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SDOT Omnibus ORD
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Version #15

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117740

AN ORDINANCE relating to street and sidewalk use; amending portions of Chapters 15.06, 15.08, 15.10, and 15.12 and Sections 15.04.015, 15.04.074, 15.04.100, 15.16.040, 15.48.040 and 15.65.010 of the Seattle Municipal Code; repealing Section 15.10.030; amending the Seattle Department of Transportation Street Use Permit Fee Schedule; to correct typographical errors, correct section references, clarify regulations, and make minor amendments; and ratifying and confirming certain prior acts.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 15.04.015 of the Seattle Municipal Code, last amended by Ordinance 123100, is amended as follows:

15.04.015 Authorizing official

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C. The Superintendent of Parks and Recreation may authorize the use and occupation of, and administer Title 15 for public places under the jurisdiction of the Department of Parks and Recreation, including park drives and boulevards. ((~~These areas are identified in Appendix I or shown on the map as Appendix II.~~))

D. The City Council may, by ordinance, authorize the Superintendent to administer Title 18 for those portions of the public place under the jurisdiction of the Director of Transportation and that are primarily used for park purposes.

((~~D~~))E. The Director of Transportation has authority for all public places and uses, other than those authorized to the Director of the Department of Planning and Development under

Chapter 23.76, to issue use and occupation Street Use permits and administer Title 15. The Director of Transportation may delegate to the Director of the Seattle Center the administration of permits for streets within the Seattle Center, and to the Superintendent the administration of permits for ((~~sidewalks and planting strips~~)) public places adjacent to parks, including sidewalks and planting strips.

((~~E~~))F. When a street, bridge, overpass, or underpass crosses a park, park drive, or boulevard((~~,~~)); the authorizing official shall be the Director of Transportation as to the surfaces or structures maintained by the Department of Transportation; and the Superintendent as to areas within the jurisdiction of the Department of Parks and Recreation.

((~~F~~))G. In order to coordinate the administration of Title 15, any of the foregoing officials may delegate to another authorizing official the authority to issue permits or supervise the public place.

Section 2. Section 15.04.074 of the Seattle Municipal Code, last amended by Ordinance 123919, 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: reviewing and administering all permits for public places under the jurisdiction of the Department of Transportation; reviewing all project permits defined by RCW 36.70B.020; and reviewing and coordinating pre-submittal conferences that may be or have been submitted to the Department of Planning and Development and are reviewed at any time by the Director of Transportation for the use of or impacts to public places.

1. Fees for using or occupying the public place may take into consideration the undesirability of the use or occupation relative to the rights of the public, such as the City policy of discouraging pedestrian skybridges and other encroachments inconsistent with the public right of access, including access to the shorelines or other public places, and shall be included in the schedule of fees for use of public places under the jurisdiction of the Department of Transportation.

2. The Director of the Department of Transportation is authorized to collect a monetary deposit for services to be conducted related to the review or inspection of a permit prior to or at permit issuance.

3. The Department of Transportation is authorized to collect fees for other City Departments that provide services related to the review of a permit for use of the public place.

B. 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.

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

2. When a master filming permit under Chapter 15.35 is required and the public place is used without first obtaining a permit or the required component permits, the fee shall be $500.

C. The Superintendent shall prepare and recommend a schedule of fees applicable to permits for use of public places under the jurisdiction of the Department of Parks and Recreation((~~, and the Director of the Department of Planning and Development shall recommend~~

~~a schedule of fees applicable to permits required by Section 15.44.020~~)). Fees for use of park drives and boulevards may take into consideration the City policy of discouraging encroachments inconsistent with their park-like character and may be included in the schedule of fees for use of facilities of the Department of Parks and Recreation.

D. The fee schedule, when adopted by ordinance, shall govern the fee for permits issued and reviewed. ((~~The permit fee~~)) All permit and review fees shall be commensurate with the cost of administering, inspecting, and policing involved in issuing and continuing the permits and with the use and occupation granted by the permits. ((~~Fees for using or occupying the public place may take into consideration the undesirability of the use or occupation relative to the rights of the public, such as the City policy of discouraging pedestrian skybridges and other encroachments inconsistent with the public right of access, including access to the shorelines or other public places and shall be included in the schedule of fees for use of public places under the jurisdiction of the Department of Transportation. Fees for use of park drives and boulevards may take into consideration City policy of discouraging encroachments inconsistent with their park-like character and may be included in the schedule of fees for use of facilities of the Department of Parks and Recreation.~~))

((~~B.~~)) The fee shall be collected as a condition to issuing or continuing any permit or use except when the permit is issued as a component of a master filming permit according to Section 15.35.010. In order to effectuate collection of fees; the Director of Transportation, the Director of the Office of Economic Development as to master filming permits, or the Superintendent as to public places under the jurisdiction of the Department of Parks and Recreation; shall promptly

notify permittees of outstanding permits issued to pay the applicable fee or the permit will be revoked.

((~~C. The rate in the schedule for master filming permits shall identify what, if any, of the factors identified in Section 15.35.020 are taken into consideration in setting the rate and what factors are to be determined with respect to particular applications.~~))

((~~D~~))E. Upon petition by a public agency for vacating a street area, street use fees for the street area may be suspended if the Director of Transportation finds that the public agency would convey to or permit use by the City, a portion of the public agency's property for street or other public purpose without charge; provided, should the street vacation petition be denied or withdrawn, street use fees shall be payable for the full period of use.

((~~E. When a Master Filming Permit under Chapter 15.35 is required and the public place is used without first obtaining a permit or the required component permits, the fee shall be $500.~~))

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Section 3. Section 15.04.100 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.04.100 Exception—Waiver—Fees; surety bond

A. The authorizing official may grant an exception from paying fees, making an indemnity deposit, posting a surety bond, or providing liability insurance from the United States of America((~~, or if the~~)).

B. The authorizing official may grant an exception from paying fees, making an indemnity deposit, posting a surety bond, or providing liability insurance when the primary

purpose of the project is environmental remediation and the project is being conducted in compliance with 42 U.S.C. §9621 and is subject to 42 U.S.C. §9621(e).

C. The authorizing official may grant an exception from paying fees, making an indemnity deposit, posting a surety bond, or providing liability insurance when the use is for a public transportation-related-infrastructure project, like light rail, and is authorized under a separate ordinance; or when the use is for a Seattle Department of Transportation project.

((~~B~~))D. An authorizing official may waive the requirement for an indemnity deposit or surety bond for a use by the State of Washington or a local government.

Section 4. The title of Chapter 15.06 of the Seattle Municipal Code is amended as follows:

15.06 Driveways and Curb Setbacks

Section 5. Section 15.06.010 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.06.010 Construction((~~,~~))

A driveway ((~~must~~)) shall be constructed to provide vehicular access from a public place over and across a concrete curb and gutter ((~~and/or~~)) or sidewalk to the adjacent property. The Director of ((~~Construction and Land Use~~)) Planning and Development has authority to issue a permit for construction of a driveway associated with a development proposal as contemplated by Section 23.76.006. All applications for other permits for driveways shall be submitted to the Director of Transportation for public places under the jurisdiction of the ((~~Transportation~~)) Department of Transportation, and to the Superintendent of Parks and Recreation for public places under the jurisdiction of the Department of Parks and Recreation. ((~~Temporary~~

~~permission~~)) The authorizing official may ((~~be granted by the authorizing official~~)) permit the applicant to plank a curb and walk while gaining temporary access to property, but the practice ((~~must~~)) shall be discontinued upon expiration of the permit or immediately upon notice from the City.

Section 56. Section 15.06.020 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.06.020 Removal of driveway and curb cuts and reconstruction of curb((~~,~~))

Within ((~~sixty (60)~~)) 60 calendar days after a driveway is no longer usable or needed to provide vehicular access onto private property, the owner of the adjacent property shall remove the driveway and restore the concrete curb and gutter and the sidewalk and planting strip. A written order may be mailed by the authorizing official to the owner by first-class mail directing the owner to perform the restoration work. If ((~~such~~)) the restoration work has not been completed by the ((~~sixtieth calendar day after receipt by such owner of the authorizing official's written order to perform such work by such~~)) deadline((~~,~~)) in the order, the City may perform ((~~such~~)) the restoration and bill the ((~~cost thereof~~)) costs to the property owner, together with ((~~fifteen~~)) 15 percent (((~~15%~~))) of ((~~its~~)) the City's costs to cover administrative expenses.

Section 7. Section 15.06.030 of the Seattle Municipal Code, last amended by Ordinance 115994, is amended as follows:

15.06.030 City's standards for construction((~~,~~))

All driveways constructed on public places where paved roadways and curbs exist shall be constructed according to the City's Standard Plans and Specifications.

Section 8. Section 15.06.040 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.06.040 Width requirements((.))

The minimum width of driveways ((~~for residential property shall be ten feet (10') at the concrete walk and fifteen feet (15') at the curb, and for commercial properties the minimum width shall be twelve feet (12') at the concrete walk~~)) and curb cuts shall conform to the requirements of Section 23.54.030 of the Land Use Code.

Section 9. Section 15.06.050 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.06.050 Curb setbacks((.))

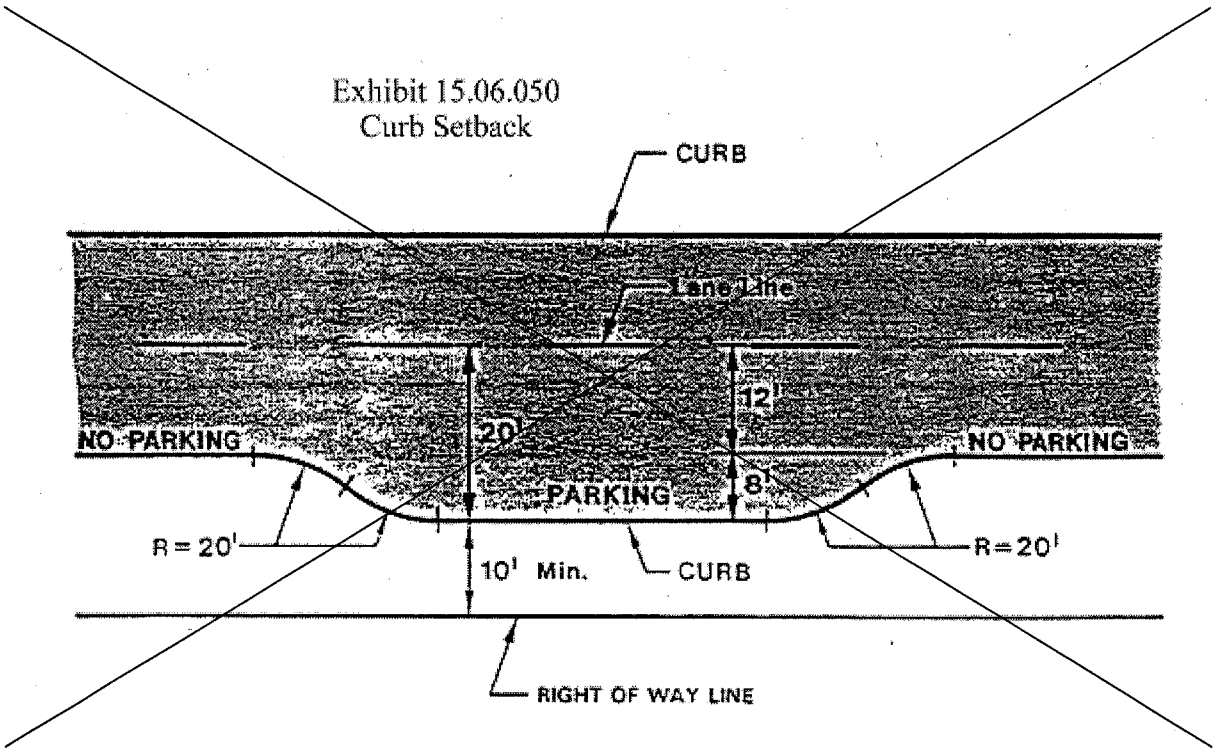
Curb setbacks may be allowed by the Director of ((~~Construction and Land Use~~)) Planning and Development after consulting with the Director of Transportation, or the Superintendent as to park drives ((~~and/or~~)) or boulevards, on the basis of demonstrated need by the applicant ((~~therefor~~)) upon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

A. Space for tree planting shall be reserved, with a minimum of ((~~ten~~)) 11.5 feet (((~~10'~~))) from the new curb location to the property line, unless existing trees in the area supply the need.

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

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

Exhibit 15.06.050
Curb Setback



Section 10. Section 15.06.060 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.06.060 Driveways by ((~~freeway access roads.~~)) limited access facilities

The Director of ((~~Construction and Land Use~~)) Planning and Development shall refer to the Director of Transportation the relevant part of every application for a permit that involves constructing, reconstructing, repairing, or altering any driveway providing direct vehicular access to a street ((~~which~~)) that serves as an approach or exit from a limited access facility ((~~where all or any portion of the driveway lies or would lie between the proximate margin of the limited access facility and a line projected at right angles to the centerline of the street from a~~

~~point thereon which is four hundred feet (400') distant, measured along the centerline of the street, from the proximate margin of the limited access facility~~)) as defined by RCW Chapter 47.52.

((~~The~~)) For driveways subject to Section 15.06.060, the Director of Transportation shall make a ((~~report and~~)) recommendation to the Director of ((~~Construction and Land Use~~)) Planning and Development as to the potential effect of the use of the proposed driveway upon the safe and efficient flow of traffic. The Director of ((~~Construction and Land Use~~)) Planning and Development shall issue a permit for the driveway work only upon a determination that: (a) ((~~that~~)) the design, standard of construction, operational use, location or number of locations of the proposed driveway or driveways will not unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and from the proximate limited access ((~~highway~~)) facility((~~,~~)); and (b) ((~~that denial of~~)) denying the permit would totally deprive the property to be served of vehicular access. The Director of ((~~Construction and Land Use~~)) Planning and Development may attach ((~~such~~)) conditions to any ((~~such~~)) permit as may be reasonably required under the particular circumstances for the protection of public safety.

Section 11. Section 15.06.070 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.06.070 Revocation of permit or alteration of driveway((~~,~~))

((~~Where the safe and efficient flow of vehicular and pedestrian traffic requires it, the~~)) The Director of Transportation may revoke ((~~any~~)) a permit for a driveway to a ((~~street or other~~)) public place under its jurisdiction, and order removal of the driveway or order the alteration of a

driveway ((~~for which a permit has been issued~~)), when it is required for the safe and efficient flow of vehicular and pedestrian traffic. The Superintendent has a similar authority as to park drives and boulevards. The notice to remove or to make an alteration shall be in writing, be served upon the permittee((~~,~~)) or the permittee's successor, and shall require compliance with the order within ((~~one hundred eighty (180)~~)) 180 calendar days.

Section 12. Section 15.08.005 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.08.005 Availability of permits((~~,~~))

Areaways, ventilation openings, sidewalk elevators, fuel openings, and trapdoors may only be constructed within the Pike Place Market Historical District (Chapter 25.24) and the Pioneer Square Historical District (Chapter 25.28), or((~~,~~)) for public facilities that ((~~further~~)) support travel ((~~or~~)), transportation, or utility purposes.

Areaways, ventilation openings, sidewalk elevators, fuel openings, and trapdoors appurtenant to structures that were under ((~~street~~)) a Street Use or park use permit on January 1, 1990((~~,~~)); may be reconstructed, altered, or repaired under a new Street Use permit. ((~~Such~~)) The use shall cease and the encroachment shall be removed from the public place whenever the ((~~appurtenant~~)) structure served by the encroachment is demolished, destroyed, or reconstructed in a manner that it is no longer dependent upon continued use of the public place unless either: the use is within the ((~~two (2) named historical districts~~)) Pike Place Market Historical District under Chapter 25.24 or the Pioneer Square Historical District under Chapter 25.28; or the ((~~appurtenant~~)) structure served by the encroachment is a designated Landmark under Chapter 25.12; or on the state or federal register of historic places.

Section 13. Section 15.08.010 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.08.010 Areaways -- Structural standards((.))

All areaway entrances, walls, sidewalks over areaways, guards, and railings shall be constructed in accordance with the Seattle Building and Construction Code((1)), Title 22, and with the City Standard Plans and Specifications.

((~~1. Editor's Note: The Seattle Building and Construction Code is codified in Title 22 of this Code.~~))

Section 14. Section 15.08.050 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.08.050 Grade and extent of uncovered areaway((.))

((~~No uncovered areaway~~)) A. Uncovered areaways shall not be constructed in any public place unless the grade ((~~thereof~~)) exceeds ((~~twelve~~)) 12 percent (((~~(12%); provided, however, that no such areaway~~)). Uncovered areaways shall not extend out from the property line more than ((~~fifty-four~~)) 54 inches (((~~(54"), nor to a point beyond seven feet (7') inside of the curbline, nor to within thirty-six inches (36") of any public place other than the one in which such areaway is located; and provided, that in case~~)).

B. If the grade exceeds ((~~ten~~)) 10 percent (((~~(10%)~~))), an uncovered areaway may be constructed ((~~so that~~)) if it does not extend more than ((~~thirty~~)) 30 inches (((~~(30")~~))) from the property line.

C. Uncovered areaways shall not extend beyond 7 feet from back of curb or within 36 inches of any intersecting public place.

Section 15. Section 15.08.060 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.08.060 Boiler and apparatus prohibited((.))

((~~No boiler~~)) Boilers or other dangerous apparatus or any explosive shall not be placed or allowed to remain in any areaway or space under any public place. ((~~No equipment~~)) Equipment necessary to a building's operation shall not be placed in any areaway or space under any public place unless specifically authorized in the permit granting the use.

Section 16. Section 15.08.070 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.08.070 Ventilation opening in sidewalks((.))

Ventilation openings in sidewalks shall be allowed only for public utilities and to replace ventilation openings in place on January 1, 1990. Gratings shall comply with the Seattle Building and Construction Codes (((~~SMC Title 22~~))), Title 22.

Section 17. Section 15.08.080 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.08.080 Sidewalk elevators((.))

Every sidewalk elevator shall be ((~~so~~)) constructed so that when in use, the sides of the opening ((~~will~~)) shall be closed by sheet metal guards, strengthened with an iron frame having a height equal to that of the elevator door. The maximum overall size of a sidewalk elevator shall not exceed ((~~five~~)) 5 feet (((~~5'~~))) by ((~~seven~~)) 7 feet (((~~7'~~))), and ((~~where practicable it~~)) shall be placed ((~~seventeen~~)) no closer than 18 inches (((~~17"~~))) from the curb((~~, and if of less width than the maximum, the lesser width~~)). The elevator door opening shall be placed at right angles to the

curb. No sidewalk elevator shall be constructed without approval of the Director of Transportation and a permit from the Director of ((~~Construction and Land Use~~)) Planning and Development to construct and operate the ((~~same~~)) sidewalk elevator.

Section 18. Section 15.08.090 of the Seattle Municipal Code, last amended by Ordinance 108020, is amended as follows:

15.08.090 Metal guards attached to fuel openings and trapdoors((~~,~~))

A metal guard shall be attached to every fuel opening or trapdoor in a public place in ((~~such~~)) a manner as to raise and lower automatically with any ((~~such door~~)) fuel opening or trapdoor.

Section 19. Section 15.08.100 of the Seattle Municipal Code, last amended by Ordinance 108020, is amended as follows:

15.08.100 Time of operation of sidewalk elevators((~~,~~))

((~~No sidewalk elevator, door~~)) Sidewalk elevators, doors, fuel ((~~opening~~)) openings, or oil or gasoline ((~~intake~~)) intakes contiguous to any business property shall not be operated between the hours of ((~~nine a.m. (9:00 a.m.)~~)) 9 a.m. and ((~~six p.m. (6:00 p.m.)~~)) 6 p.m., except in case of emergency((~~, in which event~~)) where the operation shall not continue for a longer period than ((~~thirty (30)~~)) 30 minutes. During the operation of a sidewalk elevator, a person shall be stationed on the sidewalk at the elevator opening to warn other persons of the danger.

Section 20. Section 15.08.110 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.08.110 Maintenance of existing elevators and trapdoors((~~,~~))

All elevators, fuel openings, and trapdoors shall have metal surfaces of sufficient strength to sustain a weight of ((~~two hundred fifty (250)~~)) 250 pounds per square foot and ((~~such~~)) their doors and ((~~their~~)) hinges shall be ((~~so~~)): constructed ((~~that~~)) so their surfaces ((~~will~~)) lie flat with the surface of the sidewalk ((~~upon which they are constructed~~)) and ((~~will~~)) do not present ((~~no~~)) an obstruction ((~~whatsoever~~)) to traffic or pedestrians, and ((~~shall be so roughened and maintained as to occasion no danger whatsoever to pedestrians~~)) constructed and maintained according to the City's Standard Plans and Specifications.

Section 21. Section 15.08.120 of the Seattle Municipal Code, last amended by Ordinance 108020, is amended as follows:

15.08.120 Elevators no longer in use((~~,~~))

Doors shall be removed from all sidewalk elevators ((~~which~~)) that are no longer used, and the opening shall be replaced with reinforced concrete capable of withstanding an imposed load of not less than ((~~two hundred fifty (250)~~)) 250 pounds per square foot. The metal rim around the doors ((~~must~~)) shall also be removed and the public place restored according to the City's Standard Plans and Specifications.

Section 22. The title of Chapter 15.10 of the Seattle Municipal Code is amended as follows:

Chapter 15.10 Marquees, Awnings, ((~~Canopies,~~)) and Decorative Elements

Section 23. Section 15.10.010 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.10.010 Extension -- Approval and compliance((~~,~~))

((~~No marquee, awning, canopy~~)) Marquees, awnings, or other decorative ((~~element~~)) elements shall not extend over any public place closer than to within ((~~two~~)) 2 feet (((~~2'~~))) of the curbline. Marquees, awnings, and ((~~canopies~~)) other decorative elements shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable codes by the Director of ((~~Design, Construction and Land Use~~)) Planning and Development.

Section 24. Section 15.10.020 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.10.020 Lowest point((~~,~~))

The lowest point of any part of any marquee, awning, ((~~canopy,~~)) or other decorative element shall ((~~be~~)) not be less than ((~~eight (8)~~)) 8 feet((~~, or sixteen (16))~~) 16 ~~feet if in an alley, from the surface over which it is constructed,~~)) over the adjacent sidewalk or other grade not used for vehicular travel. A marquee, awning, or other decorative element that projects over an alley shall have a minimum clearance of 16 feet above grade, unless an exception to that requirement is approved by the Director of Transportation after ((~~a~~)) showing that traffic considerations have been satisfied.

Section 25. Section 15.10.030 of the Seattle Municipal Code, last amended by Ordinance 118409 and that currently reads as follows, is repealed.

((~~**15.10.030 Vertical depth.**~~

~~No marquee shall exceed thirty (30) inches in vertical depth, unless an exception to that requirement is approved by the Director of Transportation after a showing that the proposed~~

~~marquee will not obscure the visibility of any sign or traffic control devices in the immediate area.~~))

Section 26. Section 15.10.040 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.10.040 Lighting((~~.~~))

The lighting under a marquee, awning, or other decorative element shall be at least equal to the outside lighting in the ((~~nearby~~)) adjacent public place ((~~outside~~)). If the marquee, awning, or other decorative element reduces the natural or street light in a public place, the public place under the marquee, awning, or other decorative element shall be ((~~lighted~~)) lit during the hours of darkness and on the same time schedule and degree as the ((~~municipal~~)) adjacent City street lighting. ((~~Lights shall be designed, constructed, and maintained to provide a minimum average illumination on the sidewalk of five (5) footcandles of light intensity. The lowest footcandle value of any point shall not be less than one-half (1/2) the average value~~)).

Section 27. Section 15.10.050 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.10.050 ((~~Obstructing streetlight, utility pole, or tree prohibited.~~))Prohibited obstructions

((~~No awning, canopy, marquee~~)) Awnings, marquees, or other decorative ((~~element~~)) elements shall not be constructed at a location or in a manner ((~~which~~)) that will obstruct, obscure, or interfere with any: streetlight ((~~or with any~~)), utility pole, or ((~~with any publicly maintained street~~)) tree located in a public place; or other transportation-related sign, signal, or traffic-control device.

Section 28. Section 15.12.010 of the Seattle Municipal Code, last amended by Ordinance 121038, is amended as follows:

15.12.010 Conformance to applicable regulations((.))

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and for conformance to all applicable ordinances by the Director of the Department of ((~~Design, Construction and Land Use~~)) Planning and Development, except for sign kiosks in public ((~~rights-of-way~~)) places and for signs on utility poles, lamp poles, and traffic control devices that the court has declared to be a traditional public forum((~~, which~~)) shall be reviewed by the Director of ((~~the Seattle Department of~~)) Transportation((~~, formerly known as Seattle Transportation~~)).

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

C. ((~~No new~~)) New signs, barber poles, or street clocks shall not be constructed over park drives and boulevards.

Section 29. Section 15.12.020 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.12.020 Barber poles((.))

((~~No barber pole~~)) Barber poles or any ((~~of its~~)) associated brackets ((~~and~~)) or fastenings shall not extend more than ((~~one (1)~~)) 1 foot ((~~over or~~)) into any public place((~~, or so that~~)) and

the bottom ((~~thereof will~~)) shall not be less than ((~~eight (8)~~)) 8 feet ((~~from~~)) above the sidewalk grade.

Section 30. Section 15.12.030 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.12.030 Banners((~~,~~))

((~~No canvas~~)) Canvas or cloth ((~~sign~~)) signs or ((~~banner~~)) banners shall not be stretched, hung, or otherwise placed over or across any public place except ((~~upon written~~)) when authorized by a Street Use permit issued by the City and then only upon ((~~such~~)) the terms and conditions((~~,~~)) and for ((~~such~~)) the period of time ((~~as~~)) authorized ((~~in~~)) by the Street Use permit.

Section 31. Section 15.12.040 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.12.040 Street clocks((~~,~~))

A. ((~~No clock~~)) Clocks shall not: be constructed, erected, or maintained in or upon any public place that is within ((~~one hundred (100)~~)) 100 feet of any other clock on the same side of ((~~such~~)) a public place((~~, nor~~)) or within ((~~eight (8)~~)) 8 feet of any utility pole or fire hydrant((~~, nor so that~~)); or have any portion ((~~thereof extends~~)) of the clock extend beyond the curbline.

B. ((~~No clock~~)) Clocks shall not be more than ((~~fifteen (15)~~)) 15 feet ((~~nor~~)) or less than ((~~twelve and one-half (12 1/2)~~)) 12.5 feet in height from the sidewalk grade to the center of the ((~~clock~~)) clock's face. Each dial or the time on a digital clock shall only be illuminated from within ((~~only,~~)) by electric light ((~~of not less than ninety (90) candlepower to each dial or number on a digital clock~~)) that is directed away from adjacent uses. ((~~The clock~~)) Clocks shall be kept

((~~lighted~~)) lit during the hours of the day ((~~in which the municipal~~)) when the City streetlights are lit.

C. ((~~No clock~~)) Clocks shall not be erected ((~~which has~~)) that have a base greater than ((~~twenty-eight (28)~~)) 28 inches ((~~nor~~)) or less than ((~~sixteen (16)~~)) 16 inches in any dimension, ((~~nor which has~~)) or that have a dial greater than ((~~three (3)~~)) 3 feet ((~~nor~~)) or less than ((~~two (2)~~)) 2 feet in diameter.

D. ((~~No more than two (2)~~)) Only 2 lines of advertising matter related to the business entity that owns the clock shall appear upon the dial, ((~~nor anything other than~~)) and only the name and address of the owner, occupant, or lessee shall appear upon the post or base of ((~~any~~)) the clock.

E. ((~~No cloth, drapery, sign~~)) Cloths, draperies, signs, or other ((~~thing~~)) things shall not be added, attached, or suspended from ((~~the head of~~)) any part of a clock.

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

Section 32. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance 123659, is amended as follows:

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2. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor; a proposed use for a sidewalk café and all associated elements including fencing, umbrellas, or signage, shall not impair pedestrian passage and shall be sited to provide:

a. An unobstructed corner-curb-radius area, unless the Traffic Engineer determines that the area outside of the pedestrian zone is not required to facilitate pedestrian movement; and

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Section 33. Section 15.48.040 of the Seattle Municipal Code, last amended by Ordinance 117103, is amended as follows:

15.48.040 Sitting or lying down on public sidewalks in downtown and neighborhood commercial zones((.))

A. Prohibition. ((~~No~~)) A person shall not sit or lie down upon a public sidewalk, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk, during the hours between ((~~seven (7:00)~~)) 7 a.m. and ((~~nine (9:00)~~)) 9 p.m. in the following zones:

1. The Downtown Zone, defined as the area bounded by the Puget Sound waterfront on the west, South Jackson Street on the south, Interstate 5 on the East, and Denny Way and Broad Street on the North;

2. Neighborhood Commercial Zones, defined as areas zoned as Pioneer Square Mixed (PSM), International District Mixed (IDM), Commercial 1 (C1), Commercial 2 (C2), Neighborhood Commercial 1 (NC1), Neighborhood Commercial 2 (NC2), and Neighborhood Commercial 3 (NC3).

B. Exceptions. The prohibition in subsection 15.48.040.A shall not apply to any person:

1. Sitting or lying down on a public sidewalk due to a medical emergency;

2. Who, as the result of a medically-confirmable disability, ((~~utilizes~~)) uses a wheelchair, walker, or similar movement-supporting device ((~~to move about the public sidewalk~~)) for mobility purposes;

3. Operating or patronizing a commercial establishment conducted on the public sidewalk ((~~pursuant~~)) according to a ((~~street use~~)) Street Use or other applicable permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk ((~~pursuant~~)) according to a ((~~street use~~)) Street Use or other applicable permit;

4. Sitting on a chair or bench located on the public sidewalk ((~~which is~~)) supplied by a public agency or by the abutting private property owner;

5. Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

((~~Nothing in any of these~~)) None of these exceptions shall be construed to permit ((~~any~~)) conduct ((~~which~~)) that is prohibited by ((~~SMC~~)) Section 12A.12.015, Pedestrian interference, or Chapter 14.06, Unfair Public Accommodations Practices.

C. ((~~No~~)) A person shall not be cited under ((~~this section~~)) Section 15.48.040 unless the person engages in conduct prohibited by ((~~this section~~)) Section 15.48.040 after having been notified by a law enforcement officer that the conduct violates this ((~~section~~)) Section 15.48.040.

Section 34. Section 15.65.010 of the Seattle Municipal Code, last amended by Ordinance 123919, is amended as follows:

***

B. Significant structures.

1. Subject to the exceptions set forth in subsection 15.65.010.B.2, significant structures are structures that have a long anticipated duration of encroachment, impede the City's or public's flexibility in the use of the public place, or are necessary for the functioning of other property of the permittee. Significant structures include, but are not limited to: (a) pedestrian, vehicle, or utility tunnels; (b) pipelines or steam mains not under a franchise agreement; (c) vehicle ramps or bridges; (d) privately-maintained public plazas or artwork; (e) at-grade building structures and associated restricted-public-access areas; (f) overhead building ((~~structures that exceed~~)) elements with the exception of structural building overhangs meeting the requirements of Section 23.53.035; (g) at-grade and below-grade utility building structures and associated restricted-public-access areas, such as pump or lift stations, stormwater pump systems, ((~~D-C~~)) power substations, or storage facilities; (h) private sewage or stormwater facilities; (i) structures or elements appurtenant to and necessary for the functioning of existing buildings or development on particular properties adjacent to the public place; or (j) other structures that may necessitate conceptual approval from the City Council.

***

Section 35. Street Use Permit Fee Schedule, Attachment A to Ordinance No. 123477, as amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinances 123585 and 123907 is amended as follows:

Attachment A: Seattle Department of Transportation Street Use Permit Fee Schedule

Seattle Department of Transportation Street Use Permit Fee Schedule, Effective January 1, 2011

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)
3A	street or sidewalk barricading for temporary private use (e.g.: grand openings, ((~~rallies~~)) special activities)	$146	N/A	ON NON-ARTERIAL mo 1=no fee, mo2&3=$.10/sf/10d mo4&5=$.20/sf/10d mo6&7=$.40/sf/10d mo8&9=$.80/sf/10d mo10+=$1.20/sf/10d ((~~in mo 10+ up to $.20/sf/10day credit for mobility mitigation~~)) ON ARTERIAL mo1=$.10/sf/10d mo2=$.20/sf/10d mo3=$.40/sf/10d mo4=$.80/sf/10d mo5=$1.20/2f/10d ((~~in mo5+ up to $.20/sf/10d credit for mobility mitigation~~))
3B	street or sidewalk barricading associated with the Farmers Market Program			None
3C	street barricading associated with the Festival Street Program			
13	temporary placement of materials not for construction((~~, and for~~)) use (e.g.: bus or horse carriage staging)			ON NON-ARTERIAL mo 1=no fee, mo2&3=$.10/sf/10d mo4&5=$.20/sf/10d mo6&7=$.40/sf/10d mo8&9=$.80/sf/10d mo10+=$1.20/sf/10d ((~~in mo 10+ up to $.20/sf/10day credit for mobility mitigation~~)) ON ARTERIAL mo1=$.10/sf/10d mo2=$.20/sf/10d mo3=$.40/sf/10d mo4=$.80/sf/10d mo5=$1.20/2f/10d ((~~in mo5+ up to $.20/sf/10d credit for mobility mitigation~~))
15	((~~installation of~~)) installing or removing public art			
22	shoring and excavation within and adjacent to right-of-way (may be associated with DPD building permits)			
29B	installing or removing fences, stairs, overhead structures, and other related private structures			
29C	installing or removing rockeries, retaining walls, and other related retaining structures			
31	construction use, including staging and material storage, in transportation corridors			
31B	((~~Single~~)) single-family construction/debris dumpster or storage containers [residential use]			
((~~31C~~))	((~~low income housing construction~~))			
27	installing, maintaining, or removing nonstructural awnings or marquees			$.51/sf

33A	contractors' trucks/equipment working within ROW [per vehicle/calendar yr]- no ground breaking allowed			None
33B	utility agencies' trucks/equipment working within ROW [per vehicle/calendar yr]-no ground breaking allowed			
40	((~~roadway~~)) street and alley paving [less than 750 sq. ft]			ON NON-ARTERIAL mo 1=no fee, mo2&3=$.10/sf/10d mo4&5=$.20/sf/10d mo6&7=$.40/sf/10d mo8&9=$.80/sf/10d mo10+=$1.20/sf/10d ON ARTERIAL mo1=$.10/sf/10d mo2=$.20/sf/10d mo3=$.40/sf/10d mo4=$.80/sf/10d mo5=$1.20/2f/10d
41	((~~bus~~)) transit-stop-related infrastructure, including shelter, signage, bench installation, repair, or removal [does not include utility installations]			
44	use of mobile crane, manlift, boom truck, pump truck, etc.			
((~~46~~))	((~~waterproofing or similar surfacing of concrete walks over areaways~~))			
((~~49~~))	((~~street opening for miscellaneous purposes~~))			
50	scaffold, swing staging, scissor lift with mobility impacts			
45	commercial or multi-use construction street improvement [public improvements by private development]			None
45A	single family residential construction street improvement [public improvements by private development]			
45B	minor improvement projects			

Utility 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)**
51	utility system construction	$146	N/A	ON NON-ARTERIAL mo 1=no fee, mo2&3=$.10/sf/10d mo4&5=$.20/sf/10d mo6&7=$.40/sf/10d mo8&9=$.80/sf/10d mo10+=$1.20/sf/10d ((~~in mo 10+ up to $.20/sf/10day credit for mobility mitigation~~)) ON ARTERIAL mo1=$.10/sf/10d mo2=$.20/sf/10d mo3=$.40/sf/10d mo4=$.80/sf/10d mo5=$1.20/2f/10d ((~~in mo5+ up to $.20/sf/10d credit for mobility mitigation~~))
51A	utility main line or inserts			
51B	installing, maintaining, replacing, or removing utility poles (((~~less than 500 51B uses per year based on prior year volumes~~))) or street lights			
51C	((~~utility aerials~~)) installing, maintaining, replacing, or removing utility aerial lines			
51D	((~~utility service connections and repairs =2" diameter (less than 500 51D uses per year based on prior year volumes~~))) installing or maintaining natural gas lines and short segments [less than 100 lineal feet] of natural gas mains			
51E	utility maintenance (((~~including vault replacements and pole bases~~))) work that does not require any restoration			
51G	utility service ((~~conduit~~)) connections installed by private party			
51H	((~~utility poles (more than 500 51H uses per year based on prior year volumes~~))) installing or maintaining electrical or telecommunication lines			
51I	((~~utility service connections and repairs =2" diameter (more than 500 51I uses per year based on prior year volumes~~))) prepatory or exploratory work for upcoming projects, including surveying, installing monitoring wells, and soil sampling			
51J	Installing or maintaining water lines by a public utility agency			
51K	Installing or maintaining sewer or drainage lines			
51L	maintaining existing transportation infrastructure			
51M	utility cut pavement restoration			
51N	franchise utility maintenance, including steam mains, pipelines, and railroads			
51F	((~~use of right-of-way for staging, curb crossing or excavation related to side sewer work~~)) side sewer and	None		None

	drainage permits issued by DPD			
51O	private water service lines less than 2" in diameter	$146		

Activities that use the public Right-of-Way that involve little to no mobility blockage				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
22B	permanent soldier pile located within the right-of-way [must be removed to a point 4 ft below adjacent grade]	$146	$1011/pile	None
((~~23~~))	((~~cornices, architectural features~~))		N/A	
25	((~~driveways~~)) construct, repair, maintain, or remove asphalt driveway			
26	construct concrete driveways ["Curb Cut" permits issued by DPD]			
26A	remove concrete driveway and restore curb ["Curb Cut Closure"]			
((~~28~~))	((~~water service lines less than 2" in diameter~~))			
((~~29~~))	((~~fences and non-structural)) walls~~))			
31D	construction use in unimproved right-of-way, including staging or material storage that is not in a transportation corridor			$.51/SF
34	grade and rock (temporary)			None
35	clear and grub ((~~street and alley~~)) with ground disturbance greater than 1 yd^3			
((~~37~~))	((~~new sidewalk with existing curb~~))			
38	((~~surfacing~~)) paving or pavement removal in planting strip or shoulder((~~, including required landscaping~~))			
38A	Green Factor as approved by DPD			
((~~43~~))	((~~tree removal when blocking street~~))			
47	cross curb and sidewalk with equipment			
50A	scaffold or other barrier that provides for pedestrian mobility and public protection with no mobility impacts			
52A	event pole banners of limited duration [up to four contiguous blocks per permit]			
52C	seasonal lights/decorations of limited duration			

	54A	miscellaneous private temporary uses ((~~up to 4 hours~~))			

Activities that have value to the general citizenry				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
1	planting strip beautification, may include planting flowers, shrubs, and other vegetation and installing low planting boxes and pavers related to gardening	None	N/A	None
1A	tree pruning((~~, planting, and removal and other plantings~~))			
1B	tree planting			
1C	tree removal			
1D	unimproved right-of-way and shoulder beautification, including cleaning underbrush and planting vegetation with minimal ground disturbance of 1 yd^3 or less			
5A	clocks ((~~in public~~)) with Historic or Landmark ((~~places~~)) designation			
54	miscellaneous uses for use of public places per SMC 15.04.100			
54B	residential street barricading associated with a Neighborhood Block Party			
54C	Temporary barricading associated with emergency landslide or other debris			
55	Sidewalk, driveway, or curb repair and maintenance (less than 100 sq. ft.) including caulking, sealing, or grinding			
55A	Sidewalk, driveway, or curb repairs and maintenance (between 100 -1,999 sq. ft. ((~~or greater~~)))	$146		

Miscellaneous				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
57	((~~Nonvending~~)) nonvending-related impound fee	$97 per occurrence	N/A	N/A
58	((~~Sign~~)) sign removal	$78 per sign or poster		
59	((~~Mobility~~)) mobility impact surcharge	$360		
45D	DPD project-related review, including MIMP, SUAC, SDAC	None		
45P	plat reviews			

Activities that occur over more than one year ("Annual Permit")				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
2	small directional signs	$146 (first year); $140 (subsequent years)	None	N/A
2B	portable signs (i.e.: sandwich board signs, "A" frames, etc.)			
3D	street and sidewalk barricading for annual private use			
5	clocks			
6	signs, flags, ((~~etc. extending over ROW~~)) or other advertising projecting over right-of-way [minimum 3" not to exceed 6' maximum]			
6A	wayfinding kiosks			
7B	ramp primary access over underwater street			
8	((~~ventilating ducts~~)) private mechanical or electrical building appurtenances			
9	private underground vaults or ducts			
14	miscellaneous renewable uses			
15A	long-term maintenance of privately-owned-public art			
16A	((~~Inactive~~)) areaways existing prior to January 1, 1995; inactive			
17	((~~Sidewalk~~)) existing sidewalk elevator doors			
18C	((~~Tables~~)) tables and chairs ((~~[max 4]~~)) open to the public: maximum of 4 tables with 2 chairs each			
19A	((~~Vending~~)) vending activity in an attended newsstand			
21A	non-public utilities			
21B	underground storage ((~~tanks~~)) tank: decommissioned			
27A	stanchions			
29A	((~~structural~~)) long-term maintenance of fences, stairs, handrails, rockeries, retaining walls and related structures			

((~~33~~))	((~~contractors' trucks/equipment per vehicle~~))			
48	building maintenance over ROW [per bldg]			
52	street decorations, including benches, planters, bike racks, decorations, etc.			
52B	identification pole banners annual use [up to four contiguous blocks per permit]			

Long term uses of the Right-of-Way authorized by City Council ("Term Permit")					
Use Code	**Use Description**		**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
61C	((~~Pipelines~~)) pipelines and steam mains under franchise agreement		Fees determined by ordinance		
61D	((~~Other~~)) other miscellaneous long-term uses				
61E	((~~Sub~~)) sub-surface:	((~~Utility~~)) utility tunnels/ structures	(Land value) x (Use area) x (Rate of return) x (Degree of Alienation*) = Annual fee ((*))Refer to Table A: Degree of Alienation Factor		
61F		((~~Vehicle~~)) vehicle/ pedestrian tunnels			
61G	((~~At~~)) at-grade:	((~~Public~~)) public plazas, artwork			
61H		((~~Structures~~)) structures, restricted access			
61I		((~~Utility~~)) utility structures			
61J	((~~Above~~)) above-grade*:	((~~Overhead~~)) overhead building structures (excluding skybridges and vehicle bridges/ ramps)			
61K		((~~Skybridges~~)) skybridges (private use)			
61L		((~~Skybridges~~)) skybridges (public use)			
61M		((~~Skybridges~~)) skybridges (semi-public use)			
61N		((~~Vehicle~~)) vehicle bridges			
61O		((~~Vehicle~~)) vehicle ramps			
61P	((~~Sub~~)) sub-surface, at-grade, or above-grade	((~~Sustainable Building Features~~)) sustainable building features**			

Occupation of Right-of-Way ((~~street~~))("Annual Permit")				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
2A	fixed ground signs	$146 (first year); $140 (subsequent years)	$590/yr	N/A
21	underground storage ((~~in street~~)) tank: non-decommissioned			
7	((~~At grade~~)) long-term maintenance of structures ((~~required only for access~~)) and overhangs		$.51/sf/yr	
12	material storage including storage associated with commercial/industrial long-term uses with no mobility impacts			
16	areaways existing prior to January 1, 1995: active			
18B	((~~Sidewalk~~)) sidewalk cafes		$1.56/sf/yr	
18A	merchandise ((~~on sidewalks~~)) displays			
((~~22B~~))	((~~Shoring unremoved (must be removed to a point 4 ft below finished grade)~~))	((~~$146~~))	((~~$1011/pile~~))	
((~~27~~))	((~~Awnings, marquees and canopies [plus 27A if stanchions]~~))		((~~$.51/sf~~))	

Occupation of underwater street ("Annual Permits")				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
7A	structures and overhangs in underwater streets	$146 (first year); $140 (subsequent years)	$0.14/sf/mo	N/A
12A	moorage ((~~not covered elsewhere~~)) <u>in underwater streets</u>			
WW100	installations and overhangs in state waterways			
WW200	moorage in state waterways			
WW250	temporary moorage or other uses of state waterways			
WW150	non-profit organizations water safety for youth		None	

Per ordinance or council action ("Annual Permits")				
Use Code	**Use Description**	**Base Permit Fee**	**Occupation Fee (Long Term)**	**Use Fee (Short Term)**
11	((~~Shoreline~~)) <u>shoreline</u> street ends [land portion]	(Land value) x (Use area) x (Rate of return) x (Demand probability) x (Maritime Industrial Use Discount Factor) = Annual fee $140 minimum fee		
((~~16B~~))	((~~Areaways built after January 1, 1995~~))	((~~Fees based upon appraisal~~))		

<u>Vending Permits</u>

Use Code	**Use Description**	**Base Permit Fee**	**Parking/ Occupation Fee (Long Term)**	**Use Fee (Short Term)**	**Program Administration Fee**
19B	1st Amendment vending	$40/yr	$35/mo	None	None
19C	Stadium Event vending [April-September]	$146	$170/mo		
19D	Stadium Event vending [October-March]		$110/mo		
19E	((~~Vending~~)) <u>vending</u> from a public place sidewalk or plaza DAY 6am-8pm		$1.56/SF		$344
19F	((~~Vending~~)) <u>vending</u> from a public place sidewalk or plaza NIGHT 8pm-6am				$688
19G	((~~Food~~)) <u>food</u>-vehicle zone vending (DAY 6am-8pm)		$468 (each 4-HR period x each day of the wk)		$344
19H	((~~Food~~)) <u>food</u>-vehicle zone vending (NIGHT 8pm-6am)				$688
19I	((~~Temporary~~)) <u>temporary</u> curb space vending		N/A		None
19J	((~~Mobile~~)) <u>mobile</u>-food vending				

Other Fees and Charges	
Hourly Charge for ((~~Street Use~~)) City service including, but not limited to: review, investigation, inspection, drafting, design guidance, document preparation and other activities related to the administration of the permit	*$172*
Premium hourly rate (e.g. Overtime Inspections)	*$344*
Penalty Fee (No Job Start Call)	*$300*
A Deposit may be required	*Amount determined based on services requested*
Hourly Charge for Department of Planning and Development project-related review, that includes but is not limited to project permits defined by RCW 36.70B.020, project--related Environmental Impact Statements, and pre-submittal conferences and coordination.	*$172*

The Department of Transportation is directed to use the vending Street Use permit fees credited to the Transportation Operating Fund for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food-vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

Fee Methodology Factors and Descriptions

Factor	**Description**
Land value:	For Term permits, the value of the use area in the right-of-way shall be based on the abutting parcel's current land value per square foot as determined by the King County Assessor. If the use area extends beyond the right-of-way centerline or abuts multiple parcels, the permit fee shall be calculated by averaging the abutting parcels' current land values. For Shoreline Street End permits, the value of the use area in the right-of-way shall be based on the abutting parcel's current land value per square foot as determined by the King County Assessor. If the use area extends beyond the centerline of the right-of-way or abuts multiple parcels, the permit fee shall be calculated for each portion of the use area according to the current value of the abutting parcels. If one of the abutting parcels is publicly-owned, the permit fee for that portion of the use area abutting the publicly-owned parcel shall be calculated using the value of the privately owned parcel abutting the largest portion of the use area occupying the right-of-way.
Use area:	Square footage of the permitted encroachment in the right-of-way, as authorized by Seattle Department of Transportation.
Rate of return:	Annualized rate of return on market value of the right-of-way, as established by the City Appraiser or a State of Washington Certified General Real Estate

	Appraiser retained by the Director of Transportation.
Degree of alienation:	For Term permits, the degree of impact on the public, utilities, right-of-way, and other potential uses of the right-of-way based on City policy, as established by Seattle Department of Transportation. Refer to Table A: Degree of Alienation Factor.
Demand probability:	For Shoreline Street End permits, the estimated demand of probable use shall be based on factors that include, but are not limited to, location, access, size, view, and topography; as established by the City Appraiser or a State of Washington Certified General Real Estate Appraiser retained by the Director of Transportation. Refer to Attachment A: Demand Probability Factor. The Director of Transportation is authorized to update Attachment A based upon the recommendations of the City Appraiser or a State of Washington Certified General Real Estate Appraiser. The new Demand Probability Factor shall become effective when the updated Demand Probability Factor is adopted by rule.
Maritime Industrial Use Discount Factor:	To support the City's policies of protecting its maritime uses, a 50 percent discount factor shall apply to that portion of the Shoreline Street End occupied by a legally-established water-dependant or water-related use as defined in Seattle Municipal Code Section 23.60.944.

The Department of Transportation is directed to use the shoreline street end permit fees credited to the Transportation Operating Fund for the following purposes:

(a) Notifying property owners that abut shoreline street ends of the need for permits for private use of the street end and of the fee schedule;

(b) Administering and inspecting shoreline street end use;

(c) Verifying property boundaries and area of use;

(d) Matching funds for neighborhood improvements of shoreline street ends for public use;

(e) Signing, demarcating, and maintaining shoreline street ends;

(f) Funding street and sidewalk improvements within a half-block radius of any of the shoreline street ends identified in Exhibit A to Resolution 29370 that directly contribute to public access to the shoreline street end.

Table A: Degree of Alienation Factor				
Use code:	**Use description:**		**Examples:**	**Factor rate:**
61E	((~~Sub~~)) sub-surface*:	((~~Utility~~)) utility tunnels/structures	Privately-maintained utility tunnels connecting parcels	0.3
61F		((~~Vehicle~~)) vehicle/pedestrian tunnels	Underground pedestrian concourses	0.25
61G	((~~At~~)) at-grade:	((~~Public~~)) public plazas, artwork	Privately-maintained public plazas	0.1
61H		((~~Structures~~)) structures/restricted access	Building encroachments, skybridge columns	0.8
61I		((~~Utility~~)) utility structures	Wastewater pump stations	0.5
61J	((~~Above~~)) above-grade*:	((~~Overhead~~)) overhead building structures	Building roof projections	0.75
61K		((~~Skybridges~~)) skybridges (private use)	Skybridges connecting office building or condominium garage access	2.0
61L		((~~Skybridges~~)) skybridges (public use)	Skybridges connecting to the public transportation network	0.1
61M		((~~Skybridges~~)) skybridges (semi-public use)	Skybridges connecting hospitals, department stores, hotels/convention centers	0.75
61N		((~~Vehicle~~)) vehicle bridges	Overhead vehicle bridges connecting private structures	0.5
61O		((~~Vehicle~~)) vehicle ramps	Privately-owned vehicle ramps connecting to a portion of the public transportation network (portion of ramp may be at-grade)	0.2
61P	((~~Sub~~)) sub-surface, at-grade, or above-grade	((~~Sustainable Building Features~~)) sustainable building features**	A building appurtenance identified as being necessary to achieve the Living Building Challenge or LEED platinum certification; including but not limited to photovoltaic arrays, wind generators, or cisterns.	0.1

* Portions of sub-surface or above-grade structures, such as columns or stairwells, may be located at grade. Except for vehicle ramps, the total value of the term permit annual fee shall be calculated by adding the value of the at-grade use area to the value of the sub-surface or above-grade use area.

** In order to qualify for this term permit use code, the development must be participating in the City's Living Building Pilot Program, be capable of achieving Leadership in Energy and Environmental Design (LEED) platinum certification, or both.

Section 36. Any act taken by the City pursuant to the authority and in compliance with the conditions of this ordinance but prior to the effective date of the ordinance is ratified and confirmed.

Section 37. This ordinance shall take effect and be in force 30 days 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 ____ day of _____, 2013, and signed by me in open session in authentication of its passage this

_____ day of _____, 2013.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____
Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____
Monica Martinez Simmons, City Clerk

(Seal)

Angela Steel
SDOT Omnibus FISC
February 8, 2013
Version #1a

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Department of Transportation	Angela Steel/684-5967	Forrest Longman/684-0331

Legislation Title:

AN ORDINANCE relating to street and sidewalk use; amending portions of Chapters 15.06, 15.08, 15.10, and 15.12 and Sections 15.04.015, 15.04.074, 15.04.100, 15.16.040, 15.48.040 and 15.65.010 of the Seattle Municipal Code; repealing Section 15.10.030; amending the Seattle Department of Transportation Street Use Permit Fee Schedule; to correct typographical errors, correct section references, clarify regulations, and make minor amendments; and ratifying and confirming certain prior acts.

Summary of the Legislation:

Ongoing maintenance of the Street and Sidewalk Use Code, Title 15, including Chapters 15.06, 15.08, 15.10, and 15.12 and Sections 15.04.015, 15.04.074, 15.16.040, 15.48.040 and 15.65.010 and the Seattle Department of Transportation Street Use Permit Fee Schedule; to correct typographical errors, correct section references, clarify regulations, and make minor amendments. The amendments are consistent with the 2011 City Code Drafting Manual.

Background:

Periodically updating the Street and Sidewalk Use Code is an important part of the regulatory process. Clarifying the code is necessary to correct errors or omissions. The amendments will improve an understanding of and application of the code and the Street Use Permit Fee Schedule. The last omnibus ordinance of Street and Sidewalk Use Code for Chapters 15.02 and 15.04 was adopted in 2012 by Ordinance 123830. The chapters under amendment with this legislation were last updated in 1996 by Ordinance 118409.

Please check one of the following:

_X_ This legislation does not have any financial implications.

Other Implications:

a) **Does the legislation have indirect financial implications, or long-term implications?** Yes, there are indirect financial impacts associated with the ability for SDOT to charge for DPD project-related reviews for the use of or impacts to public places. There are also long-term implications for the proposed amendments to the SDOT Street Use Permit Fee Schedule. New permit types are added to the Fee Schedule to better reflect the type of activities that are permitted in the public place rather than the current practice of issuing a 'miscellaneous' type permit. In addition, some permit types were added or amended to better reflect the uses impact on mobility in the public place and assess use fees in a consistent manner. The SDOT hourly rate and Street Use permit fees are consistent with the existing Council-approved Street Use Fee Schedule.

b) **What is the financial cost of not implementing the legislation?**
SDOT would not be able to collect fees for reviews or pre-submittal coordination related to a DPD project. In addition, SDOT would not be able to accurately assess mobility impact use fees for varying activities in the public place that are not specifically identified in the Fee Schedule.

c) **Does this legislation affect any departments besides the originating department?**
Yes, proposed amendments to Title 15 may affect DPD and Parks. Mike Podowski with DPD and Marylou Whiteford with Parks have been consulted on these proposed amendments.

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?**
No.

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

March 5, 2013

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 minor amendments to the Street and Sidewalk Use Code Chapters 15.06, 15.08, 15.10, and 15.12 and Sections 15.04.015, 15.04.074, 15.04.100, 15.16.040, 15.48.040 and 15.65.010 and to the Seattle Department of Transportation Street Use Permit Fee Schedule. The Seattle Department of Transportation's Street Use Division is responsible for reviewing and amending the Street and Sidewalk Use Code, Title 15, and permit fee schedule.

The proposed "omnibus" amendments are minor amendments with limited impacts. The amendments correct typographical errors and incorrect section references, and clarify existing code and regulations.

Periodically updating the Street and Sidewalk Use Code is an important part of the regulatory process. Adopting the amendments improves an understanding of and application of the code and fee schedule. The last omnibus ordinance of Street and Sidewalk Use Code for these chapters was adopted in 1996 by Ordinance 118409.

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

Michael McGinn, Mayor
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