

Ordinance No. 119274

*me*

The City of Seattle  
Council Bill/Ordinance

Council Bill No. 112464

AN ORDINANCE relating to the Seattle Design Commission; changing the method by which the Design Commission charges City departments for Commission review of City capital improvement projects for projects for which billing commences after December 31, 1998; clarifying the basis for the Commission's fees for reviewing projects other than City capital improvement projects; and amending sections 22.900D.170 and 3.58.090 of the Seattle Municipal Code.

CF No. \_\_\_\_\_

Budget: B  
Pass As 1  
11-23-98 Full  
(Exc)

Date Introduced: <u>NOV 16 1998</u>		
Date 1st Referred: <u>NOV 16 1998</u>	To: (committee)	<u>BUDGET</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>11-23-98</u>	Full Council Vote:	
Date Presented to Mayor: <u>11-23-98</u>	Date Approved: <u>DEC 2 1998</u>	
Date Returned to City Clerk: <u>DEC 2 1998</u>	Date Published: <u>6 PM</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

*D*

This file is complete and ready

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: DRAGO  
Councilmember

## Committee Action:

Budget: ③

Pass As Amended *esth*

11-23-98 7011 Council: Pass As Amended 8-0  
(Excused: Melber)

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(initial/date)

Law Dept. Review

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ORDINANCE 119274

1  
2 AN ORDINANCE relating to the Seattle Design Commission; changing the method by which  
3 the Design Commission charges City departments for Commission review of City capital  
4 improvement projects for projects for which billing commences after December 31, 1998;  
5 clarifying the basis for the Commission's fees for reviewing projects other than City  
6 capital improvement projects; and amending sections 22.900D.170 and 3.58.090 of the  
7 Seattle Municipal Code.

8 Whereas, the Seattle Design Commission was established to provide design guidance to City  
9 departments so that capital improvement projects are constructed according to the best possible  
10 design principles; and

11 Whereas, the City is about to embark on significant capital improvement projects such as the libraries to  
12 be built under the recently passed Library Capital Facilities ballot measure; and,

13 Whereas the upcoming completion of 37 neighborhood plans and the increasing funding available  
14 through the Neighborhood Matching Fund will result in significant new investments in large and  
15 small capital improvement projects in Seattle's neighborhoods; and

16 Whereas the existing funding mechanism for the Design Commission has proved to be administratively  
17 cumbersome and often inadequate to cover the costs of the Commission; and

18 Whereas the Mayor desires to provide the Commission with a predictable and adequate funding  
19 mechanism so that it may fulfill its role in public development activities;

20 Whereas the provisions for the Commission's fees charged for other than City capital improvement  
21 projects have been somewhat unclear; NOW, THEREFORE,

22 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

23 Section 1. Section 22.900D.170 of the Seattle Municipal Code is amended as follows:

24 **22.900D.170. Design Commission fees.**

A. City Capital Improvement Projects, as Defined in SMC Section 3.58.020. Design  
Commission fees shall be assessed at a rate of three-tenths of one (0.3) percent of the construction cost  
(~~of~~) for City capital improvement projects for which billing will commence on or before December 31,

1 1998, except as specified in subsections B and D of this section. Billing will occur at the time of  
2 contract award by the Executive Services Department, who will forward the bills to the Department for  
3 distribution to appropriate City departments. Payment will be made through a fund transfer to the  
4 Department Operating Fund.

5 B. Major City Capital Improvement Projects. Except as specified in subsection D of this  
6 section, Design Commission fees shall be assessed at a rate of up to three-tenths of one (0.3) percent of  
7 the construction cost ((e¢)) for major City capital improvement projects (greater than Ten Million  
8 Dollars (\$10,000,000) construction budget) for which billing will commence on or before December 31,  
9 1998. The fee shall be set through negotiations with the Budget Director and the Design Commission.  
10 Billing shall occur in accordance with a schedule agreed upon by the Budget Director and the Design  
11 Commission.

12 C. 1. For City capital improvement projects, as defined in section 3.58.020, for which no  
13 billing commenced under subsections A or B on or before December 31, 1998, and that do not fall  
14 within an exception in subsection D of this section, the Budget Director, the Design Commission, and  
15 each affected City department will attempt to agree on that department's projects, that are expected to be  
16 assessed by the Design Commission in the following year. If no agreement is reached by a date  
17 established by the Budget Director, the Budget Director will establish the list of such projects. The  
18 Budget Director may establish the assessable appropriation of a City capital improvement below the  
19 actual appropriation in order that the project not be assessed an unduly high fee relative to the cost of the  
20 anticipated Design Commission review.

21 2. The Budget Director will assess a uniform fee of up to one percent (1%) of the total of  
22 all departments' capital improvement project appropriations for those projects assessable for Design  
23  
24

1 Commission fees. Such fee shall be set so as to be sufficient, when combined with other funding  
2 sources, to support the anticipated costs of the Design Commission for the following year, but in no case  
3 shall the fee exceed one percent (1%).

4 3. The Director of Design, Construction and Land Use shall bill each department in the  
5 amount determined by the Budget Director, and that amount shall be paid by fund transfer to the  
6 Department Operating Fund.

7 4. If a capital improvement project's appropriation has been included in a fee assessed  
8 under this section, but Design Commission review of that project is delayed into a future year, that  
9 appropriation amount shall not be counted again in the calculation of the fee for any future year. If  
10 review of a project on which a fee has been assessed under this subsection C is canceled, or if review  
11 commences on a project that, but for timeliness, would have been included but was not included in the  
12 calculation of a fee under this subsection C, the Budget Director shall adjust the department's total  
13 assessable appropriation downwards or upwards, respectively, when establishing the subsequent year's  
14 fee.

15 ~~((C))~~ D. Special Exceptions.~~((Rather than assessing fees as a percentage of the construction~~  
16 ~~cost as described in subsections A and B of this section, low income and special needs housing projects~~  
17 ~~subject to Design Commission review and projects with total construction budgets of Fifty Thousand~~  
18 ~~Dollars (\$50,000) or less will be billed at the hourly rate of One Hundred Dollars (\$100) per hour per~~  
19 ~~Commissioner for subcommittee review, or Seven Hundred Dollars (\$700) per hour for full Commission~~  
20 ~~review. Fees for review of these projects may be waived at the discretion of the Commission. ))~~ The  
21 Commission will bill the following projects at the hourly rate of One Hundred Dollars (\$100) per hour  
22 per Commissioner for subcommittee review, or Seven Hundred Dollars (\$700) per hour for full  
23  
24

1 Commission review, except that fees may be waived, in whole or in part, at the discretion of the

2 Commission with the concurrence of the Budget Director in the following circumstances:

3 1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could  
4 cause abandonment of the project for the following types of projects: artworks, projects funded by  
5 grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit  
6 organizations, and small capital improvements.

7 2. For low-income and special needs housing projects subject to Design Commission review.

8 ~~((D))~~ E. Street Use Permit Reviews. Street use permit reviews, which are required before  
9 issuance of a street use permit for improvements within the public right-of-way, will be billed at the  
10 hourly rate of One Hundred Dollars (\$100) per hour per Commissioner for subcommittee review, or  
11 Seven Hundred Dollars (\$700) per hour for full Commission review. Billing will be sent (~~directly to~~  
12 the applicant)) to Seattle Transportation for inclusion into the plan review costs charged to the applicant,  
13 or be billed directly by the Department. For those projects billed through Seattle Transportation,  
14 payment will be made by a fund transfer from the Seattle Transportation Operating Fund to the  
15 Department Operating Fund from funds paid by the applicant.

16 ~~((E))~~ F. Early Master Use Permit Stage or Projects Outside City Contract Process. For design  
17 review at an early Master Use Permit stage or for projects outside The City of Seattle contract award  
18 process, Design Commission fees will be billed by the Department at an hourly rate of One Hundred  
19 Dollars (\$100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars (\$700)  
20 per hour for full Commission review.

21 Section 2. Section 3.58.090 of the Seattle Municipal Code is amended as follows:

22 **3.58.090 Fees and charges for Design Commission review.**

1 A. The Commission is authorized to charge the following fees to applicants for review of capital  
2 improvement projects other than City departments' capital improvement projects:

- 3 1. When review is by the entire Commission, Seven Hundred Dollars (\$700.00) per hour;  
4 2. When review is by a committee or subcommittee of the Commission, One Hundred  
5 Dollars (\$100.00) per Commission member participating in the review per hour.

6 B. The Commission in its discretion, with the concurrence of the Budget Director, may waive its  
7 fee under subsection A of this section, in whole or in part, in the following circumstances:

- 8  
9 1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could  
10 cause abandonment for the following types of projects: ((or any portion thereof for review  
11 of))artworks,((:for ))projects funded by grants and donations,((:for ))neighborhood self-help projects  
12 undertaken by volunteers and nonprofit organizations,((:)) and for small capital improvements.  
13 ((whenever Commission fees, if charged, would be disproportionate to the sums available and could  
14 cause abandonment of the project.))  
15 2. For low-income and special needs housing projects subject to Design Commission review.

16 The Commission may require a deposit of its fee before reviewing a project or giving its advice.

17 C. The Commission shall charge fees for its review of City departments' capital improvement  
18 projects as set forth in subsections A through D of section 22.900D.170.

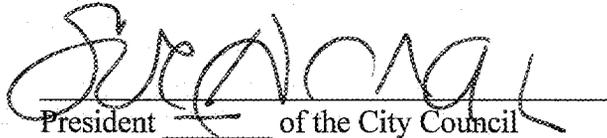
19 Section 3. The provisions of this ordinance that amend Section 22.900.D 170, to the extent they  
20 are in conflict with provisions affecting this same section in the ordinance embodied in CB 112365,  
21 shall be considered the later in time and shall take precedence over the earlier provisions.

1 ~~This ordinance, amending section 22.900D.170 of the Seattle Municipal Code, and the changes it~~  
2 ~~makes to the Seattle Municipal Code, shall be construed and given effect in conjunction with any~~  
3 ~~changes made to the same section or sections by Ordinance \_\_\_\_\_ (Council Bill 112365), and sections~~  
4 ~~and cross references shall be renumbered to conform to changes made by that other ordinance.~~

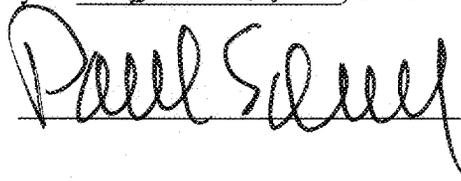
5 Section 4. Any act consistent with the authority and prior to the effective date of the ordinance is  
6 hereby ratify and confirmed.

7 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its  
8 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
9 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

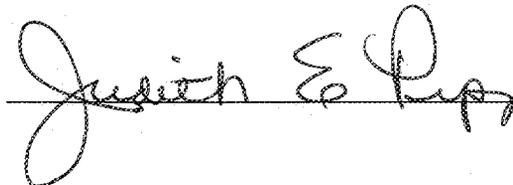
10 Passed by the City Council the 23<sup>rd</sup> day of November, 1998, and signed by me in open  
11 session in authentication of its passage this 23<sup>rd</sup> day of November, 1998.

12   
13 \_\_\_\_\_  
14 President \_\_\_\_\_ of the City Council

14 Approved by me this 2nd day of December, 1998.

15   
16 \_\_\_\_\_  
17 Mayor

18 Filed by me this 2nd day of December, 1998.

19   
20 \_\_\_\_\_  
21 City Clerk

21 (Seal)

1 A. The Commission is authorized to charge the following fees to applicants for review of capital  
2 improvement projects other than City departments' capital improvement projects:

- 3 1. When review is by the entire Commission, Seven Hundred Dollars (\$700.00) per hour;  
4 2. When review is by a committee or subcommittee of the Commission, One Hundred  
5 Dollars (\$100.00) per Commission member participating in the review per hour.

6 B. The Commission in its discretion, with the concurrence of the Budget Director, may waive its  
7 fee under subsection A of this section, in whole or in part, in the following circumstances:

- 8  
9 1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could  
10 cause abandonment for the following types of projects: ((or any portion thereof for review  
11 of))artworks,((;for ))projects funded by grants and donations,((;for ))neighborhood self-help projects  
12 undertaken by volunteers and nonprofit organizations,((;)) and for small capital improvements.  
13 ((-whenever Commission fees, if charged, would be disproportionate to the sums available and could  
14 cause abandonment of the project.))  
15 2. For low-income and special needs housing projects subject to Design Commission review.

16 The Commission may require a deposit of its fee before reviewing a project or giving its advice.

17 C. The Commission shall charge fees for its review of City departments' capital improvement  
18 projects as set forth in subsections A through D of section 22.900D.170.

19 Section 3. The provisions of this ordinance that amend Section 22.900D.D 170, to the extent they  
20 are in conflict with provisions affecting this same section in the ordinance embodied in CB 112365,  
21 shall be considered the later in time and shall take precedence over the earlier provisions.

ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE relating to the Seattle Design Commission; changing the method by which  
3 the Design Commission charges City departments for Commission review of City capital  
4 improvement projects for projects for which billing commences after December 31, 1998;  
5 clarifying the basis for the Commission's fees for reviewing projects other than City  
6 capital improvement projects; and amending sections 22.900D.170 and 3.58.090 of the  
7 Seattle Municipal Code.

8 Whereas, the Seattle Design Commission was established to provide design guidance to City  
9 departments so that capital improvement projects are constructed according to the best possible  
10 design principles; and

11 Whereas, the City is about to embark on significant capital improvement projects such as the libraries to  
12 be built under the recently passed Library Capital Facilities ballot measure; and,

13 Whereas the upcoming completion of 37 neighborhood plans and the increasing funding available  
14 through the Neighborhood Matching Fund will result in significant new investments in large and  
15 small capital improvement projects in Seattle's neighborhoods; and

16 Whereas the existing funding mechanism for the Design Commission has proved to be administratively  
17 cumbersome and often inadequate to cover the costs of the Commission; and

18 Whereas the Mayor desires to provide the Commission with a predictable and adequate funding  
19 mechanism so that it may fulfill its role in public development activities;

20 Whereas the provisions for the Commission's fees charged for other than City capital improvement  
21 projects have been somewhat unclear; NOW, THEREFORE,

22 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

23 Section 1. Section 22.900D.170 of the Seattle Municipal Code is amended as follows:

24 **22.900D.170. Design Commission fees.**

A. City Capital Improvement Projects, as Defined in SMC Section 3.58.020. Design  
Commission fees shall be assessed at a rate of three-tenths of one (0.3) percent of the construction cost  
(~~of~~) for City capital improvement projects for which billing will commence on or before December 31,  
1998, except as specified in subsections B and D of this section. Billing will occur at the time of

1 contract award by the Executive Services Department, who will forward the bills to the Department for  
2 distribution to appropriate City departments. Payment will be made through a fund transfer to the  
3 Department Operating Fund.

4 B. Major City Capital Improvement Projects. Except as specified in subsection D of this  
5 section, Design Commission fees shall be assessed at a rate of up to three-tenths of one (0.3) percent of  
6 the construction cost ((e)) for major City capital improvement projects (greater than Ten Million  
7 Dollars (\$10,000,000) construction budget) for which billing will commence on or before December 31,  
8 1998. The fee shall be set through negotiations with the Budget Director and the Design Commission.  
9 Billing shall occur in accordance with a schedule agreed upon by the Budget Director and the Design  
10 Commission.

11 C. 1. For City capital improvement projects, as defined in section 3.58.020, for which no  
12 billing commenced under subsections A or B on or before December 31, 1998, and that do not fall  
13 within an exception in subsection D of this section, the Budget Director, the Design Commission, and  
14 each affected City department will attempt to agree on that department's projects, that are expected to be  
15 assessed by the Design Commission in the following year. If no agreement is reached by a date  
16 established by the Budget Director, the Budget Director will establish the list of such projects. The  
17 Budget Director may establish the assessable appropriation of a City capital improvement below the  
18 actual appropriation in order that the project not be assessed an unduly high fee relative to the cost of the  
19 anticipated Design Commission review.

20 2. The Budget Director will assess a uniform fee of up to one percent (1%) of the total of  
21 all departments' capital improvement project appropriations for those projects assessable for Design  
22 Commission fees. Such fee shall be set so as to be sufficient, when combined with other funding  
23  
24

1 sources, to support the anticipated costs of the Design Commission for the following year, but in no case  
2 shall the fee exceed one percent (1%).

3 3. The Director of Design, Construction and Land Use shall bill each department in the  
4 amount determined by the Budget Director, and that amount shall be paid by fund transfer to the  
5 Department Operating Fund.

6 4. If a capital improvement project's appropriation has been included in a fee assessed  
7 under this section, but Design Commission review of that project is delayed into a future year, that  
8 appropriation amount shall not be counted again in the calculation of the fee for any future year. If  
9 review of a project on which a fee has been assessed under this subsection C is canceled, or if review  
10 commences on a project that, but for timeliness, would have been included but was not included in the  
11 calculation of a fee under this subsection C, the Budget Director shall adjust the department's total  
12 assessable appropriation downwards or upwards, respectively, when establishing the subsequent year's  
13 fee.

14 ~~((C))~~ D. Special Exceptions. ~~((O))~~ The Commission will bill the following:  
15 hourly rate of One Hundred Dollars (\$100) per hour per Commission member  
16 Seven Hundred Dollars (\$700) per hour for full Commission member  
17 whole or in part, at the discretion of the Commission with the  
18 following circumstances: (( ))

19 1. Whenever Commission fees, if charged, would be disproportionate to the  
20 cause abandonment of the project for the following types of projects:  
21 grants and donations, neighborhood self-help projects undertaken by  
22 organizations, and small capital improvements.

23 2. For low-income and special needs housing projects subject to Design Commission review.  
24

*There are obvious errors on p. 3 line 14 and line 18. Stricken material has been lost. What did original SMC say??*

1           ~~(D-)~~E. Street Use Permit Reviews. Street use permit reviews, which are required before  
2 issuance of a street use permit for improvements within the public right-of-way, will be billed at the  
3 hourly rate of One Hundred Dollars (\$100) per hour per Commissioner for subcommittee review, or  
4 Seven Hundred Dollars (\$700) per hour for full Commission review. Billing will be sent ~~((directly to~~  
5 ~~the applicant))~~ to Seattle Transportation for inclusion into the plan review costs charged to the applicant,  
6 or be billed directly by the Department. For those projects billed through Seattle Transportation,  
7 payment will be made by a fund transfer from the Seattle Transportation Operating Fund to the  
8 Department Operating Fund from funds paid by the applicant.

9           ~~(E-)~~E. Early Master Use Permit Stage or Projects Outside City Contract Process. For design  
10 review at an early Master Use Permit stage or for projects outside The City of Seattle contract award  
11 process, Design Commission fees will be billed by the Department at an hourly rate of One Hundred  
12 Dollars (\$100) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars (\$700)  
13 per hour for full Commission review.

14           Section 2. Section 3.58.090 of the Seattle Municipal Code is amended as follows:

15           **3.58.090 Fees and charges for Design Commission review.**

16           A. The Commission is authorized to charge the following fees to applicants for review of capital  
17 improvement projects other than City departments' capital improvement projects:

- 18                   1. When review is by the entire Commission, Seven Hundred Dollars (\$700.00) per hour;  
19                   2. When review is by a committee or subcommittee of the Commission, One Hundred  
20 Dollars (\$100.00) per Commission member participating in the review per hour.

21           B. The Commission in its discretion, with the concurrence of the Budget Director, may waive its  
22 fee under subsection A of this section, in whole or in part, in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment for the following types of projects: ( )artworks, ( )projects funded by grants and donations. ( )neighborhood self-help project organizations, ( ) and for small capital improvem

2. For low-income and special needs housing projec

The Commission may require a deposit of its fee bef

C. The Commission shall charge fees for its r  
projects as set forth in subsections A through D of sec

Section 3. This ordinance, and the changes it  
construed and given effect in conjunction with any ch

Ordinance \_\_\_\_\_ (Council Bill 112365), and sections and cross-references shall be renumbered to conform to changes made by that other ordinance.

Section 4. Any act consistent with the authority and prior to the effective date of the ordinance is hereby ratify and confirmed.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1998, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

*Again - The pre-existing SMC text should be shown, not deleted. Never use Revisions in word to amend Ord // SMC...*

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Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
Mayor

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

(Seal)

STATE OF WASHINGTON - KING COUNTY

100350  
City of Seattle, City Clerk

—ss.

No.

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 119274/FULL

was published on

12/18/98

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

*H. Patterson*

Subscribed and sworn to before me on

12/18/98

*[Signature]*

Notary Public for the State of Washington,  
residing in Seattle

LAUREN O GISTE  
Personal Representative  
Address: 8608 - 250th Ave.  
Dunwoody, WA 98053  
DONALD A DAWSON  
WSBA #4346, Attorney for the  
Personal Representative, 15950  
N. E. 83rd Way, Redmond  
Washington 98052-3892 (425)  
886-1196  
12/18(99962)

not presented within this time  
frame, the claim will be forever  
barred, except as otherwise pro-  
vided in Section 11 of this act  
and RCW 11.40.060. This bar is  
effective as to claims against  
both the decedent's probate and  
nonprobate assets.  
Date of first publication: De-  
cember 4, 1998.

## City of Seattle

ORDINANCE NO. 118274

AN ORDINANCE relating to the Seattle Design Commission, changing the method by which the Design Commission charges City departments for Commission review of City capital improvement projects for projects for which billing commences after December 31, 1998, clarifying the basis for the Commission's fees for reviewing projects other than City capital improvement projects; and amending sections 22.900D.170 and 2.58.090 of the Seattle Municipal Code.

Whereas, the Seattle Design Commission was established to provide design guidance to City departments so that capital improvement projects are constructed according to the best possible design principles; and

Whereas, the City is about to embark on significant capital improvement projects such as the libraries to be built under the recently passed Library Capital Facilities ballot measure; and

Whereas, the upcoming completion of 37 neighborhood plans and the increasing funding available through the Neighborhood Matching Fund will result in significant new investments in large and small capital improvement projects in Seattle's neighborhoods; and

Whereas, the existing funding mechanism for the Design Commission has proved to be administratively cumbersome and often inadequate to cover the costs of the Commission; and

Whereas, the Mayor desires to provide the Commission with a predictable and adequate funding mechanism so that it may fulfill its role in public development activities;

Whereas, the provisions for the Commission's fees charged for other than City capital improvement projects have been somewhat unclear, NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.900D.170 of the Seattle Municipal Code is amended as follows:

22.900D.170. DESIGN COMMISSION FEES.

A. City Capital Improvement Projects, as defined in SMC Section 2.58.020. Design Commission fees shall be assessed at a rate of three-tenths of one (0.3) percent of the construction cost (not) for City capital improvement projects for which billing will commence on or before December 31, 1998, except as specified in subsections B and D of this section. Billing will occur at the time of contract award by the Executive Services Department, who will forward the bills to the Department for distribution to appropriate City departments. Payment will be made through a fund-tray of the

hour per Commissioner for subcommittee review, or Seven Hundred Dollars (\$700) per hour for full Commission review. Billing will be sent (directly to the applicant) to Seattle Transportation for inclusion into the plan review costs charged to the applicant, or be billed directly by the Department. For those projects billed through Seattle Transportation, payment will be made by a fund transfer from the Seattle Transportation Operating Fund to the Department Operating Fund from funds paid by the applicant.

(E.) 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) per hour per Commissioner for subcommittee review, or Seven Hundred Dollars (\$700) per hour for full Commission review.

Section 2. Section 2.58.090 of the Seattle Municipal Code is amended as follows:

2.58.090 FEES AND CHARGES FOR DESIGN COMMISSION REVIEW

A. The Commission is authorized to charge the following fees to applicants for review of capital improvement projects other than City departments' capital improvement projects:

1. When review is by the entire Commission, Seven Hundred Dollars (\$700.00) per hour.

2. When review is by a committee or subcommittee of the Commission, One Hundred Dollars (\$100.00) per Commission member participating in the review per hour.

B. The Commission in its discretion, with the concurrence of the Budget Director, may waive its fee under subsection A of this section, in whole or in part, in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment for the following types of projects: (a) for any portion thereof for review of art works; (b) for projects funded by grants and donations; (c) for neighborhood self-help projects undertaken by volunteers and nonprofit organizations; (d) and for small capital improvements (whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment of the project.)

2. For low-income and special needs housing projects subject to Design Commission review. The Commission may require a deposit of its fee before reviewing a project or giving its advice.

C. The Commission shall charge fees for its review of City departments' capital improvement projects as set forth in subsections A through D of Section 22.900D.170.

Section 3. The provisions of this ordinance that amend Section 22.900D.170, to the extent they are in conflict with provisions affecting this same section in the ordinance embodied in CB 112365, shall be considered the later in time and shall take precedence over the earlier provisions.

(This ordinance, amending Section 22.900D.170 of the Seattle Municipal Code, and the changes it makes to the Seattle Municipal Code, shall be construed and given effect in conjunction with any changes made to the same section or sections by Ordinance (Council Bill 112365), and sections and cross references shall be renumbered to conform to changes made by that other ordinance.)

Section 4. Any act consistent with the authority and prior to the effective date of the ordinance is hereby ratified and confirmed.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 23rd day of November, 1998, and signed by me in open session in authentication of its passage this 23rd day of November, 1998.

SUE DONALDSON, President of the City Council.

Approved by me this 2nd day of December, 1998.

PAUL SCHELL,

Mayor.

Filed by me this 2nd day of December, 1998.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN,

City Clerk.

(Boldface denotes deletion)

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