

#6
CB 117503

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SDOT Term Permit ORD
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CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 117503

AN ORDINANCE relating to skybridge and other significant structure term permits; amending portions of the Seattle Municipal Code including Section 15.04.074, Sections of Chapter 15.64; adding Sections 15.64.081, 15.64.082, 15.64.083, 15.64.084, 15.64.085, 15.64.086, 15.64.087, and 15.64.110; and adding a new Chapter 15.65.

WHEREAS, Section 15.64.010 of the Seattle Municipal Code (SMC) directs the City Council to limit the proliferation and adverse effects of skybridges; and

WHEREAS, SMC Title 15 and Chapter 15.64 do not address the permit application process and requirements for when an existing skybridge term permit is due for renewal or the term (including any renewals) will soon expire; and

WHEREAS, SMC Title 15 does not have a chapter that details the process and requirements for applying for other types of significant structure term permits; and

WHEREAS, the Director of Transportation has prepared and recommended the following amendments be made to SMC Title 15; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.04.074 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.04.074 Permit – Fees

A. From time to time the Director of Transportation shall prepare and recommend for adoption by the City Council a schedule of fees applicable to all permits for public places under the jurisdiction of the Department of Transportation. The Director of the Office of Economic Development shall prepare and recommend for adoption by the City Council a schedule of fees applicable to master filming permits. The Superintendent shall prepare and recommend a



1 schedule of fees applicable to permits for use of public places under the jurisdiction of the
2 Department of Parks and Recreation, and the Director of the Department of Planning and
3 Development shall recommend a schedule of fees applicable to permits required by Section
4 15.44.020. The fee schedule, when adopted by ordinance, shall govern the fee for permits issued.
5 The permit fee shall be commensurate with the cost of administering, inspecting, and policing
6 involved in issuing and continuing the permits and with the use and occupation granted by the
7 permits. Fees for using or occupying the public place may take into consideration the
8 undesirability of the use or occupation relative to the rights of the public, such as the City policy
9 of discouraging pedestrian skybridges and other encroachments inconsistent with the public right
10 of access, including access to the shorelines or other public places, and shall be included in the
11 schedule of fees for use of public places under the jurisdiction of the Department of
12 Transportation. Fees for use of park drives and boulevards may take into consideration City
13 policy of discouraging encroachments inconsistent with their park-like character and may be
14 included in the schedule of fees for use of facilities of the Department of Parks and Recreation.
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19 Section 2. The title of Chapter 15.64 of the Seattle Municipal Code is amended as
20 follows:

21 **15.64 Skybridge Term Permits**

22 Section 3. Section 15.64.010 of the Seattle Municipal Code, last amended by Ordinance
23 117569, is amended as follows:

24 **15.64.010 Purpose and intent statement((=))**
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1 A. The purpose of ~~((this chapter))~~ Chapter 15.64 is to establish the procedures and criteria
2 for the administration and approval of applications ~~((for permission))~~ related to pedestrian
3 skybridges that encroach over and above a public place within the City of Seattle, including
4 permission to:

5
6 1. construct, maintain, and operate new pedestrian skybridges ~~((over and across~~
7 ~~streets, alleys and other public places within The City of Seattle))~~;

8
9 2. maintain and operate existing pedestrian skybridges that are due for term
10 renewal; and

11
12 3. maintain and operate existing pedestrian skybridges upon expiration of the term
13 of the permission (including any authorized renewals).

14
15 B. It is the intent of the City Council to limit the proliferation and adverse effects of
16 skybridges. ~~((It is intended that proposed))~~ Council will consider requests for new skybridges
17 ~~((shall be reviewed))~~, and the repermitting of existing skybridges upon expiration of the term of
18 the permission, with regard to how well they serve the public interest and their relationship to the
19 cityscape. The provisions of ~~((this chapter))~~ Chapter 15.64 shall be liberally construed in
20 carrying out the intent of the Council.

21
22
23 C. Chapter 15.64 does not apply to pedestrian skybridge projects that are owned by
24 public entities, have approval from the Director of Transportation, and are authorized by City
25 Council by a separate ordinance to construct in the public place.



1 D. Chapter 15.64 does not apply to pedestrian skybridge projects authorized by City
2 ordinance and administered by the Director of Transportation.

3 Section 3. Section 15.64.020 of the Seattle Municipal Code, last amended by Ordinance
4 110422, is amended as follows:

5 **15.64.020 ((Petition))Council petition for skybridge term permit((-))**

6 Any owner of an interest in real property abutting any~~((street, alley or other))~~ public
7 place, ~~((as defined in Section 15.02.030 of the Seattle Municipal Code,))~~ or any public entity or
8 utility, who desires to construct a new pedestrian skybridge, or obtain a new term permit for an
9 existing pedestrian skybridge upon expiration of the term of the permission (including any
10 authorized renewals), over and above ~~((the street, alley or other))~~ a public place, shall petition the
11 City Council to grant a ~~((special permit))~~ term permit ordinance for construction, maintenance,
12 and operation of a new pedestrian skybridge or continuing maintenance and operation of an
13 existing skybridge upon term expiration. The petition shall be filed with the City Clerk.

14 Section 4. Section 15.64.026 of the Seattle Municipal Code, last amended by Ordinance
15 120372, is amended as follows:

16 **15.64.026 Skybridges prohibited on Downtown view corridors((-))**

17 ~~((No))~~ A skybridge term permit ((may)) shall not be approved for any skybridge that is
18 proposed to be built or is existing over a street that is designated as a Downtown view corridor
19 on the Downtown View Corridor Map adopted by Resolution 30297~~((, which map is~~
20 ~~incorporated by reference herein))~~ as amended by subsequent resolutions or ordinances.



1 Section 5. Section 15.64.030 of the Seattle Municipal Code, last amended by Ordinance
2 118369, is amended as follows:

3 **15.64.030 Director's recommendation((:))**
4

5 The City Council shall refer each ~~((application))~~ petition for a skybridge permit as set
6 forth in Section 15.64.020 to the Director of Transportation for a recommendation. ~~((Thereafter,~~
7 ~~the))~~ The Director and the City Council shall follow the procedures set forth in ~~((SMC Sections~~
8 ~~15.64.040, et seq., of this chapter))~~ Chapter 15.64.
9

10
11 Section 6. Section 15.64.040 of the Seattle Municipal Code, last amended by Ordinance
12 118409, is amended as follows:

13 **15.64.040 Preliminary application for a new skybridge((:))**
14

15 At the time of filing the ~~((application))~~ petition for a proposed new skybridge to City
16 Council, the applicant shall also submit an application to the Director of Transportation on a
17 form supplied by ~~((such))~~ the official, including the following:
18

19 A. Conceptual drawings of the proposed skybridge, ~~((which shall include))~~ including its
20 location, size, height above ground surface, and cost estimate;
21

22 B. Conceptual drawings of alternatives to the skybridge, with cost estimates;
23

24 C. Drawings of the proposed skybridge showing its visual appearance;
25

26 D. Photographs of the location and immediately surrounding area;
27



1 E. ~~((An))~~ A copy of the environmental checklist or determination of exemption as
2 ~~((defined by WAC 197 11 742 and WAC 197 11 960 and adopted by SMC))~~ required by
3 Sections 25.05.315 and 25.05.960;

4
5 F. A statement of the reasons for the necessity of the proposed skybridge and intended
6 use, including whether the skybridge is intended for general public use or more limited private
7 use;

8
9 G. A proposal of conceptual public benefit mitigation elements;

10
11 H. A monetary deposit to cover the City's administrative expenses as required in Section
12 15.04.040;

13
14 I. Pedestrian and traffic studies of the proposed skybridge vicinity, including traffic
15 volumes, incidences of accidents, changes in pedestrian and vehicle activity over time, and other
16 pertinent information; and

17
18 ~~((G))~~J. Any additional information deemed necessary for processing the application.

19
20 Section 7. Section 15.64.050 of the Seattle Municipal Code, last amended by Ordinance
21 118409, is amended as follows:

22
23 **15.64.050 Circulation of preliminary application for a new skybridge((+))**

24
25 A. The Director of Transportation shall circulate the preliminary application ~~((and~~
26 ~~conceptual))~~ for a new skybridge, along with the supporting materials, to ((the Seattle Design
27



1 ~~Commission,~~) the various interested City departments(~~(s)~~) and to public and private utilities
2 affected by the proposed skybridge for review, comment, and recommendation. The Director of
3 Transportation may request further review and recommendation be provided by an inter-
4 departmental team to address the elements in subsection 15.64.050.C.

5
6 B. The applicant shall present the proposed conceptual new skybridge and public benefit
7 mitigation elements to the Seattle Design Commission. The Seattle Design Commission shall
8 provide their recommendation on the proposed new skybridge and public benefit mitigation
9 elements to the Director of Transportation.

10
11 C. In making the recommendation to City Council on an application for the proposed
12 skybridge as detailed in Section 15.64.040, the following elements shall be considered by the
13 Director of Transportation:

- 14
15 1. ~~((That))~~ Adequacy of horizontal and vertical clearance ((is adequate));
16
17 2. ~~((That structural adequacy is insured;~~
18
19 3. ~~Potential conflict with existing or proposed utilities, street lighting or traffic~~
20 ~~control devices;~~
21
22 4.)) View blockage;
23
24 ~~((5))~~ 3. Interruption or interference with existing streetscape or other street
25 amenities;
26
27



1 ((6))4. ~~((Reduction))~~ Impacts due to reduction of natural light;

2 ((7))5. Reduction of and effect on pedestrian activity at street level;

3
4 ((8. The number))6. Number of pedestrians projected to use the ~~((skybridges))~~
5 skybridge;

6
7 ((9))7. Effect on commerce and enjoyment of neighboring land ~~((use))~~ uses;

8
9 ((10))8. Availability of reasonable alternatives;

10
11 ((11))9. Effect on traffic and pedestrian safety; ~~((and))~~

12
13 ((12))10. Accessibility for the elderly and handicapped~~((:))~~; and

14
15 11. The public benefit mitigation elements provided by the proposal.

16 Section 8. Section 15.64.060 of the Seattle Municipal Code, last amended by Ordinance
17 118409, is amended as follows:

18
19 **15.64.060 Preliminary conceptual approval for a new skybridge**~~((:))~~

20
21 The Director of Transportation shall compile the comments and recommendations of the
22 Seattle Design Commission, ~~((the various))~~ any City departments~~((, Executive Department~~
23 ~~offices))~~, and utilities and submit them, along with the preliminary application, conceptual
24 drawings, and required environmental documents, and with the Director's recommendation to
25



1 approve, deny, or modify the application, to the City Council or a committee thereof, for
2 conceptual approval of the proposed new skybridge.

3
4 Section 9. Section 15.64.065 of the Seattle Municipal Code, last amended by Ordinance
5 118369, is amended as follows:

6 **15.64.065 Council conceptual approval for a new skybridge((:-))**

7
8 A. The City Council or a committee thereof shall consider the recommendation of the
9 Director of Transportation and shall include in its consideration those elements set out in ((SMC
10 ~~Section 15.64.050 B~~)) subsection 15.64.050.C. Upon completion of consideration of the
11 recommendation of the Director of Transportation, the City Council shall by resolution approve,
12 deny, or approve with requirements or conditions, the application for conceptual approval of the
13 proposed new skybridge.
14

15
16 B. The City Council shall not grant conceptual approval to construct, maintain, and
17 operate a proposed new skybridge unless it finds that the skybridge is in the public interest and
18 no reasonable alternative to the skybridge exists.

19
20 C. No Master Use Permit decision under Chapter 23.76 ((~~of the Seattle Municipal Code~~))
21 shall be ((~~issued~~)) published for a development that includes a proposal for a skybridge or
22 skybridges until the City Council has granted conceptual approval for all proposed skybridges
23 included in the proposed development.
24

25 Section 10. Section 15.64.070 of the Seattle Municipal Code, last amended by Ordinance
26 121276, is amended as follows:
27



1 **15.64.070 Submission of construction plans((~~;~~))**

2 If conceptual approval of the preliminary application for the proposed new skybridge is
3 obtained from the City Council, the applicant shall submit construction plans to the Director of
4 Transportation((~~;~~)) and the Director of the Department of Planning and Development((~~;~~ and the
5 ~~Seattle Design Commission;~~)) for their final review and recommendation to the City Council. As
6 part of the final review, the Directors shall review the structural adequacy and potential conflict
7 with existing or proposed utilities, street lighting, traffic control devices, or other upcoming
8 transportation projects.

9
10
11 Section 11. Section 15.64.080 of the Seattle Municipal Code, last amended by Ordinance
12 118409, is amended as follows:

13
14 **15.64.080 Council ((~~consideration of petition.~~)) final approval of a new skybridge**

15
16 A. The Director of Transportation shall determine if the construction plans are in
17 substantial conformance with the application ((~~which~~)) for the proposed new skybridge that was
18 given preliminary conceptual approval, including any requirements or conditions imposed by the
19 Council, including requirements for public benefit mitigation elements.

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



1 C. Approval of ~~((a petition))~~ an application for a skybridge and permit shall be granted
2 only by ordinance.

3 Section 12. A new Section 15.64.081 is added to the Seattle Municipal Code to read as
4 follows:
5

6 **15.64.081 Skybridge term permit renewal**
7

8 A permittee of a skybridge shall apply to the Director of Transportation for a skybridge
9 term permit renewal only if the authorizing skybridge term permit ordinance allows for permit
10 renewal within the maximum term of the permit. Applications for skybridge term permit
11 renewals shall be submitted before the existing term expires, by a date defined in the authorizing
12 ordinance, and include the submittals detailed in Section 15.64.082. After considering and
13 reviewing the renewal application, the Director of Transportation may administratively renew the
14 permit, provided that no terms or conditions of the authorizing ordinance require amendment and
15 that the total term of the permission as granted and extended does not exceed the maximum term
16 of the authorizing ordinance.
17
18

19 Section 13. A new Section 15.64.082 is added to the Seattle Municipal Code to read as
20 follows:
21

22 **15.64.082 Application for skybridge term permit renewal**
23
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1 At the time of filing the application for a skybridge term permit renewal on a form
2 supplied by the official, the permittee shall also submit to the Director of Transportation the
3 following:

4
5 A. Drawings of the existing skybridge, including its location, size, and height
6 above ground surface;

7
8 B. Photographs of the existing skybridge and immediately surrounding area;

9
10 C. A statement of the reasons for the necessity of the existing skybridge and its
11 current use;

12
13 D. A monetary deposit to cover the City's administrative expenses as required in
14 Section 15.04.040; and

15
16 E. Any additional information deemed necessary for processing the application.

17
18 Section 14. A new Section 15.64.083 of the Seattle Municipal Code is added to the
19 Seattle Municipal Code to read as follows:

20 **15.64.083 Skybridge term permit renewal amendments**

21
22 If the Director of Transportation determines at term renewal that the authorizing
23 ordinance requires an amendment, the Director shall provide a recommendation to City Council
24 as to whether an application for a skybridge term permit renewal should be granted or denied
25 with the appropriate terms and conditions, and the Council shall decide on the renewal and
26



1 establish the terms and conditions of that renewal consistent with Section 15.64.090. Approval
2 of an amended term renewal for a skybridge term permit shall be granted only by ordinance.

3
4 Section 15. A new Section 15.64.084 of the Seattle Municipal Code is added to the
5 Seattle Municipal Code to read as follows:

6
7 **15.64.084 Skybridge repermitting at term expiration**

8
9 A. After all authorized term permit renewals have been granted under the authorizing
10 skybridge term permit, any owner of an interest in real property abutting a public place, or any
11 public entity or utility, who desires to continue to maintain and operate an existing skybridge
12 over and above a public place upon expiration of the term of the permission (including any
13 authorized renewals) shall petition City Council as detailed in Section 15.64.020 and apply to the
14 Director of Transportation for a new skybridge term permit. Applications for skybridge term
15 permit repermitting shall be submitted before the existing term expires, by a date defined in the
16 authorizing ordinance, and include the submittals detailed in Section 15.64.085.

17
18 B. All skybridge applications for repermitting at term expiration shall be reviewed and
19 considered as if they are new skybridge term permit applications and shall be subject to
20 additional reviews, as required in this Chapter 15.64, than were required at term permit renewal.

21
22 Section 16. A new Section 15.64.085 is added to the Seattle Municipal Code to read as
23 follows:

24
25
26 **15.64.085 Application for skybridge repermitting at term expiration**



1 At the time of filing the petition to City Council continue to maintain and operate an
2 existing skybridge upon expiration of the term of the permission (including any authorized
3 renewals), the permittee shall also submit an application to the Director of Transportation on a
4 form supplied by the official, including the following:

5
6 A. Drawings of the existing skybridge, including its location, size, and height above
7 ground surface;

8
9 B. Photographs of the existing skybridge and immediately surrounding area;

10
11 C. A statement of the reasons for the necessity of the existing skybridge and its current
12 use;

13
14 D. A monetary deposit to cover the City's administrative expenses as required in Section
15 15.04.040;

16
17 E. Pedestrian and traffic studies of the skybridge vicinity, including traffic volumes,
18 incidences of accidents, changes in pedestrian and vehicle activity over time, and other pertinent
19 information;

20
21 F. A proposal of conceptual public benefit mitigation elements, or changes to the existing
22 public benefit mitigation elements; and

23
24 G. Any additional information deemed necessary for processing the application.
25
26
27



1 Section 16. A new Section 15.64.086 is added to the Seattle Municipal Code to read as
2 follows:

3 **15.64.086 Circulation of application to repermit an existing skybridge upon term**
4 **expiration**

5
6 A. The Director of Transportation shall circulate the application to continue to maintain
7 and operate an existing skybridge upon expiration of the term of the permission (including any
8 authorized renewals), along with the supporting materials, to the various interested City
9 departments and to public and private utilities affected by the existing skybridge for review,
10 comment, and recommendation. The Director of Transportation may request further review and
11 recommendation be provided by an inter-departmental team to address the elements in
12 subsection 15.64.086.C.
13
14

15
16 B. The applicant shall present the skybridge and proposed conceptual public benefit
17 mitigation elements to the Seattle Design Commission. The Seattle Design Commission shall
18 provide their recommendation on the skybridge and public benefit mitigation elements to the
19 Director of Transportation.
20

21 C. In making the recommendation to City Council on an application to continue to
22 maintain and operate the existing skybridge upon term expiration as detailed in Section
23 15.64.085, the following elements shall be considered by the Director of Transportation:
24

- 25 1. Adequacy of horizontal and vertical clearance;
26
27

1 2. Any known conflicts with existing or proposed utilities, street lighting, traffic
2 control devices, or other upcoming transportation projects;

3 3. View blockage;

4 4. Interruption or interference with existing streetscape or other street amenities;

5 5. Impacts due to reduction of natural light;

6 6. Reduction of and effect on pedestrian activity at street level;

7 7. Number of pedestrians that currently use the skybridge;

8 8. Effect on commerce and enjoyment of neighboring land uses;

9 9. Availability of reasonable alternatives;

10 10. Changed conditions in the vicinity since original installation;

11 11. Effect on traffic and pedestrian safety;

12 12. Accessibility for the elderly and handicapped; and

13 13. The public benefit mitigation elements, or changes to the existing public
14 benefit mitigation elements, provided by the proposal.

15 Section 17. A new Section 15.64.087 is added to the Seattle Municipal Code to read as
16 follows:



1 **15.64.087 Council final approval of skybridge repermit at term expiration**

2 A. Upon completion of final review of an application to continue to maintain and operate
3 an existing skybridge upon expiration of the term of the permission (including any authorized
4 renewals), the Director of Transportation shall transmit a final recommendation to the City
5 Council for its decision to grant or deny the application for a term permit to continue to maintain
6 and operate an existing skybridge. The Council shall include in its consideration those elements
7 set out in Section 15.64.086.C. The City Council shall not approve an application to continue to
8 maintain and operate an existing skybridge upon term expiration unless it finds that continued
9 maintenance and operation of the skybridge is in the public interest and no reasonable alternative
10 to the skybridge exists.
11

12
13 B. Approval of an application for a skybridge and permit shall be granted only by
14 ordinance.
15

16
17 Section 18. Section 15.64.090 of the Seattle Municipal Code, last amended by Ordinance
18 121855, is amended as follows:

19
20 **15.64.090 Conditions imposed on grant of skybridge term permit((-))**

21 A. The City Council may impose ((such)) terms and conditions as it deems necessary
22 upon the grant of permission to construct, maintain, and operate a skybridge, or upon the grant of
23 permission to continue to maintain and operate an existing skybridge upon term expiration, or
24 upon a skybridge term permit renewal amendment, which terms and conditions may include, but
25 shall not be limited to: the term of years ((for which)) that permission is granted and renewal
26
27



1 periods, if any; provision for regular ((City)) inspection of and procedures for closure or removal
2 of the skybridge; requirements for performance bonds, public liability insurance,
3 indemnification, conformance with other laws, and annual fees; prohibition against assignment
4 without City consent; a requirement for execution and recording of a covenant ensuring that
5 obligations and conditions imposed on the permittee run with the land, where applicable; public
6 benefit mitigation elements; and timely acceptance of permission.

7
8 B. Every term permit ordinance approving a skybridge shall provide that the permission
9 granted is subject to ((the primary)) use ((by the City)) of the ((street, alley or other)) public
10 place by the City and the public for ((public)) travel, utility purposes, and other ((street)) public
11 uses or benefits, and that the City of Seattle expressly reserves the right to require the permittee
12 to remove the skybridge at ((its)) the permittee's sole cost and expense in ((ease the street, alley,
13 or other public place is needed for such)) the event that one or more of the following occurs:

14
15
16 1. the City Council determines by ordinance that the space occupied by the
17 skybridge is necessary for any public use or benefit; or

18
19 2. the City Council determines that the skybridge interferes with any public use or
20 benefit; or

21
22 3. the Director of Transportation determines that use of the skybridge has been
23 abandoned; or

24
25 4. ((if)) the ((skybridge interferes with such public use; and that a determination
26 by the City Council by ordinance that the space occupied by the skybridge is needed for or



1 ~~interferes with such public use))~~ Director of Transportation determines that any term or condition
2 of the authorizing ordinance has been violated and the violation has not been corrected by the
3 permittee by the compliance date after written request by the City of Seattle to correct the
4 violation, unless a notice to correct is not required due to an immediate threat to the health or
5 safety of the public.

6
7 C. A City Council determination that the space is needed for, or the skybridge interferes
8 with, a public use or benefit shall be final and conclusive without any right of the permittee to
9 resort to the courts to ((question the same)) adjudicate the matter.

10
11 Section 19. Section 15.64.100 of the Seattle Municipal Code, last amended by Ordinance
12 117569, is amended as follows:

13
14 **15.64.100 Inspection((§)) and maintenance((-))**

15
16 Skybridges are subject to Chapter 15.76 unless the ((franchise or)) authorizing ordinance
17 specifically states otherwise or provides an alternate provision for inspection and protection of
18 the public with the City's costs reimbursed from the permittee.

19
20 Section 20. A new Section 15.64.110 is added to the Seattle Municipal Code to read as
21 follows:

22
23 **15.64.110 Director's rules**



1 The Director of Transportation may promulgate rules to implement this Chapter 15.64.
2 The rules may address the subjects identified in this Chapter 15.64 and other subjects the
3 Director believes may aid in the implementation of this Chapter 15.64.

4
5 Section 21. A new Chapter 15.65 is added to the Seattle Municipal Code to read as
6 follows:

7
8 **Chapter 15.65 Significant structure term permits**

9
10 **15.65.010 Purpose and intent statement**

11 A. The purpose of Chapter 15.65 is to establish the procedures and criteria for the
12 administration and approval of applications for permission to: construct, maintain, and operate
13 significant structures; maintain and operate existing significant structures that are due for term
14 renewal; maintain and operate existing significant structures upon expiration of the term of the
15 permission (including any authorized renewals); that encroach over, above, across, on, or under a
16 public place within the City of Seattle under the jurisdiction of the Department of Transportation.
17

18
19 **B. Significant structures.**

20
21 1. Subject to the exceptions set forth in subsection 15.65.010.B.2, significant
22 structures are structures that have a long anticipated duration of encroachment, impede the City's
23 or public's flexibility in the use of the public place, or are necessary for the functioning of other
24 property of the permittee. Significant structures include, but are not limited to: (a) pedestrian,
25 vehicle, or utility tunnels; (b) pipelines or steam mains not under a franchise agreement; (c)
26



1 vehicle ramps or bridges; (d) privately-maintained public plazas or artwork; (e) at-grade building
2 structures and associated restricted-public-access areas; (f) overhead building structures that
3 exceed the requirements of Section 23.53.035; (g) at-grade and below-grade utility building
4 structures and associated restricted-public-access areas, such as pump or lift stations, stormwater
5 pump systems, D-C substations, or storage facilities; (h) private sewage or stormwater facilities;
6 (i) structures appurtenant to and necessary for the functioning of buildings or development on
7 particular properties adjacent to the public place; or (j) other structures that may necessitate
8 conceptual approval from the City Council.
9

10
11 2. Significant structures do not include:

12 a. Structures that are owned by public entities, have approval from the
13 Director of Transportation, and are authorized by City Council by a separate ordinance to
14 construct in the public place;
15

16 b. Utility collection or distribution pipes or lines or associated minor
17 structures such as vaults or manholes; or
18

19 c. Pedestrian skybridges. Procedures for administering skybridge term
20 permits are described in Chapter 15.64.
21

22 C. The Superintendent of Parks may apply the procedures and criteria of Chapter 15.65
23 to applications for permission for significant structures encroaching over, above, across, on, or
24 under public places that are under the jurisdiction of the Department of Parks and Recreation.
25
26



1 D. Chapter 15.65 does not apply to street work or improvements authorized by ordinance
2 and administered by the Director of Transportation.

3
4 E. It is intended that proposed significant structure term permits shall be reviewed with
5 regard to how well they serve the public interest and their relationship to the cityscape. The
6 provisions of Chapter 15.65 shall be liberally construed in carrying out the intent of the Council.

7
8 **15.65.030 Preliminary application for a new significant structure**

9
10 Any owner of an interest in real property abutting a public place, or any public entity or
11 utility, who desires to construct a new significant structure over, above, across, on, or under a
12 public place, shall apply to the Director of Transportation for a significant structure term permit.
13 The applicant shall submit an application to the Director of Transportation on a form supplied by
14 the official, including the following:

15
16 A. Conceptual drawings of the proposed structure, including its location, size, height
17 above or depth from ground surface, and cost estimate;

18
19 B. Drawings of the proposed structure showing its visual appearance;

20
21 C. Photographs of the location and immediately surrounding area;

22
23 D. A copy of the environmental checklist or determination of exemption as required by
24 Sections 25.05.315 and 25.05.960;

25
26 E. A statement of the reasons for the necessity of the proposed structure and intended use;



1 F. A monetary deposit to cover the City's administrative expenses as required in Section
2 15.04.040;

3 G. A proposal of conceptual public benefit mitigation elements, to the extent required
4 based on the nature of the structure; and
5

6 H. Any additional information deemed necessary for processing the application.
7

8 **15.65.040 Circulation of preliminary application for a new significant structure**
9

10 A. The Director of Transportation shall circulate the preliminary application for a new
11 significant structure, along with the supporting materials, to the various interested City
12 departments and to public and private utilities affected by the proposed structure for review,
13 comment, and recommendation. The Director of Transportation may request further review and
14 recommendation be provided by an inter-departmental team to address the elements in
15 subsection 15.65.040.C.
16

17
18 B. If the proposed significant structure is at or above-grade, or is a below-grade structure
19 that is regularly visible to the public, the applicant shall present the proposed conceptual new
20 structure to the Seattle Design Commission as required by Chapter 3.58. The Seattle Design
21 Commission shall provide their recommendation on the proposal to the Director of
22 Transportation and may recommend additional public benefit mitigation elements.
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1 C. In making the recommendation to City Council on an application for a proposed new
2 significant structure as detailed in Section 15.65.030, the following elements shall be considered
3 by the Director of Transportation:

- 4 1. Adequacy of horizontal, vertical, and other clearances;
- 5
- 6 2. View blockage and impacts due to reduction of natural light;
- 7
- 8 3. Construction review is at 60% conceptual approval;
- 9
- 10 4. Interruption or interference with existing streetscape or other street amenities;
- 11
- 12 5. Effect on pedestrian activity;
- 13
- 14 6. Effect on commerce and enjoyment of neighboring land uses;
- 15
- 16 7. Availability of reasonable alternatives;
- 17
- 18 8. Effect on traffic and pedestrian safety;
- 19
- 20 9. Accessibility for the elderly and handicapped; and
- 21 10. The public benefit mitigation elements provided by the proposal, to the extent
22 required based on the nature of the structure.

23
24 **15.65.050 Preliminary conceptual approval for a new significant structure**

1 The Director of Transportation shall compile the comments and recommendations of the
2 Seattle Design Commission, any City departments, and utilities and submit them, along with the
3 preliminary application, conceptual drawings, and required environmental documents, and with
4 the Director's recommendation to approve, deny, or modify the application, to the City Council
5 or a committee thereof, for conceptual approval of the proposed new significant structure.
6

7 **15.65.055 Council conceptual approval for a new significant structure**

8 A. The City Council or a committee thereof shall consider the recommendation of the
9 Director of Transportation and shall include in its consideration those elements set out in
10 subsection 15.65.040.C. Upon completion of consideration of the recommendation of the
11 Director of Transportation, the City Council shall by resolution approve, deny, or approve with
12 requirements or conditions, the application for conceptual approval of the proposed new
13 significant structure.
14

15
16 B. The City Council shall not grant conceptual approval to construct, maintain, and
17 operate a proposed new significant structure unless it finds that the structure is in the public
18 interest and no reasonable alternative to the structure exists.
19

20 C. No Master Use Permit decision under Chapter 23.76 shall be published for a
21 development that includes a proposal for a significant structure in a public place until the City
22 Council has granted conceptual approval for all such structures included in the proposed
23 development.
24

25
26 **15.65.060 Submission of construction plans**



1 If conceptual approval of the preliminary application for the proposed new significant
2 structure is obtained from the City Council, the applicant shall submit final construction plans to
3 the Director of Transportation and the Director of the Department of Planning and Development
4 for their final review and recommendation to the City Council. As part of the final review, the
5 Directors shall review the structural adequacy and potential conflict with existing or proposed
6 utilities, street lighting, traffic control devices, or other upcoming transportation projects.
7

8 **15.65.070 Council final approval of a new significant structure**
9

10 A. The Director of Transportation shall determine if the construction plans are in
11 substantial conformance with the application for the proposed new significant structure that was
12 given preliminary conceptual approval, including any requirements or conditions imposed by the
13 Council, including requirements for public benefit mitigation elements.
14

15 B. Upon completion of final review of the construction plans, the Director of
16 Transportation shall transmit a final recommendation to the City Council for its decision to grant
17 or deny the application for a proposed new structure permit.
18

19 C. Approval of an application for a significant structure and permit shall be granted only
20 by ordinance.
21

22 **15.65.071 Significant structure term permit renewal**
23

24 A permittee of a significant structure shall apply to the Director of Transportation for a
25 significant structure term permit renewal only if the authorizing structure term permit ordinance
26



1 allows for permit renewal within the maximum term of the permit. Applications for structure
2 term permit renewals shall be submitted before the existing term expires, by a date defined in the
3 authorizing ordinance, and include the submittals detailed in Section 15.65.072. After
4 considering and reviewing the renewal application, the Director of Transportation may
5 administratively renew the permit, provided that no terms or conditions of the authorizing
6 ordinance require amendment and that the total term of the permission as granted and extended
7 does not exceed the maximum term of the authorizing ordinance.
8

9 **15.65.072 Application for significant structure term permit renewal**
10

11 At the time of filing the application for an existing significant structure term permit
12 renewal on a form supplied by the official, the permittee shall also submit to the Director of
13 Transportation the following:
14

15 A. Drawings of the existing structure, including its location, size, and height above or
16 depth from ground surface;
17

18 B. Photographs of the existing structure and immediately surrounding area;
19

20 C. A statement of the reasons for the necessity of the existing structure and its current
21 use;
22

23 D. A monetary deposit to cover the City's administrative expenses as required in Section
24 15.04.040; and
25

26 E. Any additional information deemed necessary for processing the application.
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11 **15.65.073 Significant structure term permit renewal amendments**

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If the Director of Transportation determines at term renewal that the authorizing ordinance requires an amendment, the Director shall provide a recommendation to City Council as to whether an application for a significant structure term permit renewal should be granted or denied with the appropriate terms and conditions, and the Council shall decide on the renewal and establish the terms and conditions of that renewal consistent with Section 15.65.080. Approval of an amended term renewal for a significant structure term permit shall be granted only by ordinance.

11 **15.65.074 Significant structure repermitting at term expiration**

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A. After all authorized term permit renewals have been granted under the authorizing significant structure term permit, any owner of an interest in real property abutting a public place, or any public entity or utility, who desires to continue to maintain and operate an existing significant structure over, above, across, on, or under a public place upon expiration of the term of the permission (including any authorized renewals) shall apply to the Director of Transportation for a new significant structure term permit. Applications for significant structure term permit repermitting shall be submitted before the existing term expires, by a date defined in the authorizing ordinance, and include the submittals detailed in Section 15.65.075.

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B. All significant structure applications for repermitting at term expiration shall be reviewed and considered as if they are new significant structure term permit applications and



1 shall be subject to additional reviews, as required in this Chapter 15.65, than were required at
2 term permit renewal.

3
4 **15.65.075 Application for significant structure repermitting at term expiration**

5 At the time of filing the application to continue to maintain and operate an existing
6 significant structure upon expiration of the term of the permission (including any authorized
7 renewals), the permittee shall also submit an application to the Director of Transportation on a
8 form supplied by the official, including the following:
9

10
11 A. Drawings of the existing structure, including its location, size, and height above or
12 depth from ground surface;

13
14 B. Photographs of the existing structure and immediately surrounding area;

15
16 C. A statement of the reasons for the necessity of the existing structure and its current
17 use;

18
19 D. A monetary deposit to cover the City's administrative expenses as required in Section
20 15.04.040;

21
22 E. A proposal of conceptual public benefit mitigation elements, to the extent required
23 based on the nature of the structure, or modifications to the existing public benefit mitigation
24 elements; and

25
26 F. Any additional information deemed necessary for processing the application.
27



1 **15.65.076 Circulation of application to repermit an existing significant structure upon**
2 **term expiration**

3
4 A. The Director of Transportation shall circulate the application to continue to maintain
5 and operate an existing significant structure upon expiration of the term of the permission
6 (including any authorized renewals), along with the supporting materials, to the various
7 interested City departments and to public and private utilities affected by the existing structure
8 for review, comment, and recommendation. The Director of Transportation may request further
9 review and recommendation be provided by an inter-departmental team to address the elements
10 in subsection 15.65.076.C.
11

12
13 B. If the significant structure is at or above-grade, or is a below-grade structure that is
14 regularly visible to the public, the applicant shall present the significant structure to the Seattle
15 Design Commission as required by Chapter 3.58. The Seattle Design Commission shall provide
16 their recommendation on the existing significant structure to the Director of Transportation and
17 may recommend additional public benefit mitigation elements.
18

19 C. In making the recommendation to City Council on an application to continue to
20 maintain and operate the existing structure upon term expiration as detailed in Section 15.65.075,
21 the following elements shall be considered by the Director of Transportation:
22

23 1. Horizontal, vertical, and other clearances are adequate;

24
25 2. Any known conflicts with existing or proposed utilities, street lighting, traffic
26 control devices, or other upcoming transportation projects;
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- 1 3. View blockage and impacts due to reduction of natural light;
- 2
- 3 4. Interruption or interference with existing streetscape or other street amenities;
- 4
- 5 5. Effect on pedestrian activity;
- 6
- 7 6. Effect on commerce and enjoyment of neighboring land uses;
- 8
- 9 7. Availability of reasonable alternatives;
- 10
- 11 8. Effect on traffic and pedestrian safety;
- 12
- 13 9. Accessibility for the elderly and handicapped; and
- 14
- 15 10. The public benefit mitigation elements provided by the proposal, to the extent
- 16 required based on the nature of the structure, or modifications to the existing public benefit
- 17 mitigation elements.

18 **15.65.077 Council final approval of significant structure repermit at term expiration**

19 A. Upon completion of final review of an application to continue to maintain and operate
20 an existing significant structure upon expiration of the term of the permission (including any
21 authorized renewals), the Director of Transportation shall transmit a final recommendation to the
22 City Council for its decision to grant or deny the application for a term permit to continue to
23 maintain and operate an existing significant structure. The Council shall include in its
24 consideration those elements set out in subsection 15.65.076.C. The City Council shall not
25 approve an application to continue to maintain and operate an existing significant structure upon
26
27



1 term expiration unless it finds that continued maintenance and operation of the structure is in the
2 public interest and no reasonable alternative to the structure exists.

3
4 B. Approval of an application for a significant structure and permit shall be granted only
5 by ordinance.

6 **15.65.080 Conditions imposed on grant of a significant structure term permit**
7

8 A. The City Council may impose terms and conditions as it deems necessary upon the
9 grant of permission to construct, maintain, and operate a new significant structure, or upon the
10 grant of permission to continue to maintain and operate an existing significant structure upon
11 term expiration, or upon a significant structure term permit renewal amendment, which terms
12 and conditions may include, but shall not be limited to: the term of years that permission is
13 granted and renewal periods, if any; provision for regular inspection of and procedures for
14 closure or removal of the structure; requirements for performance bonds, public liability
15 insurance, indemnification, conformance with other laws, and annual fees; prohibition against
16 assignment without City consent; a requirement for execution and recording of a covenant
17 ensuring that obligations and conditions imposed on the permittee run with the land, where
18 applicable; public benefit mitigation elements; and timely acceptance of permission.
19
20
21

22 B. Every term permit ordinance approving a significant structure shall provide that the
23 permission granted is subject to use of the public place by the City and the public for travel,
24 utility purposes, and other public uses or benefits, and that the City of Seattle expressly reserves
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1 the right to require the permittee to remove the structure at the permittee's sole cost and expense
2 in the event that one or more of the following occurs:

3
4 1. the City Council determines by ordinance that the space occupied by the
5 structure is necessary for any public use or benefit; or

6
7 2. the City Council determines that the structure interferes with any public use or
8 benefit; or

9
10 3. the Director of Transportation determines that use of the structure has been
11 abandoned; or

12
13 4. the Director of Transportation determines that any term or condition of the
14 authorizing ordinance has been violated and the violation has not been corrected by the permittee
15 by the compliance date after written request by the City of Seattle to correct the violation, unless
16 a notice to correct is not required due to an immediate threat to the health or safety of the public.

17
18 C. A City Council determination that the space is needed for, or the structure interferes
19 with, a public use or benefit shall be final and conclusive without any right of the permittee to
20 resort to the courts to adjudicate the matter.

21
22 **15.65.100 Inspection and maintenance**

23 Significant structures authorized by term permits according to Chapter 15.65 are subject
24 to Chapter 15.76 unless the authorizing ordinance specifically states otherwise or provides an
25



1 alternate provision for inspection and protection of the public with the City's costs reimbursed
2 from the permittee.

3
4 **15.65.110 Director's rules**

5 The Director of Transportation may promulgate rules to implement this Chapter 15.65.
6 The rules may address the subjects identified in this Chapter 15.65 and other subjects the
7 Director believes may aid in the implementation of this Chapter 15.65.
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1 Section 21. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
4

5
6 Passed by the City Council the ____ day of _____, 2012,
7 and signed by me in open session in authentication of its passage this
8 ____ day of _____, 2012.
9

10
11 _____
12 President _____ of the City Council

13 Approved by me this ____ day of _____, 2012.
14

15
16 _____
17 Michael McGinn, Mayor

18 Filed by me this ____ day of _____, 2012.
19

20
21 _____
22 Monica Martinez Simmons, City Clerk

23
24
25
26
27
28 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title:

AN ORDINANCE relating to skybridge and other structure term permits; amending Chapter 15.64 of the Seattle Municipal Code; adding Sections 15.64.045, 15.64.075, 15.64.085; 15.64.110; and adding Chapter 15.65.

Summary of the Legislation:

This legislation amends the Street and Sidewalk Use Code, Chapter 15.64 for Skybridge Term Permits. These amendments help to clarify the application and review requirements for new and existing skybridges that are due for renewal or have an expired term permit ordinance. The amendments also add a new Chapter 15.65 for Structure Term Permits, like utility or pedestrian tunnels. These additions describe when a term permit may be required and help to clarify the application and review requirements for new and existing significant structures that are due for renewal or have an expired term permit ordinance. These amendments also include correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language and regulations in order to ensure that the City's policy intent is clear and achievable.

Background:

The Seattle Municipal Code Title 15 and Chapter 15.64 do not address the permit application process and requirements for when an existing skybridge term permit is due for renewal or the term (including any renewals) will soon expire. In addition, SMC Title 15 does not have a chapter that details the process and requirements for applying for other types of structure term permits.

Please check one of the following:

This legislation does not have any financial implications.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.

- b) What is the financial cost of not implementing the legislation?**
None.
- c) Does this legislation affect any departments besides the originating department?**
No.
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None.
- e) Is a public hearing required for this legislation?**
No.
- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Yes, the SEPA threshold determination was posted with the Daily Journal of Commerce and the Seattle Times in August 2011.
- g) Does this legislation affect a piece of property?**
No.
- h) Other Issues:**
N/A

List attachments to the fiscal note below: N/A



City of Seattle
Office of the Mayor

May 1, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that proposes amendments to the Street and Sidewalk Use Code, Chapter 15.64 for Skybridge Term Permits and adds a new Chapter 15.65 for Structure Term Permits, like pedestrian tunnels. These amendments help to clarify the application and review requirements for new and existing skybridges or new or existing structure term permits that are due for renewal or have an expired term permit ordinance. These amendments also include correcting typographical errors and incorrect section references, as well as clarifying or correcting existing code language and regulations in order to ensure that the City's policy intent is clear and achievable.

The Seattle Municipal Code Title 15 and Chapter 15.64 do not address the permit application process and requirements for when an existing skybridge term permit is due for renewal or the term (including any renewals) will soon expire. In addition, SMC Title 15 does not have a chapter that details the process and requirements for applying for other types of structure term permits. Adoption of these amendments will help to facilitate easier understanding and improved administration and application of the Term Permit program.

Thank you for your consideration of this legislation. Should you have questions, please contact Angela Steel at 684-5967.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

