

Ordinance No. 123600

Council Bill No. 117159

AN ORDINANCE relating to street use; adding new Sections 11.14.203 and 11.14.447; amending Section 3.12.030 of the Seattle Municipal Code to authorize the Director of Transportation to designate public places or portions of public places as festival streets, to recommend the designation of public places or portions of public places as pedestrian plazas, and to regulate the use thereof; and amending the Seattle Department of Transportation Street Use Fee Schedule to establish a festival street permit type.

Related Legislation File:

Date Introduced and Referred: <b>4.25.11</b>	To: (committee): <b>Transportation</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>May 2, 2011</b>	Date Presented to Mayor: <b>May 3, 2011</b>
Date Signed by Mayor: <b>5.10.11</b>	Date Returned to City Clerk: <b>5.10.11</b>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: *Tom Romoser*

## Committee Action:

Date	Recommendation	Vote
4-26-11	PASS	TK 1-0

This file is complete and ready for presentation to Full Council.

## Full Council Action:

Date	Decision	Vote
May 2, 2011	PASSED	9-0

*Legis Department*



**ORDINANCE** 123600

1  
2 AN ORDINANCE relating to street use; adding new Sections 11.14.203 and 11.14.447;  
3 amending Section 3.12.030 of the Seattle Municipal Code to authorize the Director of  
4 Transportation to designate public places or portions of public places as festival streets, to  
5 recommend the designation of public places or portions of public places as pedestrian plazas, and  
6 to regulate the use thereof; and amending the Seattle Department of Transportation Street Use  
7 Fee Schedule to establish a festival street permit type.

8 WHEREAS, the transportation system of Seattle is an extraordinary public asset and is  
9 vital and integral to the City's economic health, environmental quality, and social and community  
10 fabric; and

11 WHEREAS, RCW 35.71 provides that the establishment of pedestrian malls is declared  
12 to be for a public purpose and that any legislative body of a city may, by ordinance, establish and  
13 regulate any street right-of-way as a pedestrian mall by prohibiting vehicular traffic; and

14 WHEREAS, in 2007, the Seattle City Council passed Ordinance 122386 establishing a  
15 Complete Streets policy and stated the Council's intention that the Seattle Department of  
16 Transportation (SDOT) implement Complete Streets by designing, operating, and maintaining  
17 the transportation network to improve travel conditions for pedestrians, bicyclists, transit, and  
18 freight, in a manner consistent with and supportive of the surrounding community; and

19 WHEREAS, in 2009, the Seattle City Council passed Resolution 31157 approving the  
20 Seattle Pedestrian Master Plan, which establishes the intent to make Seattle the most  
21 walkable city in the nation through the following four goals: safety, equity, vibrancy, and health;  
22 and

23 WHEREAS, Objective Five of the Seattle Pedestrian Master Plan calls for the creation of  
24 vibrant public spaces that encourage walking for multiple purposes including transportation,  
25 recreation, and health; and

26 WHEREAS, Strategy 5.2 of the Seattle Pedestrian Master Plan recommends developing  
27 guidelines and protocols for car-free and shared-space streets, including designating pedestrian-  
28 only streets in order to reclaim and activate public spaces for pedestrian use; and

WHEREAS, pedestrian-oriented spaces such as festival streets and pedestrian plazas are  
a foundational element of transportation-oriented communities, as defined by the Seattle  
Planning Commission in the Seattle Transit Communities report; and

WHEREAS, pedestrian plazas are a form of pedestrian mall authorized by RCW 35.71;  
and



1 WHEREAS, festival streets are intended to facilitate intermittent closure to vehicle traffic  
2 in order to allow temporary use of the right-of-way for neighborhood or community activities, as  
3 authorized by Section 11.16.125 of the Seattle Municipal Code; and

4 WHEREAS, the Seattle Pedestrian Advisory Board on December 8, 2010 endorsed the  
5 designation and establishment of both festival streets and pedestrian plazas as presented by  
6 SDOT; and

7 WHEREAS, festival streets and pedestrian plazas further several goals of the Seattle  
8 Pedestrian Master Plan, including the goal to develop a pedestrian environment that sustains  
9 healthy communities and supports a vibrant economy; NOW, THEREFORE,

10 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

11 Section 1. A new Section 11.14.203 of the Seattle Municipal Code is added as follows:

12 **11.14.203 Festival Street**

13 “Festival street” means a public place or portion of a public place that has been  
14 designated by the Director of Transportation for recurring temporary closure to vehicular traffic  
15 use for the purpose of pedestrian-oriented special activities, as established by the Director of  
16 Transportation.

17 Section 2. A new Section 11.14.447 of the Seattle Municipal Code is added as follows:

18 **11.14.447 Pedestrian Plaza**

19 “Pedestrian plaza” means a public place or portion of a public place that has been  
20 designated by ordinance entirely for use by pedestrians, which may vary in size and shape; may  
21 abut a street or sidewalk; may be separated from roadways used for vehicular travel by curbs,  
22 bollards, or other barriers; may be surfaced with special materials and markings; and may  
23 contain landscaping, bicycle parking, bicycle storage facilities, public art, benches, tables, chairs,  
24 or other facilities for pedestrian use. Pedestrian plazas are a form of pedestrian mall authorized  
25 by RCW 35.71.  
26  
27



1 Section 3. The City hereby adopts and authorizes the establishment of Festival Street and  
2 Pedestrian Plaza programs to be implemented and administered by the Director of Seattle  
3 Department of Transportation (the Director). The Director may promulgate rules to implement  
4 these separate programs. The festival street rule may address the festival street designation  
5 process, allowable activities or uses, the term or duration of the activity, permit requirements,  
6 mapping of designated festival streets, and other subjects the Director believes may aid in the  
7 implementation of the Festival Street program. The pedestrian plaza rule may address the  
8 pedestrian plaza recommendation and designation process, maintenance, funding, and other  
9 subjects the Director believes may aid in the implementation of the Pedestrian Plaza program.  
10

11 A. Festival Street Program. Community groups, businesses, or individuals that wish to  
12 participate in the Festival Street program shall submit applications to SDOT on forms developed  
13 for that purpose. SDOT shall process the applications for proposals to designate a festival street.  
14 A festival street must be designated before a Street Use Festival Street Use permit can be issued  
15 for that site. SDOT shall coordinate, review, and issue Street Use Festival Street permits, and  
16 verify that on-going activities conform to the conditions of the Street Use Festival Street permit.  
17 Permittees shall promptly notify SDOT of any material changes in their activities or operations  
18 that might affect their compliance with the conditions of the Street Use Festival Street permit.  
19  
20

21 B. Pedestrian Plaza Program. When the Director determines that it would be in the public  
22 interest to create a pedestrian plaza, the Director shall make a recommendation for a pedestrian  
23 plaza designation to City Council. The designation of a pedestrian plaza shall be by Council  
24 approved ordinance, based on the recommendation of the Director, pursuant to the provisions  
25 and requirements of RCW 35.71.  
26  
27



1 Section 4. Section 3.12.030 of the Seattle Municipal Code, last amended by Ordinance  
2 121420, is amended as follows:

3 **3.12.030 Director's duties((=))**

4 Under the direction of the Mayor, the functions of the Director of Transportation include:  
5

6 \* \* \*

7  
8 I. Designating public places or portions of public places, as festival streets, as defined in  
9 Section 11.14.203.

10  
11 J. Prescribing the uses that may be permitted on designated festival streets and public  
12 plazas, and prohibiting some or all vehicular use on festival streets or pedestrian plazas;

13  
14 K. Recommending to Council, the designation by ordinance of pedestrian plazas as  
15 defined in Section 11.14.447;

16  
17 L. Performing such other functions as assigned by the City.

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

21  
22 Section 5. Seattle Department of Transportation's Street Use Permit Fee Schedule,  
23 Attachment A to Ordinance 123477, last amended by Ordinance 123485, as amended by  
24 Ordinance 123585, is further amended as follows:

25 Attachment A: Street Use Permit Fee Schedule  
26  
27



\*\*\*

Activities that use the public Right-of-Way and that block mobility				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
***				
3B	Farmers Market Program	\$146	N/A	((N/A))
3C	Festival Street Program			None
13	Temporary placement of materials not for construction, and for bus staging			ON NON-ARTERIAL Mo 1 = no fee Mo 2&3=\$.10/sf/10d Mo 4&5=\$.20/sf/10d Mo 6&7=\$.40/sf/10d Mo 8&9=\$.80/sf/10d Mo 10+=\$1.20/sf/10d In mo 10+ up to \$.20/sf/10day credit for mobility mitigation ON ARTERIAL Mo 1 =\$.10/sf/10d Mo 2 =\$.20/sf/10d Mo 3 =\$.40/sf/10d Mo 4 =\$.80/sf/10d Mo 5 =\$1.20/sf/10d In mo 5+ up to \$.20/sf/10day credit for mobility mitigation
***				

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Activities that occur over more than one year				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
***				
((3))3D	Street barricading for private use	\$146 (first year) \$140 (subsequent)	None	N/A

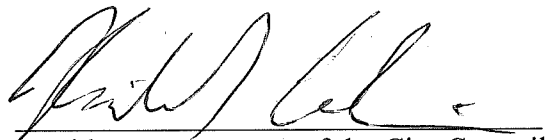


5	clocks	years)		
***				

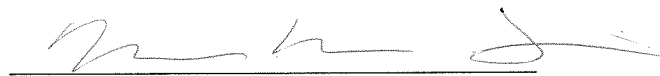
\* \* \*

Section 6. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 2<sup>nd</sup> day of May, 2011, and signed by me in open session in authentication of its passage this 2<sup>nd</sup> day of May, 2011.

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

Approved by me this 10<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this 10<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
for City Clerk, Monica Martinez Simmons

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Department of Transportation	Angela Steel/684-5967	Rebecca Guerra/684-5339

**Legislation Title:**

AN ORDINANCE relating to street use; adding new Sections 11.14.203 and 11.14.447; amending Section 3.12.030 of the Seattle Municipal Code to authorize the Director of Transportation to designate public places or portions of public places as festival streets, to recommend the designation of public places or portions of public places as pedestrian plazas, and to regulate the use thereof; and amending the Seattle Department of Transportation Street Use Fee Schedule to establish a festival street permit type.

**Summary of the Legislation:**

This legislation adds the definitions of 'festival street' and 'pedestrian plaza' to the Seattle Municipal Code Title 11, Traffic Code, and also amends Section 3.12.030 to authorize the Director of Transportation to designate portions of public places as festival streets, to recommend to City Council the designation of portions of public places as pedestrian plazas, and to prescribe the uses that may be permitted and to prohibit some or all vehicular use on them. The legislation also amends the Street Use Fee Schedule by adding a festival street permit type.

**Background:**

RCW 35.71 provides that the establishment of pedestrian malls is declared to be for a public purpose and that any legislative body of a city may, by ordinance, establish and regulate any street right-of-way as a pedestrian mall by prohibiting vehicular traffic. For the purposes of this legislation, pedestrian plazas are a form of pedestrian malls authorized by RCW 35.71.

The City is supportive of encouraging pedestrian-oriented activities in the public right-of-way. By Ordinance 122386, the City established a Complete Streets policy which stated the Council's intention that SDOT implement the Complete Streets by designing, operating, and maintaining the transportation network to improve travel conditions for pedestrians, bicyclists, transit, and freight, in a manner consistent with and supportive of the surrounding community.

In 2009, City Council passed Resolution 31157 approving the Seattle Pedestrian Master Plan (PMP), which establishes the intent to make Seattle the most walkable city in the nation. The PMP recommends developing guidelines and protocols for car-free and shared-space streets, including designating pedestrian-only streets in order to reclaim and activate public spaces for pedestrian use. Pedestrian-oriented spaces such as festival streets and pedestrian plazas





are a foundational element of transportation-oriented communities, as defined by the Seattle Planning Commission in the Seattle Transit Communities report.

On December 8, 2010, the Seattle Pedestrian Advisory Board endorsed the designation and establishment of both festival streets and pedestrian plazas.

Please check one of the following:

**This legislation does not have any financial implications.**  
(Stop here and delete the remainder of this document prior to saving and printing.)

**This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Appropriations:** N/A

**Anticipated Revenue/Reimbursement: Resulting from this Legislation:**

This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

<b>Fund Name and Number</b>	<b>Department</b>	<b>Revenue Source</b>	<b>2011 Revenue</b>	<b>2012 Revenue</b>
Transportation Operating Fund 10310	Seattle Department of Transportation	Use Code 3C-Festival Street Program Base Permit Fee (\$146/permit)	\$146	\$146
<b>TOTAL</b>			<b>\$146</b>	<b>\$146</b>

**Revenue/Reimbursement Notes:**

Permit fees for the Festival Street Program were established from the existing base permit fee for all Street Use permits. This fee will cover the administrative costs of issuing the permit. It is anticipated that only one festival street will be designated in 2011 at South Lander Street adjacent to the Beacon Hill Light Rail Station. This festival street is expected to renew its permit in 2012. There are no current plans to designate more streets as festival streets in 2011 or 2012.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:** N/A

**Do positions sunset in the future?** No.

**Spending/Cash Flow:** N/A



**What is the financial cost of not implementing the legislation?**

None.

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

None.

**What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

None.

**Is the legislation subject to public hearing requirements?**

No.

**Other Issues:** (Include long-term implications of the legislation.)

N/A

**List attachments to the fiscal note below:**

None.



City of Seattle  
Office of the Mayor

April 19, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that authorizes the Director of Transportation to establish Festival Street and Pedestrian Plaza programs for the purpose of encouraging pedestrian activity in the public right-of-way. The Festival Street program allows community organizations to request that a portion of a street be designated for recurring pedestrian-oriented activities. Once the Festival Street designation is granted, then the sponsoring organizations will benefit from a simplified permit process for producing festival events on the street. The Pedestrian Plaza program authorizes the Director of Transportation to recommend that the City Council designate appropriate areas of the public right-of-way for exclusive pedestrian use. Both of these programs are intended to reclaim and activate public spaces for pedestrian use.

Pedestrian-oriented spaces such as festival streets and pedestrian plazas are a foundational element of the Pedestrian Master Plan. As we strive to make Seattle the most walkable city in the nation, it is important to create vibrant pedestrian spaces that support walking and that entice people to experience public spaces with their feet on the ground. In that vein, the Seattle Pedestrian Advisory Board has endorsed the designation and establishment of both festival streets and pedestrian plazas programs.

The Festival Streets and Pedestrian Plaza programs will help build streets that are alive with social interaction and fun. Thank you for your consideration of this legislation. Should you have questions, please contact Barbara Gray at 615-0872.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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271061  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

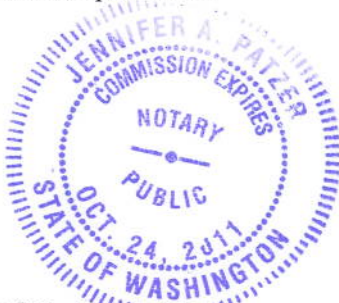
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123597-123601 TITLE

was published on

05/13/11

The amount of the fee charged for the foregoing publication is the sum of \$ 95.55, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on

05/13/11 *[Signature]*  
\_\_\_\_\_

\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on May 2, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123597

AN ORDINANCE, relating to certain steam mains and appurtenances in, under, and across East Columbia Street from 12th Avenue to 14th Avenue and 14th Avenue from East Columbia Street to East Jefferson Street; amending Ordinance 96719, as amended by Ordinances 119162 and 121855, updating the insurance and bond requirements, and amending the annual fee; renewing the term of the permit to the Seattle University; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123598

AN ORDINANCE, relating to a pedestrian tunnel under and across Minor Avenue, between Columbia and Marion Streets, amending Ordinance 113238, as previously amended by Ordinances 121494 and 121855, updating the insurance and bond requirements, and amending the annual fee; renewing the term of the permit to Swedish Health Services; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123599

AN ORDINANCE relating to a pedestrian tunnel under and along the easterly side of Broadway at East Cherry Street, amending Ordinance 115021, as amended by Ordinances 121493 and 121855, to update the insurance and bond requirements, and amend the annual fee; renewing the term of the permit to the Swedish Health Services; providing for acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123600

AN ORDINANCE relating to street use; adding new Sections 11.14.203 and 11.14.447; amending Section 3.12.030 of the Seattle Municipal Code to authorize the Director of Transportation to designate public places or portions of public places as festival streets, to recommend the designation of public places or portions of public places as pedestrian plazas, and to regulate the use thereof; and amending the Seattle Department of Transportation Street Use Fee Schedule to establish a festival street permit type.

### ORDINANCE NO. 123601

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily Journal of Commerce, May 13, 2011.

5/13(271061)