42 recording with the King County Department of Records and Elections an agreement to this effect
43 between the owners of record of the abutting properties.

44 E. Screening.

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1 1. Parking accessory to floating homes when located on a separate lot from the floating
2 homes shall be screened from direct street view by a fence or wall between five (5) and six feet (6') in
3 height. When the fence or wall runs along the street front, there shall be a landscaped strip on the street
4 side of the fence or wall. This strip may be between one (1) and five feet (5') deep, as measured from the
5 property line, but the average distance from the property line to the fence shall be three feet (3'). Such
6 screening shall be located outside any required sight triangle.

7 2. The height of the visual barrier created by the screen required by subdivision 1 of this
8 subsection shall be measured from street level. If the elevation of the lot line is different from the
9 finished elevation of the parking surface, the difference in elevation may be measured as a portion of the
10 required height of the screen, so long as the screen itself is a minimum of three feet (3') in height (see
11 Exhibit 23.44.016 B).

12 Section 178. SMC 23.45.015 is hereby amended as follows:

13 **Screening and landscaping requirements-Lowrise zones.**

14 **A. Quantity.**

15 1. A minimum landscaped area which is equivalent in square footage to three feet (3')
16 times the total length of all property lines shall be provided, except as specified in subsection A5 of this
17 section.

18 2. If screening and landscaping of parking from direct street view is provided according
19 to subsection D of Section 23.45.018, that amount of landscaped area may be counted toward fulfilling
20 the total amount of landscaped area required by this section.

21 3. Landscaped usable open space which is provided for apartments or terraced housing
22 and located at ground level, may be counted toward fulfilling the total amount of landscaped area
23 required by this section.

24 4. Street trees shall be provided in the planting strip according to (~~The City of Seattle
Engineering Department~~) Seattle Transportation Tree Planting Standards, unless it is not possible to
meet the standards. Existing street trees may count toward meeting the street tree requirement.

 5. Exceptions.

 a. If full landscaping is not possible because of the location of existing structures
and/or existing parking, the amount of required landscaped area may be reduced by up to fifty percent
(50%). The Director may require landscaping which cannot be provided on the lot be provided in the
planting strip.

 b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian
access to retail uses, and there is no other location on the lot for the landscaping, the Director may
reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall
apply to screening and landscaping of parking required by subsection D of Section 23.45.018 or open
space required by Section 23.45.016.

B. Development Standards.

 1. Except for the screening and landscaping of parking, which shall be provided
according to subsection D of Section 23.45.018, landscaping may be provided on all sides of the lot, or
may be concentrated in one (1) or more areas. However, a landscaped area at least three feet (3') deep

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1 shall be provided at the following locations, except as provided in subsection B2:

- 2 a. Along street property lines;
- 3 b. Along property lines which abut single-family zoned
lots;
- 4 c. Along alleys across from Single Family zoned lots.

5 2. Breaks in required screening and landscaping shall be permitted to provide pedestrian
and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed
the width of permitted curbcuts and any required sight triangles. When an alley is used as an aisle, the
Director may reduce or waive the required screening or landscaping along the alley.

6 3. Required landscaping shall meet standards promulgated by the Director.

7 Section 179. SMC 23.45.057 is hereby amended as follows:

8 **Midrise-Screening and landscaping standards.**

9 **A. Quantity.**

10 1. A minimum landscaped area which is equivalent in square footage to three feet (3')
times the total length of all property lines shall be provided, except as specified in subsection A5.

11 2. If screening and landscaping of parking from direct street view is provided according
to subsection 23.45.060 D, that amount of landscaped area may be counted towards fulfilling the total
amount of landscaped area required by this section.

12 3. Landscaped usable open space which is provided for apartments or terraced housing
according to Section 23.45.058 and located at ground level, may be counted towards fulfilling the total
amount of landscaped area required by this section.

13 4. Street trees shall be provided in the planting strip according to ((the City of Seattle
Engineering Department)) Seattle Transportation Tree Planting Standards, unless it is not possible to
meet the standards. Existing street trees may count toward meeting the street tree requirement.

14 5. Exceptions.

15 a. If full landscaping is not possible because of the location of existing structures
16 and/or existing parking, the amount of required landscaped area may be reduced by up to fifty percent
(50%). The Director may require landscaping which cannot be provided on the lot be provided in the
17 planting strip.

18 b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian
access to retail uses, and there is no other location on the lot for the landscaping, the Director may
19 reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall
apply to screening and landscaping of parking required by subsection 23.45.060 D or open space
required by Section 23.45.058.

20 **B. Development Standards.**

21 1. Except for the screening and landscaping of parking, which shall be provided
according to subsection 23.45.060 D, landscaping may be provided on all sides of the lot, or may be
concentrated in one (1) or more areas. However, a landscaped area at least three feet (3') deep shall be
22 provided at the following locations, except as provided in subsection B2:

- 23 a. Along street property lines;

1 b. Along property lines which abut single-family zoned
2 lots;

3 c. Along alleys across from single-family zoned lots.
4 2. Breaks in required screening and landscaping shall be permitted to provide pedestrian
5 and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed
6 the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the
7 Director may reduce or waive the required screening or landscaping along the alley.

8 3. Required landscaping shall meet standards promulgated by the Director.

9 Section 180. SMC 23.45.073 is hereby amended as follows:

10 **Highrise-Screening and landscaping standards.**

11 **A. Quantity.**

12 1. A minimum landscaped area which is equivalent in square footage to three feet (3')
13 times the total length of all property lines shall be provided, except as specified in subsection A5.

14 2. If screening and landscaping of parking from direct street view is provided according
15 to subsection 23.45.076 D, that amount of landscaped area may be counted towards fulfilling the total
16 amount of landscaped area required by this section.

17 3. Landscaped usable open space which is provided for apartments or terraced housing
18 according to Section 23.45.074 and located at ground level may be counted towards fulfilling the total
19 amount of landscaped area required by this section.

20 4. Street trees shall be provided in the planting strip according to ((the City of Seattle
21 Engineering Department)) Seattle Transportation Tree Planting Standards, unless it is not possible to
22 meet the standards. Existing street trees may count toward meeting the street tree requirement.

23 **5. Exceptions.**

24 a. If full landscaping is not possible because of the location of existing structures
and/or existing parking, the amount of required landscaped area may be reduced by up to fifty percent
(50%). The Director may require landscaping which cannot be provided on the lot be provided in the
planting strip.

b. If landscaping would obscure the visibility of retail uses or obstruct pedestrian
access to retail uses, and there is no other location on the lot for the landscaping, the Director may
reduce or waive the amount of landscaping required in those locations. No reduction or waiver shall
apply to screening and landscaping of parking required by subsection 23.45.076 D or open space
required by Section 23.45.072.

B. Development Standards.

1. Except for the screening and landscaping of parking, which shall be provided
according to subsection 23.45.076 D, landscaping may be provided on all sides of the lot, or may be
concentrated in one (1) or more areas. However, a landscaped area at least three feet (3') deep shall be
provided at the following locations, except as provided in subsection B2:

a. Along property lines which abut single-family zoned lots;

b. Along alleys across from single-family zoned lots.

2. Breaks in required screening and landscaping shall be permitted to provide pedestrian

1 and vehicular access. Breaks in required screening and landscaping for vehicular access shall not exceed
2 the width of permitted curb cuts and any required sight triangles. When an alley is used as an aisle, the
3 Director may reduce or waive the required screening or landscaping along the alley.

3. Required landscaping shall meet standards promulgated by the Director.

4 Section 181. SMC 23.45.112 is hereby amended as follows:

5 **Public schools.**

6 **Public Schools Meeting Development Standards.** New public schools or additions to existing
7 public schools and accessory uses including child care centers which meet the following development
8 standards shall be permitted in all multifamily zones. Public schools in single-family attached zones
9 shall meet the development standards for public schools in Lowrise 1 zones. Departures from
10 development standards of this section may be permitted or required pursuant to procedures and criteria
11 established in Chapter 23.79, Development Standard Departure for Public Schools.

12 **A. Height.**

13 1. For new public school construction on new public school sites, the maximum
14 permitted height shall be the maximum height permitted in the zone for multi-family structures.

15 2. For new public school construction on existing public school sites, the maximum
16 permitted height shall be the maximum height permitted in the zone for multi-family structures or thirty-
17 five feet (35') plus fifteen feet (15') for a pitched roof, whichever is greater. If the thirty-five-foot (35')
18 height limit applies, all parts of the roof above the height limit must be pitched at a rate of not less than
19 three to twelve (3:12). No portion of a shed roof shall be permitted to extend beyond the thirty-five-foot
20 (35') height limit under this provision.

21 3. For additions to existing public schools on existing public school sites, the maximum
22 height permitted shall be the maximum height permitted in the zone for multi-family structures, the
23 height of the existing school, or thirty-five feet (35') plus fifteen feet (15') for a pitched roof, whichever
24 is greater. When the height limit is thirty-five feet (35'), the ridge of the pitched roof on a principal
structure may extend up to fifteen feet (15') above the height limit, and all parts of the roof above the
height limit must be pitched at a rate of not less than three to twelve (3:12). No portion of a shed roof
shall be permitted to extend beyond the thirty-five-foot (35') height limit under this provision.

4. Development standard departure may be granted or required pursuant to the
procedures and criteria set forth in Chapter 23.79. For construction of new structures on new and
existing public school sites to the extent not otherwise permitted outright, maximum height which may
be granted as a development standard departure shall be thirty-five feet (35') plus fifteen feet (15') for a
pitched roof for elementary schools and sixty feet (60') plus fifteen feet (15') for a pitched roof for
secondary schools. The standards for roof pitch at paragraph 3 shall apply. All height maximums may be
waived by the Director when waiver would contribute to reduced demolition of residential structures.

5. The provisions regarding height for sloped lots, pitched roofs, and rooftop features for
the zone in which the public school is located shall apply.

B. Setbacks.

1. **General Requirements.**

a. No setbacks shall be required for new public school construction or for

1 additions to existing public school structures for that portion of the site across a street or an alley or
2 abutting a lot in a nonresidential zone. When any portion of the site i. across a street or an alley from or
3 abuts a lot in a residential zone, setbacks shall be required for areas facing or abutting residential zones
4 as provided in subsections B2 through B5 below. Setbacks for sites across a street or alley from or
5 abutting lots in Residential-Commercial (RC) zones shall be based upon the residential zone
6 classification of the RC lot.

7 b. The minimum setback requirement may be averaged along the entire structure
8 facade with absolute minimums for areas abutting lots in residential zones as provided in subsections
9 B2b, B3b and B4b.

10 c. Trash disposals, openable windows in a gymnasium, main entrances, play
11 equipment, kitchen ventilators or other similar items shall be located at least thirty feet (30') from any
12 single-family zoned lot and twenty feet (20') from any multi-family zoned lot.

13 d. The general setback exceptions regulations of the zone in which the public
14 school is located shall apply.

15 **2. New Public School Construction on New Public School Sites.**

16 a. New public school construction on new public school sites across a street or
17 alley from lots in residential zones shall provide minimum setbacks according to the facade height of the
18 school and the designation of the facing residential zone, as follows:

19 *[See this section in a printed edition of the SMC. No
20 amendments to the chart are made in this ordinance.]*

21 b. New public school construction on new public school sites abutting lots in
22 residential zones shall provide minimum setbacks according to the facade height of the school and the
23 designation of the abutting residential zone, as follows:

24 *[See this section in a printed edition of the SMC. No
amendments to the chart are made in this ordinance.]*

3. New Public School Construction on Existing Public School Sites.

a. New public school construction on existing public school sites across a street
or alley from lots in residential zones shall provide either the setback of the previous structure on the site
or minimum setbacks according to the facade height of the school and the designation of the facing
residential zone, as follows, whichever is less:

*[See this section in a printed edition of the SMC. No
amendments to the chart are made in this ordinance.]*

b. New public school construction on existing public school sites abutting lots in
residential zones shall provide either the setback of the previous structure on the site or minimum
setbacks according to the facade height of the school and the designation of the abutting residential zone,
as follows, whichever is less:

*[See this section in a printed edition of the SMC. No
amendments to the chart are made in this ordinance.]*

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2 4. Additions to Existing Public School Structures on Existing Public School Sites. (See
3 Exhibit 23.44.017 A in Chapter 23.44.)

4 a. Additions to existing public school structures on existing public school sites
5 across a street or alley from lots in residential zones shall provide either the setback of the previous
6 structure on the site or minimum setbacks according to the facade height of the school and the
7 designation of the facing residential zone, as follows, whichever is less:

8 *[See this section in a printed edition of the SMC. No
9 amendments to the chart are made in this ordinance.]*

10 b. Additions to public schools on existing public school sites abutting lots in
11 residential zones shall provide either the setback of the previous structure on the site or minimum
12 setbacks according to the facade height of the school and the designation of the abutting residential zone,
13 as follows, whichever is less:

14 *[See this section in a printed edition of the SMC. No
15 amendments to the chart are made in this ordinance.]*

16 5. Development standard departure may be granted or required pursuant to the
17 procedures and criteria set forth in Chapter 23.79 as follows:

18 a. The minimum average setback may be reduced to ten feet (10') and the
19 minimum setback to five feet (5') for structures or portions of structures across a street or alley from lots
20 in residential zones.

21 b. The minimum average setback may be reduced to fifteen feet (15') and the
22 minimum setback to five feet (5') for structures or portions of structures abutting lots in residential
23 zones.

24 c. The limits in paragraphs a and b of this subdivision 5 may be waived by the
Director when waiver would contribute to reduced demolition of residential structures.

C. Structure Width.

1. When a new public school structure is built on a new public school site or on an
existing public school site, the maximum width of a structure shall be sixty-five feet (65') unless either
the modulation option in subsection C1a or the landscape option in subsection C1b of this section is met.

a. Modulation Option. Front facades and side and rear facades facing street lot
lines shall be modulated according to the following provisions:

(1) The minimum depth of modulation shall be four feet (4').

(2) The minimum width of modulation shall be twenty percent (20%) of
the total structure width or ten feet (10'), whichever is greater.

b. Landscape Option. Setbacks and landscaping shall be provided as follows:

(1) One (1) tree and three (3) shrubs are required for each three hundred
(300) square feet of required setback. When new trees are planted, at least half must be deciduous.

(2) Trees and shrubs which already exist in the required planting area or
have their trunk or center within ten feet (10') of the area may be substituted for required plantings on a
one (1) tree to one (1) tree or one (1) shrub to one (1) shrub basis if the minimum standards in Section
23.86.022, Measurements, are met, except that shrub height need not exceed two feet (2') at any time. In

1 order to give credit for large existing trees, a tree may count as one (1) required tree for every three
2 hundred (300) square feet of its canopy spread.

3 (3) The planting of street trees may be substituted for required trees on a
4 one-to-one (1:1) basis. All street trees shall be planted according to City of Seattle ((Engineering))
5 Transportation Department tree planting standards.

6 (4) Each setback required to be landscaped shall be planted with shrubs,
7 grass, and/or evergreen ground cover.

8 (5) Landscape features such as decorative paving are permitted to a
9 maximum of twenty-five percent (25%) of each required landscaped area.

10 (6) A plan shall be filed showing the layout of the required landscaping.

11 (7) The School District shall maintain all landscape material and replace
12 any dead or dying plants.

13 2. There is no maximum width limit for additions to existing public school
14 structures on existing public school sites. The Director may require landscaping to reduce the appearance
15 of bulk.

16 3. Development standard departure from the modulation and landscaping
17 standards may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79 to
18 permit other techniques to reduce the appearance of bulk. Modulation and landscaping standards may be
19 waived by the Director when waiver would contribute to reduced demolition of residential structures.

20 D. Parking Quantity. Parking shall be as required as provided in Chapter 23.54.

21 E. Parking Location. Parking may be located:

22 1. Within the principal structure; or

23 2. On any portion of the site except the front setback when separated from streets and
24 from abutting lots in residential zones by a five-foot (5') deep area which is landscaped with trees and
ground cover determined by the Director as adequate to soften the view of the parking from adjacent
properties. In the case of a through lot, parking may also be located in one (1) front setback when
landscaped as described in this subsection.

3. Development standard departure may be granted or required pursuant to the
procedures set forth in Chapter 23.79 to permit parking location anywhere on the site and to reduce
required landscaping. Landscaping may be waived in whole or in part if the topography of the site or
other circumstances result in the purposes of landscaping being served, as, for example, when a steep
slope shields parking from the view of abutting properties. This test may be waived by the Director
when waiver would contribute to reduced demolition of residential structures.

F. Bus and Truck Loading and Unloading.

1. An off-street bus loading and unloading area of a size reasonable to meet the needs of
the school shall be provided and may be located in any required setback. The bus loading and unloading
area may be permitted in a landscaped area provided under subsection C1b if the Director determines
that landscaping around the loading and unloading area softens the impacts of its appearance on abutting
properties.

2. One (1) off-street loading berth shall be required for new public school construction.

3. Development standard departure may be granted or required pursuant to the
procedures and criteria set forth in Chapter 23.79 from the requirements and standards for bus and truck
loading and unloading areas and berths only when departure would contribute to reduced demolition of
residential structures.

1 G. Noise, Odor, Light and Glare. The development standards for small institutions set forth in
2 subsections A1, B and C of Section 23.45.100 shall apply. Development standard departure from these
3 standards may be granted or required pursuant to the procedures set forth in Chapter 23.79 only when
4 departure would contribute to reduced demolition of residential structures.

5 Section 182. SMC 23.47.016 is hereby amended as follows:

6 **Screening and landscaping standards.**

7 A. The following types of screening and landscaping may be required for specific uses
8 according to the provisions of this chapter.

9 1. Three-foot (3') High Screening on Street Property Lines. Three-foot (3') high
10 screening may be either:

11 a. A fence or wall at least three feet (3') in
12 height; or

13 b. A hedge or landscaped berm at least three feet (3') in height.

14 2. Six-foot (6') High Screening on Property Lines. Six-foot (6') high screening may be
15 either:

16 a. A fence or wall six feet (6') in height; or

17 b. A landscaped berm at least five feet (5') in height or a hedge planted in
18 conformance with landscaping rules promulgated by the Director.

19 3. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be
20 planted with trees, shrubs, and grass or evergreen groundcover. Features such as pedestrian access
21 meeting the Washington State Rules and Regulations for Barrier-Free Design, decorative pavers,
22 sculptures or fountains may cover a maximum of thirty percent (30%) of each required landscaped area
23 or berm. Landscaping shall be provided according to standards promulgated by the Director.

24 4. Landscaping of Surface Parking Areas. When landscaping of a surface parking area is
required, the following standards shall be met:

a.	Total Number of Parking Spaces	Required Landscape Area
	20 to 50	18 square feet/ parking space
	51 to 99	25 square feet/ parking space
	100 or more	35 square feet/ parking space

b. The minimum size of a required landscaped area shall be one hundred (100)
square feet. Berms and other landscaped areas provided to meet screening standards may be counted as
part of a landscaped area. No part of a landscaped area shall be less than four feet (4') in dimension
except those parts created by turning radii or angles of parking spaces.

c. No stall shall be more than sixty feet (60') from a required landscaped area.

d. One (1) tree shall be required for every ten (10) parking spaces.

e. Each tree shall be three feet (3') away from any curb

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1 of a landscaped area or edge of the parking area. Permanent curbs
or structural barriers shall enclose each landscaped area.

2 f. Hardy evergreen groundcover shall be planted in accordance with rules
3 promulgated by the Director. Trees in parking areas shall be selected in consultation with the City
Arborist.

4 5. Combinations of Screening and Landscaping Requirements. When there is more than
one (1) type of use which requires screening or landscaping, the requirement which results in the greater
5 amount of screening and landscaping shall be followed. Street trees required by subsection C shall be
provided in
6 addition to landscaping required for specific uses in subsection D.

6 B. Landscaping for New Construction.

7 1. An amount of landscaping equal to five percent (5%) of lot area shall be required for
new construction on any vacant lot. This five-percent (5%) landscaping requirement may include
8 landscaping otherwise required by this chapter. The landscaping shall be in a location which is visible to
pedestrians or customers and which has adequate sunlight and space necessary to insure plant survival.

9 2. The Director shall have the discretion to waive or reduce the requirement of subsection
B1 based on the following factors:

- 10 a. No useable space for landscaping exists between the proposed new structure
and existing structures on adjoining lots because of inadequate sunlight or inadequate width;
- 11 b. No setback is provided in front of the new structure;
- 12 c. Landscaping in the rear would not be visible to pedestrians or customers;
- d. Planter boxes in the right-of-way are not feasible due to narrow sidewalks or
other potential for pedestrian conflict.

13 C. Street Trees.

14 1. Street trees shall be provided in the planting strip, existing street trees may count
toward meeting the street tree requirement.

15 2. Exceptions to Street Tree Requirements.

- 16 a. If a lot borders a platted but unopened street, the Director may reduce or waive
the street tree requirement on that frontage if after consultation with the Director of ((Engineering))
17 Transportation it is determined that the street is unlikely to be developed.
- 18 b. Street tree requirements shall not apply to single-family dwelling units in
commercial zones.
- 19 c. Street trees shall not be required when a change of use is the only permit
requested.
- 20 d. Street trees shall not be required for temporary use permits.
- 21 e. Street trees shall not be required when expanding an existing structure unless
an expansion equal to or greater than one thousand (1,000) square feet of expansion is proposed. Two (2)
street trees shall be required for each additional one thousand (1,000) square feet of expansion.
22 Rounding, per Section 23.86.002 B, shall not be permitted. The maximum number of street trees shall be
controlled by the Department of ((Engineering)) Transportation standard.
- 23 f. Street trees shall not be required when an existing surface parking area is
24 expanded by less than ten percent (10%) in area or in number of spaces.

1 g. If street trees would obscure the visibility of retail uses or obstruct pedestrian
2 access to retail uses, and there is no other location on the lot for the landscaping, the Director may
3 reduce or waive the street tree requirement after consultation with the City Arborist.

3 3. If it is not feasible to plant street trees according to City standards, either a five-foot
4 (5') deep landscaped setback shall be required along the street property line or landscaping other than
5 trees may be located in the planting strip according to Department of ((Engineering)) Transportation
6 rules. The street trees shall be planted in the landscaped area at least two feet (2') from the street lot line
7 if they cannot be placed in the planting strip. Where retail sales and service uses have customer
8 entrances located along the street frontage, street trees shall not be required. The Director may reduce or
9 waive this setback and tree requirement where physically infeasible.

6 D. Screening and Landscaping Requirements for Specific Uses.

7 1. Surface Parking Areas.

7 a. When a surface parking area abuts a lot in a residential zone, six-foot (6') high
8 screening along the abutting lot line(s) shall be required. A five-foot (5') deep landscaped area shall be
9 required inside the screening (Exhibit 23.47.016 A).

9 b. When a surface parking area is across an alley from a lot in a residential zone,
10 six-foot (6') high screening along the alley shall be required. A five-foot (5') deep landscaped area shall
11 be required inside the screening. The Director may reduce or waive the screening and landscaping
12 requirement for part or all of the lot abutting the alley, or may waive only the landscaping requirement,
13 when required parking can only be provided at the rear lot line and the alley is necessary to provide aisle
14 space. In making the determination to waive or reduce the landscaping and screening requirements, the
15 Director shall consider the following criteria:

12 (1) Whether the lot width and depth permit a workable plan for the
13 building and parking which would preserve the screening and landscaping; and

13 (2) Whether the character of use across the alley, such as multi-family
14 parking structures, makes the screening and landscaping less necessary; and

14 (3) Whether the property is located in a pedestrian-designated zone and
15 therefore access to parking from the street is not feasible or is undesirable; and

15 (4) Whether a topographic break between the alley and the residential zone
16 makes screening less necessary.

16 c. Surface parking areas for nineteen (19) or fewer cars shall be screened by
17 three-foot (3') high screening along the street lot line.

17 d. Surface parking areas for more than nineteen (19) cars shall provide three-foot
18 (3') high view-obscuring landscaping along street lot lines, and landscaping according to subsection A4.
19 The Director may reduce or waive this requirement for reasons of safety, to assure adequate
20 maneuvering room for service vehicles, or to prevent the number of parking spaces from being reduced
21 to less than the required amount.

20 2. Parking Within or Under Structures.

20 a. When parking occupies any portion of the street-level frontage of a structure
21 between a height of five feet (5') and eight feet (8') above sidewalk grade, the portion of the structure
22 containing the parking shall be required to have a five-foot (5') deep landscaped area along street lot
23 lines. In addition, the parking shall be screened by:

22 (1) The facade of the structure; or

1 (2) Six-foot (6') high screening between the structure and the landscaped
2 area (Exhibit 23.47.016 B).

3 b. A five-foot (5') setback shall be required along all property lines abutting a
4 residential zone for any portion of the ground level of a structure which contains parking. The portion of
5 the structure containing the parking shall be screened by the facade of the structure or the setback(s)
6 shall be landscaped according to Section 23.47.016 B3 and six-foot (6') high screening along the
7 abutting property line(s) shall be provided.

8 c. When access is through a street-facing facade, the facade shall contain one
9 garage door, not to exceed the maximum width allowed for the curbcut.

10 d. The perimeter of each floor of parking which is eight feet (8') or more above
11 sidewalk grade shall have an opaque screen at least three and one-half feet (3-1/2) high.

12 3. Drive-in Business.

13 a. Drive-in businesses, including gas stations, abutting or across an alley from a
14 residentially zoned lot, shall provide six-foot (6') high screening along the abutting or alley lot lines. A
15 five-foot (5') deep landscaped area inside the screening shall be required when the drive-in portion of the
16 business or its queuing lanes abut a lot in a residential zone.

17 b. Drive-in businesses other than gas stations in which the drive-in portion of the
18 business or its queuing lanes is across the street from a residentially zoned lot shall provide three-foot
19 (3') high screening for the drive-in portion.

20 c. Gas stations shall provide three-foot (3') high screening along street lot lines in
21 all NC1, NC2 and NC3 zones. In C1 and C2 zones, three-foot (3') high screening shall only be required
22 when a gas station is across the street from a residentially zoned lot.

23 4. Outdoor Sales and Outdoor Display of Rental Equipment.

24 a. When an outdoor sales area or outdoor display of rental equipment area is
abutting or across an alley from a residentially zoned lot, six-foot (6') high screening shall be provided
along the abutting or alley lot lines.

b. When an outdoor sales area or outdoor display of rental equipment is across
the street from a residentially zoned lot, three-foot (3') high screening along the street lot line shall be
provided.

5. Outdoor Storage.

a. C Zones. Outdoor storage shall be screened by a structure's facade or by six-
foot (6') high screening between the storage area and all property lines. A five-foot (5') deep landscaped
area shall be provided between all street lot lines and the six-foot (6') high screening. (Exhibit 23.47.016
C).

b. C2 Zones.

(1) When an outdoor storage area is across the street from a residentially
zoned lot it shall be screened from the street by the facade of a structure, or by six-foot (6') high
screening along the street lot lines.

(2) When a lot containing outdoor storage abuts a residentially zoned lot,
the outdoor storage area shall set back fifty feet (50') from abutting residentially zoned lot lines and be
screened by a structure's facade or by six-foot (6') high screening between the outdoor storage and all
abutting property lines (Exhibit 23.47.016 D).

c. Outdoor Dry Storage of Boats. Screening shall be required for the outdoor dry
storage of boats in the Shoreline District according to the provisions for outdoor storage in C1 zones,

1 subsection C5a, unless the dry storage of boats is located in a C2 zone, in which case screening shall be
2 required according to the provisions for outdoor storage in C2 zones, subsection C5b.

3 6. Mobile Home Parks. Mobile home parks shall be screened by six-foot (6') high
4 screening along all non-street lot lines. A five-foot (5') deep landscaped area shall be provided along all
5 street lot lines of a mobile home park. A five-foot (5') planting strip with street trees may be provided
6 instead of the five-foot (5') deep landscaped area.

7 7. Lots Within the Shoreline District. On lots within the Shoreline District where view
8 corridors are required, the height of screening may be reduced and the location and type of required
9 landscaping may be modified so that view corridors are not obstructed.

10 8. When one (1) of the specific uses listed in this subsection is proposed for expansion,
11 the applicable landscaping requirement shall be met. The Director may reduce or waive the landscaping
12 requirements where physically infeasible due to the location of existing structures or required parking.

13 E. Blank Facades.

14 1. One (1) of the following shall be required along blank facades greater than thirty feet
15 (30') in width in all NC1, NC2, NC2/R, NC3, and NC3/R zones or in C1 and C2 zones when across a
16 street from a residentially zoned lot:

17 a. Ivy or similar vegetation shall be planted in front of or on the street-facing side
18 of the blank facade; or

19 b. A five-foot (5') setback shall be provided in front of the blank facade, and the
20 setback shall be planted with trees and shrubs according to rules promulgated by the Director; or

21 c. Artwork on the blank facade which has been approved by the Seattle Art
22 Commission.

23 2. Blank facade requirements shall apply to the area of the facade between two feet (2')
24 and eight feet (8') above the sidewalk.

25 3. Any portion of a facade which is not transparent shall be considered to be a blank
26 facade. Clear or lightly tinted glass in windows, doors and display windows shall be considered
27 transparent. Transparent areas shall allow views into the structure or into display windows from the
28 outside.

29 4. Portions of a facade of a structure which are separated by transparent areas of at least
30 four feet (4') in width and between two feet (2') and eight feet (8') above the sidewalk shall be considered
31 separate facade segments for the purposes of this subsection.

32 F. Access Through Required Screening and Landscaping. Breaks in required screening shall be
33 permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access
34 shall not exceed the width of permitted curbcuts.

35 Section 183. ~~SMC 23.49.018~~ is hereby amended as follows:

36 **Standards for location of access to parking.**

37 This section shall not apply to Pike Market Mixed, Pioneer Square Mixed, International District
38 Mixed, and International District Residential zones.

39 A. Curbcut Location.

40 1. When a lot abuts more than one (1) right-of-way, the location of access shall

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1 be determined by the Director after consulting with the Director of ((Engineering)) Transportation.
2 Except as provided in subsection A3, the location of access shall be determined by the classification of
3 rights-of-way on Map 1B and the ranking of the classification below, from most to least preferred:
4 a. Alley - if of sufficient width to accommodate anticipated uses;
5 b. Access street; c. Class II pedestrian street - Minor arterial; d. Class II
6 pedestrian street - Principal arterial; e. Class I pedestrian street - Minor arterial; f. Class I pedestrian
7 street - Principal arterial; g. Principal transit street.

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

10 3. The Director, after consulting with the Director of ((Engineering))
11 Transportation, shall also determine whether the location of the access will expedite the movement of
12 vehicles, facilitate a smooth flow of traffic, avoid the on-street queuing of vehicles, enhance vehicular
13 safety and pedestrian comfort, and will not create a hazard.

14 B. Curbcut Width and Number. Curbcut width and the number of curbeuts shall satisfy the
15 provisions of Section 23.54.030, Parking space standards.

16 Section 184. SMC 23.49.020 is hereby amended as follows:

17 **Screening and landscaping of surface parking areas.**

18 Screening and landscaping, as required by this section, shall be provided when surface parking
19 areas are permitted.

20 A. Screening. Surface parking areas for more than five (5) vehicles shall be screened in
21 accordance with the following requirements:

- 22 1. Screening shall be required along each street lot line.
- 23 2. Screening shall consist of a landscaped berm, or a view-obscuring fence or wall at
24 least three feet (3') in height.
- 25 3. When a fence or wall is used for screening, there shall be a landscaped strip on the
26 street side of the fence or wall, an average of three feet (3') from the property line, but at no point less
27 than one and one-half feet (1 1/2') wide. Each landscaped strip shall be planted with sufficient shrubs,
28 grass and/or evergreen groundcover in a manner that the entire strip, excluding driveways, will be
29 covered in three (3) years.
- 30 4. Sight triangles shall be provided in accordance with Section 23.54.030, Parking space
31 standards.

32 B. Landscaping. Surface parking areas, except temporary surface parking areas, for twenty (20)
33 or more vehicles shall be landscaped according to the following requirements:

- 34 1. Amount of landscaped area required:

Total Number of Parking Spaces	Required Landscaped Area
25 to 50 spaces	18 square feet per parking space
51 to 99 spaces	25 square feet per parking space

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1 100 or more spaces 35 square feet per parking space

2 2. The minimum size of a required landscaped area shall be
3 one hundred (100) square feet. Berms provided to meet the screening standards in subsection A2 may be
4 counted as part of a landscaped area. No part of a landscaped area shall be less than four feet (4') in any
5 dimension except those dimensions reduced by turning radii or angles of parking spaces.

6 3. No parking stall shall be more than sixty feet (60') from a required landscaped area.

7 4. One (1) tree per every five (5) parking spaces shall be required.

8 5. Each tree shall be at least three feet (3') from any curb of a landscaped area or edge of
9 the parking area. Permanent curbs or structural barriers shall enclose landscaped areas.

10 6. Sufficient hardy evergreen groundcover shall be planted to cover each landscaped area
11 completely within three (3) years. Trees shall be selected from ((the Engineering Department)) Seattle
12 Transportation's recommended list for parking area planting.

13 Section 185. SMC 23.49.022 is hereby amended as follows:

14 **Minimum sidewalk and alley width.**

15 A. Except in PMM, PSM, IDM, and IDR zones, minimum sidewalk
16 widths are established for certain streets by Map IC. When a new structure is proposed on lots abutting
17 these streets, sidewalks shall be widened, if necessary, to meet the minimum standard. The sidewalk
18 may be widened into the right-of-way if approved by the Director of ((Engineering)) Transportation.

19 B. A setback or dedication may be required in order to meet the provisions of Section
20 23.53.030, Alley improvements in all zones.

21 Section 186. SMC 23.49.056 is hereby amended as follows:

22 **Downtown Office Core 1, street facade requirements.**

23 Standards for the street facades of structures are established for the following elements:

24 Minimum facade heights;

Setback limits;

Facade transparency;

Blank facade limits;

Screening of parking;

Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map IID as
having a pedestrian classification. The standards for each street frontage shall vary according to the
pedestrian classification of the street on Map IID, and whether property line facades are required by Map
IIC.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and Exhibit

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23.49.056 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

**Class I Pedestrian Streets
and All Streets Where
Property**

**Line Facades are Required
Minimum Facade Height***

35 feet

**Class II Pedestrian Streets
Minimum Facade Height***

25 feet

*Except as modified by view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height shall be the required elevation of the setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map II Cas requiring property line facades.

a. The facades of structures fifteen feet (15') or less in height shall be located within two feet (2') of the street property line.

b. Structures greater than fifteen feet (15') in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen feet (15') above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five feet (35') above sidewalk grade, the facade shall be located within two feet (2') of the street property line, except that:

i. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of the setback.

ii. Setbacks between the elevations of fifteen (15) and thirty-five feet (35') above sidewalk grade at the property line shall be permitted according to the following standards, as depicted in Exhibit 23.49.056 B:

- The maximum setback shall be ten feet (10').

- The total area of a facade which is set back more than two feet (2') from the street property line shall not exceed forty percent (40%) of the total facade area between the elevations of fifteen (15) and thirty-five feet (35').

- No setback deeper than two feet (2') shall be wider than twenty feet (20'), measured parallel to the street property line.

- The facade of the structure shall return to within two feet (2') of the street property line between each setback area for a minimum of ten feet (10'). Balcony railings and other nonstructural features or walls shall not be considered the facade of the structure.

c. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

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1 2. General Setback Limits. The following setback limits shall apply on streets not
2 requiring property line facades, as shown on Map IIC.<1> Except when the entire structure is fifteen feet
3 (15') or less in height, the setback limits shall apply to the facade between an elevation of fifteen feet
4 (15') above sidewalk grade and the minimum facade height established in subsection A of this section
5 and Exhibit 23.49.056 C. When the structure is fifteen feet (15') or less in height, the setback limits shall
6 apply to the entire street facade.

7 a. The maximum area of all setbacks between the lot line and facade along each
8 street frontage of a lot shall not exceed the area derived by multiplying the averaging factor by the width
9 of the street frontage of the structure along that street (see Exhibit 23.49.056 D). The averaging factor
10 shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets.

11 b. The maximum width, measured along the street property line, of any setback
12 area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'),
13 or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.056 D.)

14 c. The maximum setback of the facade from the street property lines at
15 intersections shall be ten feet (10'). The minimum distance the facade must conform to this limit shall be
16 twenty feet (20') along each street. (See Exhibit 23.49.056 E.)

17 d. Any exterior public open space which satisfies the Public Benefit Features
18 Rule, whether it receives a bonus or not, and any outdoor common recreation area required for
19 residential uses, shall not be considered part of a setback. (See Exhibit 23.49.056 C.)

20 e. When sidewalk widening is required by Section 23.45.022, setback standards
21 shall be measured to the line established by the new sidewalk width rather than the street property line.

22 C. Facade Transparency Requirements.

23 1. Facade transparency requirements shall apply to the area of the facade between two
24 feet (2') and eight feet (8') above the sidewalk. Only clear or lightly tinted glass in windows, doors, and
display windows shall be considered transparent. Transparent areas shall allow views into the structure
or into display windows from the outside.

2 2. When the transparency requirements of this subsection are inconsistent with the
glazing limits in the Energy Code, this subsection shall apply.

3 3. Transparency requirements shall be as follows:

4 a. Class I pedestrian streets: a minimum of sixty percent (60%) of the street level
5 facade shall be transparent.

6 b. Class II pedestrian streets: a minimum of thirty percent (30%) of the street
7 level facade shall be transparent.

8 c. Where the slope along the street frontage of the facade exceeds seven and one-
9 half percent (7-1/2%), the required amount of transparency shall be reduced to forty-five percent (45%)
10 on Class I pedestrian streets and twenty-two percent (22%) on Class II pedestrian streets.

11 D. Blank Facade Limits.

12 1. General Provisions.

13 a. Blank facade limits shall apply to the area of the facade between two feet (2')
14 and eight feet (8') above the sidewalk.

15 b. Any portion of a facade which is not transparent shall be considered to be a
16 blank facade.

17 2. Blank Facade Limits for Class I Pedestrian Streets.

18 a. Blank facades shall be no more than fifteen feet (15') wide except for garage

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1 doors which may exceed fifteen feet (15'). Blank facade width may be increased to thirty feet (30') if the
2 Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
3 similar features that have visual interest. The width of garage doors shall be limited to the width of the
4 driveway plus five feet (5').

5 b. Any blank segments of the facade shall be separated by transparent areas at
6 least two feet (2') wide.

7 c. The total of all blank facade segments, including garage doors, shall not exceed
8 forty percent (40%) of the street facade of the structure on each street frontage, or fifty-five percent
9 (55%) of the slope of the street frontage if the facade exceeds seven and one-half percent (7 1/2%).

10 3. Blank Facade Limits for Class II Pedestrian Streets.

11 a. Blank facades shall be no more than thirty feet (30') wide, except for garage
12 doors which may exceed thirty feet (30'). Blank facade width may be increased to sixty feet (60') if the
13 Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
14 similar features that have visual interest. The width of garage doors shall be limited to the width of the
15 driveway plus five feet (5').

16 b. Any blank segments of the facade shall be separated by transparent areas at
17 least two feet (2') wide.

18 c. The total of all blank facade segments, including garage doors, shall not exceed
19 seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight
20 percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent
21 (7 1/2%).

22 E. Screening of Parking.

23 1. Parking located at or above street level in a garage shall be screened according to the
24 following requirements:

a. On Class I pedestrian streets, parking shall not be permitted at street level
unless separated from the street by other uses, provided that garage doors need not be separated.

b. On Class II pedestrian streets, parking shall be permitted at street level when at
least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage
area occupied by garage doors, is separated from the street by other uses. The facade of the separating
uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in
subsections C and D. The remaining parking shall be enhanced by architectural detailing, artwork,
landscaping, or similar visual interest features.

c. The perimeter of each floor of parking garages above street level shall have an
opaque screen at least three and one-half feet (3 1/2') high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020,
Screening and landscaping of surface parking areas.

F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When
areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers
with provisions for watering the trees. Street trees shall be planted according to The City of Seattle
(Engineering) Transportation Department Tree Planting Standards.

Section 187. SMC 23.49.076 is hereby amended as follows:

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Downtown Office Core 2, street facade requirements.

Standards for the street facades of structures are established for the following elements:

- Minimum facade heights
- Setback limits Facade transparency
- Blank facade limits
- Screening of parking
- Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map III D* as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map III D,* and whether property line facades are required by Map III C.*

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below and Exhibit 23.49.076 A, but minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

**Class I Pedestrian
Streets and all Streets
Where Property Line
Facades Are Required**

**Class II Pedestrian
Streets**

Minimum Facade Height

Minimum Facade Height

35'

25'

* Except as modified by view corridor requirements.

2. On designated view corridors specified in Section 23.49.024, the minimum facade height shall be the elevation of the setback, when it is less than the minimum facade height required in subsection A1 of this section.

B. Facade Setback Limits.

1. Setback Limits for Property Line Facades. The following setback limits shall apply to all streets designated on Map III C as requiring property line facades:

a. The facades of structures fifteen feet (15') or less in height shall be located within two feet (2') of the street property line.

b. Structures greater than fifteen feet (15') in height shall be governed by the following criteria:

(1) No setback limits shall apply up to an elevation of fifteen feet (15') above sidewalk grade.

(2) Between the elevations of fifteen (15) and thirty-five feet (35') above sidewalk grade, the facade shall be located within two feet (2') of the street property line, except that:

i. Any exterior public open space which satisfies the Public Benefit

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1 Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for
2 residential uses, shall not be considered part of a setback.

3 ii. Setbacks between the elevations of fifteen (15) and thirty-five
4 feet (35') above sidewalk grade at the property line shall be permitted according to the following
5 standards. (See Exhibit 23.49.076 B.)

6 - The maximum setback shall be ten feet (10').
7 - The total area of the facade which is set back more than
8 two feet (2') from the street property line shall not exceed forty percent (40%) of the total facade area be-
9 tween the elevations of fifteen (15) and thirty-five feet (35').

10 - No setback deeper than two feet (2') shall be wider than
11 twenty feet (20'), measured parallel to the street property line.

12 - The facade of the structure shall return to within two feet
13 (2') of the street property line between each setback area for a minimum of ten feet (10'). Balcony
14 railings and other nonstructural features or walls shall not be considered the facade of the structure.

15 c. When sidewalk widening is required according to Section 23.49.022, setback
16 standards shall be measured to the line established by the new sidewalk width rather than the street
17 property line.

18 2. General Setback Limits. The following setback limits shall apply on streets not
19 requiring property line facades, as shown on Map III C. Except when the entire structure is fifteen feet
20 (15') or less in height, the setback limits shall apply to the facade between an elevation of fifteen feet
21 (15') above sidewalk grade and the minimum facade height established in subsection A of this section
22 and Exhibit 23.49.076 C. When the structure is fifteen feet (15') or less in height, the setback limits shall
23 apply to the entire street facade.

24 a. The maximum area of all setbacks between the lot line and facade along each
street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the
width of the street frontage of the structure along that street. (See Exhibit 23.49.076 D.) The averaging
factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets. Parking
shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback
area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'),
or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.076 D.)

c. The maximum setback of the facade from the street property lines at
intersections shall be ten feet (10'). The minimum distance the facade must conform to this limit shall be
twenty feet (20') along each street. (See Exhibit 23.49.076 E.)

d. Any exterior public open space which satisfies the Public Benefit Features
Rule, whether it receives a bonus or not, and any outdoor common recreation area required for
residential uses, shall not be considered part of a setback. (See Exhibit 23.49.076 C.)

e. When sidewalk widening is required by Section 23.49.022, setback standards
shall be measured to the line established by the new sidewalk width rather than the street property line.

C. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two
feet (2') and eight feet (8') above the sidewalk. Only clear or lightly tinted glass in windows, doors, and
display windows shall be considered transparent. Transparent areas shall allow views into the structure
or into display windows from the outside.

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1 2. When the transparency requirements of this subsection are inconsistent with the
glazing limits in the Energy Code, this subsection shall apply.

2 3. Transparency requirements shall be as follows:

3 a. Class I pedestrian streets and green streets: a minimum of sixty percent (60%)
of the street level facade shall be transparent.

4 b. Class II pedestrian streets: a minimum of thirty percent (30%) of the street
level facade shall be transparent.

5 c. When the slope of the street frontage of the facade exceeds seven and one-half
percent (7 1/2%), the required amount of transparency shall be reduced to forty-five percent (45%) on
Class I pedestrian streets and green streets and by twenty-two percent (22%) on Class II pedestrian
6 streets.

7 **D. Blank Facade Limits.**

8 1. General Provisions.

9 a. Blank facade limits shall apply to the area of the facade between two feet (2')
and eight feet (8') above the sidewalk.

10 b. Any portion of a facade which is not transparent shall be considered to be a
blank facade.

11 2. Blank Facade Limits for Class I Pedestrian Streets and Green Streets.

12 a. Blank facades shall be no more than fifteen feet (15') wide, except for garage
doors which may exceed fifteen feet (15'). Blank facade width may be increased to thirty feet (30') if the
Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
similar features that have visual interest. The width of garage doors shall be limited to the width of the
driveway plus five feet (5').

13 b. Any blank segments of the facade shall be separated by transparent areas at
least two feet (2') wide.

14 c. The total of all blank facade segments, including garage doors, shall not exceed
forty percent (40%) of the street facade of the structure on each street frontage or fifty-five percent
(55%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%).

15 3. Blank Facade Limits for Class II Pedestrian Streets.

16 a. Blank facades shall be no more than thirty feet (30') wide, except for garage
doors which may exceed thirty feet (30'). Blank facade width may be increased to sixty feet (60') if the
Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
similar features that have visual interest. The width of garage doors shall be limited to the width of the
driveway plus five feet (5').

17 b. Any blank segments of the facade shall be separated by transparent areas at
least two feet (2') wide.

18 c. The total of all blank facade segments, including garage doors, shall not exceed
seventy percent (70%) of the street facade of the structure on each street frontage, or seventy-eight
percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent
19 (7 1/2%).

20 **E. Screening of Parking.**

21 1. Parking located at or above street level in a garage shall be screened according to the
following requirements:

22 a. On Class I pedestrian streets and green streets, parking shall not be permitted at
23
24

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1 street level unless separated from the street by other uses, provided that garage doors need not be
2 separated.

3 b. On Class II pedestrian streets, parking shall be permitted at street level when at
4 least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage
5 area occupied by garage doors, is separated from the street by other uses. The facade of the separating
6 uses shall be subject to the transparency and blank wall standards for Class I pedestrian streets in
7 subsections C and D. The remaining parking shall be screened from view at street level and the street
8 facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest
9 features.

10 c. The perimeter of each floor of parking garages above street level shall have an
11 opaque screen at least three and one-half feet (3 1/2') high.

12 2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020,
13 Screening and landscaping of surface parking areas.

14 F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When
15 areaways are located beneath the sidewalk the street trees shall be planted in below-grade containers
16 with provisions for watering the trees. Street trees shall be planted according to ((The City of Seattle
17 Engineering Department)) Seattle Transportation Tree Planting Standards.

18 Section 188. SMC 23.49.106 is hereby amended as follows:

19 **Downtown Retail Core, street facade requirements.**

20 Standards for the street facades of structures are established for the following elements:

21 Minimum and maximum facade heights

22 Setback limits

23 Upper-level setbacks

24 Facade transparency

Blank facade limits

Screening of parking

Street trees.

These standards shall apply to each lot line of a lot which abuts a street.

25 A. Minimum Facade Height. Minimum facade height shall be thirty-five feet (35') (see Exhibit
26 23.49.106 A), except that this requirement shall not apply when all portions of the structure are lower
27 than an elevation of thirty-five feet (35').

28 B. Maximum Facade Heights and Upper-level Setbacks.

29 1. As depicted in Exhibit 23.49.106 B, upper-level setbacks and maximum facade heights
30 shall be established for all structures greater than one hundred twenty-five feet (125') in height as
31 follows:

32 *[See this section in a printed edition of the SMC. No
33 amendments were made to the chart in this ordinance.]*

34 2. The required upper-level setback shall be at the elevation of the maximum street facade

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1 height, and shall continue for the full height of the structure. (See Exhibit 23.49.106 B.)

2 C. Facade Setback Limits.

3 1. The facades of structures less than or equal to fifteen feet (15') in height shall be
4 located within two feet (2') of the street property line.

5 2. Structures greater than fifteen feet (15') in height shall be governed by the following
6 criteria:

7 a. No setback limits shall apply up to an elevation of fifteen feet (15') above
8 sidewalk grade.

9 b. Between the elevations of fifteen (15) and thirty-five feet (35') above
10 sidewalk grade, the facade shall be located within two feet (2') of the street property line, except that
11 setbacks between the elevations of fifteen (15) and thirty-five feet (35') above sidewalk grade at the
12 property line shall be permitted according to the following standards (see Exhibit 23.49.106 C):

13 (1)The maximum setback shall be ten feet (10').

14 (2)The total area of a facade which is set back more
15 than two feet (2') from the street property line shall not exceed forty percent (40%) of the total facade
16 area between the elevations of fifteen (15) and thirty-five feet (35').

17 (3)No setback deeper than two feet (2') shall be wider than twenty feet
18 (20'), measured parallel to the street property line.

19 (4)The facade of the structure shall return to within two feet (2') of the
20 street property line between each setback area for a minimum of ten feet (10'). Balcony railings and
21 other nonstructural features or walls shall not be considered the facade of the structure.

22 3. When sidewalk widening is required by Section 23.49.022, setback standards shall be
23 measured to the line established by the new sidewalk width rather than the street property line.

24 D. Facade Transparency Requirements.

1. Facade transparency requirements shall apply to the area of the facade between two
feet (2') and eight feet (8') above the sidewalk. Only clear or lightly tinted glass in windows, doors, and
display windows shall be considered transparent. Transparent areas shall allow views into the structure
or into display windows from the outside.

2. When the transparency requirements of this subsection are inconsistent with the
glazing limits in the Energy Code, this subsection shall apply.

3. On all streets, a minimum of sixty percent (60%) of the street level facade shall be
transparent.

E. Blank Facade Limits.

1. Blank facade limits shall apply to the area of the facade between two feet (2') and eight
feet (8') above the sidewalk.

2. Any portion of the facade which is not transparent shall be considered to be a blank
facade.

3. Blank facades shall be limited to segments fifteen feet (15') wide, except for garage
doors which may be wider than fifteen feet (15'). Blank facade width may be increased to thirty feet (30')
if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
similar features that have visual interest. The width of garage doors shall be limited to the width of the
driveway plus five feet (5').

4. Any blank segments of the facade shall be separated by transparent areas at least two
feet (2') wide.

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1 5. The total of all blank facade segments, including garage doors, shall not exceed forty
2 percent (40%) of the street facade of the structure on each street frontage.

3 F. Screening of Parking. Parking located at or above street level in parking garages shall be
4 screened according to the following requirements:

5 1. Parking shall not be permitted at street level unless separated from the street by other
6 uses, provided that garage doors need not be separated.

7 2. The perimeter of each floor of parking garages above street level shall have an opaque
8 screen at least three and one-half feet (31/2') high.

9 G. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When
10 areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers
11 with provisions for watering the trees. Street trees shall be planted according to ((The City of Seattle
12 Engineering Department)) Seattle Transportation Tree Planting Standards.

13
14 Section 189. ~~SMC 23.49.134~~ is hereby amended as follows:

15 **Downtown Mixed Commercial, street facade requirements.**

16 Standards for the facades of structures are established for
17 the following elements:

- 18 Minimum facade heights
- 19 Setback limits
- 20 Facade transparency
- 21 Blank facade limits
- 22 Screening of parking
- 23 Street trees.

24 These standards shall apply to each lot line of a lot which abuts a street designated on Map VD as
having a pedestrian classification. The standards for each street frontage shall vary according to the
pedestrian classification of the street on Map VD, and whether property line facades are required by Map
VC.

A. Minimum Facade Height.

1 1. Minimum facade height shall be as described in the chart below and Exhibit 23.49.134
2 A, but minimum facade heights shall not apply when all portions of the structure are lower than the
3 elevation of the required minimum facade height listed below.

4 *[See this section in a printed edition of the SMC. No
5 amendments were made to the chart in this ordinance.]*

6 2. On designated view corridors described in Section 23.49.024, the minimum facade
7 height shall be the required elevation of the setback when it is less than the minimum facade height
8 required in subsection A1 of this section.

B. Facade Setback Limits.

9 1. Setback Limits for Property Line Facades. The following setback limits shall apply to
10 all streets designated on Map VC as requiring property line facades:

- 11 a. The facades of structures fifteen feet (15') or less in height shall be located

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1 within two feet (2') of the street property line.

2 b. Structures greater than fifteen feet (15') in height shall be governed by the
3 following criteria:

4 (1) No setback limits shall apply up to an elevation of fifteen feet (15')
5 above sidewalk grade.

6 (2) Between the elevations of fifteen (15) and thirty-five feet (35') above
7 sidewalk grade, the facade shall be located within two feet (2') of the street property line, except that:

8 i. Any exterior public open space which satisfies the Public Benefit
9 Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for
10 residential uses, shall not be considered part of a setback.

11 ii. Setbacks between the elevations of fifteen (15) and thirty-five
12 feet (35') above sidewalk grade at the property line shall be permitted according to the following
13 standards. (See Exhibit 23.49.134 B.)

- The maximum setback shall be ten feet (10').

14 - The total area of a facade which is set back more
15 than two feet (2') from the street property line shall not exceed forty percent (40%) of the total facade
16 area between the elevations of fifteen (15) and thirty-five feet (35').

17 - No setback deeper than two feet (2') shall be wider than
18 twenty feet (20'), measured parallel to the street property line.

19 - The facade of the structure shall return to within two feet
20 (2') of the street property line between each setback area for a minimum of ten feet (10'). Balcony
21 railings and other nonstructural features or walls shall not be considered the facade of the structure.

22 c. When sidewalk widening is required by Section 23.49.022, setback standards
23 shall be measured to the line established by the new sidewalk width rather than the street property line.

24 2. General Setback Limits. The following setback limits shall apply on streets not
requiring property line facades, as shown on Map VC. Except when the entire structure is fifteen feet
(15') or less in height or when the minimum facade height established in subsection A is fifteen feet
(15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above
sidewalk grade and the minimum facade height established in subsection A of this section. (See Exhibit
23.49.134 C.) When the structure is fifteen feet (15') or less in height, the setback limits shall apply to
the entire street facade. When the minimum facade height is fifteen feet (15'), the setback limits shall
apply to the portion of the street facade which is fifteen feet (15') or less in height.

a. The maximum area of all setbacks between the lot line and facade along each
street frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the
width of the street frontage of the structure along the street. (See Exhibit 23.49.134 D.) The averaging
factor shall be five (5) on Class I pedestrian streets and ten (10) on Class II pedestrian streets and green
streets. Parking shall not be located between the facade and the street lot line.

b. The maximum width, measured along the street property line, of any setback
area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'),
or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.134 D.)

c. The maximum setback of the facade from the street property lines at
intersections shall be ten feet (10'). The minimum distance the facade must conform to under this limit
shall be twenty feet (20') along each street. (See Exhibit 23.49.134 E.)

d. Any exterior public open space which satisfies the Public Benefit Features

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1 Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses, shall not be considered part of a setback. (See Exhibit 23.49.134 C.)

2 e. When sidewalk widening is required by Section 23.49.022, setback standards shall be measured to the line established by the new sidewalk width rather than the street property line.

3 C. Facade Transparency Requirements.

4 1. Facade transparency requirements shall apply to the area of the facade between two feet (2') and eight feet (8') above the sidewalk. Only clear or lightly tinted glass in windows, doors, and display windows shall be considered transparent. Transparent areas shall allow views into the structure or into display windows from the outside.

5 2. Facade transparency requirements shall not apply to portions of structures in residential use.

6 3. When the transparency requirements of this subsection are inconsistent with the glazing requirements of the Energy Code<2> this subsection shall apply.

7 4. Transparency requirements shall be as follows:

8 a. Class I pedestrian streets and green streets: a minimum of sixty percent (60%) of the street level facade shall be transparent.

9 b. Class II pedestrian streets: a minimum of thirty percent (30%) of the street level facade shall be transparent.

10 c. When the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%), the required amount of transparency shall be reduced to forty-five percent (45%) on Class I pedestrian streets and green streets, and twenty-two percent (22%) on Class II pedestrian streets.

11 D. Blank Facade Limits.

12 1. General Provisions.

13 a. Blank facade limits shall apply to the area of the facade between two feet (2') and eight feet (8') above the sidewalk.

14 b. Any portion of a facade which is not transparent shall be considered to be a blank facade.

15 c. Blank facade limits shall not apply to portions of structures in residential use.

16 2. Blank Facade Limits for Class I Pedestrian Streets and Green Streets.

17 a. Blank facades shall be limited to segments fifteen feet (15') wide, except for garage doors which may exceed fifteen feet (15'). Blank facade width may be increased to thirty feet (30') if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or similar features that have visual interest. The width of garage doors shall be limited to the width of the driveway plus five feet (5').

18 b. Any blank segments of the facade shall be separated by transparent areas at least two feet (2') wide.

19 c. The total of all blank facade segments, including garage doors, shall not exceed forty percent (40%) of the street facade of the structure on each street frontage; or fifty-five percent (55%) if the slope of the street frontage of the facade exceeds seven and one-half percent (7 1/2%).

20 3. Blank Facade Limits for Class II Pedestrian Streets.

21 a. Blank facades shall be no more than thirty feet (30') wide, except for garage doors which may exceed thirty feet (30'). Blank facade width may be increased to sixty feet (60') if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or

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- 1 similar features that have visual interest. The width of garage doors shall be limited to the width of the
2 driveway plus five feet (5').
- 3 b. Any blank segments of the facade shall be separated by transparent areas at
4 least two feet (2') wide.
- 5 c. The total of all blank facade segments, including garage doors, shall not
6 exceed seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-
7 eight percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent
8 (7 1/2%).

9 **E. Screening of Parking.**

- 10 1. Parking located at or above grade shall be screened according to the following
11 requirements:
- 12 a. On Class I pedestrian streets and green streets, parking shall not be permitted
13 at street level unless separated from the street by other uses, provided that garage doors need not be
14 separated.
- 15 b. On Class II pedestrian streets parking shall be permitted at street level when at
16 least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage
17 occupied by garage doors, is separated from the street by other uses. The facade of the separating uses
18 shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections
19 C and D. The remaining parking shall be screened from view at street level and the street facade shall be
20 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.
- 21 c. The perimeter of each floor of parking garages above street level shall have an
22 opaque screen at least three and one-half feet (3 1/2') high.
- 23 2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020,
24 Screening and landscaping of surface parking areas.
- F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When
areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers
with provisions for watering the trees. Street trees shall be planted according to ((The City of Seattle
Engineering Department)) Seattle Transportation Tree Planting Standards.

Section 190. SMC 23.49.162 is hereby amended as follows:

Downtown Mixed Residential, street facade requirements.

Standards for the facades of structures are established for
the following elements:

- Minimum facade heights;
- Setback limits;
- Facade transparency;
- Blank facade limits;
- Screening of parking;
- Landscaping.

These standards shall apply to each lot line of a lot which abuts a street designated on Map VID
as having a pedestrian classification. The standards on each street frontage shall vary according to the

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1 pedestrian classification of the street on Map VID, and whether property line facades are required by
2 Map VIC.

3 A. Minimum Facade Height.

4 1. Minimum facade height shall be as described in the chart below (and see Exhibit
5 23.49.162 A), but minimum facade heights shall not apply when all portions of the structure are lower
6 than the elevation of the required minimum facade height listed below.

7 *[See this section in a printed edition of the SMC]*

8 2. On designated view corridors, Section 23.49.024, the
9 minimum facade height shall be the required elevation of the setback, when it is less than the minimum
10 facade height required in subsection A1.

11 B. Facade Setback Limits.

12 1. Setback Limits for Property Line Facades. The following setback limits shall apply to
13 all streets designated on Map VIC as requiring property line facades:

14 a. The facades of structures fifteen feet (15') or less in height shall be located
15 within two feet (2') of the street property line.

16 b. Structures greater than fifteen feet (15') in height shall be governed by the
17 following criteria:

18 (1) No setback limits shall apply up to an elevation of fifteen feet (15')
19 above sidewalk grade.

20 (2) Between the elevations of fifteen (15) and thirty-five feet (35') above
21 sidewalk grade, the facade shall be located within two feet (2') of the street property line, except that:

22 i. Any exterior public open space which satisfies the Public Benefit
23 Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for
24 residential uses, shall not be considered part of a setback.

25 ii. Setbacks between the elevations of fifteen (15) and thirty-five
26 feet (35') above sidewalk grade at the property line shall be permitted according to the following
27 standards. (See Exhibit 23.49.162 B.)

28 -The maximum setback shall be ten feet (10'). -The total
29 area of a facade which is set back more
30 than two feet (2') from the street property line shall not exceed forty percent (40%) of the total facade
31 area between the elevations of fifteen (15) and thirty-five feet (35').

32 -No setback deeper than two feet (2') shall be wider than
33 twenty feet (20'), measured parallel to the street property line.

34 -The facade of the structure shall return to within two feet
35 (2') of the street property line between each setback area for a minimum of ten feet (10'). Balcony
36 railings and other nonstructural features or walls shall not be considered the facade of the structure.

37 c. When sidewalk widening is required by Section 23.49.022, setback standards
38 shall be measured to the line established by the new sidewalk width rather than the street property line.

39 2. General Setback Limits. The following setback limits shall apply on streets not
40 requiring property line facades as shown on Map VIC. Except when the entire structure is fifteen feet
41 (15') or less in height, or when the minimum facade height established in subsection A is fifteen feet
42 (15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above
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1 sidewalk grade and the minimum facade height established in subsection A (see Exhibit 23.49.162 C).
2 When the structure is fifteen feet (15') or less in height, the setback limits shall apply to the entire street
3 facade. When the minimum facade height is fifteen feet (15'), the setback limits shall apply to the
4 portion of the street facade which is fifteen feet (15') or less in height.

5 a. The maximum area of all setbacks between the lot line and facade shall be
6 limited according to an averaging technique. The maximum area of all setbacks along each street
7 frontage of a lot shall not exceed the area determined by multiplying the averaging factor by the width of
8 the street frontage of the structure along the street. (See Exhibit 23.49.162 D.) The averaging factor shall
9 be five (5) on Class I pedestrian streets, twenty (20) on Class II pedestrian streets, and thirty (30) on
10 green streets. Parking shall not be located between the facade and the street lot line.

11 b. The maximum width, measured along the street property line, of any setback
12 area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'),
13 or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.162 D.)

14 c. The maximum setback of the facade from the street property line at
15 intersections shall be ten feet (10'). The minimum distance the facade must conform to under this limit
16 shall be twenty feet (20') along each street. (See Exhibit 23.49.162 E.)

17 d. Any exterior public open space which satisfies the Public Benefit Features
18 Rule, whether it receives a bonus or not, and any outdoor common recreation area required for
19 residential uses, shall not be considered part of a setback. (See Exhibit 23.49.162 C.)

20 e. When sidewalk widening is required by Section 23.49.022, setback standards
21 shall be measured to the line established by the new sidewalk width rather than the street property line.

22 C. Facade Transparency Requirements.

23 1. Facade transparency requirements shall apply to the area of the facade between two
24 feet (2') and eight feet (8') above the sidewalk. Only clear or lightly tinted glass in windows, doors, and
display windows shall be considered transparent. Transparent areas shall allow views into the structure
or into display windows from the outside.

2. Facade transparency requirements shall not apply to portions of structures for residential
use.

3. When the transparency requirements of this subsection are inconsistent with the
glazing limits in the Energy Code, <2> this subsection shall apply.

4. Transparency requirements shall be as follows:

a. Class I pedestrian streets: A minimum of sixty percent (60%) of the street-
level facade shall be transparent.

b. Class II pedestrian streets and green streets: A minimum of thirty percent
(30%) of the street-level facade shall be transparent.

c. When the slope of the street frontage of the facade exceeds seven and one-half
percent (7 1/2%), the required amount of transparency shall be reduced to forty-five percent (45%) on
Class I pedestrian streets and twenty-two percent (22%) on Class II pedestrian streets and green streets.

21 D. Blank Facade Limits.

1. General Provisions.

a. Blank facade limits shall apply to the area of the facade between two feet (2')
and eight feet (8') above the sidewalk.

b. Any portion of a facade which is not transparent shall be considered to be a
blank facade.

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1 c. Blank facade limits shall not apply to portions of structures in residential use.

2 2. Blank Facade Limits for Class I Pedestrian Streets.

3 a. Blank facades shall be limited to segments fifteen feet (15') wide, except for
4 garage doors which may exceed fifteen feet (15'). Blank facade width may be increased to thirty feet
5 (30') if the Director determines that the facade is enhanced by architectural detailing, artwork,
6 landscaping, or similar features that have visual interest. The width of garage doors shall be limited to
7 the width of the driveway plus five feet (5').

8 b. Any blank segments of the facade shall be separated by transparent areas at
9 least two feet (2') wide.

10 c. The total of all blank facade segments, including garage doors, shall not
11 exceed forty percent (40%) of the street facade of the structure on each street frontage; or fifty-five
12 percent (55%) if the slope of the street frontage of the facade exceeds seven and one-half percent
13 (7 1/2%).

14 3. Blank Facade Limits for Class II Pedestrian Streets and Green Streets.

15 a. Blank facades shall be limited to segments thirty feet (30') wide, except for
16 garage doors which may exceed thirty feet (30'). Blank facade width may be increased to sixty feet (60')
17 if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
18 similar features that have visual interest. The width of garage doors shall be limited to the width of the
19 driveway plus five feet (5').

20 b. Any blank segments of the facade shall be separated by transparent areas at
21 least two feet (2') wide.

22 c. The total of all blank facade segments including garage doors, shall not exceed
23 seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight
24 percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent
(7 1/2%).

E. Screening of Parking.

1. Parking located at or above street level in a garage shall be screened according to the
following requirements:

a. On Class I pedestrian streets and green streets, parking shall not be permitted
at street level unless separated from the street by other uses, provided that garage doors need not be
separated.

b. On Class II pedestrian streets and green streets, parking shall be permitted at
street level when at least thirty percent (30%) of the street frontage of the parking area, excluding that
portion of the frontage occupied by garage doors, is separated from the street by other uses. The facade
of the separating uses shall be subject to the transparency and blank wall standards for Class I pedestrian
streets in subsection D2. The remaining parking shall be screened from view at street level and the street
facade shall be enhanced by architectural detailing, artwork, landscaping, or similar visual interest
features.

c. The perimeter of each floor of parking garages above street level shall have an
opaque screen at least three and one-half feet (3 1/2') high.

2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020,
Screening and landscaping of surface parking area.

F. Landscaping Requirements.

1. Street Tree Requirements. Street trees shall be required on all streets abutting a lot.

1 When areaways are located beneath the sidewalk, the street trees shall be planted in below-grade
2 containers with provisions for watering the trees. Street trees shall be planted according to ((The City of
3 ~~Seattle Engineering Department~~) Seattle Transportation Tree Planting Standards.

4 2. Landscaping in the Street Right-of-way. All new development shall provide
5 landscaping in the sidewalk area of the street right-of-way. The square feet of landscaped area provided
6 shall be at least one and one-half (1 1/2) times the length of the street property line. The following
7 standards shall apply to the required landscaped area:

8 a. The landscaped area shall be at least eighteen inches (18") wide and shall be
9 located in the public right-of-way along the entire length of the street property line.

10 b. Exceptions shall be allowed for building entrances, vehicular access or other
11 connections between the sidewalk and the lot, but in no case shall exceptions exceed fifty percent (50%)
12 of the total length of the street property line(s).

13 c. As alternative to locating the landscaping at the street property line, all or a
14 portion of the required landscaped area may be provided in the sidewalk within five feet (5') of the
15 curbline.

16 d. Landscaping provided within five feet (5') of the curbline shall be located and
17 designed in relation to the required street tree planting and take into consideration use of the curb lane
18 for parking and loading.

19 e. A minimum unobstructed sidewalk width of five feet (5') on east/west streets
20 and eight feet (8') on avenues shall be provided.

21 f. All plant material shall be planted directly in the ground. A minimum of fifty
22 percent (50%) of the plant material shall be perennial.

23 g. Where the required landscaping is on a green street or street with urban design
24 and/or landscaping guidelines promulgated by ((the ~~Engineering Department~~) Seattle Transportation,
the planting shall be in conformance with those provisions.

3. Landscaping in Setbacks.

a. Twenty percent (20%) of areas on the street property line that are not covered
by a structure, which have a depth of ten feet (10') or more from the street property line and are larger
than three hundred (300) square feet, shall be landscaped. Any area under canopies or marquees shall be
considered uncovered. Any setback provided to meet the minimum sidewalk widths established by
Section 23.49.022, shall be exempt from the calculation of the area to be landscaped.

b. All plant material shall be planted directly in the ground or in permanently
installed planters. A minimum of fifty percent (50%) of the plant material shall be perennial and shall
include trees when the setback exceeds six hundred (600) square feet.

Section 191. SMC 23.49.332 is hereby amended as follows:

Downtown Harborfront 2, street facade requirements.

Standards for the facades of structures at street level are established for the following elements:

Minimum facade heights;

Setback limits;

Facade transparency;

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Blank facade limits;
Screening of parking;
Street trees.

These standards shall apply to each lot line of a lot which abuts a street designated on Map XIA* as having a pedestrian classification. The standards for each street frontage shall vary according to the pedestrian classification of the street on Map XIA.

A. Minimum Facade Height.

1. Minimum facade height shall be as described in the chart below, and as shown in Exhibit 23.49.332 A, but the minimum facade heights shall not apply when all portions of the structure are lower than the elevation of the required minimum facade height listed below.

Street Parks	Class II Pedestrian Streets
Minimum Facade* Height	Minimum Facade* Height
25 feet	15 feet

*Except as modified by view corridor requirements.

2. On designated view corridors described in Section 23.49.024, the minimum facade height shall be the required elevation of the setback when it is less than the minimum facade height required in subsection A1.

B. Facade Setback Limits.

1. Except when the entire structure is less than or equal to fifteen feet (15') in height, or when the minimum facade height established in subsection A is fifteen feet (15'), the setback limits shall apply to the facade between an elevation of fifteen feet (15') above sidewalk grade and the minimum facade height established in subsection A (and see Exhibit 23.49.332 B). When the structure is less than or equal to fifteen feet (15') in height, the setback limits shall apply to the entire street facade. When the minimum facade height is fifteen feet (15'), the setback limits shall apply to the portion of the street facade which is fifteen feet (15') or less in height.

2. The maximum area of all setbacks between the lot line and facade along each street frontage of a lot shall not exceed the area determined by multiplying the averaging factor times the width of the street frontage of the lot along that street (see Exhibit 23.49.332 C). The averaging factor shall be thirty (30) on both Class II pedestrian streets and street parks. Parking shall not be located between the facade and the street lot line.

3. The maximum width, measured along the street property line, of any setback area exceeding a depth of fifteen feet (15') from the street property line shall not exceed eighty feet (80'), or thirty percent (30%) of the lot frontage on that street, whichever is less. (See Exhibit 23.49.332 C.)

4. The maximum setback of the facade from the street property line at intersections shall be ten feet (10'). The minimum distance the facade must conform to this limit shall be twenty feet (20') along each street. (See Exhibit 23.49.332 D.)

5. Any exterior public open space which satisfies the Public Benefit Features Rule, whether it receives a bonus or not, and any outdoor common recreation area required for residential uses,

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1 shall not be considered part of a setback. (See Exhibit 23.49.332 B.)

2 6. When sidewalk widening is required by Section 23.49.022, setback standards shall be
measured to the line established by the new sidewalk width rather than the street property line.

3 C. Facade Transparency Requirements.

4 1. Facade transparency requirements shall apply to the area of the facade between two
feet (2') and eight feet (8') above the sidewalk. Only clear or lightly tinted glass in windows, doors, and
display windows shall be considered transparent. Transparent areas shall allow views into the structure
or into display windows from the outside.

5 2. Facade transparency requirements shall not apply to portions of structures in
residential use.

6 3. When the transparency requirements of this subsection are inconsistent with the
glazing limits in the Energy Code, <2> this subsection shall apply.

7 4. Transparency requirements shall be as follows:

8 a. Class II pedestrian streets and street parks: A minimum of thirty percent (30%)
of the street-level facade shall be transparent.

9 b. When the slope of the street frontage of the facade exceeds seven and one-half
percent (7-1/2%), the required amount of transparency shall be reduced to twenty-two percent (22%).

10 D. Blank Facade Limits.

11 1. General Provisions.

12 a. Blank facade limits shall apply to the area of the facade between two feet (2')
and eight feet (8') above the sidewalk.

13 b. Any portion of a facade which is not transparent shall be considered to be a
blank facade.

14 c. Blank facade limits shall not apply to portions of structures in residential use.

15 2. Blank Facade Limits for Class II Pedestrian Streets and Street Parks.

16 a. Blank facades shall be limited to segments thirty feet (30') wide, except for
garage doors which may exceed thirty feet (30'). Blank facade width may be increased to sixty feet (60')
if the Director determines that the facade is enhanced by architectural detailing, artwork, landscaping, or
similar features that have visual interest. The width of garage doors shall be limited to the width of the
driveway plus five feet (5').

17 b. Any blank segments of the facade shall be separated by transparent areas at
least two feet (2') wide.

18 c. The total of all blank facade segments, including garage doors, shall not exceed
seventy percent (70%) of the street facade of the structure on each street frontage; or seventy-eight
percent (78%) if the slope of the street frontage of the facade exceeds seven and one-half percent
(7-1/2%).

19 E. Screening of Parking.

20 1. Parking located at or above street level in a garage shall be screened according to the
following requirements:

21 a. On Class II pedestrian streets, parking shall be permitted at street level when at
least thirty percent (30%) of the street frontage of the parking area, excluding that portion of the frontage
occupied by garage doors, is separated from the street by other uses. The facade of the separating uses
shall be subject to the transparency and blank wall standards for Class I pedestrian streets in subsections
C and D. The remaining parking shall be screened from view at street level and the street facade shall be

1 enhanced by architectural detailing, artwork, landscaping, or similar visual interest features.

2 b. On street parks, parking shall not be permitted at street level unless separated
3 from the street by other uses, provided that garage doors need not be separated.

4 c. The perimeter of each floor of parking garages above street level shall have an
5 opaque screen at least three and one-half feet (3 1/2') high.

6 2. Surface parking areas shall be screened and landscaped pursuant to Section 23.49.020,
7 Screening and landscaping of surface parking areas.

8 F. Street Tree Requirements. Street trees shall be required on all streets abutting a lot. When
9 areaways are located beneath the sidewalk, the street trees shall be planted in below-grade containers
10 with provisions for watering the trees. Street trees shall be planted according to ((The City of Seattle
11 Engineering Department)) Seattle Transportation Tree Planting Standards.

12 Section 192. SMC 23.50.016 is hereby amended as follows:

13 **Landscaping standards on designated streets.**

14 Uses located on streets which have been designated on the Industrial Streets Landscaping Maps,
15 Exhibits 23.50.016 A and B, shall provide landscaping as outlined in subsections A and B below. (See
16 Exhibits 23.50.016 A and 23.50.016 B.)

17 A. Street Trees. Street trees shall be required along designated street frontages. Street trees shall
18 be provided in the planting strip according to City of Seattle Engineering Department Tree Planting
19 Standards.

20 B. Exceptions to Street Tree Requirements.

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

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

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

c. Continuity of landscaping on adjacent properties along the street front is
desirable.

2. Street trees shall not be required for an expansion of less than two thousand five
hundred (2,500) square feet. Two (2) street trees shall be required for each additional one thousand
(1,000) square feet of expansion. The maximum number of street trees shall be controlled by ((the
Engineering Department)) Seattle Transportation standard. Rounding, per Section 23.86.002 B, shall not
be permitted.

3. Street trees shall not be required when a change of use is the only permit requested.

4. Street trees shall not be required for an expansion of a surface parking area of less than
twenty percent (20%) of parking area or number of parking spaces.

C. Screening. All outdoor storage, including off-street parking for two (2) or more fleet vehicles,
outdoor storage for recyclable materials and outdoor manufacturing, repairing, refuse compacting or

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1 recycling activities, shall provide view-obscuring screening along street lot lines unless the storage or
2 activity is fifteen feet (15') above or below the street. If the specific zone requires more extensive
landscaping or screening provisions, the more extensive provisions shall apply.

3
4 Section 193. SMC 23.50.034 is hereby amended as follows:

5 **Screening and landscaping.**

6 The following types of screening and landscaping may be required according to the provisions of
Sections 23.50.036 and 23.50.038:

7 A. Three-foot (3') High Screening. Three-foot (3') high screening may be either:

- 8 1. A fence or wall at least three feet (3') in height; or
2. A hedge or landscaped berm at least three feet (3') in height.

9 B. View-obscuring Screening. View-obscuring screening may be either:

- 10 1. A fence or wall six feet (6') in height; or
2. A landscaped berm at least five feet (5') in height; or
3. A hedge which would achieve a height of at least five feet (5') within three (3) years of

11 planting; or

12 4. Any combination of the features listed above which achieves a height of at least five
feet (5') within three (3) years of planting.

13 C. Landscaped Areas and Berms. Each area or berm required to be landscaped shall be planted
with trees, shrubs and grass, or evergreen ground cover, in a manner that the total required setback,
excluding driveways, will be covered in three (3) years. Features such as walkways, decorative paving,
sculptures, or fountains may cover a maximum of thirty percent (30%) of each required landscaped area
or berm.

14 D. Street Trees. When required by this Code, street trees shall be provided in the planting strip
according to (~~City of Seattle Engineering Department~~) Seattle Transportation Tree Planting Standards.
15 If it is not feasible to plant street trees in the planting strip according to City standards, they shall be
planted in the five-foot (5') deep landscaped setback area along the street property line. Trees planted in
16 this setback area shall be at least two feet (2') from the street lot line.

17 E. Combinations of Screening and Landscaping Requirements.

- 18 1. When there is more than one (1) type of use which requires screening or landscaping,
the requirement which results in the greater amount of screening and landscaping shall be followed.
2. Different types of screening or landscaping may be combined on one (1) lot.

19
20 Section 194. SMC 23.50.046 is hereby amended as follows:

21 **Industrial Buffer and Industrial Commercial- Light and glare standards.**

22 A. Exterior lighting shall be shielded and directed away from lots in adjacent residential zones.

23 B. Interior lighting in parking structures shall be shielded, to minimize nighttime glare affecting
24 lots in adjacent residential zones.

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1 C. When nonconforming exterior lighting in an Industrial Buffer (IB) or Industrial Commercial
(IC) zone is replaced, new lighting shall conform to the requirements of this section.

2 D. Glare diagrams which clearly identify potential adverse glare impacts on residential zones
and on arterials shall be required when:

3 1. Any structure is proposed to have facades of reflective coated glass or other highly
reflective material, and/or a new structure or expansion of an existing structure greater than sixty-five
4 feet (65') in height is proposed to have more than thirty percent (30%) of the facades comprised of clear
or tinted glass; and

5 2. The facade(s) surfaced or comprised of such materials either:

6 a. Are oriented towards and are less than two hundred feet (200') from any
residential zone, and/or

7 b. Are oriented towards and are less than four hundred feet (400') from a major
arterial with more than fifteen thousand (15,000) vehicle trips per day, according to ((Engineering))
Seattle Transportation Department data.

8 E. When glare diagrams are required, the Director may require modification of the plans to
mitigate adverse impacts, using methods including but not limited to the following:

9 1. Minimizing the percentage of exterior facade that is composed of glass;

10 2. Using exterior glass of low reflectance;

11 3. Tilting glass areas to prevent glare which could affect arterials, pedestrians or
surrounding structures;

12 4. Alternating glass and non-glass materials on the exterior facade; and

13 5. Changing the orientation of the structure.

14 Section 195. SMC 23.53.010 is hereby amended as follows:

15 **Improvement requirements for new streets in all zones.**

16 A. General Requirements. New streets created through the platting process or otherwise
dedicated shall meet the requirements of this chapter and the current Street Improvement Manual.

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

18 1. Arterials and Downtown Streets. New streets located in downtown zones, and new
arterials, shall be designed according to the Street Improvement Manual.

19 2. Nonarterials Not in Downtown Zones.

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

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

23	Zone Category	Required Right-of-way Width
24	1. SF, LDT, LI, NCI	50'

1	2.	L2, L3, L4, NC2	56'
2	3.	MR, HR, NC3, C1, C2, IB, IC	60'
3	4.	IG1, IG2	66'

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

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

13 Section 196. ~~SMC 23.53.015~~ is hereby amended as follows:

14 **Improvement requirements for existing streets in residential and commercial zones.**

15 **A. General Requirements.**

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

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

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

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

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

4. Detailed requirements for street improvements are located in the current Street
Improvement Manual, as adopted by joint rule of the Director and the Director of ~~((the Seattle
Engineering Department))~~ Transportation.

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

6. Minimum Right-of-Way Widths.

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

b. Nonarterials.

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

Chart A
for Section 23.53.015

Minimum Right-of-Way Widths
for Existing Nonarterial Streets

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

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

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

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

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

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

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

a. When an existing nonarterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection A6, a paved roadway with a concrete curb and

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1 sidewalk, drainage facilities, and any landscaping required by the zone in which the lot is located shall
2 be provided, according to the Street Improvement Manual.

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

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

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

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

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

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

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

D. Exceptions.

1. Streets With Existing Curbs.

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

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

(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.

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1 (3) If there is no sidewalk, a sidewalk shall be constructed in the portion of
2 the right-of-way abutting the lot, except when the following types of projects are proposed:
3 i. Remodeling and use changes within existing structures; and
4 ii. Additions to existing structures which are exempt from
5 environmental review.

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

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

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

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

24 2. Projects With Reduced Improvement Requirements.

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

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

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

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

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

(1) Types of Projects.

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

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

1 iii. Nonresidential structures which have less than four thousand
2 (4,000) square feet of gross floor area and which do not contain uses listed in subsection D2b(1)ii which
are larger than seven hundred fifty (750) square feet;

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

v. Remodeling and use changes within existing structures;

6 vi. Additions to existing structures which are exempt from
7 environmental review; and

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

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

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

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

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

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

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

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

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

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

23
24

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

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

5 Section 197. SMC 23.53.020 is hereby amended as follows:

6 **Improvement requirements for existing streets in industrial zones.**

7 **A. General Requirements.**

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

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

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

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

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

21 4. Detailed requirements for street improvements are located in the current Street
Improvement Manual, as adopted by joint Rule of the Director and the Director of the Seattle
22 ((Engineering)) Transportation Department.

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

24 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.

**Chart A
for Section 23.53.020**

**Minimum Right-of-way Widths
for Existing Nonarterial Streets**

	Zone Category	Right-of-way Widths
1.	IB, IC52 feet	52 feet
2.	IG1, IG256 feet	56 feet

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

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection E, 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 half the difference between the current right-of-way and the minimum right-of-way width established in subsection A shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way.

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

3. **Street Trees.**

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

b. **Exceptions to Street Tree Requirements.**

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

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

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

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

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

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

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

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

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

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

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

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

a. Improvements to Arterials.

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

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

b. Improvements to Nonarterial Streets.

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

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

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

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

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

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

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

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

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

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

E. Exceptions.

1. Streets With Existing Curbs.

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

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

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

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

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

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

8 (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 been provided under this provision, other lots on
9 the block shall provide the same setback. The area of the setback may be used to meet any development
standards, except that required parking may not be located in the setback. Underground structures which
10 would not prevent the future widening and improvements of the right-of-way may be permitted in the
required setback by the Director of Construction and Land Use after consulting with the Director of
11 ((Engineering)) Transportation.

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

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

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

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

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

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

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

22 e. Remodeling and use changes within existing structures;

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

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

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

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

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

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

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

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

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

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

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

Section 198. ~~SMC 23.53.030~~ is hereby amended as follows:

Alley improvements in all zones.

A. General Requirements.

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

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

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1 3. Detailed requirements for alley improvements are located in the Street Improvement
2 Manual, which is adopted by joint rule of the Director and the Director of ((the Seattle Engineering
3 Department)) Transportation.

4 B. New Alleys.

5 1. New alleys created through the platting process shall meet the requirements of Subtitle
6 III of this title, Platting Requirements.

7 2. The required right-of-way widths for new alleys shall be as shown on Chart A for
8 Section 23.53.030.

9 **Chart A**
10 **for Section 23.53.030**

11 **Width of New Alley Rights-of-way**

	Zone Category	Right-of-way Widths
12	1. SF, LDT, L1, NC1	12'
13	2. L2, L3, L4, NC2	16'
14	3. MR, HR, NC3, C1, C2 and all Industrial and Downtown zones	20'

15 3. When an alley abuts lots in more than one (1) zone category, the zone category with
16 the most frontage on that block, excluding Zone Category 1, along both sides of the alley determines the
17 minimum width on the chart. If the zone categories have equal frontage, the one with the wider
18 requirement shall be used to determine the minimum alley width.

19 C. Definition of Improved Alley. In certain zones, alley access is required when the alley is
20 improved. For the purpose of determining when access is required, the alley will be considered
21 improved when it meets the standards of this subsection.

22 1. Right-of-way Width.

23 a. The width of a right-of-way which is considered to be improved shall be as
24 shown on Chart B for Section 23.53.030.

25 **Chart B**
26 **for Section 23.53.030**

27 **Right-of-way Width for Alleys**
28 **Considered to be Improved**

	Zone Category	Right-of-way Width
29	1. SF, LDT, L1, L2, L3, NC1	10'
30	2. L4, MR, HR, NC2	12'
31	3. NC2, C1, C2	16'

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1 b. When an alley abuts lots in more than one (1) zone category, the zone category
2 with the most frontage on that block along both sides of the alley, excluding Zone Category 1,
3 determines the minimum width on the chart. If the zone categories have equal frontage, the one with the
4 wider requirement shall be used to determine the minimum alley width.

5 2. Paving. To be considered improved, the alley shall be paved.

6 **D. Minimum Widths Established.**

7 1. The minimum required width for an existing alley right-of-way shall be as shown on
8 Chart C for Section 23.53.030.

9 **Chart C**
10 **for Section 23.53.030**

11 **Required Minimum Right-of-way**
12 **Widths for Existing Alleys**

13 Zone Category	14 Right-of-way Width
15 1. SF and LDT	No minimum width
16 2. L1, L2, NC1	12'
17 3. L3, L4, MR, HR, NC2	16'
18 4. NC3, C1, C2, all downtown zones	20'
19 5. All industrial zones	20'

20 2. When an alley abuts lots in more than one (1) zone category, the zone category with
21 the most frontage on that block along both sides of the alley, excluding Zone Category 1, determines the
22 minimum width on the chart. If the zone categories have equal frontage, the one with the wider
23 requirement shall be used to determine the minimum alley width.

24 **E. Existing Alleys Which Meet the Minimum Width.** Except as provided in subsection G,
when an existing alley meets the minimum right-of-way width established in subsection D, the following
requirements shall be met:

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

a. For the following types of projects, the entire width of the portion of the alley
abutting the lot, and the portion of the alley between the lot and a connecting street, shall be improved to
at least the equivalent of a crushed rock surface, according to the Street Improvement Manual. The
applicant may choose the street to which the improvements will be installed. If the alley does not extend
from street to street, and the connecting street is an arterial designated on Exhibit 23.53.015 A, either the
remainder of the alley shall be improved so that it is passable to a passenger vehicle, or a turnaround
shall be provided. The turnaround may be provided by easement.

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

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

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

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

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

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

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

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

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

12 F. Existing Alleys Which Do Not Meet the Minimum Width.

13 1. When an existing alley is used for access to parking spaces, open storage, or loading
berths on a lot, and the alley does not meet the minimum width established in subsection D, except as
provided in subsection G, a dedication equal to half the difference between the current alley right-of-way
14 width and minimum right-of-way width established in subsection D shall be required; provided,
however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required
15 to dedicate more than that amount of right-of-way. Underground and overhead portions of structures that
would not interfere with the functioning of the alley may be allowed by the Director of Construction and
Land Use after consulting with the Director of ((Engineering)) Transportation. When existing structures
16 are located in the portion of the lot to be dedicated, that portion of the lot shall be exempt from
dedication requirements. The improvements required under subsection E1 shall then be installed,
17 depending on the type of project.

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

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

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

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

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

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

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

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

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

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

13 Section 199. SMC 23.54.015 is hereby amended as follows:

14 **Required parking.**

15 A. The minimum number of off-street parking spaces required for specific uses shall be based
upon gross floor area, unless otherwise specified, as set forth in Chart A, except for uses located in
16 downtown zones, which are regulated by Section 23.49.016, and major institution uses, which are
regulated by Section 23.54.016. (See Chart A for Section 23.54.015.)

17 B. In the case of a use not specifically mentioned on Chart A, the requirements for off-street
parking shall be determined by the Director. The Director's determination shall be based on the
18 requirements for the most comparable uses.

19 C. Existing parking deficits of legally established uses shall be allowed to continue even if a
change of use occurs. This provision shall not apply to a change of use to one defined as a heavy traffic
generator.

20 D. In all zones except downtown zones, no parking shall be required for the first twenty-five
hundred (2,500) square feet of gross floor area of a structure containing nonresidential uses. This waiver
21 shall not apply to structures or portions of structures occupied by fast-food restaurants, motion picture
theaters, administrative offices, or institutional uses, including major institution uses. When two (2) or
22 more uses with different parking ratios occupy a structure, the twenty-five hundred (2,500) square foot
waiver shall be prorated based on the area occupied by the nonresidential uses for which the parking
23

24

1 waiver is permitted.

2 E. Commercial uses permitted in midrise and highrise zones according to Section 23.45.110
3 shall have no parking requirement over that required for residential use in the same structure. Up to ten
4 parking spaces per business establishment may be provided at the discretion of the applicant.

5 F. Exceptions to the parking requirements set forth in this section are provided in Section
6 23.54.020, Parking quantity exceptions, unless otherwise specified in Chart A.

7 G. Except in downtown zones, off-street parking for fleet vehicles shall be provided separately,
8 in addition to the minimum parking requirements.

9 **Chart A**
10 **for Section 23.54.015**
11 **PARKING**

12 *[See this section in a printed edition of the SMC. No*
13 *amendments to the chart are made in this ordinance]*

14 H. For nonschool uses permitted to locate in a former or existing public school by a School Use
15 Advisory Committee (SUAC), parking requirements shall be determined by the school use criteria,
16 according to Chapter 23.78, Establishment of Criteria for Joint Use and Reuse of Schools.

17 **I. Bicycle Parking.**

18 1. In L2, L3, MR and HR zones, for apartments and terraced housing, spaces for bicycles
19 shall be provided in a safe and convenient location, according to the following chart:

20 Number of Units	21 Number of Bicycle Spaces Required
22 5 - 10	23 1
24 11 - 20	2
More than 20	1 for every 10 units

25 2. Bicycle parking spaces shall be provided by all
26 institutions in multifamily zones. The number of required bicycle parking spaces shall be five percent
27 (5%) of the number of required vehicle spaces. All bicycle spaces should be sheltered from the weather,
28 visible from the institution, and conveniently located.

29 3. Bicycle parking facilities, either off-street or in the street right-of-way, shall be
30 provided in NC1, NC2, NC3 and C1 zones for any new use which requires twenty (20) or more
31 automobile parking spaces according to Chart A. Automobile service stations, and other drive-in
32 businesses except fast-food restaurants, shall be exempted from this requirement. All bicycle parking
33 facilities in the street right-of-way shall conform to (~~Engineering Department~~) Seattle Transportation
34 standards.

35 a. The number of required bicycle parking spaces shall be ten percent (10%) of
36 the number of required off-street auto parking spaces.

37 b. When any covered automobile parking is provided, all bicycle parking shall be
38 covered.

1 4. Bicycle parking facilities accessory to nonresidential uses shall be located on the lot or
2 within eight hundred feet (800') of the lot. Bicycle parking accessory to residential uses shall be located
3 on-site. Bicycle parking facilities shared by more than one (1) use are encouraged. When located off-
4 street, bicycle and automobile parking areas shall be separated by a barrier or painted lines.

5 Section 200. SMC 23.54.016 is hereby amended as follows:

6 **Major Institutions-Parking and transportation.**

7 Major Institution uses shall be subject to the following transportation and parking requirements:

8 **A. General Provisions.**

9 1. Minimum requirements for parking quantity are established in subsection B of this
10 section.

11 2. The maximum number of spaces provided for the Major Institution use shall not
12 exceed one hundred thirty-five percent (135%) of the minimum requirement, except through
13 administrative or Council review as provided in subsection C.

14 3. Parking requirements for major institutions with more than one (1) type of
15 institutional use (for example, a hospital and a university), shall be calculated for each use separately,
16 and then added together to derive the total number of required spaces.

17 4. When a permit application is made for new development at an existing major
18 institution, parking requirements shall be calculated both for the entire major institution and for the
19 proposed new development. If there is a parking deficit for the entire institution, the institution shall
20 make up a portion of the deficit in addition to the quantity required for the new development, according
21 to the provisions of subsection B5. If there is a parking surplus, above the maximum allowed number of
22 spaces, for the institution as a whole, requirements for new development will first be applied to the
23 surplus in the required ratio of long-term and short-term spaces. Additional parking shall be permitted
24 only when no surplus remains.

5. When determining parking requirements, individuals fitting into more than one (1)
category (for example, a student who is also an employee or a faculty member who is also a doctor) shall
not be counted twice. The category requiring the greater number of parking spaces shall be used.

B. Parking Quantity Required. The minimum number of parking spaces required for a Major
Institution shall be as follows:

1. Long-term Parking.

a. Medical Institutions. A number of spaces equal to eighty percent (80%) of
hospital-based doctors; plus twenty-five percent (25%) of staff doctors; plus thirty percent (30%) of all
other employees present at peak hour;

b. Educational Institutions. A number of spaces equal to fifteen percent (15%) of
the maximum students present at peak hour, excluding resident students; plus thirty percent (30%) of
employees present at peak hour; plus twenty-five percent (25%) of the resident unmarried students; plus
one (1) space for each married student apartment unit.

2. Short-term Parking.

a. Medical Institutions. A number of spaces equal to one (1) space per six (6)
beds; plus one (1) space per five (5) average daily outpatients;

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1 b. Educational Institutions. A number of spaces equal to five percent (5%) of the
2 maximum students present at peak hour excluding resident students.

3 3. Additional Short-term Parking Requirements. When one (1) of the following uses is a
4 Major Institution use, the following additional short-term parking requirements shall be met. Such
5 requirements may be met by joint use of parking areas and facilities if the Director determines that the
6 uses have different hours of operation according to Section 23.54.020 G:

7 a. Museum. One (1) space for each two hundred fifty (250) square feet of public
8 floor area;

9 b. Theater, Auditorium, or Assembly Hall. One (1) space for each two hundred
10 (200) square feet of audience assembly area not containing fixed seats, and one (1) space for every ten
11 (10) seats for floor area containing fixed seats;

12 c. Spectator Sports Facility Containing Fewer than Twenty Thousand (20,000)
13 Seats. One (1) space for each ten (10) permanent seats and one (1) space for each one hundred (100)
14 square feet of spectator assembly area not containing fixed seats;

15 d. Spectator Sports Facility Containing Twenty Thousand (20,000) or More
16 Seats. One (1) space for each ten (10) permanent seats and one (1) bus space for each three hundred
17 (300) permanent seats.

18 4. Bicycle Parking. Bicycle parking meeting the development standards of Section
19 23.54.015 14 and subsection D2 shall be provided in the following quantities:

20 a. Medical Institutions. A number of spaces equal to two percent (2%) of
21 employees, including doctors, present at peak hour;

22 b. Educational Institutions. A number of spaces equal to ten percent (10%) of the
23 maximum students present at peak hour plus five percent (5%) of employees.

24 If at the time of application for a master use permit, the applicant can
demonstrate that the bicycle parking requirement is inappropriate for a particular institution because of
topography, location, nature of the users of the institution or other reasons, the Director may modify the
bicycle parking requirement.

5. Parking Deficits. In addition to providing the minimum required parking for a new
structure, five percent (5%) of any vehicular or bicycle parking deficit as determined by the minimum
requirements of this subsection, existing on the effective date of this ordinance, shall be supplied before
issuance of a certificate of occupancy.

C. Requirement for a Transportation Management Program.

1. When a major institution proposes parking in excess of one hundred thirty-five percent
(135%) of the minimum requirement for short-term parking spaces, or when a major institution prepares
a master plan or applies for a master use permit for development that would require twenty (20) or more
parking spaces or increase the major institution's number of parking spaces by twenty (20) or more
above the level existing on the effective date of this provision, <1> a transportation management program
shall be required. The Director shall assess the traffic and parking impacts of the proposed development
against the general goal of reducing the percentage of the major institution's employees, staff and/or
students who commute in single-occupancy vehicles ("SOV") during the peak period to fifty percent
(50%) or less, excluding those employees or staff whose work regularly requires the use of a private
automobile during working hours.

2. Transportation management programs shall be prepared and implemented in
accordance with the Director's Rule governing Transportation Management Programs.

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- 1 3. If an institution has previously prepared a transportation management program, the
2 Director, in consultation with the Director of ~~((Engineering))~~ Transportation, shall review the major
3 institution's progress toward meeting stated goals. The Director shall then determine:
- 4 a. That the existing program should be revised to correct deficiencies and/or
5 address new or cumulative impacts; or
 - 6 b. That the application will not be approved until the major institution makes
7 substantial progress toward meeting the goals of its existing program; or
 - 8 c. That a new program should be developed to address impacts associated with
9 the application; or
 - 10 d. That a revised or new program is not needed.
- 11 4. Through the process of reviewing a transportation management program in
12 conjunction with reviewing a master plan, the Council may approve in excess of one hundred thirty-five
13 percent (135%) of the minimum requirements for long-term parking spaces, or may increase or decrease
14 the stated fifty percent (50%) SOV goal, based upon the major institution's impacts on traffic and
15 opportunities for alternative means of transportation. Factors to be considered shall include, but not be
16 limited to:
- 17 a. Proximity to a street with fifteen (15) minute transit service headway in each
18 direction;
 - 19 b. Air quality conditions in the vicinity of the major institution;
 - 20 c. The absence of other nearby traffic generators and the level of existing and
21 future traffic volumes in and through the surrounding area;
 - 22 d. The patterns and peaks of traffic generated by major institution uses and the
23 availability or lack of on-street parking opportunities in the surrounding area;
 - 24 e. The impact of additional parking on the major institution site;
 - f. The extent to which the scheduling of classes reduces the transportation
 alternatives available to students and faculty or the presence of limited carpool opportunities due to the
 small number of employees; and
 - g. The extent to which the major institution has demonstrated a commitment to
 SOV alternatives.
5. The provision of short-term parking spaces in excess of one hundred thirty-five
percent (135%) of the minimum requirements established in subsection B2 may be permitted by the
Director through preparation of a Transportation Management Program. In evaluating whether to allow
more than one hundred thirty-five percent (135%) of the minimum, the Director, in consultation with
~~((the Engineering Department))~~ Seattle Transportation and ~~((the Municipality of))~~ Metropolitan Seattle
~~((METRO))~~ King County, shall consider evidence of parking demand and opportunities for alternative
means of transportation. Factors to be considered shall include but are not necessarily limited to the
criteria contained in subsection d of this section and the following:
- a. The nature of services provided by Major Institution uses which generate
 short-term parking demand; and
 - b. The extent to which the major institution manages short-term parking to
 ensure its availability to meet short-term parking needs.
- Based on this review, the Director shall determine the amount of additional short-term parking to be
permitted, if any.
6. When an institution applies for a permit for development included in its master plan, it

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1 shall present evidence that it has made substantial progress toward the goals of its transportation
management program, including the SOV goal. If substantial progress is not being made, as determined
2 by the Director in consultation with ~~((the Engineering Department))~~ Seattle Transportation and
~~((METRO))~~ Metropolitan King County, the Director may:

- 3 a. Require the institution to take additional steps to comply with the
transportation management program; and/or
4 b. Require measures in addition to those in the transportation management
program which encourage alternative means of transportation for the travel generated by the proposed
5 new development; and/or
6 c. Deny the permit if previous efforts have not resulted in sufficient progress
toward meeting the SOV goals of the institution.

7 7. If one (1) major institution has acquired, merged with, or consolidated with another
major institution, pursuant to Section 23.69.023, the new/surviving major institution shall prepare a new
8 or revised transportation management program for the combined Major Institution Overlay District,
according to the provisions of this section. The new/surviving major institution shall submit a draft
9 transportation management program with any master use permit application for changes on any portion
of the combined Major Institution Overlay District not already covered by an adopted master plan, or
10 within one (1) year of the acquisition, merger or consolidation, whichever occurs first. The new or
revised transportation management program shall be completed and approved by the Director as soon as
11 is practicable, and at least before any master use permit, for which an application is filed more than one
(1) year after the acquisition, merger or consolidation, is issued, for changes on any portion of the
12 combined Major Institution Overlay District not already covered by an adopted master plan; provided
that this shall not affect the Director's authority to consider and mitigate traffic and transportation
impacts under the SEPA policies and procedures in SMC Chapter 25.05.

13 D. Development Standards for Parking.

14 1. Long-term Parking.

15 a. Carpools and vanpools shall be given guaranteed spaces in a more convenient
location to the Major Institution uses they serve than SOV spaces, and shall be charged substantially less
16 than the prevailing parking rates for SOVs.

17 b. There shall be a charge for all non-carpool/vanpool long-term parking spaces.

18 2. Bicycle Parking.

19 a. Required bicycle parking shall be in a convenient location, covered in the
same proportion as auto parking spaces and provided free of charge.

20 b. Bicycle rack designs shall accommodate locking of the bicycle frame and both
wheels with chains, cables, or U-shaped bicycle locks to an immovable rack or stall.

21 3. Joint use or shared use of parking areas and facilities shall be encouraged if approved
by the Director according to the standards of Section 23.54.020 G.

22 4. The location and design of off-street parking and access to off-street parking shall be
23 regulated according to the general standards of Chapter 23.54 and the specific standards of the
underlying zone in which the parking is located.
24

1 Section 201. SMC 23.54.030 is hereby amended as follows:

2 **Parking space standards.**

3 On lots subject to this Code, all parking spaces provided shall meet the following standards
4 whether or not the spaces are required by this Code:

5 **A. Parking Space Dimensions.**

6 1. "Large vehicle" means the minimum size of a large vehicle parking space shall be
7 eight and one-half feet (8 1/2') in width and nineteen feet (19') in length.

8 2. "Medium vehicle" means the minimum size of a medium vehicle parking space shall
9 be eight feet (8') in width and sixteen feet (16') in length.

10 3. "Small vehicle" means the minimum size of a small vehicle parking space shall be
11 seven and one-half feet (7 1/2') in width and fifteen feet (15') in length.

12 4. "Barrier-free parking" means a parking space meeting the following standards:

13 a. Parking spaces shall not be less than eight feet (8') in width and shall have an
14 adjacent access aisle not less than five feet (5') in width. Van-accessible parking spaces shall have an
15 adjacent access aisle not less than eight feet (8') in width. Where two (2) adjacent spaces are provided,
16 the access aisle may be shared between the two (2) spaces. Boundaries of access aisles shall be marked
17 so that aisles will not be used as parking space.

18 b. A minimum length of nineteen feet (19'); or when more than one (1) barrier-
19 free parking space is provided, at least one (1) shall have a minimum length of nineteen feet (19'), and
20 other spaces may be the lengths of small, medium or large spaces in approximate proportion to the
21 number of each size space provided on the lot.

22 5. "Tandem parking" means a parking space equal to the width and two (2) times the
23 length of the vehicle size standards in subsections A1, A2, and A3 for the size of the vehicle to be
24 accommodated.

6. Columns or other structural elements may encroach into the parking space a maximum
of six inches (6") on a side, except in the area for car door opening, five feet (5') from the longitudinal
centerline or four feet (4') from the transverse centerline of a parking space (Exhibit 23.54.030 A). No
wall, post, guardrail, or other obstruction, or property line, shall be permitted within the area for car door
opening.

7. If the parking space is next to a property line, the minimum width of the space shall be
nine feet (9').

B. Parking Space Requirements. The required size of parking spaces shall be determined by
whether the parking is for a residential or nonresidential use. In structures containing both residential
and nonresidential uses, parking which is clearly set aside and reserved for residential use shall meet the
standards of subsection B1; otherwise, all parking for the structure shall meet the standards of subsection
B2.

1. Residential Uses.

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

b. When more than five (5) parking spaces are provided, a minimum of sixty
percent (60%) of the parking spaces shall be striped for medium vehicles. The minimum size for a
medium parking space shall also be the maximum size. Forty percent (40%) of the parking spaces may

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1 be striped for any size, provided that when parking spaces are striped for large vehicles, the minimum
2 required aisle width shall be as shown for medium vehicles.

2 2. Nonresidential Uses.

3 a. When ten (10) or fewer parking spaces are provided, a maximum of twenty-
4 five percent (25%) of the parking spaces may be striped for small vehicles. A minimum of seventy- five
5 percent (75%) of the spaces shall be striped for large vehicles. b. When between eleven (11) and
6 nineteen (19) parking spaces are provided, a minimum of twenty-five percent (25%) of the parking
7 spaces shall be striped for small vehicles. The minimum required size for these small parking spaces
8 shall also be the maximum size. A maximum of sixty-five percent (65%) of the parking spaces may be
9 striped for small vehicles. A minimum of thirty-five percent (35%) of the spaces shall be striped for
10 large vehicles.

11 c. When twenty (20) or more parking spaces are provided, a minimum of thirty-
12 five percent (35%) of the parking spaces shall be striped for small vehicles. The minimum required size
13 for small parking spaces shall also be the maximum size. A maximum of sixty-five percent (65%) of the
14 parking spaces may be striped for small vehicles. A minimum of thirty-five percent (35%) of the spaces
15 shall be striped for large vehicles.

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

20 C. Backing Distances and Moving Other Vehicles.

21 1. Adequate ingress to and egress from all parking spaces shall be provided without
22 having to move another vehicle, except for single-family dwellings.

23 2. Except for lots with fewer than three (3) parking spaces, ingress to and egress from all
24 parking spaces shall be provided without requiring backing more than fifty feet (50').

D. Driveways. Driveway requirements for residential and nonresidential uses are described
below. When a driveway is used for both residential and nonresidential parking, it shall meet the
standards for nonresidential uses described in subsection D2.

1. Residential Uses.

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

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

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

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

(3) For one single-family structure, the Director may waive the
requirements of subsections D1b(1) and (2) above, and may modify the parking access standards based
upon a safety analysis, addressing visibility, traffic volume and other relevant issues.

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

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

3 (1) Be a minimum of sixteen feet (16') wide, tapered over a twenty-foot
4 (20') distance to a ten-foot (10') opening at the property line; or

5 (2) Provide a passing area at least twenty feet (20') wide and twenty feet
6 (20') long. The passing area shall begin twenty feet (20') from the property line, with an appropriate
7 taper to meet the ten-foot (10') opening at the property line. If a taper is provided at the other end of the
8 passing area, it shall have a minimum length of twenty feet (20').

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

12 f. Nonconforming Driveways. The number of parking spaces served by an
13 existing driveway that does not meet the standards of this subsection D1 shall not be increased. This
14 prohibition may be waived by the Director after consulting with ~~((the Seattle Engineering Department))~~
15 Seattle Transportation based on a safety analysis.

16 2. Nonresidential Uses.

17 a. Driveway Widths.

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

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

22 b. Driveways shall conform to the minimum turning path radius shown in Exhibit
23 23.54.030 B.

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

26 4. Driveway Slope. No portion of a driveway, whether located on private property or on
27 a right-of-way, shall exceed a slope of twenty percent (20%), except as provided in this subsection. The
28 maximum twenty percent (20%) slope shall apply in relation to both the current grade of the right-of-
29 way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is
30 different from the current grade. The Director may permit a driveway slope of more than twenty percent
31 (20%) if it is found that:

32 a. The topography or other special characteristic of the lot makes a twenty percent
33 (20%) maximum driveway slope infeasible;

34 b. The additional amount of slope permitted is the least amount necessary to
35 accommodate the conditions of the lot; and

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

37 E. Parking Aisles.

38 1. Parking aisles shall be provided according to the requirements of Exhibit 23.54.030 D.

39 2. Minimum aisle widths shall be provided for the largest vehicles served by the aisle.

40 3. Turning and maneuvering areas shall be located on private property, except that alleys
41 may be credited as aisle space.

42 4. Aisle slope shall not exceed seventeen percent (17%) provided that the Director may
43 permit a greater slope if the criteria in subsections D4a, D4b and D4c are met.

44 F. Curbscuts. Curbscut requirements shall be determined by whether the parking served by the

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1 curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a
2 curbcut is used for more than one (1) use, the requirements for the use with the largest curbcut
requirements shall apply.

3 1. Residential Uses in Single-family and Multi-family Zones and Single-purpose
Residential Uses in All Other Zones.

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

5	Street or Easement Frontage of the Lot	Number of Curbcuts Permitted
6	0 - 80 feet	1
7	81 - 160 feet	2
8	161 - 240 feet	3
	241 - 320 feet	4

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

10 b. Curbcuts shall not exceed a maximum width of ten feet (10') except that:
11 (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 F1a; and
12 (2) A greater width may be specifically permitted by the development
standards in a zone; and

13 (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.

14 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.

15	Street Frontage of the Lot	Number of Curbcuts Permitted
16	0 - 160 feet	1
17	161 - 320 feet	2
18	321 - 480 feet	3

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

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

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

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

24

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

3 a. Number of Curbscuts.

4 (1) In RC, NC1, NC2, NC3, and Major Institution zones, a maximum of
5 two (2) curbscuts for one (1) way traffic or one (1) curbscut for two (2) way traffic shall be permitted on
6 lots with street frontage of eighty feet (80') or less. On lots with street frontage of more than eighty feet
7 (80'), up to two (2) two (2) way curbscuts shall be permitted for each two hundred forty feet (240') of
8 street frontage.

9 (2) In C1 and C2 zones, the Director shall review and make a
10 recommendation on the number and location of curbscuts.

11 (3) In downtown zones, a maximum of two (2) curbscuts for one (1) way
12 traffic at least forty feet (40') apart, or one (1) curbscut for two (2) way traffic, shall be permitted on each
13 street front where access is permitted by Section 23.49.018. No curbscut shall be located within forty feet
14 (40') of an intersection. These standards may be modified by the Director on lots with steep slopes or
15 other special conditions, the minimum necessary to provide vehicular and pedestrian safety and facilitate
16 a smooth flow of traffic, in accordance with the Downtown Land Use Policies.

17 (4) For public schools, the minimum number of curbscuts determined
18 necessary by the Director shall be permitted.

19 b. Curbscut Widths.

20 (1) For one (1) way traffic, the minimum width of curbscuts shall be
21 twelve feet (12'), and the maximum width shall be fifteen feet (15').

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

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

 (4) When one (1) of the following conditions applies, the Director may
require a curbscut of up to thirty feet (30') in width, if it is found that a wider curbscut is necessary for safe
access:

- 16 i. The abutting street has a single lane on the side which abuts the
- 17 lot; or
- 18 ii. The curb lane abutting the lot is less than eleven feet (11') wide;
- 19 or
- 20 iii. The proposed development is located on an arterial with an
- 21 average daily traffic volume of over seven thousand (7,000) vehicles; or
- 22 iv. Off-street loading space is required according to subsection H of
- 23 Section 23.54.015.

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

3. All Uses in Industrial Zones:

a. Number and Location of Curbscuts. The number and location of curbscuts shall
be determined by the Director.

b. Curbscut Width. Curbscut width in Industrial zones shall be provided as

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1 follows:

2 (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.

3 (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').

4 (3) Within the minimum and maximum widths established by this
subsection, the Director shall determine the size of the curbcuts.

4 4. Curbcuts for Access Easements.

5 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.

6 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.

7 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 a zone.

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

9 G. Sight Triangle.

10 1. For exit-only driveways and easements, and two (2) way driveways and easements less
than twenty-two feet (22') wide, a sight triangle on both sides of the driveway or easement shall be
provided, and shall be kept clear of any obstruction for a distance of ten feet (10') from the intersection
of the driveway or easement with a driveway, easement, sidewalk or curb intersection if there is no
sidewalk, as depicted in Exhibit 23.54.030 E.

12 2. For two (2) way driveways or easements at least twenty-two feet (22') wide, a sight
triangle on the side of the driveway used as an exit shall be provided, and shall be kept clear of any
obstruction for a distance of ten feet (10') from the intersection of the driveway or easement with a
driveway, easement, sidewalk, or curb intersection if there is no sidewalk. The entrance and exit lanes
shall be clearly identified.

15 3. The sight triangle shall also be kept clear of obstructions in the vertical spaces between
thirty-two inches (32") and eighty-two inches (82") from the ground.

16 4. When the driveway or easement is less than ten feet (10') from the property line, the
sight triangle may be provided as follows:

17 a. An easement may be provided sufficient to maintain the sight triangle. The
easement shall be recorded with the King County Department of Records and Elections; or

18 b. The driveway may be shared with a driveway on the neighboring property; or

18 c. The driveway or easement may begin five feet (5') from the property line, as
depicted in Exhibit 23.54.030 F.

19 5. An exception to the sight triangle requirement may be made for driveways serving lots
containing only residential structures and fewer than three (3) parking spaces, when providing the sight
triangle would be impractical.

21 6. In all downtown zones, the sight triangle at a garage exit may be provided by mirrors
and/or other approved safety measures.

22 7. Sight triangles shall not be required for one-way entrances into a parking garage or
surface parking area.

23 H. Attendant Parking. In downtown zones, any off-street parking area or structure providing

1 more than five (5) parking spaces where automobiles are parked solely by attendants employed for that
2 purpose shall have parking spaces at least eight feet (8') in width, and fifteen feet (15') in length.
3 Subsections A, B, C, D and E shall not apply, except that the grade curvature of any area used for
4 automobile travel or storage shall not exceed that specified in subsection D3. Should attendant operation
5 be discontinued, the provisions of subsections A, B, C, D and E shall apply to the parking.

I. Off-street Bus Parking. Bus parking spaces, when required, shall be thirteen feet (13') in
4 width and forty feet (40') in length. Buses parked en masse shall not be required to have adequate ingress
5 and egress from each parking space.

J. The Director may reduce any required dimension for nonresidential uses up to three percent
6 (3%) to allow more efficient use of a surface parking area or parking garage, except for the dimensions
7 of parking spaces and aisles for small vehicles.

8 Section 202. SMC 23.54.035 is hereby amended as follows:

9 **Loading berth requirements and space standards.**

10 **A. Quantity of Loading Spaces.**

11 1. The minimum number of off-street loading berths required for specific uses shall be
12 set forth in Chart A. (See Chart A for Section 23.54.035.)

13 2. For uses not listed on Chart A the Director shall determine the loading berth
14 requirements. Loading demand and loading requirements for similar uses shall be considered in
15 determining such requirements.

16 3. Existing deficits in the number of required loading berths shall be allowed to continue
17 if a change of use occurs.

18 4. Uses shall be considered low-demand uses, medium-demand uses and high-demand
19 uses, as follows. (See Table for 23.54.035 A.)

20 **Chart A**
21 **for Section 23.54.035**

22 *[See this section in printed edition of the SMC. No*
23 *amendments to the chart are made in this ordinance.]*

24 5. When a lot contains more than one (1) business establishment within the same category
of low-, medium- or high- demand use, the square footage of the business establishments within the
same category shall be added together in order to determine the number of required loading berths.

B. Exception to Loading Requirements. For uses with less than sixteen thousand (16,000)
square feet of gross floor area which provide a loading space on a street or alley, the loading berth
requirements may be waived by the Director following a review by the Seattle ((Engineering))
Transportation Department which finds that the street or alley berth is adequate.

C. Standards for Loading Berths.

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

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1 2. Length.

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

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

8 c. Exceptions to Loading Berth Length. Where the Director finds, after
9 consulting with the property user, that site design and use of the property will not result in vehicles
10 extending beyond the property line, loading berth lengths may be reduced to not less than the following:

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

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

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

25 3. For uses not listed in Chart A, the Director shall determine the loading berth length
26 requirements. Loading demand and loading requirements for similar uses shall be considered.

27 4. Maneuvering Space for Loading Berths. In addition to the length of the loading berth,
28 additional maneuvering space may be required by the Director in the following cases:

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

31 b. For high-demand uses with over ten thousand (10,000) square feet of gross
32 floor area with loading berth access from a collector arterial or local access street, especially if located
33 across the street from another high-demand use. When required, the additional maneuvering space shall
34 be designed and arranged to allow the most efficient use of all required loading berths by motor vehicles
35 of the types typically employed by the activities served.

36 Section 203. SMC 23.55.012 is hereby amended as follows:

37 **Temporary signs permitted in all zones.**

38 A. Real estate "for sale," "for rent" and "open house" temporary signs, temporary signs
39 identifying the architect, engineer or contractor for work currently under construction, and temporary
40 noncommercial messages displayed on fabric signs, flags or rigid signs shall be permitted in all zones at

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1 all times, provided they are not painted with light-reflecting paint or illuminated. The total area for these
2 types of temporary signs in the aggregate shall not exceed eight (8) square feet per building lot in single
3 family zones, and twenty-four (24) square feet per building lot in all other zones, except as follows: the
4 total area allowed for noncommercial messages may increase to a maximum of eight (8) square feet per
dwelling unit for use by the occupant of that dwelling unit; and in buildings where there are eight (8)
dwelling units or more, a real estate banner not exceeding thirty-six (36) square feet may be permitted
for one (1) nine (9) month period starting from the date of the issuance of the certificate of occupancy.

5 B. In addition to the signs described in subsection A above, commercial or noncommercial
6 messages may be displayed for a total of four (4) fourteen (14) consecutive day periods a calendar year;
7 these additional four (4) periods are the maximum, whether the message is the same message or a
8 different message. These messages may be displayed on banners, streamers, strings of pennants, fabric
9 signs, festoons of lights, flags, wind-activated objects, rigid signs, balloons, searchlights, portable signs
10 attached to vehicles, or devices of a carnival nature, and shall be allowed as temporary signs in all zones.
11 The total area for all temporary signs per fourteen (14) day period, when combined with those signs
12 authorized under subsection A, in the aggregate shall not exceed thirty-two (32) square feet per building
lot for signs made of rigid material, with no dimension greater than eight feet (8'), and one hundred
(100) square feet per building lot for temporary signs not made of rigid material; provided that the total
area allowed for noncommercial messages may increase to a maximum of thirty-two (32) square feet per
dwelling unit, with no dimension greater than eight feet (8'), for signs made of rigid material, and one
hundred (100) square feet per dwelling unit for temporary signs not made of rigid material, all for use by
the occupant of that dwelling unit. No individual sign made of non rigid material may exceed thirty-six
(36) square feet.

13 C. All signs authorized by this section are subject to the following regulations:

14 1. No sign may be placed on public property or on the planting strips that abut public
15 property, including planting strips forming a median in a public street, except as provided in subsection
16 3 below and except for portable signs attached to vehicles that are using the public streets.

17 2. All signs must be erected with the consent of the occupant of the property on which
18 the sign is located, except as provided in subsection 3 below.

19 3. Temporary Signs on Public Property or in Planting Strips.

20 a. Temporary signs with commercial or noncommercial messages may be located
21 on public rights-of-way or in planting strips in business districts, subject to the requirements of City of
22 Seattle Public Works Rules Chapter 4.60 or its successor Rule.

23 b. Temporary signs with noncommercial messages, other than in subsection 3a
24 above, may be located in the planting strip in front of private property with the consent of the occupant
of that property and may not exceed eight (8) square feet or be supported by stakes that are more than
one foot (1') into the ground. Signs in the planting strip shall be no more than twenty-four inches (24")
in height as measured from street or driveway grade when located within thirty feet (30') from the
curbline of intersections. Signs shall be no more than thirty-six inches (36") in height as measured from
street or driveway grade when located thirty feet (30') or more from the curbline of intersections.

c. In addition to commercial signs in business districts allowed in subsection 3a
above, only temporary commercial "open house" signs may be placed in planting strips. One (1) "open
house" temporary sign per street frontage of a lot may be located with the consent of the occupant and
provided the occupant or seller is on the premises. The "open house" signs may not exceed eight (8)
square feet per lot or be supported by stakes that are more than one foot (1') into the ground. The "open

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1 house" signs shall be no more than twenty-four inches (24") in height as measured from street or
2 driveway grade when located within thirty feet (30') from the curbline of intersections, and shall be no
3 more than thirty-six inches (36") in height as measured from street or driveway grade when located
4 thirty feet(30') or more from the curbline of intersections.

5 d. No sign placed in a planting strip may be displayed on banners, streamers,
6 strings of pennants, festoons of lights, flags, wind-animated objects or balloons.

7 e. The requirements of this subsection 3 shall be enforced by the Director of ((the
8 ~~Seattle Engineering Department~~) Seattle Transportation pursuant to the enforcement provisions of that
9 Department.

10 4. No sign shall obstruct or impair access to a public sidewalk, public or private street or
11 driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise
12 create a hazard, including a tripping hazard.

13 5. Signs shall be designed to be stable under all weather conditions, including high
14 winds.

15 6. A temporary sign shall conform to the standards for roof signs, flashing,
16 changing image or message board signs, for moving signs, and for lighting and height regulations for the
17 zone or special review district in which the temporary sign is located, provided that balloons may exceed
18 height regulations.

19 7. The entire visible surface of the sign, exclusive of support devices, shall be included in
20 area calculations.

21 Section 204. ~~SMC 23.60.196~~ is hereby amended as follows:

22 **Floating homes.**

23 **A. General Standards.**

24 1. Floating home moorages shall comply with Chapter 58, Houseboats, of the Seattle
Building Code Supplement adopted by Chapter 22.100 of the Seattle Municipal Code, and the
requirements of this chapter.

2. Moorage Location.

a. Except as provided below, every floating home moorage shall be located on
privately owned or privately controlled premises. No floating home shall be located in any waterway or
fairway or in the public waters of any street or street end.

b. Floating homes and floating home moorages which were located in the public
waters or any street or street end on January 1, 1974, or on property later dedicated to the City for street
purposes, and which have continuously remained in such locations, comply with all other provisions of
this chapter and are authorized by a use and occupancy permit approved by The City of Seattle
((~~Engineering~~) Transportation Department shall be permitted; provided that when any such floating
home so located and permitted to use such public waters is moved from its existing site the public waters
shall not be reoccupied.

c. Floating homes and floating home moorages located in Portage Bay in a
submerged street segment lying generally parallel to the shoreline that terminates on the north and on the
south in a submerged street area when the same person owns or leases the property abutting on both
sides thereof shall be permitted.

1 d. Floating homes are permitted when located at an existing floating home
2 moorage and located partially on private property and partially in submerged portions of Fairview
3 Avenue East lying generally parallel to the shoreline, when the occupant of the floating home owns or
4 leases the private portion of the moorage site and has obtained a long-term permit from City Council to
5 occupy the abutting street area.

6 3. Views. Floating homes shall not be located or relocated in such a manner as to block
7 the view corridor from the end of a dock or walkway. In the location and the design of remodeled
8 floating homes, views of the water for moorage tenants and the public shall be preserved.

9 4. Existing Floating Homes. An existing floating home, for the purposes of this section,
10 shall be one assigned a King County Assessor's (KCA) number and established by that number as
11 existing at an established moorage in Lake Union or Portage Bay as of the effective date of the
12 ordinance codified in this chapter.

13 5. Relocation. Two (2) floating homes may exchange moorage sites, either within a
14 moorage or between moorages, if:

15 a. Both floating homes are the same height or the relocation will not result in a
16 floating home, which is over eighteen feet (18') in height and higher than the floating home being
17 replaced, being located seaward of floating homes which are eighteen feet (18') or less in height,
18 provided that no floating home greater than eighteen feet (18') in height shall be relocated to a
19 nonconforming floating home moorage except to replace a floating home of equal or greater height;

20 b. The minimum distance between adjacent floating home walls and between any
21 floating home wall and any floating home site line will meet the requirements of the applicable moorage
22 standards in subsections B or C below unless reduced for existing floating homes by the Director; and

23 c. The requirements of Chapter 7.20 of the Seattle Municipal Code, Floating
24 Home Moorages, have been met.

25 6. Moorage Plan. Any proposal to replace, remodel, rebuild, or relocate a floating home,
26 or expand a floating home moorage, shall be accompanied by an accurate, fully dimensioned moorage
27 site plan, at a scale of not less than one inch equals twenty feet (1" = 20'), unless such plan is already on
28 file with the Department. When the proposal is to expand a moorage, the plan shall designate individual
29 moorage sites for the entire moorage.

30 **B. Conforming Floating Home Moorages.**

31 1. New moorages or expanded portions of conforming floating home moorages shall
32 meet the following standards:

33 a. Floating homes shall not exceed twenty-one feet (21') at the highest point
34 measured from the surface of the water.

35 b. New floating homes shall not cover in excess of one thousand two hundred
36 (1,200) square feet of water area, and existing floating homes shall not be expanded beyond one
37 thousand two hundred (1,200) square feet, inclusive of float, decks, roof overhang and accessory floats.

38 c. Minimum site area for an individual floating home shall be two thousand
39 (2,000) square feet, except as provided in subsection D of this section.

40 d. Total water coverage of all floating homes and all fixed or floating moorage
41 walkways shall not exceed forty-five percent (45%) of the submerged portion of the moorage lot area.

42 e. Setbacks.

43 (1) The minimum distance between adjacent floating home floats or walls
44 shall be ten feet (10') of open water.

1 (2)The minimum distance between floating homes on opposite sides of a
moorage walkway shall be ten feet (10'), wall-to-wall.

2 (3)The minimum distance between any floating home float or wall and any
floating home moorage lot line shall be five feet (5') except that there shall be no minimum distance
3 required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a
public street right-of-way, a waterway or the fairway. A moorage walkway may abut upon the lot line.

4 f. Each floating home shall have direct access to a moorage walkway of not less
than five feet (5') of unobstructed width leading to a street.

5 g. Each floating home in a floating home moorage shall abut upon open water at
least twenty feet (20') wide and open continuously to navigable waters.

6 h. The view corridor requirements of the applicable shoreline environment shall
be met.

7 2. Floating home moorages meeting the above standards shall be considered to be
conforming.

8 3. Remodeling, rebuilding or relocation of a floating home shall be permitted at a
conforming moorage if the provisions of subsections A and B1 are met.

9 C. Nonconforming Floating Home Moorages.

10 1. The remodeling, replacement, or rebuilding of a floating home at a moorage existing
as of March 1, 1977, whether or not legally established at that time, when the moorage does not satisfy
the lot coverage, open water, site area, setback, view corridor or location provisions for conforming
11 floating home moorages shall be permitted subject to the following provisions:

12 a. The total float area of the floating home float shall not be increased;

13 b. The height of the remodeled floating home or of the remodeled portion of the
floating home shall not be increased beyond eighteen feet (18') from the water surface or the height shall
not exceed eighteen feet (18') from the water if the floating home is being replaced or rebuilt;

14 c. The minimum distance between adjacent floating home walls shall not be
decreased to less than six feet (6') if the floating home is being remodeled or shall not be less than six
feet (6') if the floating home is being rebuilt or replaced, except as provided in subsection D of this
15 section;

16 d. The minimum distance between any floating home wall and any floating-home
site line shall not be decreased to less than three feet (3') if the floating home is being remodeled or shall
not be less than three feet (3') if the floating home is being rebuilt or replaced;

17 e. No part of the floating home shall be further extended over water beyond the
edge of the float if the floating home is being remodeled or shall not be extended over water beyond the
18 edge of the float if the floating home is being rebuilt or replaced;

19 f. Any accessory float which was attached to a floating home as of March 1,
1977, may be maintained or replaced provided that the area of the accessory float shall not be increased.
An accessory float may not be transferred from one (1) floating home to another. New accessory floats
20 are prohibited; and

21 g. The extent of nonconformity of the floating home moorage with respect to
view corridors shall not be increased.

22 2. The expansion of a nonconforming moorage shall be permitted if the expanded portion
of the moorage meets the following provisions:

23 a. No floating home in the expanded portion of the moorage is over eighteen feet
24

1 (18') in height or the height of the floating home located immediately landward in the existing moorage,
2 whichever is greater;

3 b. New floating homes shall not cover an excess of one thousand two hundred
4 (1,200) square feet of water area, and existing floating homes shall not be expanded beyond one
5 thousand two hundred (1,200) square feet, inclusive of float, decks, roof overlay and accessory floats;

6 c. Minimum site area for an individual floating home shall be two thousand
7 (2,000) square feet except as provided in subsection D of this section;

8 d. Total water coverage of all floating homes and all fixed or floating moorage
9 walkways in the expanded portion of the moorage shall not exceed forty-five percent (45%) of the
10 expanded submerged portion of the moorage lot area;

11 e. Setbacks.

12 (1)The minimum distance between adjacent floating home floats or walls
13 shall be ten feet (10') of open water,

14 (2)The minimum distance between floating homes on opposite sides of a
15 moorage walkway shall be ten feet (10'), wall-to-wall,

16 (3)The minimum distance between any floating home float or wall and any
17 floating home moorage lot line shall be five feet (5') except that there shall be no minimum distance
18 required between a floating home float or wall and a moorage lot line when the lot line is adjacent to a
19 public street right-of- way, a waterway or the fairway. A moorage walkway may abut upon the lot line;

20 f. Each floating home shall have direct access to a moorage walkway of not less
21 than five feet (5') of unobstructed width leading to a street;

22 g. Each floating home in a floating home moorage shall abut upon open water at
23 least twenty feet (20') wide and open continuously to navigable waters; and

24 h. The extent of nonconformity of the floating home moorage with respect to
view corridors is not increased.

D. "Safe Harbor" Development Standards-Exceptions. There shall be no parking requirements or
minimum site area for the following:

1. In the Urban Residential Environment, the addition of no more than two (2) existing
floating homes, as defined in subsection A4 of Section 23.60.196 of this chapter on each lot developed
with a recreational marina, commercial moorage or floating home moorage on the effective date of the
ordinance codified in this chapter and established prior to April 1, 1987 when the floating homes are
relocated from another lot after April 1, 1987; and

2. In the Urban Stable Environment, no more than two (2) floating homes at each lot as
permitted by subsection A4 of Section 23.60.600 of this chapter when relocated from another lot after
April 1, 1987.

Section 205. ~~SMC 23.60.902~~ is hereby amended as follows:

"A."

"Airport, water-based" means a transportation facility used
exclusively by aircraft which take off and land directly on the water.

"Aquaculture" means an agricultural use in which food fish, shellfish or other marine foods,
aquatic plants or animals are cultured in fresh or salt water.

1 "Agriculture use" means the following uses as defined in Chapter 23.84, Definitions: Animal
husbandry; Aquaculture; Horticultural use.
2 "AWDT" means the twenty-four (24) hour average weekday traffic on a street as determined by
((the Seattle Engineering Department)) Seattle Transportation.
3

4 Section 206. SMC 23.66.030 is hereby amended as follows:

5 **Certificates of approval-Application, review and appeals.**

6 A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct,
restore, remodel, make any visible change to the exterior appearance of any structure, or to the public
7 rights- of-way or other public spaces in a special review district, and no one shall remove or
substantially alter any existing sign or erect or place any new sign or change the principal use of any
8 building, or any portion of a building, structure or lot in a special review district, and no permit for such
activity shall be issued unless a certificate of approval has been issued by the Department of
9 Neighborhoods Director.

10 B. Fees. The fees for certificates of approval shall be established in accordance with the
requirements of SMC Chapter 22.901T.

11 C. Application.

12 1. An application for a certificate of approval shall be filed with the Director of the
Department of Neighborhoods. When a permit application is filed with the Director or with the Director
of ((Engineering)) Transportation for work requiring a certificate of approval, the permit application
shall not be determined to be complete until the applicant has submitted an application for a certificate
13 of approval to the Department of Neighborhoods.

14 2. The following information must be provided in order for the application to be
complete, unless the Director of the Department of Neighborhoods indicates in writing that specific
information is not necessary for a particular application:

- 15 a. Building name and building address; b. Name of the business(es) located at
the site of the proposed work;
16 c. Applicant's name and address;
17 d. Building owner's name and address;
18 e. Applicant's telephone number;
19 f. The building owner's signature on the application, or a signed letter from the
owner designating the applicant as the owner's representative, if the applicant is not the owner;
g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee
Subtitle has been paid;

- 20 h. A detailed description of the proposed work, including:
(1) Any changes that will be made to the building or the site,
(2) Any effect that the work would have on the public right-of-way or
21 other public spaces,
(3) Any new construction,
22 (4) Any proposed use, change of use, or expansion of use;
23 i. Four (4) sets of scale drawings, with all dimensions shown, of:
24

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1 (1) A site plan of existing conditions, showing adjacent streets and
2 buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such
3 as street trees and sidewalk displays, and another site plan showing proposed changes to the existing
4 conditions,

5 (2) A floor plan showing the existing features and a floor plan showing
6 the proposed new features,

7 (3) Elevations and sections of both the proposed new features and the
8 existing features,

9 (4) Construction details,

10 (5) A landscape plan showing existing features
11 and plantings, and another landscape plan showing proposed site features and plantings;

12 j. Photographs of any existing features that would be altered and photographs
13 showing the context of those features, such as the building facade where they are located;

14 k. One (1) sample of proposed colors, if the proposal includes new finishes or
15 paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

16 l. If the proposal includes new signage, awnings, or exterior lighting:

17 (1) Four (4) sets of scale drawings of proposed signage or awnings,
18 showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

19 (2) Four (4) sets of a plan, photograph, or elevation drawing showing the
20 location of the proposed awning, sign, or lighting,

21 (3) Four (4) copies of details showing the proposed method of attaching
22 the new awning, sign, or lighting,

23 (4) The wattage and specifications of the proposed lighting, and a drawing
24 or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color,

(6) For new signage or awnings in the International Special Review
District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

(2) A description of the replacement structure or object and the
replacement use;

n. If the proposal includes replacement, removal, or demolition of existing
features, a survey of the existing conditions of the features that would be replaced, removed, or
demolished.

3. The Director of the Department of Neighborhoods shall determine whether an
application is complete and shall notify the applicant in writing within twenty-eight (28) days of the
application being filed whether the application is complete or that the application is incomplete and what
additional information is required before the application will be complete. Within fourteen (14) days of
receiving the additional information, the Director of the Department of Neighborhoods shall notify the
applicant in writing whether the application is now complete or what additional information is
necessary. An application shall be deemed to be complete if the Director of the Department of
Neighborhoods does not notify the applicant in writing by the deadlines in this section that the
application is incomplete. A determination that the application is complete is not a determination that the
application is vested.

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1 4. The determination of completeness does not preclude the Director of the Department
2 of Neighborhoods or the Board from requiring additional information during the review process if more
3 information is needed to evaluate the application according to the criteria in this chapter and in any rules
4 adopted by the Board, or if the proposed work changes. For example, additional information that may be
5 required could include a shadow study or a traffic study when new construction is proposed.

6 5. After the special review board has given notice of the meeting at which an application
7 for a certificate of approval will be considered, no other application for the same alteration or change of
8 use may be submitted until the Department of Neighborhoods Director has approved or denied the
9 existing application and all appeals have been concluded.

10 D. Review.

11 1. Review When No Special Review Board is Established.

12 a. When there is no special review board, the Department of Neighborhoods
13 Director shall, within thirty (30) days of a determination that an application for a certificate of approval
14 is complete, determine whether the proposed action is consistent with the use and development standards
15 for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the
16 requested certificate of approval.

17 b. A copy of the Department of Neighborhoods Director's decision shall be sent
18 to the Director and mailed to the owner and the applicant at the addresses provided in the application.
19 Notice of the Director's decision also shall be provided to any person who, prior to the rendering of the
20 decision, made a written request to receive notice of the decision or submitted written substantive
21 comments on the application.

22 2. Review When Special Review Board is Established.

23 a. When a special review board has been established, the board shall hold a
24 public meeting to receive comments on certificate of approval applications.

 b. Notice of the board's public meeting shall be posted in two (2) prominent
locations in the district at least three (3) days prior to the meeting.

 c. The board, after reviewing the application and considering the information
received at the public meeting, shall make a written recommendation to the Department of
Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application
based upon the consistency of the proposed action with the requirements of this chapter, the district use
and development standards, and the purposes for creating the district. The board shall make its
recommendation within thirty (30) days of the receipt of a completed application by the board staff,
except that the applicant may waive the deadlines in writing for the special review board to make a
recommendation or the Director of the Department of Neighborhoods to make a decision, if the
applicant also waives any deadlines on the review or issuance of related permits that are under review by
the Department of Construction and Land Use.

 d. The Department of Neighborhoods Director shall, within fifteen (15) days of
receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with
conditions.

 e. A copy of the decision shall be sent to the Director and mailed to the owner
and the applicant at the addresses provided in the application. Notice of the decision shall be provided to
any person who, prior to the rendering of the decision, made a written request for notice of the decision,
or submitted substantive written comments on the application.

 3. A decision denying a certificate of approval shall state the specific reasons for the

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1 denial and explain why the proposed changes are inconsistent with the requirements of this subchapter
and adopted use and development standards for the district.

2 E. Appeal to Hearing Examiner.

3 1. Any interested person may appeal the decision of the Department of Neighborhoods
4 Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the
5 Department of Neighborhoods Director's decision. When the proposed action that is the subject of the
6 certificate of approval is also the subject of one (1) or more related permit applications under review by
7 the Department of Construction and Land Use, then the appellant must also file notice of the appeal with
8 the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be
9 heard until all of the time periods for filing administrative appeals on the other permits have expired. If
10 one (1) or more appeals are filed regarding the other permits, then the appeal of the certificate of
11 approval shall be consolidated with them and shall be heard according to the same timelines established
12 for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed
13 independently according to the timelines set by the state for such appeals.

8 2. If the related permit decisions would not be appealable, then the appeal of the
certificate of approval decision shall proceed immediately after it is filed.

9 3. The applicant for the certificate of approval may elect to have the appeal proceed
10 immediately rather than postponed for consolidation with appeals of related permit applications, if the
11 applicant agrees in writing that the Department of Construction and Lane Use may suspend its review of
the related permits, and that the time period for review of those permits shall be suspended until the
Hearing Examiner issues a decision on the appeal of the certificate of approval.

12 4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards
and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal
Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be
13 reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods
Director's decision was arbitrary and capricious.

14 5. If evidence is presented to the Hearing Examiner that was not presented to the Board,
or if the Hearing Examiner determines that additional information is required, then the Hearing
15 Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of
the additional information or evidence.

16 6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the
last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately
17 with the appeal of the certificate of approval, as provided in subsection E, paragraph 3, then not later
than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to
18 consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review
and decision on both the certificate of approval and any related permit applications.

19 7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's
decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must
20 be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided
by RCW 36.70C.040.

21 F. Revocation of Certificates of Approval. Building construction, remodeling, restoration,
renovation, removal, demolition and use shall conform to the requirements of the certificate of approval
22 granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply
with this chapter, the ordinance creating the district, or the conditions of the certificate of approval.
23
24

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1 G. Expiration of Certificates of Approval. A certificate of approval for a use shall be valid as
2 long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be
3 valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of
4 the Department of Neighborhoods grants an extension in writing; provided however, that certificates of
5 approval for actions subject to permits issued by the Department of Construction and Land Use shall be
6 valid for the life of the permit issued by the Department of Construction and Land Use, including any
7 extension granted by the Department of Construction and Land Use in writing.

8 Section 207. SMC 23.66.170 is hereby amended as follows:

9 **Parking and access.**

10 A. Parking shall be required in the Pioneer Square Preservation District, according to Section
11 23.49.016 of this Land Use Code.

12 B. To mitigate the potential impacts of required accessory parking and loading on the District,
13 the Director of Neighborhoods, after review and recommendation by the Preservation Board, may waive
14 or reduce required parking or loading in the following circumstances:

15 1. After incorporating high-occupancy-vehicle alternatives such as carpools and
16 vanpools, required parking spaces exceed the net usable space in all below-grade floors; or

17 2. Reasonable application of the parking or loading standards will adversely affect the
18 visual character of the District. C. When parking is provided it shall be subject to the requirements of
19 Section 23.54.030 of this Land Use Code.

20 D. Standards for Location of Access to Parking.

21 1. Access to parking and loading from alleys, and from streets which generally run
22 east/west, is preferred to access from Avenues. When a lot abuts more than one (1) right-of-way, the
23 location of access shall be determined by the Department of Neighborhoods Director in consultation
24 with the Director of ((Engineering)) Transportation. This determination shall be made according to the
25 traffic classification of the street, depicted on Map F. Access shall be from rights-of-way classified as
26 follows, from the most to least preferred, except when the Department of Neighborhoods Director,
27 following review and recommendation by the Board, determines that access from the preferred right-of-
28 way would create a hazardous condition:

29 Alleys;

30 Access streets;

31 Class II pedestrian streets-minor arterial;

32 Class II pedestrian streets-principal arterial;

33 Class I pedestrian streets-minor arterial;

34 Class I pedestrian streets-principal arterial;

35 Principal transit street;

36 Street parks.

37 2. Curbside width and the number of curbside permitted per street frontage shall be
38 governed by Section 23.54.030 of this Land Use Code.

39 3. The street-level location of entrances and exits of all parking garages, where
40 permitted, shall be permitted only if approved by the Department of Neighborhoods Director after

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1 review and recommendation by the Preservation Board. View-obscuring screening may be required as
2 needed to reduce adverse visual impacts on the immediate area.

3 Section 208. SMC 23.68.022 is hereby amended as follows:

4 **Manufacturing Center Overlay-Screening and landscaping provisions.**

5 A minimum of fifteen percent (15%) of the area included within the boundaries of the
6 Manufacturing Center Overlay shall be landscaped according to a landscaping plan approved by the
7 Council as part of the General Development Plan. The landscaped area may be reduced to a minimum of
8 ten percent (10%) of the area for large sites exceeding eighty thousand (80,000) square feet if the project
9 also provides additional recreational open space for employees. The Council shall use the following
10 guidelines in reviewing the General Development Plan to establish sufficient landscaping conditions:

11 A. Landscaping shall be used to establish a special character for the project and reinforce the
12 cohesiveness of development, and shall follow guidelines A1 through A3:

13 1. Landscaping along street rights-of-way should emphasize cohesiveness and establish a
14 special identity for the project area. Generally, planting strips shall be provided, except when the
15 Director determines that unusual circumstances make providing them infeasible. The planting strips
16 shall be landscaped and planted with street trees according to ((The City of Seattle Engineering
17 Department)) Seattle Transportation Tree Planting Standards. If it is not feasible to plant trees within the
18 planting strip, they should be planted on private property at least two feet (2') from, but within five feet
19 (5') of, the street property line.

20 2. Landscaping shall be provided to mitigate impacts associated with additional height
21 and density allowed for projects. Such mitigation may include buffering to protect less-intensive uses in
22 abutting areas, view corridors to preserve views through the site, landscaped setbacks to reduce the
23 presence of bulkier structures, and/or recreational open space to compensate for the greater working
24 population associated with the increased densities allowed. Wherever possible, required landscaping and
open space shall be integrated with adjacent landscaped areas to create the impression of large open
spaces.

3. Open spaces included in the project should provide sufficient landscaping to assure the
opportunity for passive and/or active recreational activity. Recreational open space may be landscaped
or occupied by sculpture, fountains or pools, benches or other recreational facilities such as game courts.

B. Screening and landscaping shall be used to improve the visual character of the project as
follows:

1. Blank facades which are one hundred twenty feet (120') or more in length and twenty
feet (20') or less from a street property line shall be screened to a height of at least six feet (6') by
trellises and vining plants, or by trees or shrubs planted in front of the facade.

2. All trash disposal areas shall have a solid screen that is at least as high as the material
to be screened.

3. Rooftop equipment shall be surrounded with a screen that is at least as high as the
equipment to be screened. Screens shall be of a material and design that is compatible with the building.

4. Screening and landscaping for surface parking areas shall be similar to the provisions of Chapter
23.49.020, Screening and Landscaping of Surface Parking Areas in Downtown Zones. Loading berths

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1 should be screened from view as much as possible along principal circulation routes within and
2 bordering the project, either by locating them behind structures or through landscaping and screening on
sides visible from the street.

3 C. Curbs and sidewalks shall be required, unless the Director determines that unusual
circumstances make providing them infeasible.

4 D. Signs and lighting standards shall enhance the quality of the street environment and promote
design cohesiveness within the project area.

5 Section 209. SMC 23.69.032 is hereby amended as follows:

6 **Master plan process.**

7 A. Not less than sixty (60) days prior to applying for a
8 master plan, the institution shall file a notice of intent to prepare a master plan with the Director.

9 B. Formation of a Citizens Advisory Committee.

10 1. Immediately following submittal of a notice of intent to prepare a master plan, the
institution shall initiate the establishment of a citizens advisory committee of at least six (6), but no more
than twelve (12), members.

11 2. Where there is more than one (1) major institution in the same general area, as
determined by the Director, a single advisory committee serving more than one (1) institution shall be
permitted.

12 3. The institution, in consultation with the Director of the Department of Neighborhoods,
shall develop a list of potential members to serve on the advisory committee. Groups from which
13 members may be selected for appointment to the advisory committee shall include area community
groups, residents, property owners, and business persons; consumer groups using the services of the
14 institution; and any other persons or organizations directly affected by the actions of the institution. To
the extent possible, members of the advisory committee should possess expertise or experience in such
15 areas as neighborhood organization and issues, land use and zoning, architecture or landscape
architecture, economic development, building development and educational or medical services. A non-
16 management representative of the institution shall be included.

17 4. Members of the advisory committee shall have no direct economic relationship with
the institution except as provided in subsection B3.

18 5. The Director of the Department of Neighborhoods shall review the list of potential
members and recommend to the Council those individuals appropriate to achieve a balanced,
independent and representative committee. After the recommendation has been submitted, the
19 Department of Neighborhoods may convene the advisory committee. The Council may confirm the
advisory committee composition, make changes in the size and/or composition of the advisory
20 committee, or remand the matter to the Director of the Department of Neighborhoods for further action.
The Council shall establish the final composition of the committee through a memorandum of agreement
21 with the institution, prepared by the Department of Neighborhoods, and adopted by resolution.

22 6. For each member, an alternate(s) shall also be selected for service on the advisory
committee. Alternates shall fill-in for members only when the latter are unable to serve. Individual
23 members may be replaced by the represented group subject to the approval of the Director of the
24

1 Department of Neighborhoods, without Council confirmation.

2 7. Four (4) nonvoting, ex-officio members of the advisory committee shall represent the
3 major institution, the Department of Construction and Land Use, the Department of Neighborhoods and
4 ((the Seattle Engineering Department)) Seattle Transportation.

5 8. The Committee shall be staffed by the Department of Neighborhoods with the
6 cooperation and assistance of the major institution. Technical assistance to the committee shall be
7 provided by the Department of Construction and Land Use, ((the Engineering Department)) Seattle
8 Transportation and the Department of Neighborhoods.

9 9. During the master plan review and adoption process, the Council may, in the interest
10 of ensuring representative community participation on the advisory committee, amend the size and/or
11 composition of the advisory committee.

12 10. The City-University Community Advisory Committee (CUCAC) shall serve
13 as the advisory committee for the University of Washington.

14 11. The Director of the Department of Neighborhoods shall promulgate rules applicable
15 to advisory committees, including terms of office, selection of chairpersons, and methods of conflict
16 resolution.

17 C. Application for a Master Plan.

18 1. Within one hundred twenty (120) days of filing a notice of intent to prepare a master
19 plan, the institution shall submit an application and applicable fees for a master plan. This application
20 shall include an environmental checklist and a concept plan comprised of the following:

21 a. Proposed institution boundaries; and
22 b. A proposed site plan including proposed structure dimensions and gross floor
23 area; and

24 c. Proposed uses; and
25 d. Any proposed street vacations, and parking location and access; and
26 e. Proposed phasing of development and a description of alternative proposals for
27 physical development, including a detailed explanation of the reasons for considering each alternative.

28 2. In order to evaluate a proposed master plan the following information shall be
29 included in the concept plan for all master plan applications, whether for a new master plan or for an
30 amendment to an existing master plan:

31 a. A statement explaining the purpose of the development proposed in the master
32 plan, including a discussion of the public benefits resulting from the proposed new development, the
33 way in which the proposed development will serve the public-purpose mission of the major institution,
34 and the extent to which the growth and change may adversely affect the livability of the surrounding
35 neighborhood; and

36 b. A statement of the extent to which the major institution has addressed in the
37 past, and will address in the future with its proposed development, the City's health policies and human
38 services goals; and

39 c. A description of the uses and character of the neighborhood surrounding the
40 major institution and how the major institution relates to the surrounding area. This shall include
41 pedestrian connections, physical and visual access to surrounding amenities and services, and the
42 relationship of the major institution to other major institution development within two thousand five
43 hundred feet (2,500') of its Overlay District boundaries; and

44 d. An analysis of the proposed master plan's consistency with the intent of the

- 1 City's Major Institution and other Land Use Policies; and
2 e. A discussion of the major institution's facility decentralization plans and/or
3 options; and
4 f. A site plan showing property lines and ownership of all properties within the
5 applicable Major Institution Overlay District, of areas proposed to be included in an expanded Major
6 Institution Overlay District, and of all major institution uses within two thousand five hundred feet
7 (2,500') of Overlay District boundaries; and
8 g. The boundary of the Major Institution Overlay District applicable to the major
9 institution preparing the master plan and any proposed changes.
- 10 3. The Advisory Committee shall review and submit comments on the concept plan and
11 the environmental checklist.
- 12 4. After an application for a master plan has been filed, the Director, in consultation with
13 the institution, shall prepare a schedule for the completion of the master plan. The Advisory Committee
14 shall review and submit comments on the schedule. The schedule shall require that the City Council
15 receive a recommended master plan for approval within twenty-four (24) months from the date of
16 application, provided that the Director may approve a schedule of up to thirty (30) months from the date
17 of application for master plans of unusual complexity or difficulty. Changes to the schedule may be
18 made by mutual agreement between the institution and the Director.
- 19 5. Notice of application for a master plan shall be provided as required by Chapter 23.76,
20 Procedures for Master Use Permits and Council Land Use Decisions.
- 21 D. Development of Master Plan.
- 22 1. The advisory committee shall participate directly in the formulation of the master plan
23 from the time of its preliminary concept so that the concerns of the community and the institution are
24 considered. The advisory committee comments shall consider the physical development and
environmental impacts of the institution based upon the objectives listed in the Major Institutions
Policies and Chapter 25.05, SEPA.
2. The advisory committee shall hold open meetings with the institution and City staff to
discuss the master plan and resolve differences. The institution shall provide adequate and timely
information to the advisory committee for its consideration of the content and level of detail of each of
the specific elements of the master plan.
3. The threshold determination of need for preparation of an Environmental Impact
Statement (EIS) shall be made as required by Chapter 25.05, SEPA Policies and Procedures.
4. If an EIS is required and an institution is the lead agency, it shall initiate a predraft EIS
consultation with the Director. The advisory committee shall meet to discuss the scope of the document.
The advisory committee shall submit its comments on the scope of the draft EIS to the lead agency and
the Director before the end of the scoping comment period.
5. The institution shall prepare a preliminary draft master plan.
6. The institution or DCIU, whichever is lead agency, shall be responsible for the
preparation of a preliminary draft EIS.
7. The advisory committee, ((the Engineering Department)) Seattle Transportation, the
Director, and the institution shall submit comments on the preliminary draft master plan and the
preliminary draft EIS.
8. The institution shall review the comments and revise the preliminary draft master
plan, if necessary, discussing and evaluating the comments of all parties. The lead agency shall review

1 the comments and be responsible for the revision of the preliminary draft EIS, if necessary. The Director
2 shall review the revised drafts and may require further documentation or analysis on the part of the
institution.

3 c. The Director shall publish the draft master plan, and shall publish the draft EIS as
required by Section 25.05.510 of the Seattle Municipal Code.

4 10. The Director shall hold a public hearing on the draft master plan and draft EIS.

5 11. The advisory committee shall prepare a report on the draft master plan and shall
submit comments on the draft EIS.

6 12. The institution shall prepare a preliminary final master plan and the lead agency shall
be responsible for the preparation of a preliminary final EIS following the public hearing.

7 13. The advisory committee, ~~((the Engineering Department))~~ Seattle Transportation, the
Director, and the institution shall submit comments on the preliminary final master plan and the
preliminary final EIS.

8 14. The institution shall review the comments and revise the preliminary final master
plan, if necessary. The lead agency shall review the comments and be responsible for the revision of the
preliminary final EIS, if necessary. The Director shall review the revised final documents and may
9 require further documentation or analysis on the part of the institution.

10 15. The Director shall publish the final EIS and the final master plan.

11 E. Report and Recommendation of the Director.

12 1. The Director shall prepare a written report on an application for a master plan as
provided in Section 23.76.050, Report of the Director. The Director shall first prepare a draft Director's
Report, and shall submit it to the advisory committee and the institution. The advisory committee and
the institution shall review and submit comments on the draft Director's Report. The Director shall
review the comments, and prepare a final Director's Report on the final master plan.

13 2. In the Director's Report, a determination shall be made whether the proposed
development and changes of the major institution are consistent with the framework policy of the City's
Major Institution Policies, and whether the proposed development and changes represent a reasonable
balance of the public benefits of development and change with the need to maintain livability and
14 vitality of adjacent neighborhoods. Consideration shall be given to:

15 a. The reasons for institutional growth and change, the public benefits resulting
16 from the proposed new facilities and services, and the way in which the proposed development will
serve the public purpose mission of the major institution; and

17 b. The extent to which the growth and change will significantly harm the
livability and vitality of the surrounding neighborhood.

18 3. In the Director's Report, an assessment shall be made of the extent to which the major
institution, with its proposed development and changes, will address the City's health policies and
19 human services goals, including the provision of medical and educational services to low-income
people.

20 4. The Director's analysis and recommendation on the proposed master plan's
development program component shall consider the following:

21 a. The extent to which the institution's plans for development conform to the
City's Major Institution Policy on concentration of Major Institution development on existing campuses
22 or decentralization of Major Institution development. The Director may require existing or proposed
facilities to be located beyond two thousand five hundred feet (2,500') of a Major Institution Overlay
23

24

1 District boundary if the following conditions are present:

2 (1)The facility or use does not require geographic proximity to the main
3 institution, or

4 Development potential within the boundaries of the applicable Major
5 Institution Overlay District is needed for facilities more critical to the central mission of the major
6 institution and increasing development potential would produce unacceptable adverse impacts on the
7 surrounding area, and

8 (2)Decentralization would reduce or eliminate undesirable adverse impacts
9 on the surrounding neighborhood, including the need for expanding the boundary of the Major
10 Institution Overlay District,

11 b. The extent to which development is proposed to be located outside the Major
12 Institution Overlay District and within two thousand five hundred feet (2,500') of the Overlay District
13 boundary. To approve major institution development within two thousand five hundred feet (2,500') of
14 the boundary of the Overlay District, except for development in a Downtown zone, which would result
15 in floor area of major institution uses in excess of forty thousand (40,000) square feet or ten thousand
16 (10,000) square feet on any one (1) site, the development shall:

17 (1)Conform to the standards of the zone in which it is proposed to be
18 located, and

19 (2)Be compatible with other uses in the zone, and (3)Be essential to
20 meeting the central mission of
21 the major institution,

22 c. The extent to which proposed development is phased in a manner which
23 minimizes adverse impacts on the surrounding area. When public improvements are anticipated in the
24 vicinity of proposed major institution development or expansion, coordination between the major
institution development schedule and timing of public improvements shall be required;

d. The extent to which historic structures which are designated on any federal,
state or local historic or landmark register are proposed to be restored or reused. Any changes to
designated Seattle Landmarks shall comply with the requirements of the Landmarks Preservation
Ordinance.<1> The major institution's advisory committee shall review any application to demolish a
designated Seattle Landmark and shall submit comments to the Landmarks Preservation Board before
any certificate of approval is issued.

5. The Director's analysis and recommendation on the proposed master plan's
development standards component shall be based on the following:

a. The extent to which buffers such as topographic features, freeways or large
open spaces are present or transitional height limits are proposed to mitigate the difference between the
height and scale of existing or proposed major institution development and that of adjoining areas.
Transition may also be achieved through the provision of increased setbacks, articulation of structure
facades, limits on structure height or bulk or increased spacing between structures;

b. The extent to which any structure is permitted to achieve the height limit of the
Major Institution Overlay District. The Director shall evaluate the specified limits on structure height in
relationship to the amount of Overlay District area permitted to be covered by structures, the impact of
shadows on surrounding properties, the need for transition between the major institution and the
surrounding area, and the need to protect views;

c. The extent to which setbacks of major institution development at ground level

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1 or upper levels of a structure from the boundary of the Major Institution Overlay District or along public
2 rights-of-way are provided for and the extent to which these setbacks provide a transition between major
3 institution development and development in adjoining areas;

4 d. The extent to which allowable lot coverage is consistent with permitted density
5 and allows for adequate setbacks along public rights-of-way or boundaries of the Major Institution
6 Overlay District. Coverage limits should insure that view corridors through major institution
7 development are enhanced and that area for landscaping and open space is adequate to minimize the
8 impact of major institution development within the Overlay District and on the surrounding area.
9 Allowable lot coverage shall be specified on the basis of the entire Major Institution Overlay District or
10 on a subarea basis within the Overlay District;

11 e. The extent to which allowable density of development is specified either by the
12 provision of floor area ratios (FAR) or by allowable gross floor area of development. Density limits shall
13 be specified on the basis of the entire Major Institution Overlay District or on a subarea basis within the
14 Overlay District. Allowable density shall consider the impacts of density of major institution
15 development on vehicular and pedestrian circulation, adequacy of public facilities capacity of public
16 infrastructure, and amount of open space provided. Density permitted shall not significantly impact the
17 provision of neighborhood services to the surrounding area;

18 f. The extent to which landscaping standards have been incorporated for required
19 setbacks, for open space, along public rights-of-way, and for surface parking areas. Landscaping shall
20 meet or exceed the amount of landscaping required by the underlying zoning. Trees shall be required
21 along all public rights-of-way where feasible;

22 g. The extent to which access to parking, loading and service areas is provided
23 from an arterial street;

24 h. The extent to which the provisions for pedestrian circulation maximize
connections between public pedestrian rights-of-way within and adjoining the Major Institution Overlay
District in a convenient manner. Pedestrian connections between neighborhoods separated by major
institution development shall be emphasized and enhanced.

i. The extent to which open space maintains the patterns and character of the area
in which the major institution is located and is desirable in location and access for use by patients,
students, visitors and staff of the major institution. If proposed open-space areas are deemed to be
inadequate to serve the needs of the major institution, the Director may require that the major institution
contribute to the provision of public open space nearby;

j. The extent to which open space, though not required to be physically accessible
to the public, is visually accessible to the public;

k. The extent to which the proposed development standards provide for the
protection of scenic views and/or views of landmark structures. Scenic views and/or views of landmark
structures along existing public rights-of-way or those proposed for vacation may be preserved. New
view corridors shall be considered where potential enhancement of views through the major institution
or of scenic amenities may be enhanced. To maintain or provide for view corridors the Director may
require, but not be limited to, the alternate spacing or placement of structures or grade-level openings in
structures. The institution shall not be required to reduce the combined gross floor area of proposed
buildings in order to protect views other than those protected under City laws of general applicability.

6. The Director's report shall specify all measures or actions necessary to be taken by the
major institution to mitigate adverse impacts of major institution development that are specified in the

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1 proposed master plan.

2 7. The Director shall make a recommendation on each of the issues highlighted in the
3 advisory committee's comments on the draft Director's Report as being unresolved or inadequately
4 addressed. In addition, on those issues where the Director's recommendation differs from the advisory
5 committee's comments, the Director shall include written justification for the Director's
6 recommendation.

7 F. Advisory Committee Report.

8 1. The advisory committee shall prepare a written report of its findings and
9 recommendations on the final master plan and on the final Director's Report. The advisory committee
10 report shall include, in addition to its recommendations, the public comments it received. The document
11 may incorporate minority reports.

12 2. The advisory committee report shall set forth any issues which the committee believes
13 were inadequately addressed in the final master plan and final EIS and clearly state the committee's
14 position on these issues.

15 3. The advisory committee report shall include a record of committee meetings,
16 including the meetings' minutes.

17 G. Hearing Examiner Consideration of the Master Plan.

18 1. The Hearing Examiner shall review the Director's report and recommendation,
19 including the advisory committee's report on the Director's report, as provided in Section 23.76.052,
20 Hearing examiner hearing and recommendation.

21 2. If the Hearing Examiner considers the proposed master plan and all recommendations
22 for changes, alternatives, mitigating measures and conditions, and determines that a significant master
23 plan element or environmental issue was not adequately addressed by the proposed master plan, the
24 Hearing Examiner may request the institution to prepare new proposals on the issues identified, may
request the Director to conduct further analysis or provide clarification, and may request the advisory
committee to reconvene for the limited purpose of commenting on the new proposals. The new
proposals shall also be submitted to the Director, advisory committee and parties of record for comment.
After the new proposals and comments have been received, the Hearing Examiner may:

a. Remand the new proposals and advisory committee comments and
recommendation to the Director for further consideration and report; or

b. Open the record for a hearing on the new proposals, the advisory committee
comments and recommendation, and/or any comments pertaining to the limited issues which were
presented by other parties of record.

3. The Hearing Examiner shall submit a recommendation to the Council on the proposed
master plan within thirty (30) days following the hearing. In addition to the Hearing Examiner's
recommendation, the Hearing Examiner shall transmit to the Council the proposed master plan,
environmental documentation, the advisory committee's reports, and the report and recommendation of
the Director.

H. Council Consideration of the Hearing Examiner's Recommendation.

1. The Council shall review and consider the Hearing Examiner's recommendation as
provided in Section 23.76.054, Council consideration of hearing examiner recommendation. The goal of
the Council shall be to take final action on the Hearing Examiner's recommendation no later than six (6)
months after the date it receives the recommendation.

2. If the Council examines the proposed master plan and all recommendations for

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1 changes, alternatives, mitigating measures and conditions, and determines that a significant master plan
2 element or environmental issue was not adequately addressed by the proposed master plan, the Council
3 may request the institution to prepare new proposals on the issue identified, may request the Director to
4 conduct further analysis or provide clarification, and may request the advisory committee to convene for
5 the limited purpose of commenting on the new proposals. The new proposals shall also be submitted to
6 the Director and parties of record for comment. After the new proposals and comments have been
7 received, the Council may:

- 8 a. Remand the new proposals and advisory committee comments and
9 recommendations to the Director for further consideration and report; or
- 10 b. Direct the Hearing Examiner to conduct another hearing and to reconsider the
11 recommendation based on the new proposals, the advisory committee comments and recommendation,
12 and/or any comments pertaining to the limited issues which were presented by other parties of record; or
- 13 c. Open the record for a hearing on the new proposals, the advisory committee
14 comments and recommendation, and any comments pertaining to the limited issues which were
15 presented by other parties of record.

16 3. Consideration of a master plan for the University of Washington will be made in
17 concert with the Board of Regents in accordance with the Agreement between The City of Seattle and
18 the University of Washington, May 2, 1983.

19 **I. Council Decision.**

20 1. The Council's decision to adopt, adopt with conditions, or deny an application for a
21 Major Institution Master Plan shall comply with the requirements of Section 23.76.056, Council
22 decision on hearing examiner recommendation.

23 2. Adoption of a master plan shall be by ordinance. A master plan shall not become final
24 until the ordinance approving it becomes law pursuant to the City Charter.

J. Requirement for Compiled Plan. Within thirty (30) days of adoption of a master plan by the
Council, the institution shall submit a draft copy of the compiled adopted plan for the Director's review
and approval. Upon the Director's approval, the institution shall submit twenty-five (25) copies plus a
camera-ready original of the compiled adopted plan to the Director. This compiled plan shall
incorporate all changes and conditions imposed during the plan approval process. No master use permit
for development first permitted in the adopted plan shall be issued until the compiled plan has been
reviewed and approved by the Director except as provided in Section 23.69.033.

Section 210. ~~SMC 23.71.008~~ is hereby amended as follows:

Development along major pedestrian streets.

A. Northeast Northgate Way (from Third Avenue Northeast to 11th Avenue Northeast) and Fifth
Avenue Northeast (from Northeast 113th Street to Northeast 105th Street) are designated as Major
Pedestrian Streets as shown on Map A. Proposed use and development of property zoned commercial
and abutting these streets shall meet the standards of this section.

B. Standards for Required Street-level Uses.

1. A minimum of sixty percent (60%) of a commercially zoned lot's frontage on a major
pedestrian street shall be occupied by one or more of the following uses, provided that drive-in

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1 businesses and outdoor storage are prohibited:

- 2 a. Personal and household retail sales and service use;
- 3 b. Eating and drinking establishments;
- 4 c. Customer service offices;
- 5 d. Entertainment uses;
- 6 e. Lodging uses.

7 If a portion of the major pedestrian street frontage is required for access to on-site parking
8 due to limited lot dimension, the Director may permit less than sixty percent (60%) of the frontage to be
9 occupied by such uses.

10 2. A minimum of eighty percent (80%) of each structure fronting on a major pedestrian
11 street shall be occupied at street-level by one or more of the uses listed in subsection B1 of this section
12 or a building lobby permitting access to uses above or behind street-front uses. In no case shall
13 pedestrian access to uses above or behind required streetfront uses exceed twenty percent (20%) of the
14 structure's major pedestrian street front. The remaining twenty percent (20%) of the structure's street
15 frontage may contain other permitted uses or pedestrian entrances (Exhibit 23.71.008 A).

16 3. Street-level uses shall occupy a minimum of the first ten feet (10') above sidewalk
17 grade.

18 4. All required street-level uses along major pedestrian streets shall be set back no more
19 than ten feet (10') from the street property line, except as necessary to provide open space as defined in
20 Section 23.71.014 C or for bedrooms in a lodging structure, which may be set back a maximum of
21 fifteen feet (15'). The owner shall design the area subject to this setback to include special pavers, as an
22 extension of the sidewalk or with landscaping.

23 5. The principal entrances to required street-level uses on major pedestrian streets shall
24 have direct access to the sidewalk and be within three feet (3') of the sidewalk grade elevation.

25 6. Personal and household retail sales and service uses greater than thirty thousand
26 (30,000) square feet may locate a principal pedestrian entrance on a facade oriented to a parking area or
27 the major pedestrian street. Where a principal pedestrian entrance is oriented to a parking area, an
28 additional pedestrian entrance shall be located along the major pedestrian street. In lieu of the additional
29 entrance, the owner may provide a ten foot (10') wide, landscaped pedestrian walkway from the major
30 pedestrian street to the principal pedestrian entrance, provided that the walkway does not go through
31 other businesses or parking areas.

32 C. Parking Location and Screening. The following standards apply along major pedestrian
33 streets:

34 1. Parking, or access to parking, shall not exceed forty percent (40%) of a lot's frontage
35 on a major pedestrian street.

36 2. Parking shall be located to the rear or side of a structure, within or under the structure,
37 or within eight hundred feet (800') of the lot to which it is accessory.

38 3. Where parking within a structure occupies any portion of the major pedestrian street
39 level of the structure, the parking shall be screened from public view from the major pedestrian street(s)
40 by a street-level facade. The street-level facade shall be enhanced by architectural detailing, artwork,
41 landscaping, or similar treatment that will add visual interest to the facade.

42 4. The perimeter of each floor of parking which is eight feet (8') or more above sidewalk
43 grade shall have an opaque screen at least three and one-half feet (3 1/2') high at its perimeter.

44 5. Surface parking areas shall be set back a minimum of fifteen feet (15') from the major

1 pedestrian street lot line. The setback area, excluding driveways, shall be provided as landscaped or
2 usable open space, as defined in Section 23.71.014.

3 6. Any nonconformity with respect to location, screening and landscaping of an existing
4 parking area shall be eliminated at the time of a substantial development, if the area of the
5 nonconformity is between the substantial development and the major pedestrian street. This requirement
6 shall apply regardless of whether the substantial development increases lot coverage.

7 **D. Parking Access and Curb Cuts.**

8 1. When a lot abuts an alley which meets the standards of Section 23.53.030 C, access to
9 parking shall be from the alley.

10 2. When a lot does not abut an improved alley, and the lot fronts on more than one (1)
11 street, at least one of which is not a major pedestrian street, access to parking shall be from a street
12 which is not a major pedestrian street.

13 3. If the lot does not abut an improved alley, and only abuts a major pedestrian street(s),
14 access from the major pedestrian street shall be limited to one (1), two (2) way curb cut within any three
15 hundred foot (300') segment of that lot.

16 **E. Sidewalks.**

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

18 2. The owner shall plant street trees adjacent to the major pedestrian street. The trees
19 shall meet criteria prescribed by the Director of ~~((the Engineering Department))~~ Transportation.

20 3. Planting strips are prohibited along major pedestrian streets.

21 4. The owner shall install street furniture and planting boxes adjacent to the major
22 pedestrian street. The installation shall conform to the Seattle Street Improvement Manual.

23 **F. Street Facade Standards**

24 **1. Transparency Requirements.**

a. Sixty percent (60%) of the width of the facade of a structure along the major
pedestrian street shall be transparent.

b. A facade shall be considered transparent if it has clear or slightly tinted glass in
windows, doors or display windows.

c. Transparent areas shall allow views into the structure or into display windows
from the outside.

2. Blank Facades.

a. Any portion of a facade which is not transparent shall be considered to be a
blank facade.

b. Blank facade segments shall not exceed thirty feet (30') along the major
pedestrian street front.

c. Blank facade segments which are separated by transparent areas of at least two
feet (2') in width shall be considered separate facade segments for the purposes of this section.

3. Transparent and blank facade standards apply to the area of a facade between two feet
(2') and eight feet (8') above the sidewalk.

G. Overhead Weather Protection.

1. Continuous overhead weather protection, (i.e., canopies, awnings, marquees, and
arcades) is required along at least sixty percent (60%) of the street frontage of a commercial structure on
a major pedestrian street.

2. The overhead weather protection must be provided over the sidewalk, or over a

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1 walking area within ten feet (10') immediately adjacent to the sidewalk. When provided adjacent to the
2 sidewalk, the covered walking area must be at the same grade or within eighteen inches (18") of
sidewalk grade and meet Washington state requirements for barrier-free access.

3 3. The covered area shall have a minimum width of six feet (6'), unless there is a conflict
with street trees or utility poles, in which case the width may be adjusted to accommodate such features.

4 4. The lower edge of the overhead weather protection shall be a minimum of eight feet
(8") and a maximum of twelve feet (12') above the sidewalk for projections extending a maximum of six
5 feet (6'). For projections extending more than six feet (6') from the structure, the lower edge of the
weather protection shall be a minimum of ten feet (10') and a maximum of fifteen feet (15') above the
6 sidewalk.

7 Section 211. SMC 23.71.010 is hereby amended as follows:

8 **Green streets.**

9 A. Green streets are identified on Map A.

10 B. Where an owner proposes substantial development adjacent to a street classified as a green
street, the owner shall construct street and pedestrian improvements which meet standards promulgated
11 by the Director and the Director of ((the Engineering Department)) Transportation.

12 Section 212. SMC 23.71.012 is hereby amended as follows:

13 **Special landscaped arterials.**

14 A. Special landscaped arterials are those arterials
identified on Map A.

15 B. When an owner proposes substantial development on lots abutting special landscaped
arterials, the owner shall provide the following:

16 1. Street trees meeting standards established by the Director of ((the Seattle Engineering
Department)) Seattle Transportation;

17 2. A six-foot (6') planting strip and six-foot (6') sidewalk if the lot is zoned SF, I.DT,
L1, or L2;

18 3. A six-foot (6') planting strip and a six-foot (6') sidewalk, or, at the owner's option, a
twelve-foot (12') sidewalk without a planting strip, if the lot is zoned NC2, NC3, RC, L4 or MR;

19 4. Pedestrian improvements, as determined by the Director, such as, but not limited to
special pavers, lighting, benches and planting boxes.

20
21 Section 213. SMC 23.71.018 is hereby amended as follows:

22 **Transportation management program.**

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1 A. When substantial development is proposed which is expected to generate twenty-five (25) or
2 more employee or student vehicle trips in any one (1) p.m. hour, the owner of the site upon which the
3 substantial development is proposed shall prepare and implement a Transportation Management
4 Program (TMP). The TMP shall include measures likely to achieve the goals for the proportion of single
5 occupant vehicle (SOV) trips identified below. These goals are a fifteen percent (15%) reduction in the
6 proportion of SOV trips by 1995, twenty-five percent (25%) by 1997, and thirty-five percent (35%) by
7 1999, from the 1990 SOV baseline rate of eighty-five percent (85%) for commute trips made by all
8 students and employees working in the Northgate area (see Table 23.71.018 A).

9 1. For purposes of measuring attainment of the SOV goal, the proportion of SOV trips
10 shall be calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to
11 be made by employees and students at the site (the p.m. peak hour of the generator). The proportion of
12 SOV trips shall be calculated by dividing the total number of employees and students using a SOV to
13 make a trip during the expected peak hour by the total number of employee and student person trips
14 during the expected peak hour.

15 2. Compliance with this section does not supplant the responsibility of any employer to
16 comply with Seattle's Commute Trip Reduction (CTR) Ordinance.

17 **Table 23.71.018 A**

18

19 Year/Goals	Commercial/ Institutional	Residential
20 January 1, 1995	72%	62%
21 January 1, 1997	64%	59%
22 January 1, 2000	55%	55%

23

24 B. The owner of any site who proposes multifamily substantial development which is expected
to generate fifty (50) or more vehicle trips in any one (1) p.m. hour shall prepare and implement a TMP.
The TMP shall include measures likely to achieve goals for proportion of SOV trips. These goals are
a ten percent (10%) reduction in the proportion of SOV trips by 1995, fifteen percent (15%) by 1997 and
twenty percent (20%) by 1999, from the 1990 SOV baseline rate (sixty-nine percent (69%) SOV) for
commute trips by all residents living in the Northgate area (see Table 23.71.018 A).

For purposes of measuring attainment of the SOV goal, the proportion of SOV trips shall be
calculated for the p.m. hour in which an applicant expects the largest number of vehicle trips to be made
by residents of the site (the p.m. peak hour of the generator). The proportion of SOV trips shall be
calculated by dividing the total number of residential trips made by SOV during the expected peak hour
by the total number of residential person trips.

C. Each owner subject to the requirements of this section shall prepare a TMP as described in
rules promulgated by the Director, as part of the requirements for obtaining a master use permit.

D. The TMP shall be approved by the Director if, after consulting with ((the Seattle
Engineering Department)) Seattle Transportation, the Director determines that the TMP measures are
likely to achieve the SOV goals.

E. The owner of each property subject to this implementation guideline shall submit an annual
progress report to the Director of ((Engineering)) Transportation, who will advise the Director of DCLU
on compliance. The progress report shall contain:

- 1 1. The number of full and part-time employees, students and/or residents at a site during
the peak hour;
- 2 2. A summary of the total p.m. peak hour vehicle trips generated by the site, including
employees, students and residents;
- 3 3. A description of any programs, incentives, or activities or other measures targeted to
reduce vehicle trips, in which employees, students or residents at the site participate;
- 4 4. The number of people participating in the TMP measures;
- 5 5. The peak hour proportion of SOV trips of the employees, students, and/or residents.

6 F. ~~((The Seattle Engineering Department))~~ Seattle Transportation shall monitor compliance with
the requirements of this section. If monitoring shows that the owner has not implemented the TMP
measures or has not made sufficient progress toward achieving the TMP goal, the Director of
7 ~~((Engineering))~~ Transportation may recommend that the Director:

1. Require modifications to the TMP program measures; and/or
2. Pursue enforcement action pursuant to the Land Use Code.

8 G. After approval of a TMP and issuance of a master use
permit as prescribed in subsections C and D of this section, if the owner applies for a master use permit
9 for additional development, before approving the new master use permit, the Director, after consulting
with the Director of ~~((Engineering))~~ Transportation, shall review the implementation of the TMP. If
10 substantial progress has not been made in achieving the goal for the proportion of SOV trips, the
Director may:

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

15 H. Compliance. To comply with this section, the owner of a site subject to the requirement for a
TMP, must demonstrate that he or she has an approved TMP, has submitted the required annual reports,
16 and has succeeded in accomplishing one (1) of the two (2) following objectives:

- 17 1. That the owner has implemented the measures contained in the TMP for the
development project; and/or
- 18 2. That the owner has met the goal for SOV trips specified in subsection A of this section.

19 Failure to comply with the provisions of this section is a violation of the Land Use Code. The penalty
for each violation is Two Hundred Fifty Dollars (\$250.00) per day.

20 I. A fund shall be established in the City's General Fund to receive revenue from fines for
violations of this section. Revenue from fines shall be allocated to activities or incentives to reduce
vehicle trips in the Northgate area. The Director of ~~((SED))~~ Transportation shall recommend to the
Mayor and City Council how these funds should be allocated.

21 J. ~~((SED))~~ Seattle Transportation and DCLU shall prepare a Director's Rule explaining how each
department shall implement this section.

1 Section 214. SMC 23.76.024 is hereby amended as follows:

2 **Hearing Examiner open record hearing and decision for subdivisions.**

3 A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public
4 hearing, which shall constitute by the Council on the application for preliminary approval of the
5 subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's
6 procedural environmental determination (determination of nonsignificance or determination of adequacy
7 of a final environmental impact statement) and other Type II decisions.

8 B. The Hearing Examiner may combine a public hearing on a project application with any other
9 public hearings that shall be held on the project by another local, state, regional, federal or other agency
10 provided that the hearing is held within The City of Seattle. If requested by an applicant, a joint hearing
11 shall be held, provided that the joint hearing can be held within the time periods specified in RCW
12 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

13 C. Notice. The Director shall give notice of the Hearing Examiner's hearing, the Director's
14 environmental determination, and of the availability of the Director's report at least fifteen (15) days
15 prior to the hearing by:

- 16 1. General Mailed Release;
- 17 2. Publication in the City official newspaper and in at least one (1) community
18 newspaper in the area affected by the proposal;
- 19 3. Mailed notice and written notice mailed to:
 - 20 a. The applicant and each of the recipients of the preliminary plat listed in Section
21 23.22.024, and

- b. All owners of real property located within three hundred feet (300') of any
22 portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property
23 to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels;

24 4. Posting in the Department. D. Request for Further Consideration and Appeal. Any
person significantly interested in or affected by the proposed subdivision may request further
consideration of the Director's recommendation and may appeal the Director's procedural environmental
determination and other Type II decisions. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or
environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth
calendar day following publication of notice of the Director's report, provided that when a fifteen (15)
day DNS comment period is required pursuant to SMC 25.05, appeals may be filed until five p.m. (5:00
p.m.) of the twenty-first calendar day following publication of notice of the decision. When the last day
of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run
until five p.m. (5:00 p.m.) the next business day. The request or appeal shall be accompanied by
payment of any filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form
and content shall conform with the rules of the Hearing Examiner.

E. Notice of Appeals and Requests for Further Consideration. The Hearing Examiner promptly
shall mail notice of the filing of all requests for further consideration and appeals to all parties of record
and to those requesting notice.

F. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of

1 record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act
2 on motions, clarify issues, or consider other relevant matters.

3 G. Written Comments. Written comments on the proposed subdivision and the Director's report
4 and recommendation may be sent to the Hearing Examiner. Only those received prior to the conclusion
5 of the hearing shall be considered by the Hearing Examiner.

6 H. Hearing.

7 1. The Hearing Examiner shall limit the evidence, comments, and argument at the
8 combined hearing to those issues that are fairly raised in any written request for further consideration or
9 appeal, as clarified at any pre-hearing conference, and that are relevant to:

10 a. The compliance of the proposed subdivision with the procedures and standards
11 of this chapter and SMC Chapter 23.22;

12 b. The appropriateness of any mitigation or denial pursuant to the City's SEPA
13 policies; and

14 c. The correctness of the Director's procedural environmental determination and
15 other Type II decisions. Appeals of the Director's decisions shall be considered do novo, but the
16 Director's determination shall be given substantial weight.

17 2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner
18 may either close the record after the hearing or leave it open to a specified date to receive additional
19 testimony, exhibits, or written argument.

20 I. Decision. From the information gained at the hearing, from timely written comments
21 submitted to the Department or the Hearing Examiner, and from the report and recommendation of the
22 Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to
23 approve, approve with conditions, remand, or deny the proposed subdivision. On any appeal, the
24 Hearing Examiner may affirm, reverse, remand or modify the Director's decision. These decisions shall
25 be in writing, include findings and conclusions, and be issued within ten (10) working days of the close
26 of the record, unless a longer period is agreed to among the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and
conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on
appeal or appealed to the Shorelines Hearings Board. Any judicial review not appealable to the
Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the decision,
as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an
application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with
the City Clerk, copies of the decision shall be provided by the Hearing Examiner to the applicant, to the
Director, to the Director of ~~((the Engineering Department))~~ Transportation, to all persons testifying or
submitting information at the hearing, to all persons who submitted substantive comments on the
application to either the Director or the Hearing Examiner, and to all those who request a copy.

Section 215. SMC 23.84.036 is hereby amended as follows:

"S."

"Sale and rental of large boats." See "Marine retail sales and service."

- 1 "Sale and rental of motorized vehicles." See "Automotive retail sales and service."
2 "Sale of boat parts and accessories." See "Marine retail sales and service."
3 "Sale of heating fuel." See "Non-household sales and services."
4 "Sales and rental of commercial equipment and construction materials." See "Non-household
5 sales and services."
6 "Sales, service and rental of office equipment." See "Non-household sales and services."
7 "Salvage and recycling" means a business establishment in which discarded or salvaged
8 materials are collected, stored, transferred, sold, or reused.
9 1. "Recycling collection station" means a salvage and recycling use in which weather
10 resistant containers are provided for the collection of the following recyclable materials only: glass,
11 aluminum cans, tin cans, and paper; and/or fully enclosed containers are provided for the collection of
12 secondhand goods for processing at another location.
13 2. "Recycling center" means a salvage and recycling use in which recyclable materials
14 are collected, stored, and/or processed, by crushing, breaking, sorting and/or packaging, but not
15 including any use which is defined as a salvage yard.
16 3. "Salvage yard" means a salvage and recycling use in which junk, waste, discarded or
17 salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled,
18 including automobile wrecking yards, house-wrecking yards, and places or yards for storage of salvaged
19 house-wrecking and structural steel materials and equipment. A "salvage yard" shall not be construed to
20 include such activity when conducted entirely within an enclosed building, nor pawnshops and
21 establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in
22 operable condition, used or salvaged machinery in operable condition or the processing of used,
23 discarded or salvaged materials as a minor part of manufacturing operations.
24 "Sanitarium." See "Hospital."
"Scale" means the spatial relationship among structures along a street or block front, including
height, bulk and yard relationships.
"Scenic route" means those streets designated by the Land Use Code as scenic routes.
"Scenic view section" means a section of the traveled way of a freeway, expressway, parkway, or
scenic route the daily traffic along which includes a large number of motorists entering, passing through
or leaving the City and from which there is a view of scenic beauty or historical significance, or of an
array of urban features or natural prospects, or of a public park, or of lakes, bays, mountains, the harbor
or the City skyline, and which has been so designated by this Code.
"School, elementary or secondary." See "Institution."
"Screen" means a continuous wall or fence that effectively obscures view of the property which it
encloses and which is broken only for access drives and walks. (See "Parking screen.")
"Sculptured building top" means a public benefit feature consisting of the treatment of the upper
portion of a building as an architectural feature which adds interest to the building by stepping back in a
series of steps or by some other arrangement which gives a sculptural definition or aesthetic value to the
top of a structure.
"SEPA" means the State Environmental Policy Act.
"Setback" means the required distances between every structure and the lot lines of the lot on
which it is located.
"Sewage treatment plant." See "Utility."
"Shed roof" means a roof having only one (1) sloping plane.

1 "Shopping atrium" means a public benefit feature consisting of a large enclosed space which is
2 accessible to the public, and which provides a combination of retail stores and passive recreational space
in a weather-protected, convenient, and attractive atmosphere for shoppers that also contributes to the
activity and visual interest at street level.

3 "Shopping corridor" means a public benefit feature consisting of a passage which goes through a
4 block and connects two (2) avenues, and which is lined with retail uses, in order to make pedestrian
circulation more convenient, provide more frontage for shops, give protection to pedestrians from
inclement weather, and shorten walking distances.

5 "Short plat" means a map or representation of a short subdivision.

"Short plat approval, fully complete application." See "Application."

6 "Short subdivision" means the division or redivision of land into nine (9) or fewer lots, tracts,
7 parcels, sites or divisions for the purpose of sale, lease, development or financing, and shall include all
resubdivision of previously platted land and properties divided for the purpose of sale or lease of
townhouse units.

8 "Shoulder" means the graded area between the roadway edge and the sidewalk, or slope line
9 where there is no sidewalk, on the portion of a street where there are no curbs.

"Sidewalk" means a hard-surfaced pedestrian walkway, usually of Portland cement concrete,
separated from the roadway by a curb, planting strip or roadway shoulder.

10 "Sidewalk widening" means a public benefit feature consisting of an extension of the surface of a
sidewalk, generally onto private property, which is free of all permanent obstructions.

11 "Sight triangle" means the area on both sides of a driveway which must be clear of any
obstruction to permit optimal visibility from the driveway to the sidewalk and street.

12 "Sign" means any medium, including structural and component parts, which is used or intended
to be used to attract attention to the subject matter for advertising, identification or informative purposes.

13 "Sign, advertising" means a sign directing attention to a business, profession, commodity, service
or entertainment conducted, sold or offered elsewhere than upon the lot where the sign is located.

14 "Sign, awning" means graphics on a fixed awning used or intended to be used to attract attention
to the subject matter for advertising, identification, or informative purposes. An awning sign shall not be
15 considered a fabric sign.

16 "Sign, business" means an on-premises sign directing attention to a business, profession,
commodity, service or entertainment conducted, sold or offered on the lot where the sign is located. This
definition shall not include signs located within a structure except those signs oriented so as to be visible
17 through a window.

18 "Sign, canopy" means graphics on a canopy used or intended to be used to attract attention to the
subject matter for advertising, identification, or information purposes. A canopy sign shall not be
considered a fabric sign.

19 "Sign, changing-image" means a sign which changes its message or background by means of
electrical, kinetic, solar or mechanical energy, not including message board signs.

20 "Sign, combination" means any sign incorporating any combination of the features of
freestanding, projecting, and roof signs. The individual requirements of roof, projecting and pole signs
21 shall be applied for combination signs incorporating any or all of the requirements specified in this
Code.

22 "Sign, electric" means any sign containing electrical wiring, but not including signs illuminated
by an exterior light source.

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24

- 1 "Sign, externally illuminated" means a sign illuminated by an exterior light source.
2 "Sign, flashing" means a sign which contains an intermittent or flashing light source, or an
externally mounted, intermittent light source.
3 "Sign, ground" means a sign that is six feet (6') or less in height above ground level and is
supported by one (1) or more poles, columns or supports anchored in the ground.
4 "Sign, identification" means any ground or wall sign which displays the name, address and/or use
of the premises only.
5 "Sign, large" means a sign four (4) by eight feet (8'), constructed of a durable material.
6 "Sign, marquee" means a sign placed on, constructed in or attached to a marquee.
7 "Sign, off-premises" means a sign relating, through its message and content, to a business
activity, use, product or service not available on the premises upon which the sign is erected.
8 "Sign, off-premises directional" means an off-premises sign used to direct pedestrian or vehicular
traffic to a facility, service, or business located on other premises within one thousand five hundred feet
(1,500') of the sign. The message of such sign shall not include any reference to brand names of products
or services whether or not available on such other premises; provided, that the name of the facility,
service or business may be used.
9 "Sign, on-premises directional" means an on-premises incidental sign designed to direct
pedestrian or vehicular traffic.
10 "Sign, pole" means a sign wholly supported by a structure in the ground.
11 "Sign, portable" means a sign which is not permanently affixed and is designed for or capable of
being moved, except those signs explicitly designed for people to carry on their persons or which are
permanently affixed to motor vehicles.
12 "Sign, projecting" means a sign other than a wall sign, which projects from and is supported by a
wall of a structure.
13 "Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure.
14 "Sign, rotating" means a sign that revolves on a fixed axis.
15 "Sign, side-by-side" means advertising signs that are adjacent to each other on the same plane
and facing in the same direction, either on the same structure or within twenty-five feet (25') of one
another.
16 "Sign, temporary" means any sign which is to be displayed for a limited period of time only,
including but not limited to, banners, pennants, streamers, fabric signs, wind-animated objects, clusters
of flags, festoons of lights and searchlights.
17 A temporary sign may be of rigid or nonrigid construction.
18 "Sign, type of" means the following kinds of signs: Ground, roof, projecting, combination, wall,
awning, canopy, marquee, under-marquee or pole signs.
19 "Sign, under-marquee" means a lighted or unlighted sign attached to the underside of a marquee.
20 "Sign, visually blocked" means an advertising sign that is located against or attached to a
building, thereby visible from only one (1) direction. To be considered visually blocked, the advertising
sign must be within eight feet (8') of any building wall or walls that are used to block the back side of
the advertising sign and the advertising sign cannot project above or beyond the blocking wall or walls.
21 "Sign, wall" means any sign attached to and supported by a wall of a structure, with the exposed
face of the sign on a plane parallel to the plane of the wall.
22 "Sign, wall" means a sign painted directly on a building facade.

- 1 "Single-family attached structure" means a multi-family structure containing two (2) or three (3)
dwelling units and meeting the development standards of the Lowrise Duplex/Triplex zone.
- 2 "Single-family dwelling unit." See "Residential use."
- 3 "Skylight" means an opening in a roof which is covered with translucent or transparent material,
designed to admit light, and incidental to the roof itself.
- 4 "Small lot development" means a public benefit feature through which additional gross floor area
is granted for development of small lots in certain downtown zones.
- 5 "Solar access" means the amount of unrestricted sunlight which reaches a structure, or portion
thereof.
- 6 "Solar collector" means any device used to collect direct sunlight for use in the heating or
cooling of a structure, domestic hot water, or swimming pool, or the generation of electricity.
- 7 "Solar greenhouse" means a solar collector which is a structure or portion of a structure utilizing
glass or similar glazing material to collect direct sunlight for space heating purposes.
- 8 "Solid waste transfer station." See "Utility."
- 9 "Specialty food store." See "Personal and household retail sales and service."
- 10 "Spectator sports facility." See "Places of public assembly."
- 11 "Storage, outdoor." See "Outdoor storage."
- 12 "Story" means that portion of a structure included between the surface of any floor and the
surface of the floor next above, except that the highest story is that portion of the structure included
between the highest floor surface and the ceiling or roof above.
- 13 "Street" means a right-of-way which is intended to provide or which provides a roadway for
general vehicular circulation, is the principal means of vehicular access to abutting properties and
includes space for utilities, pedestrian walkways, sidewalks and drainage. Any such right-of-way shall
be included within this definition, regardless of whether it has been developed or not.
- 14 "Street, arterial" means every street, or portion thereof, designated as an arterial on Exhibit
23.54.004 A.
- 15 "Street, existing" means any street which is not a new street.
- 16 "Street Improvement Manual" means a set of detailed standards for street, alley and easement
construction, adopted by a joint Administrative Rule of ((the Department of Engineering)) Seattle
Transportation and the Department of Construction and Land Use.
- 17 "Street, new" means a street proposed to be created through the platting process, or by dedication
to the City as part of development proposal.
- 18 "Street, principal commercial" means a street that has been identified as such through a Council
approved neighborhood plan for a designated urban center or urban village.
- 19 "Street, private" means a named, private permanent access easement exceeding thirty-two feet
(32') in width not dedicated to public use but which provides a roadway at least twenty-four feet (24')
wide for internal use within a subdivision or development, and which includes sidewalks and space for
utilities and drainage. A private street shall be treated as a street for purposes of application of
development standards to abutting properties.
- 20 "Streetscape" means the visual character of a street as determined by various elements such as
structures, landscaping, open space, natural vegetation and view.
- 21 "Structural alterations" means any change in the supporting members of a building, such as
foundations, bearing walls or bearing partitions, columns, beams or girders, or any structural
change in the roof.
- 22
- 23
- 24

1 "Structure" means anything constructed or erected on the ground or any improvement built up or
2 composed of parts joined together in some definite manner and affixed to the ground, including fences,
walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

3 "Structure depth" means that dimension of a structure extending between the front and rear lot
lines.

"Structure width" means that dimension of a structure extending between side lot lines.

4 "Structure, accessory." See "Accessory structure."

"Structure, detached" means a structure having no common or party wall with another structure.

5 "Structure, enclosed" means a roofed structure or portion of a structure having no openings other
than fixed windows and such exits as are required by law, and which is equipped with self-closing doors.

6 "Structure, nonconforming." See "Nonconforming structure."

"Structure, principal." See "Principal structure."

7 "Structure, single-family." See "Single-family dwelling unit."

8 "Subdivision" means the division or redivision of land into ten (10) or more lots, tracts, parcels,
sites, or divisions for the purpose of sale, lease and transfer of ownership.

9 "Submerged land" means all lands waterward of the ordinary high water mark or mean higher
high water, whichever is higher.

10 "Substandard size lot" means a lot which contains less than the minimum size required for the
zone in which it is located.

11 Section 216. ~~SMC 23.90.004~~ is hereby amended as follows:

12 **Duty to enforce.**

13 A. It shall be the duty of the Director to enforce Title 23. The Director may call upon the police,
14 fire, health or other appropriate City departments to assist in enforcement. It shall be the duty of the
Director of ~~((the Engineering Department))~~ Transportation to enforce Section 23.55.004, Signs
15 projecting over public rights-of-way.

16 B. Upon presentation of proper credentials, the Director or duly authorized representative of the
Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a
17 lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the
consent or warrant to perform the duties imposed by the Land Use Code.

18 C. The Land Use Code shall be enforced for the benefit of the health, safety and welfare of the
general public, and not for the benefit of any particular person or class of persons.

19 D. It is the intent of this Land Use Code to place the obligation of complying with its
requirements upon the owner, occupier or other person responsible for the condition of the land and
buildings within the scope of this Code.

20 E. No provision of or term used in this Code is intended to impose any duty upon the City or any
of its officers or employees which would subject them to damages in a civil action.

21
22 Section 217. ~~SMC 25.02.030~~ is hereby amended as follows:
23
24

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

1
2 **Definitions.**

3 For the purposes of this chapter the following words or phrases are defined as described below.

4 A. "Affected Employee" means a full-time employee who begins his or her regular work day at a
5 single worksite between six a.m. (6:00 a.m.) and nine a.m. (9:00 a.m.) (inclusive) on two (2) or more
6 weekdays.

7 B. "Affected employer" means a private or public employer that for twelve (12) continuous
8 months employs one hundred (100) or more full-time employees at a single worksite who are scheduled
9 to begin their regular workday between six a.m. (6:00 a.m.) and nine a.m. (9:00 a.m.) (inclusive) on two
10 (2) or more weekdays, even if the identity of the employees varies over time. This is equivalent to the
11 term "major employer" used in RCW 70.94.521 through 70.94.551.

12 C. "Alternative mode" means a method of commuting to work other than a single-occupant
13 motor vehicle being the dominant mode, and may include telecommuting and compressed workweeks if
14 those methods result in fewer commute trips.

15 D. "Base year" means the calendar year from January 1, 1992 through December 31, 1992. Goals
16 for vehicle miles traveled (VMT) per employee and proportion of single-occupant vehicle trips (SOV)
17 are based upon VMT and SOVs established in that year for the CTR zone.

18 E. "Commute trips" means trips made from an employee's residence to a worksite for a regularly
19 scheduled workday beginning between six a.m. (6:00 a.m.) and nine a.m. (9:00 a.m.) (inclusive).

20 F. "CTR plan" means Seattle's commute trip reduction plan as set forth in this chapter.

21 G. "CTR program" means an employer's strategy to reduce affected employee's SOV use and VMT per
22 employee.

23 H. "CTR zone" means an area, such as a census tract or combination of census tracts within
24 Seattle, characterized by similar employment density, population density, level of transit service, parking
availability, access to high-occupancy vehicle facilities, and other factors that affect the level of SOV
commuting. One of the six (6) areas shown on Attachment A

I. "Director" means the Director of ((the Engineering Department)) Transportation.

J. "Dominant mode" means the mode of travel used for the greatest distance of a commute trip.

K. "Employee" means any person who works for an employer in return for financial or other
compensation, and whose workload and schedule is subject to the control of the employer. Employee
does not include independent contractors.

L. "Equivalent survey information" means information that substitutes for the Washington State
Energy Office goal measurement survey, as determined by the City.

M. "Full-time employee" means an employee, scheduled to be employed on a continuous basis
for fifty-two (52) weeks for an average of at least thirty-five (35) hours per week.

N. "Mode" means the type of transportation used by employees, such as single-occupant vehicle,
rideshare, bicycle, walk, ferry, and transit.

O. "Proportion of SOV trips" or "SOV rate" means the number of commute trips in the survey
week made by affected employees in SOVs, minus any adjustments for telecommuting, bicycling,
walking or compressed work schedules, divided by the total number of affected employee workdays
during the survey week. An "affected employee workday" includes any day that an employee does not
work due to a compressed work schedule.

P. "Single-occupant vehicle (SOV)" means a motor vehicle occupied by one (1) employee for

1 commute purposes, excluding motorcycles.

2 Q. "Vehicle miles traveled (VMT) per employee" means the average commute trip length, in
3 miles, made by affected employees over a set period, multiplied by the number of vehicle commute trips
4 per affected employee during that period.

5 R. "Worksite" means a building or group of buildings on physically contiguous parcels of land or
6 on parcels separated solely by private or public roadways or rights-of-way. Construction worksites,
7 when the expected duration of the construction project is less than two (2) years, are excluded.

8 S. "Writing," "written" or "in writing" means original signed and dated documents. Facsimile
9 (fax) transmissions are a temporary notice of action that must be followed by the original signed and
10 dated document via mail or delivery.

11 Section 218. SMC 25.05.675 is hereby amended as follows:

12 **Specific environmental policies.**

13 **A. Air Quality.**

14 **1. Policy Background.**

15 a. Air pollution can be damaging to human health, plants and animals, visibility,
16 aesthetics, and the overall quality of life.

17 b. Seattle's air quality is adversely affected primarily by vehicular emissions
18 which create "hot spots" and nonattainment areas (such as downtown Seattle, Northgate, and the
19 University District) that are identifiable through quarterly monitoring.

20 c. Seattle's air quality is also affected by particulates from industries, power
21 plants, and wood stoves, the burning of toxics or wastes, and other emissions, including odor impacts.

22 d. Federal auto emission controls, the state inspection/maintenance program, and
23 public transportation improvements are the primary means of mitigating air quality impacts from motor
24 vehicles.

e. The Puget Sound Air Pollution Control Agency is responsible for monitoring
air quality in the Seattle area, setting standards and regulating development to achieve regional air
quality goals.

f. Federal, state and regional regulations and programs cannot always anticipate
or adequately mitigate adverse air quality impacts.

2. Policies.

a. It is the City's policy to minimize or prevent adverse air quality impacts.

b. For any project proposal which has a substantial adverse effect on air quality,
the decisionmaker shall, in consultation with appropriate agencies with expertise, assess the probable
effect of the impact and the need for mitigating measures. "Nonattainment areas" identified by the Puget
Sound Air Pollution Control Agency shall be given special consideration.

c. Subject to the Overview Policy set forth in SMC 25.05.665, if the
decisionmaker makes a written finding that the applicable federal, state and/or regional regulations did
not anticipate or are inadequate to address the particular impact(s) of the project, the decisionmaker may
condition or deny the proposal to mitigate its adverse impacts.

d. Mitigating measures may include but are not limited to:

1 technologies;
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- i. The use of alternative technologies, including toxic air control
- ii. Controlling dust sources with paving, landscaping, or other means;
- iii. Berming, buffering and screening;
- iv. Landscaping and/or retention of existing vegetation; and
- v. A reduction in size or scope of the project or operation.

4 B. Construction Impacts.

5 1. Policy Background.

6 a. For many projects, the construction process itself creates temporary adverse
7 impacts on the site and the surrounding area.

8 b. Seattle's Street Use Ordinance, 1 Building Code 2 and Environmentally
9 Critical Areas Ordinance 2A are intended to address many of the impacts caused by the construction
10 process. The codes may not, however, adequately address all construction impacts such as those relating
11 to pedestrian flow and safety due to sidewalk and street closures, excessive mud and dust, noise,
12 drainage, increased truck traffic, erosion, water quality degradation, and habitat disruption.

13 2. Policies.

14 a. It is the City's policy to minimize or prevent temporary adverse impacts
15 associated with construction activities.

16 b. The decisionmaker may require, as part of the environmental review of a
17 project, an assessment of noise, drainage, erosion, water quality degradation, habitat disruption,
18 pedestrian circulation and transportation, and mud and dust impacts likely to result from the construction
19 phase.

20 c. Based on such assessments, the decisionmaker may, subject to the Overview
21 Policy set forth in SMC Section 25.05.665, condition or deny a project to mitigate adverse impacts of
22 the construction process.

23 d. Noise. Mitigating measures to address adverse noise impacts during
24 construction include, but are not limited to:

- i. Limiting the hours of construction;
- ii. Specifying the time and duration of loud noise;
- iii. Specifying a preferred type of construction equipment; and
- iv. Requiring sound buffering and barriers.

25 e. Drainage. Mitigating measures to address adverse drainage impacts during
26 construction may include, but are not limited to:

- i. Sedimentation traps and filters;
- ii. Sedimentation tanks or ponds;
- iii. Oil separators;
- iv. Retention facilities;
- v. Maintenance programs;
- vi. Performance bonds; and
- vii. Nondisturbance areas.

27 f. Pedestrian Circulation. Mitigating measures to address adverse impacts relating
28 to pedestrian circulation during construction may include, but are not limited to:

- i. Covered sidewalks or alternate safe, convenient and adequate pedestrian
29 routes; and

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- ii. Limits on the duration of disruptions to pedestrian flow.
- g. Transportation. Mitigating measures to address transportation impacts during construction may include, but are not limited to:
 - i. A construction phase transportation plan which addresses ingress and egress of construction equipment and construction worker vehicles at the project site;
 - ii. Traffic control and street maintenance in the vicinity of the construction site;
 - iii. Rerouting of public vehicular and pedestrian circulation in the vicinity of the construction site;
 - iv. Providing a temporary High Occupancy Vehicle (HOV) incentive program for construction workers at the site to reduce the number of their vehicles taking parking places in the vicinity of the construction site; and
 - v. HOV discounts for members of the public who were displaced from a traditional parking area by the construction activity.

C. Drainage.

1. Policy Background.

- a. Property development and redevelopment often create increased volumes and rates of stormwater runoff, which may cause property damage, safety hazards, nuisance problems and water quality degradation.
- b. Pollution, mechanical damage, excessive flows, and other conditions in drainage basins will increase the rate of down-cutting and/or the degree of turbidity, siltation, habitat destruction, and other forms of pollution in wetlands, riparian corridors and lakes. They may also reduce low flows or low water levels to a level which endangers aquatic or benthic life within these wetlands, riparian corridors and lakes.
- c. The aesthetic quality and educational value of the water and watercourses, as well as the suitability of waters for contact recreation and wildlife habitat, may be destroyed.
- d. Authority provided through the Grading and Drainage Control Ordinance 3 and the Environmentally Critical Areas Ordinance is intended to achieve mitigation of drainage impacts in most cases, although these ordinances may not anticipate or eliminate all impacts.

2. Policies.

- a. It is the City's policy to protect wetlands, riparian corridors, lakes, drainage basins, wildlife habitat, slopes, and other property from adverse drainage impacts.
- b. The decisionmaker may condition or deny projects to mitigate their adverse drainage impacts consistent with the Overview Policy set forth in SMC Section 25.05.665 ; provided, that in addition to projects which meet one (1) or more of the threshold criteria set forth in the Overview Policy, the following may be conditioned or denied:
 - i. Projects located in environmentally sensitive areas and areas tributary to them;
 - ii. Projects located in areas where downstream drainage facilities are known to be inadequate; and
 - iii. Projects draining into streams identified by the State Department of Fisheries or Wildlife as bearing anadromous fish.
- c. To mitigate adverse drainage impacts associated with the projects identified in the policy set forth in subsection C2 above, projects may be required to provide drainage control

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1 measures designed to a higher standard than the design storm specified in the Grading and Drainage
2 Control Ordinance 3 and the Environmentally Critical Areas Ordinance.2A Mitigating measures may
3 include, but are not limited to:

- 3 i. Reducing the size or scope of the project;
- 3 ii. Requiring landscaping and/or retention of existing vegetation;
- 4 iii. Requiring additional drainage control or drainage improvements either
4 on or off site; and
- 5 iv. Soil stabilization measures.

5 D. Earth.

6 1. Policy Background.

6 a. Property development and redevelopment sometimes contribute to landslides,
7 accelerated soil creep, settlement and subsidence, and abnormal erosion. They may also be subject to
7 seismic hazards
7 such as strong ground motion and liquefaction.

8 b. The Grading and Drainage Control Ordinance 3 was specifically developed to
8 prevent or minimize impacts resulting from earth fills and excavations and the Environmentally Critical
9 Areas Ordinance 2A was developed to minimize impacts resulting from activity in environmentally
9 critical areas; however, these ordinances may not anticipate or adequately mitigate such impacts in all
10 cases.

11 c. Drainage impacts, which are closely related to earth movement hazards, are
11 addressed separately in subsection C of these policies.

12 2. Policies.

12 a. It is the City's policy to protect life and property from loss or damage by
13 landslides, strong ground motion and soil liquefaction, accelerated soil creep, settlement and subsidence,
13 abnormal erosion, and other hazards related to earth movement and instability.

14 b. The decisionmaker may condition or deny projects to mitigate impacts related
14 to earth movement or earth instability consistent with the Overview Policy set forth in SMC Section
15 25.05.665 ; provided, that in addition to projects which meet one (1) or more of the threshold criteria set
15 forth in the Overview Policy, projects located in environmentally sensitive areas and areas tributary to
16 them may be conditioned or denied.

16 c. Mitigating measures may include, but are not limited to:

- 17 i. Reducing the size or scope of the operation or project;
- 17 ii. Limiting the duration of the project or the hours of operation;
- 18 iii. Requiring landscaping, the retention of existing vegetation or
18 revegetation of the site;
- 19 iv. Requiring additional drainage-control measures or drainage facilities;
- 19 v. Requiring water quality and erosion controls on or off site to control
20 earth movement; and
- 20 vi. Requiring additional stabilization measures.

21 E. Energy.

21 1. Policy Background.

22 a. The City's Energy Code 4 is intended to regulate the design of buildings for
22 adequate thermal resistance and low air leakage. It requires the design and selection of mechanical,
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1 electrical, water, heating and illumination systems which will enable the efficient use of energy.
Application of the Energy Code results in projects which achieve substantial energy savings.

2 b. Industrial processes and manufacturing activities may have significant adverse
energy impacts that are not addressed by the Seattle Energy Code.⁴

3 c. Energy conservation measures may conflict, in some cases, with the goal of
preserving structures of historical significance.

4 2. Policies.

5 a. It is the City's policy to promote energy conservation and the most efficient
possible use and production of energy.

6 b. All major projects shall be required to analyze and disclose their energy
impacts by fuel type and end-use.

7 c. For projects with significant adverse energy impacts which involve activities
not covered by the Energy Code,⁴ such as heavy industrial activities, or which meet one (1) or more of
8 the conditions set forth in the Overview Policy SMC 25.05.665 D, the decisionmaker may require that
the environmental review include a reasonable assessment of alternatives and mitigating measures.

9 d. Subject to the Overview Policy set forth in SMC 25.05.665, the
decisionmaker may condition or deny projects with significant adverse impacts relating to the use of the
10 electrical energy in order to mitigate their adverse impacts to the City's electric utility system. Mitigating
measures may include, but are not limited to conservation measures such as the use of alternative
technologies.

11 e. In applying these policies to the rehabilitation of structures with historical
significance, the decisionmaker shall be flexible in the application of energy conservation measures
12 which may be in conflict with historical preservation goals and shall attempt to achieve a balance in
meeting these competing objectives.

13 F. Environmental Health.

14 1. Policy Background.

15 a. The use, discharge, disposal, emission or application of toxic or hazardous
materials may pose hazards to human health and to plants, animals and ecological systems. Hazardous
materials include such things as pesticides, herbicides, and electromagnetic transmissions.

16 b. Federal, state and regional regulations are the primary means of mitigating
risks associated with hazardous and toxic materials.

17 c. Federal, state and regional regulations cannot always anticipate or eliminate
adverse impacts from hazardous materials and transmissions. Public knowledge regarding such
18 hazardous materials and transmissions may develop more quickly than regulations can react and be
implemented.

19 2. Policies.

20 a. It is the City's policy to minimize or prevent adverse impacts resulting from
toxic or hazardous materials and transmissions.

21 b. For all proposed projects involving the use, treatment, transport, storage,
disposal, emission, or application of toxic or hazardous chemicals, materials, wastes or transmissions,
the decisionmaker shall, in consultation with appropriate agencies with expertise, assess the extent of
potential adverse impacts and the need for mitigation.

22 c. Subject to the Overview Policy set forth in SMC 25.05.665, if the
decisionmaker makes a written finding that applicable federal, state and regional laws and regulations
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1 do not anticipate or do not adequately address the adverse impacts of a proposed project, the project
2 may be conditioned or denied to mitigate its adverse impacts. Mitigating measures may include, but are
not limited to:

- 3 i. Use of an alternative technology;
- 4 ii. Reduction in the size or scope of a project or operation;
- 5 iii. Limits on the time and/or duration of operation; and
- 6 iv. Alternative routes of transportation.

7 **G. Height, Bulk and Scale.**

8 **1. Policy Background.**

9 a. The City's adopted land use policies are intended to provide for smooth
10 transition between industrial, commercial, and residential areas, to preserve the character of individual
11 city neighborhoods and to reinforce natural topography. These land use policies are set forth in SMC
12 Chapter 23.12.

13 b. The Land Use Code (Title 23) which implements these policies controls
14 height, bulk and scale but cannot anticipate or address all substantial adverse impacts resulting from
15 incongruous height, bulk and scale. For example, unanticipated adverse impacts may occur when a
16 project is located on a site with unusual topographic features or on a site which is substantially larger
17 than the prevalent platting pattern in an area.

18 c. Whenever new land use policies are adopted, adverse impacts may result when
19 height, bulk and scale permitted by previously adopted zoning conflicts with the new land use policies.

20 **2. Policies.**

21 a. It is the City's policy that the height, bulk and scale of development projects
22 should be reasonably compatible with the general character of development anticipated by the adopted
land use policies set forth in SMC Chapter 23.12 for the area in which they are located, and to provide
for a reasonable transition between areas of less intensive zoning and more intensive zoning.

23 b. Subject to the Overview Policy set forth in SMC Section 25.05.665, the
decision-maker may condition or deny a project to mitigate the adverse impacts of substantially
incompatible height, bulk and scale. Mitigating measures may include but are not limited to:

- 24 i. Limiting the height of the development;
- ii. Modifying the bulk of the development;
- iii. Modifying the development's facade including but not limited to color
and finish material;
- iv. Reducing the number or size of accessory structures or relocating
accessory structures including but not limited to towers, railings, and antennae;
- v. Repositioning the development on the site; and
- vi. Modifying or requiring setbacks, screening, landscaping or other
techniques to offset the appearance of incompatible height, bulk and scale.

25 c. The Citywide Design Guidelines (and any Council-approved, neighborhood
26 design guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in
27 these policies. A project that is approved pursuant to the design review process shall be presumed to
28 comply with these height, bulk and scale policies. This presumption may be rebutted only by clear and
29 convincing evidence that height, bulk and scale impacts documented through environmental review have
30 not been adequately mitigated. Any additional mitigation imposed by the decisionmaker pursuant to

1 these height, bulk and scale policies on projects that have undergone design review shall comply with
2 design guidelines applicable to the project.

3 H. Historic Preservation.

4 1. Policy Background.

5 a. Historic buildings, special historic districts, and sites of archaeological
6 significance are found within Seattle. The preservation of these buildings, districts and sites is important
7 to the retention of a living sense and appreciation of the past.

8 b. Historic sites, structures, districts and archaeological sites may be directly or
9 indirectly threatened by development or redevelopment projects.

10 c. Historic buildings are protected by the Landmarks Preservation Ordinance, 6 as
11 administered by the Landmarks Preservation Board. However, not all sites and structures meeting the
12 criteria for historic landmark status have been designated yet.

13 d. Special districts have been established to protect certain areas which are unique
14 in their historical and cultural significance, including for example Pike Place Market, Pioneer Square
15 and the International District. These areas are subject to development controls and project review by
16 special district review boards.

17 e. Archaeologically significant sites present a unique problem because protection
18 of their integrity may, in some cases, eliminate any economic opportunity on the site.

19 2. Policies.

20 a. It is the City's policy to maintain and preserve significant historic sites and
21 structures and to provide the opportunity for analysis of archaeological sites.

22 b. For projects involving structures or sites which have been designated as
23 historic landmarks, compliance with the Landmarks Preservation Ordinance 6 shall constitute
24 compliance with the policy set forth in subsection H2a above.

25 c. For projects involving structures or sites which are not yet designated as
26 historical landmarks but which appear to meet the criteria for designation, the decisionmaker or any
27 interested person may refer the site or structure to the Landmarks Preservation Board for consideration.
28 If the Board approves the site or structure for nomination as an historic landmark, consideration of the
29 site or structure for designation as an historic landmark and application of controls and incentives shall
30 proceed as provided by the Landmarks Preservation Ordinance.6 If the project is rejected for
31 nomination, the project shall not be conditioned or denied for historical preservation purposes, except
32 pursuant to paragraphs d or e of this subsection.

33 d. When a project is proposed adjacent to or across the street from a designated
34 site or structure, the decisionmaker shall refer the proposal to the City's Historic Preservation Officer for
35 an assessment of any adverse impacts on the designated landmark and for comments on possible
36 mitigating measures. Mitigation may be required to insure the compatibility of the proposed project with
37 the color, material and architectural character of the designated landmark and to reduce impacts on the
38 character of the landmark's site. Subject to the Overview Policy set forth in SMC Section 25.05.665 ,
39 mitigating measures may be required and are limited to the following:

- 40 i. Sympathetic facade treatment;
- 41 ii. Sympathetic street treatment;
- 42 iii. Sympathetic design treatment; and

1 iv. Reconfiguration of the project and/or relocation of the project on the
2 project site; provided, that mitigating measures shall not include reductions in a project's gross floor
3 area.

4 e. On sites with potential archaeological significance, the decisionmaker may
5 require an assessment of the archaeological potential of the site. Subject to the criteria of the Overview
6 Policy set forth in SMC Section 25.05.665, mitigating measures which may be required to mitigate
7 adverse impacts to an archaeological site include, but are not limited to:

- 8 i. Relocation of the project on the site;
- 9 ii. Providing markers, plaques, or recognition of discovery;
- 10 iii. Imposing a delay of as much as ninety (90) days (or more than ninety
11 (90) days for extraordinary circumstances) to allow archaeological artifacts and information to be
12 analyzed; and

13 iv. Excavation and recovery of artifacts.

14 I. Housing.

15 1. Policy Background. Demolition or rehabilitation of low-rent housing units or
16 conversion of housing for other uses can cause both displacement of low-income persons and reduction
17 in the supply of housing.

18 2. Policies.

- 19 a. It is the City's policy to encourage preservation of housing opportunities,
20 especially for low income persons, and to ensure that persons displaced by redevelopment are relocated.
- 21 b. Proponents of projects shall disclose the on-site and off-site impacts of the
22 proposed projects upon housing, with particular attention to low-income housing.
- 23 c. Compliance with legally valid City ordinance provisions relating to housing
24 relocation, demolition and conversion shall constitute compliance with this housing policy.
- 25 d. Housing preservation shall be an important consideration in the development
26 of the City's public projects and programs. The City shall give high priority to limiting demolition of
27 low-income housing in the development of its own facilities.

28 J. Land Use.

29 1. Policy Background.

30 a. The City has adopted land use policies and code which are designed, in part,
31 to minimize or prevent impacts resulting from incompatible land uses. These land use policies are set
32 forth in SMC Chapter 23.12.

33 b. The adopted Land Use Code (Title 23) cannot identify or anticipate all
34 possible uses and all potential land use impacts.

35 c. When land use policy changes are adopted, adverse land use impacts may
36 result when a proposed project includes uses which may be consistent with the applicable zoning
37 requirements but are in conflict with the new land use policies.

38 d. Adverse cumulative land use impacts may result when a particular use or uses
39 permitted under the zoning code occur in an area to such an extent that they foreclose opportunities for
40 higher-priority,
41 preferred uses called for in the City's land use policies.

42 e. Density-related impacts of development are addressed under the policies set
43 forth in subsections G (height, bulk and scale), M (parking), R (traffic) and O (public services and
44 facilities) and are not addressed under this policy.

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2. Policies.

a. It is the City's policy to ensure that proposed uses in development projects are reasonably compatible with surrounding uses and are consistent with any applicable, adopted City land use policies for the area in which the project is located.

b. Subject to the Overview Policy set forth in SMC Section 25.05.665, the decisionmaker may condition or deny any project to mitigate adverse land use impacts associated with a proposed project and achieve consistency with the applicable City land use policies set forth in SMC Chapter 23.12 and with the environmentally critical areas policies.

K. Light and Glare.

1. Policy Background.

a. Development projects sometimes include lighting and/or reflective surface materials which can adversely affect motorists, pedestrians, and the surrounding area. Such adverse impacts may be mitigated by alternative lighting techniques and surface materials.

b. The City's Land Use Code specifically addresses the issue of light and glare control associated with commercial and industrial projects.

2. Policies.

a. It is the City's policy to minimize or prevent hazards and other adverse impacts created by light and glare.

b. If a proposed project may create adverse impacts due to light and glare, the decisionmaker shall assess the impacts and the need for mitigation.

c. Subject to the Overview Policy set forth in SMC Section 25.05.665, the decisionmaker may condition or deny a proposed project to mitigate its adverse impacts due to light and glare.

d. Mitigating measures may include, but are not limited to:

i. Limiting the reflective qualities of surface materials that can be used in the development;

ii. Limiting the area and intensity of illumination;

iii. Limiting the location or angle of illumination;

iv. Limiting the hours of illumination; and

v. Providing landscaping.

L. Noise.

1. Policy Background.

a. Noise may be injurious to the public health, safety and welfare. It may have adverse impacts on commerce; the use, value and enjoyment of property; sleep and repose; and the physiological and psychological well-being of those who live and work in Seattle.

b. The Noise Control Ordinance 7 effectively addresses most noise impacts. However, some noise impacts are not addressed by the Noise Control Ordinance, such as the continual or repetitive noise of a project's operation.

c. The Land Use Code addresses noise generators and noise impacts associated with commercial and industrial uses. However, all noise impacts may not be anticipated and mitigated by the Land Use Code.

2. Policies.

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- 1 a. It is the City's policy to minimize or prevent adverse noise impacts resulting
from new development or uses.
- 2 b. The decisionmaker may require, as part of the environmental review of a
project, an assessment of noise impacts likely to result from the project.
- 3 c. Based in part on such assessments, and in consultation with appropriate
agencies with expertise,
4 the decisionmaker shall assess the extent of adverse impacts and the need for mitigation.
- 5 d. Subject to the Overview Policy set forth in SMC Section 25.05.665, the
decisionmaker may condition or deny a proposal to mitigate its adverse noise impacts.
- 6 e. Mitigating measures may include, but are not limited to:
- 7 i. Use of an alternative technology;
- 8 ii. Reduction in the size or scope of a project or operation;
- 9 iii. Limits on the time and/or duration of operation; and
- 10 iv. Requiring buffering, landscaping, or other techniques to reduce noise
impacts off-site.

M. Parking.

1. Policy Background.

- 11 a. Increased parking demand associated with development projects may adversely
affect the availability of parking in an area.
- 12 b. Parking policies designed to mitigate most parking impacts and to
accommodate most of the cumulative effects of future projects on parking are included in the City's land
use policies 5 and implemented through the City's Land Use Code. However, in some neighborhoods,
13 due to inadequate off-street parking, streets are unable to absorb any additional parking spillover. The
policies recognize that the cost of providing additional parking may have an adverse effect on the
affordability of housing.

2. Policies.

- 14 a. It is the City's policy to minimize or prevent adverse parking impacts
associated with development projects.
- 15 b. Subject to the overview and cumulative effects policies set forth in SMC
Section 25.05.665 and SMC Section 25.05.670, the decisionmaker may condition a project to mitigate
16 the effects of development in an area on parking; provided, that no SEPA authority is provided to
mitigate the impact of development on parking availability in the downtown zones; provided further,
17 that with the exception of the Alki area, as described in subsection 2c below, parking impact mitigation
for multi-family development may be required only where on-street parking is at capacity as defined by
18 ((the Engineering Department)) Seattle Transportation or where the development itself would cause on-
street parking to reach capacity as so defined.
- 19 c. For the Alki area, as identified on Exhibit 2.9 a higher number of spaces per
unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse parking
20 impacts of specific multi-family projects. Projects that generate a greater need for parking and that are
located in places where the street cannot absorb that need C for example, because of proximity to the
21 Alki Beach Park C may be required to provide additional parking spaces to meet the building's actual
need. In determining that need, the size of the development project, the size of the units and the number
22 of bedrooms in the units shall be considered.

1 d. Parking impact mitigation for projects outside of downtown zones may include
but is not limited to:

- 2 i. Transportation management programs;
3 ii. Parking management and allocation plans;
4 iii. Incentives for the use of alternatives to single-occupancy vehicles, such
as transit pass subsidies,
5 parking fees, and provision of bicycle parking space;
6 iv. Increased parking ratios; and
7 v. Reduced development densities to the extent that it can be shown that
reduced parking spillover is likely to result; provided, that parking impact mitigation for multi-family
8 development may not include reduction in development density.

9 **N. Plants and Animals.**

10 **1. Policy Background.**

11 a. Many species of birds, mammals, fish, and other classes of animals and plants
12 living in the urban environments are of aesthetic, educational, ecological and in some cases economic
13 value.

14 b. Local wildlife populations are threatened by habitat loss through destruction
and fragmentation of living and breeding areas and travelways, and by the reduction of habitat diversity.

15 c. Substantial protection of wildlife habitats and travel corridors within the City is
provided by the Seattle Shoreline Master Program.

16 **2. Policies.**

17 a. It is the City's policy to minimize or prevent the loss of wildlife habitat and
18 other vegetation which have substantial aesthetic, educational, ecological, and/or economic value. A
19 high priority shall be given to the preservation and protection of special habitat types. Special habitat
20 types include, but are not limited to, wetlands and associated areas (such as upland nesting areas), and
21 spawning, feeding, or nesting sites. A high priority shall also be given to meeting the needs of state and
22 federal threatened, endangered, and sensitive species of both plants and animals.

23 b. For projects which are proposed within an identified plant or wildlife habitat or
travelway, the decisionmaker shall assess the extent of adverse impacts and the need for mitigation.

24 c. When the decisionmaker finds that a proposed project would reduce or damage
rare, uncommon, unique or exceptional plant or wildlife habitat, wildlife travelways, or habitat diversity
for species (plants or animals) of substantial aesthetic, educational, ecological or economic value, the
decisionmaker may condition or deny the project to mitigate its adverse impacts. Such conditioning or
denial is permitted whether or not the project meets the criteria of the Overview Policy set forth in SMC
Section 25.05.665 ; provided, that for any project subject to the City's Shoreline Master Program, the
Overview Policy set forth in SMC Section 25.05.665 shall apply.

d. Mitigating measures may include but are not limited to:

- i. Relocation of the project on the site;
ii. Reducing the size or scale of the project;
iii. Preservation of specific on-site habitats, such as trees or vegetated
21 areas;

iv. Limitations on the uses allowed on the site;
v. Limitations on times of operation during periods significant to the
22 affected species (i.e., spawning season, mating season, etc.); and
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vi. Landscaping and/or retention of existing vegetation.

O. Public Services and Facilities.

1. Policy Background. A single development, though otherwise consistent with zoning regulations, may create excessive demands upon existing public services and facilities. "Public services and facilities" in this context includes facilities such as sewers, storm drains, solid waste disposal facilities, parks, schools, and streets and services such as transit, solid waste collection, public health services, and police and fire protection, provided by either a public agency or private entity.

2. Policies.

a. It is the City's policy to minimize or prevent adverse impacts to existing public services and facilities.

b. The decisionmaker may require, as part of the environmental review of a project, a reasonable assessment of the present and planned condition and capacity of public services and facilities to serve the area affected by the proposal.

c. Based upon such analyses, a project which would result in adverse impacts on existing public services and facilities may be conditioned or denied to lessen its demand for services and facilities, or required to improve or add services and/or facilities for the public, whether or not the project meets the criteria of the Overview Policy set forth in SMC 25.05.665.

P. Public View Protection.

1. Policy Background.

a. Seattle has a magnificent natural setting of greenery, mountains, and water; visual amenities and opportunities are an integral part of the City's environmental quality.

b. The City has developed particular sites for the public's enjoyment of views of mountains, water and skyline and has many scenic routes and other public places where such views enhance one's experience.

c. Obstruction of public views may occur when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid pattern, or when development along a street creates a continuous wall separating the street from the view.

d. Authority provided through the Landmarks Preservation Ordinance 6 is intended to preserve sites and structures which reflect significant elements of the City's historic heritage and to designate and regulate such sites and structures as historic landmarks.

e. The adopted Downtown Land Use Policies and Code provide for the preservation of specified view corridors through setback requirements and policies for the use of street space.

f. Adopted Land Use Codes attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review.

2. Policies.

i. It is the City's policy to protect public views of significant natural and human-made features: Mount Rainier, the Olympic and Cascade Mountains, the downtown skyline, and

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1 major bodies of water including Puget Sound, Lake Washington, Lake Union and the Ship Canal, from
2 public places consisting of the specified viewpoints, parks, scenic routes, and view corridors, identified
in Attachment 1. (Attachment 1 is located at the end of this Section 25.05.675.)

3 ii. The decisionmaker may condition or deny a proposal to eliminate or
4 reduce its adverse impacts on designated public views, whether or not the project meets the criteria of
the Overview Policy set forth in SMC 25.05.665 ; provided that downtown projects may be conditioned
or denied only when public views from outside of downtown would be blocked as a result of a change in
the street grid pattern.

5 b. i. It is the City's policy to protect public views of historic landmarks
6 designated by the Landmarks Preservation Board which, because of their prominence of location or
contrasts of siting, age, or scale, are easily identifiable visual features of their neighborhood or the City
and contribute to the distinctive quality or identity of their neighborhood or the City.

7 ii. A proposed project may be conditioned or denied to mitigate view
8 impacts on historic landmarks, whether or not the project meets the criteria of the Overview Policy set
forth in SMC Section 25.05.665 .

9 c. Mitigating measures may include, but are not limited to:

- 10 i. Requiring a change in the height of the development;
11 ii. Requiring a change in the bulk of the development;
12 iii. Requiring a redesign of the profile of the development;
13 iv. Requiring on-site view corridors or requiring enhancements to off-site

view corridors;

- 14 v. Relocating the project on the site;
15 vi. Requiring a reduction or rearrangement of walls, fences or plant

material; and

- 16 vii. Requiring a reduction or rearrangement of accessory structures
17 including, but not limited to towers, railings and antennae.

18 Q. Shadows on Open Spaces.

19 1. Policy Background.

20 a. Access to sunlight, especially in Seattle's climate, is an amenity of public open
spaces.

21 b. It is possible to design and locate structures to minimize the extent to which
they block light from public open spaces.

22 c. The Downtown Land Use Code provides some protections against shadow
impacts created by development in downtown. However, due to the scale of development permitted in
downtown, it is not practical to prevent such blockage at all public open spaces downtown.

23 d. The City's Land Use Code (Title 23) attempts to protect private property from
undue shadow impacts through height, bulk and setback controls, but it is impractical to protect private
properties from shadows through project-specific review.

24 2. Policies. It is the City's policy to minimize or prevent light blockage and the creation
of shadows on open spaces most used by the public.

a. Areas outside of downtown to be protected are as follows:

- i. Publicly owned parks;
ii. Public schoolyards;

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- iii. Private schools which allow public use of schoolyards during non-school hours; and
- iv. Publicly owned street ends in shoreline areas.
- b. Areas in downtown where shadow impacts may be mitigated are:
 - i. Freeway Park;
 - ii. Westlake Park and Plaza;
 - iii. Market (Steinbrueck) Park;
 - iv. Convention Center Park; and
 - v. Kobe Terrace Park and the publicly owned portions of the International District Community Garden.
- c. The decisionmaker shall assess the extent of adverse impacts and the need for mitigation. The analysis of sunlight blockage and shadow impacts shall include an assessment of the extent of shadows, including times of the year, hours of the day, anticipated seasonal use of open spaces, availability of other open spaces in the area, and the number of people affected.
- d. When the decisionmaker finds that a proposed project would substantially block sunlight from open spaces listed in subsections Q2a and Q2b above at a time when the public most frequently uses that space, the decisionmaker may condition or deny the project to mitigate the adverse impacts of sunlight blockage, whether or not the project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665.
- e. Mitigating measures may include, but are not limited to:
 - i. Limiting the height of the development;
 - ii. Limiting the bulk of the development;
 - iii. Redesigning the profile of the development;
 - iv. Limiting or rearranging walls, fences, or plant material;
 - v. Limiting or rearranging accessory structures, i.e., towers, railing, antennae; and
 - vi. Relocating the project on the site.
- R. Traffic and Transportation.
 - I. Policy Background.
 - a. Excessive traffic can adversely affect the stability, safety and character of Seattle's communities.
 - b. Substantial traffic volumes associated with major projects may adversely impact surrounding areas.
 - c. Individual projects may create adverse impacts on transportation facilities which service such projects. Such impacts may result in a need for turn channelization, right-of-way dedication, street widening or other improvements including traffic signalization.
 - d. Seattle's land use policies call for decreasing reliance on the single occupant automobile and increased use of alternative transportation modes.
 - e. Regional traffic and transportation impacts arising as a result of downtown development have been addressed in substantial part by the Downtown Land Use and Transportation Plan. Actions underway to mitigate impacts include the implementation of the Downtown Land Use Code and the construction of the downtown transit tunnel, both of which promote and encourage transit use.

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1 f. The University District in an area of the City which is subject to particularly
2 severe traffic congestion problems, as highlighted in the 1983 City-University Agreement, and therefore
3 deserves special attention in the environmental review of project proposals.

4 2. Policies.

5 a. It is the City's policy to minimize or prevent adverse traffic impacts which
6 would undermine the stability, safety and/or character of a neighborhood or surrounding areas.

7 b. In determining the necessary traffic and transportation impact mitigation, the
8 decisionmaker shall examine the expected peak traffic and circulation pattern of the proposed project
9 weighed against such factors as the availability of public transit; existing vehicular and pedestrian traffic
10 conditions; accident history; the trend in local area development; parking characteristics of the
11 immediate area; the use of the street as determined by the Seattle ((Engineering)) Transportation
12 Department's Seattle Comprehensive Transportation Plan; and the availability of goods, services and
13 recreation within reasonable walking distance.

14 c. Mitigation of traffic and transportation impacts shall be permitted whether or
15 not the project meets the criteria of the Overview Policy set forth in SMC Section 25.05.665.

16 d. Mitigation measures which may be applied to residential projects in downtown
17 are limited to the following:

18 i. Signage;

19 ii. Provision of information on transit and ride-sharing programs; and

20 iii. Bicycle parking.

21 e. Mitigating measures which may be applied to nonresidential projects in
22 downtown are limited to the following:

23 i. Provision of transit incentives including transit pass subsidies;

24 ii. Signage;

25 iii. Improvements to pedestrian and vehicular traffic operations,
26 signalization, turn channelization, right-of-way dedication, street widening, or other improvements
27 proportionate to the impact of the project; and

28 iv. Transportation management plans.

29 f. i. Mitigating measures which may be applied to projects outside of
30 downtown may include, but are not limited
31 to:

32 (A) Changes in access;

33 (B) Changes in the location, number and size of curb cuts and
34 driveways;

35 (C) Provision of transit incentives including transit pass subsidies;

36 (D) Bicycle parking;

37 (E) Signage;

38 (F) Improvements to pedestrian and vehicular traffic operations
39 including signalization, turn channelization, right-of-way dedication, street widening, or other
40 improvements proportionate to the impacts of the project; and

41 (G) Transportation management plans.

42 ii. For projects outside downtown which result in adverse impacts, the
43 decisionmaker may reduce the size and/or scale of the project only if the decisionmaker determines that
44

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1 the traffic improvements outlined under subparagraph R2f.i. above would not be adequate to effectively
2 mitigate the adverse impacts of the project.

3 S. Water Quality.

4 1. Policy Background.

5 a. Seattle's water quality is adversely affected primarily by the dumping of
6 pollutants and drainage-related sewage overflows into Puget Sound, Lake Union, the Lake Washington
7 Ship Canal, the Duwamish Waterway and all lakes, riparian corridors, wetlands, and other systems
8 draining into these bodies of water.

9 b. Seattle's water quality is also adversely affected by storm drainage runoff; non-
10 point-source discharges from streets, parking lots and other impervious surfaces; construction site
11 runoff; and sewage and graywater discharge from recreational and commercial watercraft.

12 c. Federal, state, local and regional water quality regulations and programs cannot
13 always anticipate or eliminate adverse impacts to water quality.

14 2. Policies.

15 a. It is the City's policy to minimize or prevent adverse water quality impacts.

16 b. For any project proposal which poses a potential threat to water quality in
17 Seattle, the decisionmaker shall assess the probable effect of the impact and the need for mitigating
18 measures. The assessment shall be completed in consultation with appropriate agencies with expertise.

19 c. Subject to the Overview Policy set forth in SMC Section 25.05.665, if the
20 decision-maker makes a written finding that the applicable federal, state and regional regulations did not
21 anticipate or are inadequate to address the particular impact(s) of a project, the decisionmaker may
22 condition or deny the
23 project to mitigate its adverse impacts.

24 d. Mitigating measures may include, but are not limited to:

- i. Use of an alternative technology;
- ii. Reduction in the size or scope of the project or operation;
- iii. Landscaping; and

ATTACHMENT I

Alki Beach Park
Alki Avenue S.W.

Atlantic City Park
S. Henderson and Seward Park S.

Bagley Viewpoint
10th Avenue E. and E. Roanoke

Ballard High School
N.W. 65th Street and 14th Avenue N.W.

Banner Place
N.E. Banner Place off N.E. 75th Street

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- 1
- 2 Bayview Playground
24th Avenue W. and W. Raye Street
- 3 Beacon Hill Playground
S. Holgate and 14th Avenue S.
- 4
- 5 Belvidere Viewpoint
S.W. Admiral Way and S.W. Olga
- 6 Bhy Kracke Park
Bigelow North and Comstock Place
- 7
- 8 Bitter Lake Playground
N. 130th and Linden Avenue N.
- 9 Briarcliff Elementary School
W. Dravus and 38th Avenue W.
- 10
- 11 Broadview Elementary School
12515 Greenwood Avenue N.
- 12 Carkeek Park
N.W. 110th off N. Greenwood
- 13
- 14 Cleveland High School Playfield
S. Lucile and 15th Avenue S.
- 15 Colman Park
36th S. and Lakeside S.
- 16
- 17 Colman Playground
23rd Avenue S. and S. Grant
- 18 Commodore Park
W. Commodore Way and W. Gilman
- 19
- 20 Denny Blaine Park
Lake Washington Boulevard E. and 40th E.
- 21 Discovery Park
36th W. and W. Government Way
- 22
- 23 Emerson Elementary School
- 24

- 1 9709 60th Avenue S.
- 2 Emma Schmitz Overlook
Beach Drive S.W. and S.W. Alaska
- 3
- 4 Four Columns
Pike and Boren at I-5
- 5 Frink Park
Lake Washington Boulevard and S. Jackson
- 6
- 7 Gasworks Park
N. Northlake Way and Meridian Avenue N.
- 8 Genesee Park
45th Avenue S. and S. Genesee
- 9
- 10 Golden Gardens Park
North end of Seaview Avenue N.W.
- 11 Green Lake
Beaches (E. Green Lake Drive N. and W.
Green Lake Drive N.)
Playfield (E. Green Lake Drive N. and
Latona Avenue N.E.)
Park (N. 73rd Street and Green Lake
Drive N.)
Community Center (Latona Avenue N.E.
and E. Green Lake Drive N.)
- 12
- 13
- 14
- 15
- 16 Hamilton Viewpoint
California Avenue S.W. and S.W. Donald
- 17
- 18 Harborview Hospital Viewpoint
Eighth and Jefferson
- 19 Harbor Vista Park
1660 Harbor Avenue S.W.
- 20
- 21 Highland Park Playground
S.W. Thistle and 11th S.W.
- 22 Hughes Elementary School
S.W. Holden and 32nd Avenue S.W.
- 23
- 24

- 1 Inverness Ravine
- 2 Inverness Drive N.E. off N.E. 85th Street
- 3 Jose Rizal Park
S. Judkins and 12th Avenue S.
- 4 Kerry Park
W. Highland and Second Avenue W.
- 6 Kinnear Park
Seventh W. and W. Olympic Place
- 7 Kobe Terrace Park and the publicly owned
8 portions of the International District
Community Garden
9 Sixth Avenue and Washington Street
- 10 Lakeview Park
Lake Washington Boulevard E. and
11 E. McGilvra
- 12 Lawton Playground
W. Emerson and Williams Avenue W.
- 13 Leschi Park
14 Lakeside W. off E. Alder
- 15 Lincoln Park
Fauntleroy S.W. and S.W. Webster
- 16 Louisa Boren Lookout/Boren-Interlaken Park
17 15th E. and E. Garfield
- 18 Lowman Beach
Beach Drive S.W. and 48th Avenue S.W.
- 19
- 20 Lynn Street-end Park
Lynn Street at east side of Lake Union
- 21 McCurdy Park
22 E. Hamlin and E. Park Drive
- 23
- 24

- 1 Madison Park Beach
E. Madison and Lake Washington
- 2 Boulevard E.
- 3 Madrona Park Beach
Lake Washington Boulevard and
- 4 Madrona Drive
- 5 Magnolia Elementary School Playground
W. Smith Street and 27th Avenue W.
- 6
- 7 Maple Leaf Playground
N.E. 82nd and Roosevelt Way N.E.
- 8 Marshall Park Betty Bowen Viewpoint
Parsons Gardens Park
- 9 Seventh W. and W. Highland
- 10 Martha Washington Park
S. Holly Street and 57th Avenue S.
- 11
- 12 Mathews Beach
N.E. 93rd and Sand Point Way N.E.
- 13 Mayfair Park
Second Avenue N. and Raye Street
- 14
- 15 Mee-Kwa-Mooks
Beach Drive S.W. and S.W. Oregon
- 16 Montlake Park
E. Shelby and E. Park Drive E.
- 17
- 18 Montlake Playfield
16th Avenue E. and E. Calhoun
- 19 Mount Baker Park
S. McClellan and Lake Park Drive S.
- 20
- 21 Myrtle Edwards Park
Alaskan Way and Bay Street
- 22 Myrtle Street Reservoir
S.W. Myrtle and 35th S.W.
- 23
- 24

- 1 Newton Street-end Park
- 2 Newton Street at east side of Lake Union
- 3 North and South Passage Point Park
Sixth Avenue N.E. and N.E. Northlake
Way
- 4 Fuhrman E. and Fairview E.
- 5 Othello Park
- 6 43rd Avenue S. and S. Othello
- 7 Pritchard Beach
55th Avenue S. and S. Grattan
- 8 Riverview Playfield
9 7000 Block of 12th Avenue S.W.
- 10 Roanoke Street-end Park
Roanoke Street at east side of Lake Union
- 11 Rogers Park
12 Third Avenue W. and W. Fulton Street
- 13 Sand Point Park/Beach
Sand Point Way N.E. and N.E. 65th Street
- 14 Schmitz Park
15 Admiral Way S.W. and S.W. Stevens
- 16 Seward Park Beach
Lake Washington Boulevard S. and
17 S. Juneau
- 18 Smith Cove Park
Pier 91
- 19 Soundview Terrace Park
20 11th W. and W. Wheeler
- 21 Sunset Hill Viewpoint
N.W. 77th and 34th Avenue N.W.
- 22 Twelfth Avenue South Viewpoint
- 23
- 24

- 1 12th Avenue S. and S. McClellan Street
- 2 U.S. Public Health Service Hospital
1131 14th Avenue S.
- 3 Victor Steinbrueck (Market) Park
- 4 Virginia Street and Western Avenue
- 5 Viretta Park
39th Avenue E. and E. John
- 6 Volunteer Park (Tower)
- 7 1400 E. Prospect
- 8 Wallingford Playfield
N. 43rd Street and Wallingford Avenue N.
- 9 Washington Park C Arboretum
- 10 E. Madison and Lake Washington
Boulevard S.
- 11 Waterfront Park
- 12 Pier 57 On Alaskan Way
- 13 West Crest Park
S.W. Henderson Street and Eighth Avenue
- 14 S.W.
- 15 West Seattle Municipal Golf Course
West Seattle Recreation Area
- 16 West Seattle Reservoir
S.W. Trenton Street and Eighth Avenue S.W.
- 17 West Seattle Rotary Viewpoint
- 18 S.W. Oregon Street and 35th Avenue S.W.
- 19 Woodland Park
N. 50th Street and Phinney Avenue N.
- 20 Scenic routes (1) described by ((The City of Seattle Engineering Department)) Seattle
21 Transportation Traffic Division Map and by Ordinance 97027, and (2) identified as protected view
22 rights-of-way in the Mayor's April 1987 Open Space Policies Recommendation. (See Exhibit 1
23 immediately following for a map of the designated SEPA Scenic Routes described above.)
24

1 Section 219. SMC 25.08.520 is hereby amended as follows:

2 **Noise in public parks and places.**

3 A. It is unlawful for any person to cause, or for any person in charge of a group of persons to
4 allow sound from an officially sanctioned musical event to originate in a public park, public place, as
5 defined in the Street Use Ordinance No. 90047, public market or civic center which exceeds a L eq of
6 ninety-five (95) dB(A) for one (1) minute as measured fifty feet (50') (approximately fifteen (15) meters)
7 from the source or sources, whether or not the sounds are live or recorded. Provided, that this section
8 shall not apply to indoor events.

9 B. Each violation of this section which occurs after notice to the person (designated on the permit
10 as the agent to receive notices of violations in the case of events with permits) that he or she is in
11 violation of this section shall constitute a separate offense. At the time of application the applicant shall
12 designate an on-premises agent who will accept notices of violations of this chapter during the event.
13 The absence of the designated on-premises agent from the event or the inability of the serving agency to
14 locate the on-premises agent or the refusal of an on-premises agent or responsible official of a group to
15 accept notice of a violation shall not affect the validity of the initial or successive violations.

16 C. The Administrator, the Director of Seattle Center, the Superintendent of Parks, the Director of
17 ~~((the Seattle Engineering Department))~~ Transportation, the Chief of Police, or an authorized
18 representative of any of them may terminate a performance as a public nuisance after following the
19 notice requirements of subsection B if the decibel level exceeds one hundred five (105) dB(A) for a total
20 of five (5) minutes in any thirty (30) minute period as measured fifty feet (50') (approximately fifteen
21 (15) meters) from the source or sources.

22 D. Before any permit or other authorizing document is issued for any event which will produce
23 sounds which may violate this section, the application shall be circulated to the Administrator. The
24 Department of Construction and Land Use is authorized to attach any conditions consistent with this
chapter and reasonably calculated to prevent annoying sounds.

25 E. 1. In any permit for use of a public park, public market, civic center, or other public
26 place, the Superintendent of Parks and Recreation, the Director of ~~((the Seattle Engineering Department))~~
27 ~~Transportation~~ or the Director of the Seattle Center or the designee of any of them, respectively, shall
28 stipulate that the Department of Construction and Land Use provide sound- control monitoring services
29 whenever:

30 a. Amplified sound will be used at the proposed event; and
31 b. The Administrator or his designee finds that, unless monitored, the sound level
32 originating at the proposed event may exceed the sound level in SMC Section 25.08.520 A. The
33 Administrator shall be guided principally by the expected power and type of amplification and, for those
34 with a record of prior usage, by past events held on City property within the last two (2) years.

35 2. The Administrator, in his or her discretion, may perform the service directly, delegate
36 performance to the authority issuing the permit, or retain an acoustician.

37 F. This section does not limit or diminish the management authority of the Superintendent of
38 Parks and Recreation, the Director of ~~((the Seattle Engineering Department))~~ Transportation or the
39 Director of the Seattle Center to require a performance bond or cash deposit for the use and occupancy
40 of a public park, a public place or public market, or the Seattle Center, respectively, as security for
41 payment of costs and expenses related thereto, damages or cleanup costs that may arise from a proposed
42

1 event, and/or taxes and other amounts that may become payable; nor does this section limit or diminish
2 their management authority to grant or deny such permits for causes independent of the Noise Ordinance
codified in this chapter.

3 G. A copy or digest of this section on noise in public parks and public places shall be delivered
4 to every person applying for a permit or other authorizing document which involves the production of
sounds which may violate this section and the permittee shall sign a receipt signifying that he or she has
received the same.

5 III. MISCELLANEOUS PROVISIONS

6 Section 220. It is the express intent of the City Council that, in the event another ordinance has
7 heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended
8 or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if
9 at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the
10 use in this ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show
11 intended amendments.

12
13 Section 221. In the event any section or subsection of the Seattle Municipal Code purported to
14 be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full
15 effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

16
17 Section 222. It is the express intent of the City Council that, in the event a subsequent ordinance
18 refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to
19 the new office or position created by this ordinance, and shall not be construed to resurrect the old
20 position or office unless it expressly so provides by reference to this ordinance.
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1 Section 223. It is the express intent of the City Council that, in the event a subsequent ordinance
2 refers to or amends a section or subsection of the Seattle Municipal Code amended or recodified herein,
3 but the later ordinance fails to account for the change made by this ordinance, the two sets of
4 amendments should be given effect together if at all possible.

5
6 Section 224. The Executive Services Director shall have the power to make all administrative
7 decisions necessary to carry out the intent of this ordinance.

8
9 Section 225. The City Clerk shall publish in the City's legal newspaper the title and the first four
10 (4) sections of this ordinance, a numerical tabulation by Seattle Municipal Code number of the sections
11 or subsections that are amended by sections 5 through 219 of this ordinance, and a listing of any Seattle
12 Municipal Code sections or subsections repealed as listed under the caption "Repealer" as the summary
13 of this ordinance, and state as part of that publication that the entire text may be examined electronically
14 at <http://clerk.ci.seattle.wa.us/~public/> on the Internet, or in paper form at the offices of the City Clerk,
15 First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon
16 request.

17
18 Section 226. The several provisions of this ordinance are declared to be separate and severable
19 and the invalidity of any clause, sentence paragraph, subdivision, section, or portion of this ordinance, or
20 the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the
21 remainder of this ordinance of the validity of its application to other persons or circumstances.

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1 Section 227. It is the express intent of the City Council that this ordinance makes only those
2 changes to the Seattle Municipal Code shown by striking out, inside double parentheses, text to be
3 deleted, and underlining text to be added. To this end, errors in showing the pre-existing Seattle
4 Municipal Code text are to be disregarded, and no change in the Seattle Municipal Code is intended
5 thereby.

6 Section 228. Any act consistent with the authority and prior to the effective date of this
7 ordinance are hereby ratified and confirmed.

8 Section 229 This ordinance shall take effect and be in force thirty (30) days from and after its
9 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
10 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

11 Passed by the City Council the 18 day of November, 1996, and signed by me in open
12 session in authentication of its passage this 18 day of November, 1996.

13
14 Jan Draz
President _____ of the City Council

15
16 Approved by me this 26 day of November, 1996.

17
18 Maurice B. Rice
Mayor

19
20 Filed by me this 26 day of November, 1996.

21
22 Julie E. Papp
City Clerk

23 (Seal)
24

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TITLE AND AMENDED SECTION NUMBERS PUBLICATION, ALONG WITH THE FIRST FOUR SECTIONS OF THIS ORDINANCE.

ORDINANCE NO. 118409

AN ORDINANCE creating a new department, Seattle Transportation Department, based on the functions contained within the former transportation division and related executive management functions of the Engineering Department; and amending or repealing an array of Seattle Municipal Code sections to accomplish this reorganization and to abolish the former Engineering Department.

Section 1. Abolition of the Engineering Department and Transfer of Powers, Duties and Resources Related to Transportation. Effective January 1, 1997, the Engineering Department is abolished. From and after that date, except as may be provided in an ordinance transferring certain utility and engineering service functions formerly contained in the Engineering Department to the Seattle Public Utilities, all functions responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets and liabilities of the Engineering Department related to transportation functions shall be transferred to the newly created department, Seattle Transportation. The Director of Transportation is hereby authorized to perform all responsibilities, duties and obligations and exercise all powers related to transportation functions heretofore belonging to the Director of Engineering.

Section 2. Creation of Seattle Transportation. Effective January 1, 1997, there is created a new department, named Seattle Transportation, based on the Transportation Division of the former Engineering Department. Seattle Transportation, under the direction of the Director of Transportation, shall be responsible for maintenance and operation of streets, bridges, retaining walls and seawalls, and traffic control systems in the City.

Section 3. Continuation of Authority. From and after January 1, 1997, all rules, regulations, notices and proceedings in effect with respect to the transportation functions of the former Engineering

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Department shall continue in effect unless and until they expire of their own terms or are superseded by order of the Director of Transportation or by ordinance.

II. AMENDMENTS TO CODE SECTIONS

A. PURPOSE

Section 4. Purpose of Code Section Amendments. The purpose of amending the following array of Seattle Municipal Code sections is to accomplish the transfer of transportation functions from the former Engineering Department to the newly created department, Seattle Transportation. In doing so, it is inevitable that some specific sections which ought to have been amended will be overlooked. In such cases, therefore, any remaining references to the Engineering Department or the Director of Engineering which relate to transportation functions shall be interpreted to be references to Seattle Transportation and the Director of Transportation.

B. AMENDMENTS

NUMERICAL TABULATION OF SECTIONS AND SUB-SECTIONS AMENDED

Section 5. SMC Chapter 3.12 is hereby amended

Section 6. SMC 3.80.010 is hereby amended

Section 7. SMC 5.78.040 is hereby amended

Section 8. SMC 7.16.010 is hereby amended

Section 9. SMC 10.04.010 is hereby repealed

Section 10. SMC 11.16.020 is hereby amended

Section 11. SMC 11.16.120 is hereby amended

Section 12. SMC 11.16.122 is hereby amended

Section 13. SMC 11.16.125 is hereby amended

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- Section 14. SMC 11.16.170 is hereby amended
- Section 15. SMC 11.16.180 is hereby amended
- Section 16. SMC 11.16.200 is hereby amended
- Section 17. SMC 11.16.220 is hereby amended
- Section 18. SMC 11.16.240 is hereby amended
- Section 19. SMC 11.16.280 is hereby amended
- Section 20. SMC 11.16.300 is hereby amended
- Section 21. SMC 11.16.310 is hereby amended
- Section 22. SMC 11.16.315 is hereby amended
- Section 23. SMC 11.16.317 is hereby amended
- Section 24. SMC 11.16.319 is hereby amended
- Section 25. SMC 11.16.320 is hereby amended
- Section 26. SMC 11.16.340 is hereby amended
- Section 27. SMC 11.16.360 is hereby amended
- Section 28. SMC 11.16.380 is hereby amended
- Section 29. SMC 11.16.400 is hereby amended
- Section 30. SMC 11.16.420 is hereby amended
- Section 31. SMC 11.66.020 is hereby amended
- Section 32. SMC 11.66.180 is hereby amended
- Section 33. SMC 11.66.200 is hereby amended
- Section 34. SMC 15.02.042 is hereby amended
- Section 35. SMC 15.02.044 is hereby amended
- Section 36. SMC 15.02.085 is hereby amended
- Section 37. SMC 15.04.010 is hereby amended
- Section 38. SMC 15.04.015 is hereby amended
- Section 39. SMC 15.04.020 is hereby amended
- Section 40. SMC 15.04.072 is hereby amended

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- Section 41. SMC 15.04.074 is hereby amended
- Section 42. SMC 15.06.010 is hereby amended
- Section 43. SMC 15.06.050 is hereby amended
- Section 44. SMC 15.06.060 is hereby amended
- Section 45. SMC 15.06.070 is hereby amended
- Section 46. SMC 15.06.080 is hereby amended
- Section 47. SMC 15.10.020 is hereby amended
- Section 48. SMC 15.10.030 is hereby amended
- Section 49. SMC 15.12.010 is hereby amended
- Section 50. SMC 15.12.040 is hereby amended
- Section 51. SMC 15.14.050 is hereby amended
- Section 52. SMC 15.14.070 is hereby amended
- Section 53. SMC 15.14.080 is hereby amended
- Section 54. SMC 15.16.040 is hereby amended
- Section 55. SMC 15.16.060 is hereby amended
- Section 56. SMC 15.16.070 is hereby amended
- Section 57. SMC 15.16.080 is hereby amended
- Section 58. SMC 15.17.150 is hereby amended
- Section 59. SMC 15.17.200 is hereby amended
- Section 60. SMC 15.18.010 is hereby amended
- Section 61. SMC 15.18.020 is hereby amended
- Section 62. SMC 15.20.010 is hereby amended
- Section 63. SMC 15.22.020 is hereby amended
- Section 64. SMC 15.22.022 is hereby amended
- Section 65. SMC 15.22.026 is hereby amended
- Section 66. SMC 15.22.030 is hereby amended
- Section 67. SMC 15.22.080 is hereby amended

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- Section 68. SMC 15.22.122 is hereby amended
- Section 69. SMC 15.24.020 is hereby amended
- Section 70. SMC 15.24.030 is hereby amended
- Section 71. SMC 15.26.010 is hereby amended
- Section 72. SMC 15.28.010 is hereby amended
- Section 73. SMC 15.28.020 is hereby amended
- Section 74. SMC 15.28.030 is hereby amended
- Section 75. SMC 15.28.050 is hereby amended
- Section 76. SMC 15.28.060 is hereby amended
- Section 77. SMC 15.28.070 is hereby amended
- Section 78. SMC 15.28.080 is hereby amended
- Section 79. SMC 15.32.010 is hereby amended
- Section 80. SMC 15.32.030 is hereby amended
- Section 81. SMC 15.32.300 is hereby amended
- Section 82. SMC 15.35.010 is hereby amended
- Section 83. SMC 15.36.010 is hereby amended
- Section 84. SMC 15.38.010 is hereby amended
- Section 85. SMC 15.38.040 is hereby amended
- Section 86. SMC 15.38.050 is hereby amended
- Section 87. SMC 15.40.030 is hereby amended
- Section 88. SMC 15.42.030 is hereby amended
- Section 89. SMC 15.42.050 is hereby amended
- Section 90. SMC 15.42.060 is hereby amended
- Section 91. SMC 15.44.003 is hereby amended
- Section 92. SMC 15.44.090 is hereby amended
- Section 93. SMC 15.44.130 is hereby amended
- Section 94. SMC 15.44.140 is hereby amended

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- Section 95. SMC 15.44.150 is hereby amended
- Section 96. SMC 15.46.010 is hereby amended
- Section 97. SMC 15.46.020 is hereby amended
- Section 98. SMC 15.49.120 is hereby amended
- Section 99. SMC 15.50.010 is hereby amended
- Section 100. SMC 15.50.023 is hereby amended
- Section 101. SMC 15.50.025 is hereby amended
- Section 102. SMC 15.50.028 is hereby amended
- Section 103. SMC 15.50.060 is hereby amended
- Section 104. SMC 15.50.080 is hereby amended
- Section 105. SMC 15.52.020 is hereby amended
- Section 106. SMC 15.52.040 is hereby amended
- Section 107. SMC 15.60.015 is hereby amended
- Section 108. SMC 15.62.030 is hereby amended
- Section 109. SMC 15.62.100 is hereby amended
- Section 110. SMC 15.62.110 is hereby amended
- Section 111. SMC 15.62.120 is hereby amended
- Section 112. SMC 15.64.040 is hereby amended
- Section 113. SMC 15.64.050 is hereby amended
- Section 114. SMC 15.64.060 is hereby amended
- Section 115. SMC 15.64.070 is hereby amended
- Section 116. SMC 15.64.080 is hereby amended
- Section 117. SMC 15.70.030 is hereby amended
- Section 118. SMC 15.72.010 is hereby amended
- Section 119. SMC 15.72.020 is hereby amended
- Section 120. SMC 15.72.040 is hereby amended
- Section 121. SMC 15.76.010 is hereby amended

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- Section 122. SMC 15.76.020 is hereby amended
Section 123. SMC 15.76.050 is hereby amended
Section 124. SMC 15.76.060 is hereby amended
Section 125. SMC 15.90.010 is hereby amended
Section 126. SMC 15.90.020 is hereby amended
Section 127. SMC 15.90.030 is hereby amended
Section 128. SMC 16.08.050 is hereby amended
Section 129. SMC 16.32.050 is hereby amended
Section 130. SMC 16.36.040 is hereby amended
Section 131. SMC 16.60.010 is hereby amended
Section 132. SMC 16.60.020 is hereby amended
Section 133. SMC 16.60.030 is hereby amended
Section 134. SMC 16.60.040 is hereby amended
Section 135. SMC 16.60.050 is hereby amended
Section 136. SMC 20.04.030 is hereby amended
Section 137. SMC 20.04.060 is hereby amended
Section 138. SMC 20.04.070 is hereby amended
Section 139. SMC 20.04.080 is hereby amended
Section 140. SMC 20.04.090 is hereby amended
Section 141. SMC 20.04.280 is hereby amended
Section 142. SMC 20.12.080 is hereby amended
Section 143. SMC 20.76.280 is hereby amended
Section 144. SMC 20.84.030 is hereby amended
Section 145. SMC 22.900.030 is hereby amended
Section 146. SMC 21.100.010 is hereby amended
Section 147. SMC 21.100.020 is hereby amended
Section 148. SMC 21.100.030 is hereby amended

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- Section 149. SMC 21.100.050 is hereby amended
Section 150. SMC 21.100.060 is hereby amended
Section 151. SMC 21.101.020 is hereby amended
Section 152. SMC 21.101.060 is hereby amended
Section 153. SMC 21.101.070 is hereby amended
Section 154. SMC 21.101.090 is hereby amended
Section 155. SMC 21.101.100 is hereby amended
Section 156. SMC 22.806.020 is hereby amended
Section 157. SMC 22.900.030 is hereby amended
Section 158. SMC 22.900.245 is hereby amended
Section 159. SMC 22.900.070 is hereby amended
Section 160. SMC 22.900.265 is hereby amended
Section 161. SMC 22.901A.040 is hereby amended
Section 162. SMC 22.901B.060 is hereby amended
Section 163. SMC 23.12.060 is hereby amended
Section 164. SMC 23.22.024 is hereby amended
Section 165. SMC 23.22.028 is hereby amended
Section 166. SMC 23.22.064 is hereby amended
Section 167. SMC 23.22.066 is hereby amended
Section 168. SMC 23.22.068 is hereby amended
Section 169. SMC 23.22.070 is hereby amended
Section 170. SMC 23.22.072 is hereby amended
Section 171. SMC 23.22.074 is hereby amended
Section 172. SMC 23.22.094 is hereby amended
Section 173. SMC 23.22.096 is hereby amended
Section 174. SMC 23.22.100 is hereby amended
Section 175. SMC 23.22.102 is hereby amended

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- Section 176. SMC 23.24.040 is hereby amended
- Section 177. SMC 23.44.016 is hereby amended
- Section 178. SMC 23.45.015 is hereby amended
- Section 179. SMC 23.45.057 is hereby amended
- Section 180. SMC 23.45.073 is hereby amended
- Section 181. SMC 23.45.112 is hereby amended
- Section 182. SMC 23.47.016 is hereby amended
- Section 183. SMC 23.49.018 is hereby amended
- Section 184. SMC 23.49.020 is hereby amended
- Section 185. SMC 23.49.022 is hereby amended
- Section 186. SMC 23.49.056 is hereby amended
- Section 187. SMC 23.49.076 is hereby amended
- Section 188. SMC 23.49.106 is hereby amended
- Section 189. SMC 23.49.134 is hereby amended
- Section 190. SMC 23.49.162 is hereby amended
- Section 191. SMC 23.49.332 is hereby amended
- Section 192. SMC 23.50.016 is hereby amended
- Section 193. SMC 23.50.034 is hereby amended
- Section 194. SMC 23.50.046 is hereby amended
- Section 195. SMC 23.53.010 is hereby amended
- Section 196. SMC 23.53.015 is hereby amended
- Section 197. SMC 23.53.020 is hereby amended
- Section 198. SMC 23.53.030 is hereby amended
- Section 199. SMC 23.54.015 is hereby amended
- Section 200. SMC 23.54.016 is hereby amended
- Section 201. SMC 23.54.030 is hereby amended
- Section 202. SMC 23.54.035 is hereby amended

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- Section 203. SMC 23.55.012 is hereby amended
- Section 204. SMC 23.60.196 is hereby amended
- Section 205. SMC 23.60.902 is hereby amended
- Section 206. SMC 23.66.030 is hereby amended
- Section 207. SMC 23.66.170 is hereby amended
- Section 208. SMC 23.68.022 is hereby amended
- Section 209. SMC 23.69.032 is hereby amended
- Section 210. SMC 23.71.008 is hereby amended
- Section 211. SMC 23.71.010 is hereby amended
- Section 212. SMC 23.71.012 is hereby amended
- Section 213. SMC 23.71.018 is hereby amended
- Section 214. SMC 23.76.024 is hereby amended
- Section 215. SMC 23.84.036 is hereby amended
- Section 216. SMC 23.90.004 is hereby amended
- Section 217. SMC 25.02.030 is hereby amended
- Section 218. SMC 25.05.675 is hereby amended
- Section 219. SMC 25.08.520 is hereby amended

NOTICE: The entire text may be examined electronically at <http://clerk.ci.seattle.wa.us/~public/> on the Internet, or in paper form at the office of the City Clerk, First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

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TIME AND DATE STAMP

SPONSORSHIP

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

Matthew Chase

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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STATE OF WASHINGTON - KING COUNTY

74969
City of Seattle, City Clerk

-s-

No. ORDINANCE IN

Affidavit of Publication

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

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

CT:ORD 118409

was published on

12/17/96

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

A Kendall
Subscribed and sworn to before me on

12/18/96

McCluney
Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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