

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE related to regulations for cafés in the public place; updates to pedestrian clearance standards to align with existing standards and amendments to clarify regulations; corrections to typographical errors and section references; amending Sections 15.02.042, 15.02.046, 15.02.048, 15.04.035, 15.04.060, 15.04.070, 15.16.010, 15.16.012, 15.16.040, 15.16.050, 15.16.080, 15.17.005, 15.17.006, 15.17.007, 15.17.008, 15.17.009, 15.17.100, 15.17.120, 15.17.130, 15.17.150, 15.17.152, 15.17.200, 15.32.200, and 15.32.250 of the Seattle Municipal Code (SMC); repealing SMC Sections 15.16.020, 15.16.060, 15.16.070, and 15.16.075.

..body

WHEREAS, the 2015 ten-year Move Seattle Strategy identified the need to transform Seattle's streets and sidewalks into vibrant social spaces and called for creating more places for people to use our streets and sidewalks; and

WHEREAS, the pilot streatory and fence-free café programs have demonstrated success and additional opportunities to offer outdoor seating options in the right-of-way are well-supported by businesses and customers; and

WHEREAS, the 2017 Pedestrian Master Plan established a specific goal to create and maintain a pedestrian clear zone on all sidewalks consistent with the Right-of-Way Improvements Manual to improve pedestrian mobility; and

WHEREAS, The City of Seattle is committed to economic development and creating business opportunities for food-service businesses; promoting activation of public spaces; identifying missed opportunities or implementation hurdles to activating the public right-of-way, and managing our public spaces in a transparent and predictable way; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 15.02.042.M of the Seattle Municipal Code, which section was last amended by Ordinance 124951, is amended as follows:

15.02.042 Definitions A through C

* * *

J. “Café” means a portion of the public place where tables and seating are placed for the use of patrons consuming food or beverages, including alcoholic beverages that is operated by a food service business located on abutting property, unless its location is otherwise approved by the Department of Transportation. Cafés on the sidewalk abutting the property line are called “frontage zone cafés,” cafés in the planting strip portion of the sidewalk are called “furniture zone cafés,” and cafés in the curb space are called “curb space cafés.”

K. "Communication cabinet" means all structures, cabinets, electric meters, and any other appurtenances installed in the public place, except utility poles and attachments to poles; by any publicly- or privately-owned entity for the purposes of providing any communications transmission, emission, or reception of signals, writings, pictures, images, and sounds or intelligence of any nature; by wire, cable, radio, optical, or other electromagnetic systems.

~~((K))~~ L. "Compaction" means "compaction" as defined in Section 22.801.040.

~~((L))~~ M. "Contaminate" means "contaminate" as defined in Section 22.801.040.

~~((M. “Corner curb radius area” means the area that includes the intersection of two sidewalks bounded by the adjoining corner or curb bulb and curb ramps (Exhibit B for 15.02.042: Corner curb radius area). If the start of the point of curvature for the curb bulb or curb radius occurs beyond the sidewalk intersections, the area shall be extended to the point of curvature for the curb bulb or curb radius.))~~

1 N. “Corner clearance zone” means the area that includes the intersection of two sidewalks
2 and extends on the sidewalk to the farthest extent of either: 5 feet from the intersection of two
3 sidewalks; or to the far edge of a marked crosswalk or curb ramp. (Exhibit B for 15.02.042:
4 Corner Clearance Zone).

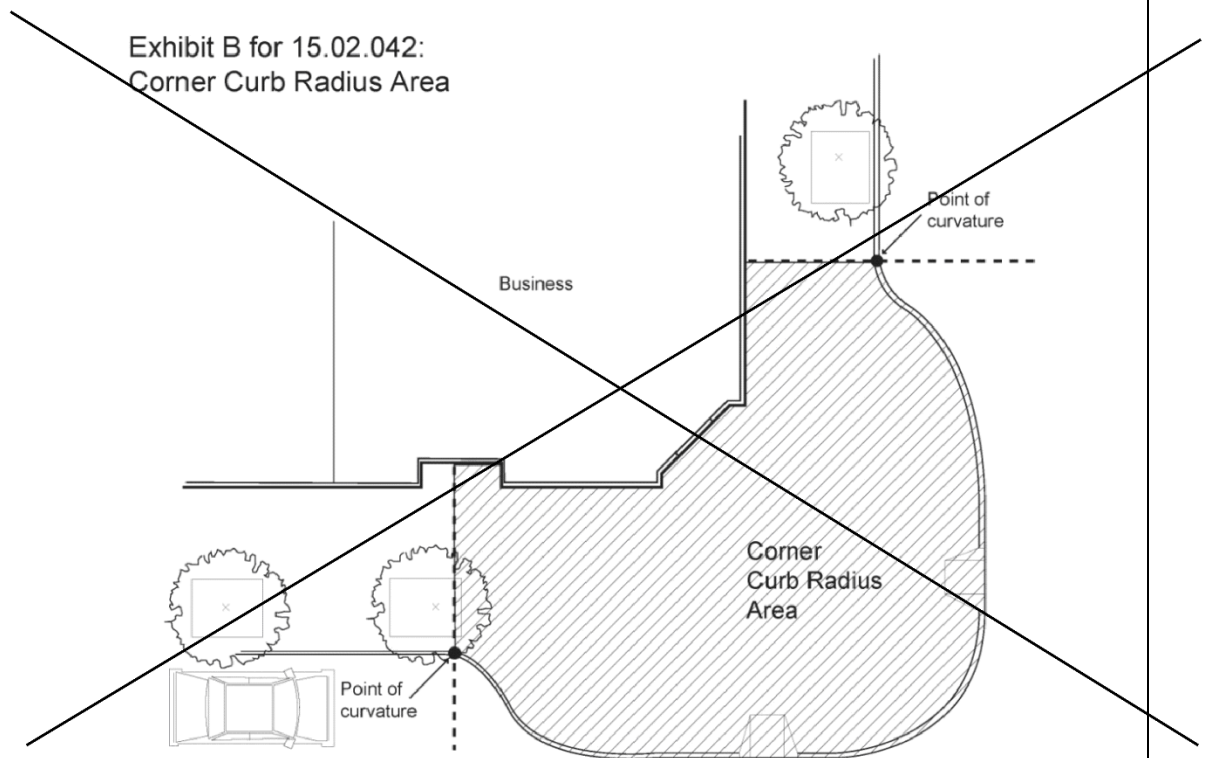
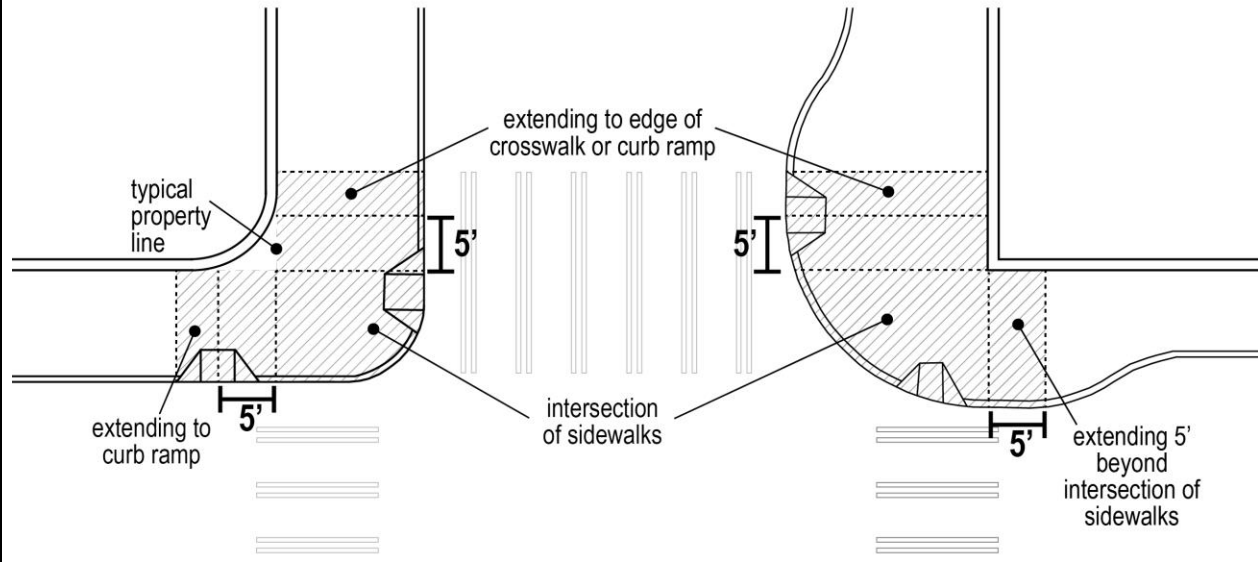


Exhibit B for 15.02.042
Corner Clearance Zone

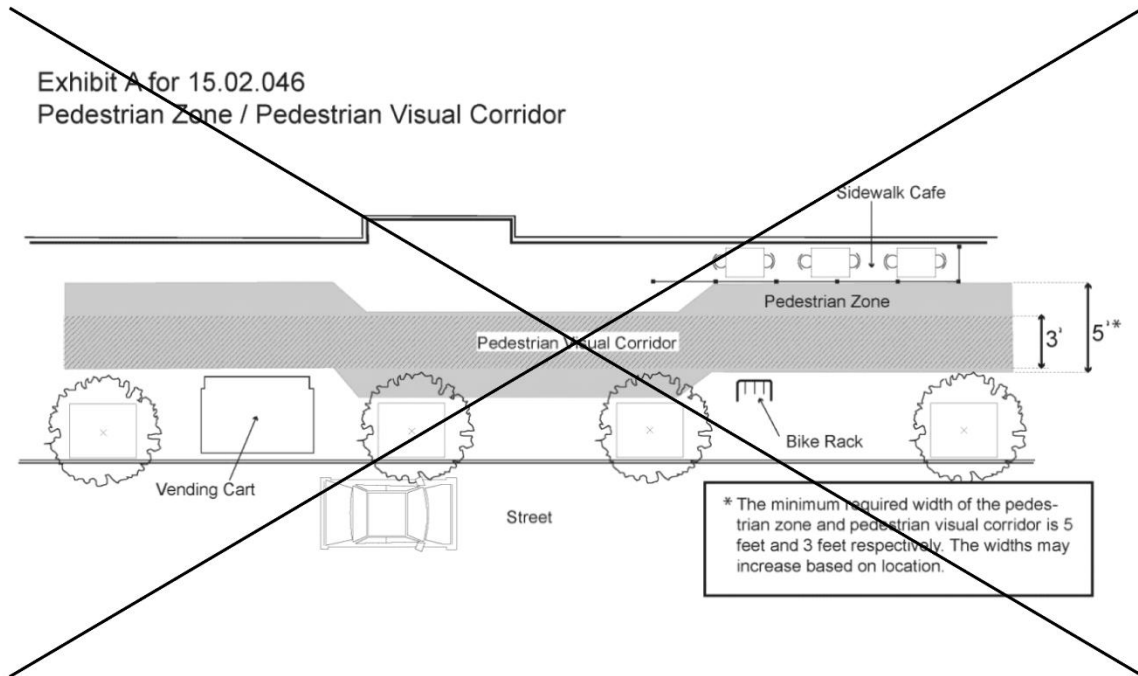


Section 2. Section 15.02.046 of the Seattle Municipal Code, last amended by Ordinance 124951, is amended as follows:

15.02.046 Definitions N through Z

* * *

D. “Pedestrian clear zone” means the area ~~((or space of the public place or roadway that is reserved for the exclusive use of pedestrians (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor))~~ of the public place that is specifically reserved for pedestrian travel. Street furniture, plantings, and other obstructions shall not protrude into this zone.



E. ((~~“Pedestrian visual corridor” means a continuous and straight corridor within the designated pedestrian zone that provides pedestrians with a clear visual indication of the location of the path of travel along a block face (Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor). Street furniture, plantings, and other obstructions shall not protrude into this corridor.~~)) “Pedestrian straight path” means a 3-foot-wide continuous, straight, and unobstructed corridor within the designated pedestrian clear zone that extends along the permitted area and for 25 feet on either end of the permitted area’s boundaries along the block face. It provides pedestrians with a clear indication of the travel path location, usually parallel to the curb, and dictates that the pedestrian clear zone shall be generally straight with no sharp turns.

* * *

~~((O)) "Sidewalk café" means a portion of the public place in which tables and chairs are placed for the use of patrons consuming food or beverages including alcoholic beverages that is operated by a food service business located on abutting property.~~

~~P))~~ Q. "Sign" means any medium, including its structure and component parts that is used or intended to be used out of doors to attract attention to the subject matter for advertising, identification, or informative purposes.

~~((Q))~~ P. "SMC" is an abbreviation for Seattle Municipal Code.

~~((R))~~ Q. "Street tree" means any tree planted or growing within a public place.

~~((S))~~ R. "Street Tree Inventory" means a database or list of trees growing in public places, that includes attributes such as species, size, tree condition, location, and maintenance responsibility, as maintained by the Director.

~~((T))~~ S. "Street Tree Manual" means the Department of Transportation's Tree Standards Manual for planting, pruning, maintenance, and protection of trees in public places, as adopted by Director's Rule.

~~((U))~~ T. "Stormwater" means "stormwater" as defined in Section 22.801.200.

~~((V))~~ U. "Superintendent" or "Superintendent of Parks and Recreation" means the City Superintendent of Parks and Recreation or authorized representatives.

~~((W))~~ V. "Topping" means the severe and indiscriminate cutting back of limbs to stubs within the tree's crown, to such a degree as to remove the normal canopy and disfigure the tree; or the cutting back of limbs or branches to lateral branches that are not sufficiently large enough to assume the terminal role, or are less than one-half of the diameter of the limb or branch that is cut.

1 ((X)) W. "Tree Service Provider" means any individual or business entity that engages in
2 the business of pruning, removing, or otherwise treating trees for monetary or other
3 compensation.

4 ((Y)) X. "Vend or vending" means to sell, offer for sale, solicit orders, display, rent,
5 lease, or otherwise peddle any good, ticket, thing, or service of any kind; to the public from a
6 public place; as authorized or prohibited in Chapters 15.14 or 15.17.

7 ((Z)) Y. "Vending cart" means a movable cart that is used to serve, vend, or provide food,
8 nonalcoholic beverages, or flowers.

9 Section 3. Section 15.02.048 of the Seattle Municipal Code, last amended by Ordinance
10 123830, is amended as follows:

11 **15.02.048 Definitions—Use**

12 A. "Use" means exercising dominion or control over ((;)) or occupying all or part of ((;))
13 a public place with or without the right to do so. Use includes constructing, storing, erecting,
14 placing upon, maintaining, or operating; any inanimate thing or object; in, upon, over, or under
15 any public place. It includes, but is not limited to, any of the following:

16 1. Any areaway, marquee, awning, clock, newsstand, sign, banner, billboard,
17 sidewalk elevator or door, fuel opening, ((sidewalk)) café in the public place, or other
18 structure;

19 2. Fencing, staging, scaffolding, an elevator or other structure or material,
20 machinery or tools used or to be used in connection with excavating, erecting, altering,
21 demolishing, repairing, maintaining, or painting any building;

22 3. Moving any building along or across any public place;

4. Storing or placing any material, equipment, inanimate object, or thing in any public place. But "use" shall not include placing an inanimate object in a location and for a limited duration of time that, under the circumstances, no reasonable person could conclude that the public's right to use or enjoy the public place, in whole or in part, has been or potentially could be interfered with;

5. Raising or lowering any safes, machinery, or other heavy articles;

6. Making or having any fire on any public place;

7. Opening, excavating, or in any manner disturbing or breaking the surface or foundation of any permanent pavement; or altering the established grade of any public place; or disturbing the surface of, digging up, cutting, excavating, or filling in any public place;

8. Constructing, reconstructing, repairing, or removing any driveway, curb, curb setback, sidewalk, crosswalk, pavement, sewers, water mains, grading, street lighting, street utilities, or appurtenances; or doing any work in, or erecting any structure under, along, or over any public place; except when permitted by ordinance;

9. Vending of any good, ticket, thing, or service of any kind, ~~((other than publications under))~~ except: placing newsstands in compliance with Chapter 15.14; or vending merchandise on foot that is protected as expressive activity under the United States or Washington Constitution as defined by rules adopted pursuant to Section 15.17.200 and without engaging in any other use of the public space as defined in this Section 15.02.048;

* * *

Section 4. Section 15.04.035 of the Seattle Municipal Code, last amended by Ordinance 124951, is amended as follows:

15.04.035 Approval; Considerations

1 A. If the application conforms to the requirements of Title 15 and the proposed use is
2 consistent with the rights of the public to use the public place, the authorizing official may
3 approve the application; fix the duration and the terms or conditions of the permit; and when
4 required ((;)) upon the applicant's furnishing of a deposit or surety bond, insurance, covenant,
5 and indemnification, and payment of all required fees ((;)), issue the permit. The original permit
6 shall ((~~remain in the custody of~~)) be retained by the City, and a copy shall be given to the
7 permittee and shall be posted or available at the site by the permittee.

8 1. The Director of Transportation may as deemed appropriate, condition the Street
9 Use permit to address the potential impacts associated with the permitted activity.

10 2. The Director of Transportation may require applicants to post a surety bond in
11 accordance with the provisions of Section 15.04.044 or to establish an escrow account in
12 accordance with the provisions of Section 15.04.042;

13 B. The permit may specify the portion of the public place that may be occupied, the
14 dates or days and hours of use, and the allowed use. The permit shall only be valid for the
15 portion of the public place, the dates or days and hours of use, and the use as identified on the
16 permit.

17 C. Factors for consideration in evaluating an application for a permit include, but are not
18 limited to, the applicant's constitutional rights and the abutter's property rights; the site and its
19 terrain; the public and private benefits of the proposed use; and the impact of the proposed use
20 on the following:

21 1. The paramount purpose of streets for travel and transportation;
22 2. Utilities; authorized secondary street uses; and any use being made by the
23 public of the site;

3. Fire access and public safety;

4. Uses under permit; street trees; and other proposed or past uses of the site;

5. Rights of light, air, and access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;

6. The environment, including but not limited to efforts to minimize impervious surface, loss of native vegetation, and stormwater runoff;

7. Drainage, surface and underground; springs and watercourses; and the stability of soils; and

8. Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans.

D. In addition to the considerations in subsection 15.04.035.B, where the following situations occur, factors for consideration include:

1. For public places under the jurisdiction of the Department of Parks and Recreation, their character as a park drive or boulevard, or as open space;

2. For shoreline street ends, their purpose to provide the public with visual or physical access to the water and the shoreline;

3. For submerged streets, the Harbor Code, Title 16;

4. For environmentally critical areas, the requirements of Chapter 25.09; and

5. For streets or public places in the process of being vacated, the use after the vacation.

E. The Director of Transportation may grant a deviation from the required standards using the process specified in the Right-of-Way Improvements Manual or successor rule upon

1 determining that adequate space is provided for pedestrian passage, traffic management, and any
2 other public-use purpose.

3 Section 5. Section 15.04.060 of the Seattle Municipal Code, last amended by Ordinance
4 123830, is amended as follows:

5 **15.04.060 Indemnity agreements and covenants**

6 A. The permittee, or the owner of the object or improvement identified in the permit
7 application if the permittee is not the owner, shall agree to defend, indemnify, and hold harmless
8 ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

9 1. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys'
10 fees, or damages of every kind and description resulting directly or indirectly from any act or
11 omission of the permittee, its subcontractors, anyone directly or indirectly employed by them,
12 and anyone for whose acts or omissions they may be liable, arising out of the permittee's use or
13 occupancy of the public place; and

14 2. All loss by the failure of the permittee to fully or adequately perform, in any
15 respect, all authorizations ~~((of))~~ or obligations under permit.

16 B. If the application is for a permit to use or occupy a public place with an areaway, fuel
17 opening, sidewalk elevator or door, ~~((a))~~ bulkhead, ~~((steps))~~ retaining wall, rockery, structure, or
18 ~~((an))~~ extension or appurtenance to a structure, or any facility with an anticipated continued
19 occupancy of a public place of more than one year; the owner of the adjacent property ~~((;))~~ and
20 any existing lessee, sublessee, tenant, and subtenant using or occupying the part of the premises
21 served or connected to the permitted use shall ~~((;))~~ in the manner provided by law for the
22 execution of deeds, execute and deliver to the City upon a form to be supplied by the authorizing
23 official, an agreement in writing ~~((;))~~ signed and acknowledged by the owners and by any

existing lessee, sublessee, tenant, and subtenant; containing an accurate legal description of the premises; covenanting on the part of the owner, lessee, sublessee, tenant, and subtenant, for themselves and their heirs, executors, administrators, successors, assigns, lessees, sublessees, tenants, and subtenants; and forever defending, indemnifying, and holding harmless the City, its officials, officers, employees, and agents from and against any and all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of every kind and description, excepting only damages that may result from the sole negligence of the City; that may accrue to, be asserted by((;)) or be suffered by any person or property((;)) including without limitation ((;)) damage, death, or injury to members of the public or to the permittee's officers, agents, employees, contractors, invitees, tenants, ~~((and))~~ tenants' invitees, and licensees or its successors and assigns; arising out of or by reason of:

1. The existence, condition, construction, reconstruction, modification, maintenance, operation, use, or removal of the permitted area or any portion thereof, or the use, occupation, or restoration of the public place or any portion thereof by the owner, lessee, sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns; ((; lessees, sublessees, tenants and subtenants;))

2. Anything that has been done or may at any time be done by the owner, lessee, sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns; ((; lessees, sublessees, tenants and subtenants by reason of the permit;)) or

3. The owner, lessee, sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns ((; ~~lessees, sublessees, tenants and subtenants~~)) failing or refusing to strictly comply with every provision of the permit; or arising out of or by reason of the permit in any other way.

1 C. If the application is for a permit to construct and maintain an areaway, ((;)) the
2 agreement shall also contain a covenant on the part of the permittee executing the agreement((;))
3 for themselves and their heirs, executors, administrators, successors, or assigns ((,~~lessees,~~
4 ~~sublessees, tenants, and subtenants~~)); assuming the duty of inspecting and maintaining all
5 services, instrumentalities, and facilities installed in the areaway to be constructed or occupied
6 under authority of the permit; and assuming all liability for, ((;)) and at all times defending,
7 indemnifying, and holding harmless the City, its officials, officers, employees, and agents from
8 and against, all claims, actions, suits, liability, loss, costs, expense, attorneys' fees, or damages of
9 every kind and description, excepting only damages that may result from the sole negligence of
10 the City ((;)) that may accrue to, be asserted by, or be suffered by any person or property, ((;))
11 including without limitation ((;)) damage, death, or injury to members of the public or to the
12 permittee's officers, agents, employees, contractors, invitees, tenants and tenants' invitees,
13 licensees or its successors and assigns; arising out of or by reason of:

14 1. The existence, condition, construction, reconstruction, modification,
15 maintenance, operation, use, or removal of the permitted area or any portion thereof, or the use,
16 occupation, or restoration of the public place or any portion thereof by the owner, lessee,
17 sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns; ((;
18 ~~lessees, sublessees, tenants and subtenants~~);))

19 2. Anything that has been done or may at any time be done by the owner, lessee,
20 sublessee, tenant and subtenant, heirs, executors, administrators, successors, or assigns ((;
21 ~~lessees, sublessees, tenants and subtenants~~);)) by reason of the permit; or

22 3. The owner, lessee, sublessee, tenant and subtenant, heirs, executors, administrators,
23 successors, or assigns ((,~~lessees, sublessees, tenants and subtenants~~)) failing or refusing to

1 strictly comply with every provision of the permit; or arising out of or by reason of the permit in
2 any other way.

3 D. All agreements shall be a covenant running with the land.

4 ~~((D))~~ E. In addition, the agreement shall contain a provision that the permit:

5 1. Is wholly of a temporary nature;

6 2. Vests no permanent right whatsoever; and

7 3. May be revoked, the structures and obstructions removed, and public
8 place restored to the condition that existed prior to use occurring in the public place upon 30 ~~((-))~~
9 calendar days' notice, posted on the premises, or published in the official newspaper of the City;
10 or without notice~~((;))~~ if the permitted use is dangerous or the ~~((structures))~~ structure is insecure
11 or unsafe, or is not constructed, maintained, or used in accordance with the provisions of this
12 Title 15.

13 ~~((E))~~ F. An agreement, after it has been received and recorded with the King County
14 Department of Records and Elections, shall be retained by the City Clerk in the files and records
15 of the Clerk's office.

16 ~~((F))~~ G. The authorizing official may waive execution of the signature on an agreement
17 by a tenant or subtenant on a month-to-month lease or on a tenancy at will. If the application is
18 made by a condominium or cooperative apartment, the authorizing official may accept an
19 agreement by the condominium or apartment association together with documentation showing
20 its authority to execute the agreement in lieu of executing the agreement by all unit or apartment
21 owners.

22 Section 6. Section 15.04.070 of the Seattle Municipal Code, last amended by Ordinance
23 123830, is amended as follows:

15.04.070 Permit duration, revocation, and public place restoration

A. All use authorizations approved under the provisions of Title 15 or Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, or as to public places under the jurisdiction of the Department of Parks and Recreation under Chapter 18.12, shall be of a temporary nature and shall vest no permanent right; and may in any case be revoked upon 30((-)) calendar days' notice; or without notice((;)) in case any use or occupation is dangerous or any structure or obstruction permitted is insecure or unsafe; or is not constructed, maintained, or used in accordance with the provisions of this Title 15.

B. If a permit to use a public place is revoked or terminated, the public place shall be restored to the condition that existed prior to use occurring in the public place.

C. The Director of Transportation may modify the conditions of a Street Use permit after providing the permittee with written notice ten days before modifying the permit. A copy of the modified Street Use permit shall be mailed by first-class mail to the permittee at the address listed on the Street Use permit application.

Section 7. Chapter 15.16 of the Seattle Municipal Code is amended as follows:

15.16 ((Sidewalk Cafes)) Cafés in the Public Place

* * *

Section 8. Section 15.16.010 of the Seattle Municipal Code, last amended by Ordinance 123659, is amended as follows:

15.16.010 Permit required

No person shall operate a ((sidewalk)) café in the public place without obtaining a Street Use permit from the Director of Transportation as provided for in Chapter 15.16 and Section 15.04.010. ((A Street Use permit to operate a sidewalk café shall not be transferred or assigned.))

Section 9. Section 15.16.012 of the Seattle Municipal Code, last amended by Ordinance 123659, is amended as follows:

15.16.012 Permit expiration, renewal, administration, and revocation

A. A Street Use permit for a ~~((sidewalk))~~ café in the public place expires if: the business changes ownership or the business vacates the premises where the café on private property is located, except when a permit transfer is approved by the Director of Transportation; the Street Use permit duration expires; or Street Use permit fees are not paid as required by subsection ~~((15.04.074.B))~~ 15.04.074.D. All permit-related encroachments shall be removed from the public place when the Street Use permit expires.~~((Street Use permits for a sidewalk café shall not be transferrable or assignable.))~~

B. The Director of Transportation may, upon issuing the annual Street Use permit invoice and receiving the renewal fee, renew a ~~((sidewalk-café))~~ Street Use permit provided: the permittee is in compliance with all permit conditions; the ownership or business has not changed; and the space is not needed for transportation, utility, or any other public-use purpose.

C. ~~((The Director of Transportation may modify the conditions of a sidewalk café Street Use permit, including permitted hours or days of operation, after providing the permittee with written notice ten days before modifying the Street Use permit. A copy of the modified Street Use permit shall be mailed by first class mail to the permittee at the address listed on the Street Use permit application. The permittee may request a Director's review of the decision to modify the conditions of the Street Use permit as provided for in Section 15.04.112.~~

~~D.))~~ All ~~((sidewalk-café))~~ Street Use permits for cafés in the public place authorized by Chapter 15.16 are of a temporary nature, vest no permanent rights, and are revocable and modifiable as provided for in Section 15.04.070. The Director of Transportation may suspend

any sidewalk café Street Use permit for transportation mobility or public safety purposes; or to coordinate with((:)) permitted Special Events authorized by Chapter 15.52, parade permits authorized by Chapter 11.25, or any other permitted activity.

Section 10. Section 15.16.020 of the Seattle Municipal Code, last amended by Ordinance 123659, is repealed:

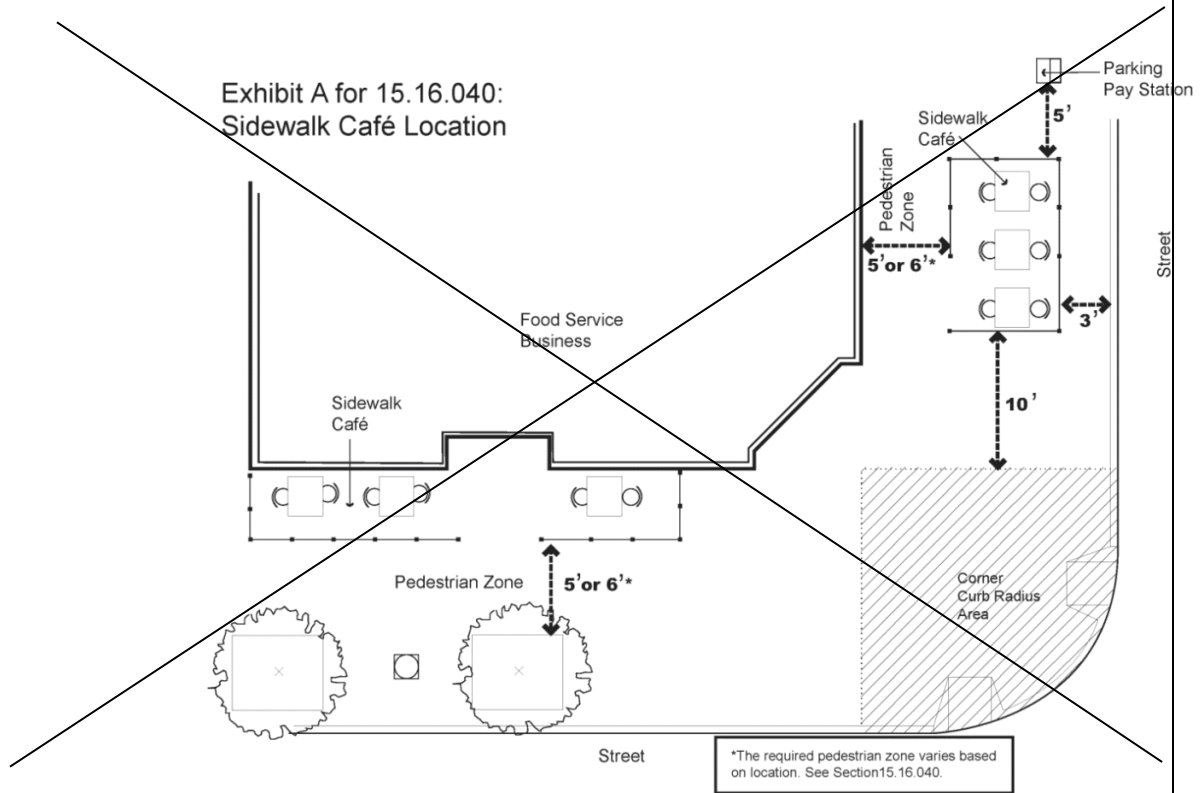
~~((15.16.020 Permit application~~

~~In addition to the information required by Section 15.04.025, a sidewalk café Street Use permit application shall state the anticipated periods of use during the year; the proposed hours of daily use including Saturdays, Sundays, and holidays; and whether any liquor, as defined in RCW 66.04.010(6), will be sold or consumed in the area to be covered by the sidewalk café Street Use permit.))~~

Section 11. Section 15.16.040 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.16.040 Terms and conditions

~~((A. The Director of Transportation may issue a Street Use permit authorizing the use of a public place for a sidewalk café under the following requirements as depicted in Exhibit A for 15.16.040: Sidewalk Café Location:~~



1. The applicant is the owner or occupant of the abutting property and operates a food service business;

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

b. A pedestrian zone at least 6 feet wide with a 4 foot wide pedestrian visual corridor if the sidewalk café is located in the Downtown Urban Center as established in the Comprehensive Plan; or

1 ~~e. If located outside of the Downtown Urban Center as established in the~~
2 ~~Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3 foot wide pedestrian visual~~
3 ~~corridor; or~~

4 ~~d. A wider pedestrian zone or pedestrian visual corridor may be required~~
5 ~~by the Director of Transportation to provide for pedestrian passage, traffic management, or any~~
6 ~~other public use purpose.~~

7 ~~3. In addition to any other required setback, the proposed sidewalk café shall be~~
8 ~~located at least:~~

9 ~~a. 5 feet from alleys, driveways, bus zone areas, disabled person parking~~
10 ~~zones, and commercial loading zones; and~~

11 ~~b. 5 feet from curb ramps, parking meters or pay stations, traffic signs,~~
12 ~~utility poles, fire hydrants, bike racks, and other street fixtures; and~~

13 ~~c. 10 feet along the curb line from the point where the radius of corner~~
14 ~~curb area intersects the curb line; and~~

15 ~~d. 3 feet from the curb; and~~

16 ~~e. 50 feet from a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2,~~
17 ~~or LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting~~
18 ~~zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32;~~
19 ~~or~~

20 ~~f. A larger setback distance may be required by the Director of~~
21 ~~Transportation to provide for pedestrian passage, traffic management, or any other public use~~
22 ~~purpose;~~

1 4. ~~The width of the sidewalk café shall not exceed the available pedestrian zone~~
2 ~~width, provided the Director, may allow the sidewalk café to increase in width if the Director~~
3 ~~determines that the pedestrian zone can extend into an adjacent public place closed to vehicular~~
4 ~~travel or a public place plaza;~~

5 5. ~~The applicant shall obtain a Certificate of Approval for the sidewalk café from~~
6 ~~the appropriate Board or Commission when located in a Landmark District or Historic District~~
7 ~~subject to the provisions of Title 23 or 25;~~

8 6. ~~The proposed sidewalk café activity shall not violate the Americans with~~
9 ~~Disabilities Act;~~

10 7. ~~Amplified sound shall not be used in the sidewalk café and the permittee shall~~
11 ~~comply with Chapter 25.08, Noise Control; and~~

12 8. ~~The permittee shall not locate electrical lines overhead or on the ground surface~~
13 ~~where the public has access to the public place.~~

14 B. ~~The Director of Transportation may require additional information from the applicant~~
15 ~~as provided for in Section 15.04.030.~~

16 C. ~~The Director may, as deemed appropriate, condition the sidewalk café Street Use~~
17 ~~permit to address the:~~

18 1. ~~Design standards;~~

19 2. ~~Hours of operation and dates of use;~~

20 3. ~~Impacts associated with the sidewalk café activity from: lighting, noise, or the~~
21 ~~placement of signage, furniture, or equipment;~~

22 4. ~~Posting a surety bond in accordance with the provisions of Section 15.04.044 or~~
23 ~~establishing an escrow account in accordance with the provisions of Section 15.04.042;~~

1 5. ~~Need for repairs or improvements to the public place in order to accommodate~~
2 ~~the sidewalk café or to ensure access to the use complies with the Americans with Disabilities~~
3 ~~Act; or~~

4 6. ~~Pedestrian circulation, traffic management, or any other public use purpose.~~

5 C. ~~The Director of Transportation may promulgate rules to implement Chapter 15.16.~~
6 ~~The rules may address the subjects identified in Section 15.16.040 and other subjects the~~
7 ~~Director believes may aid in the implementation of Chapter 15.16.~~

8 D. ~~Unless expressly authorized by the Director of Transportation pursuant to the Street~~
9 ~~Use permit for a sidewalk café, no public place surface shall be broken or disturbed, and no~~
10 ~~permanent fixture of any kind shall be installed in or on the public place in connection with a~~
11 ~~sidewalk café.~~

12 1. ~~A separate Street Use permit shall be applied for before placing any additional~~
13 ~~item beyond the sidewalk café fencing and may be approved by the Director of Transportation,~~
14 ~~provided the following requirements are met:~~

15 a. ~~Platforms or other site leveling structures may only be approved if a~~
16 ~~portion of the proposed site area exceeds an 8-percent grade;~~

17 b. ~~Plans for a platform or other structure shall be certified by a registered~~
18 ~~professional engineer; and~~

19 c. ~~Platforms or other structures in the public place shall be continuously~~
20 ~~maintained by the permittee in an as-built condition.))~~

21 A. A café may be located on a public place, as defined in subsection 15.02.046.I,
22 including but not limited to a sidewalk, planting strip, curb space, alley, or public plaza. The
23 following requirements apply to all cafés in the public place regardless of location unless

1 otherwise specified. For the purposes of Chapter 15.16, cafés on the sidewalk abutting the
2 property line are called “frontage zone cafés,” cafés in the planting strip portion of the sidewalk
3 are called “furniture zone cafés,” and cafés in the curb space are called “curb space cafés.”

4 B. The Director of Transportation may issue a Street Use permit authorizing the use of a
5 public place for a café if the following requirements are met:

6 1. The applicant shall be the owner or occupant of the abutting property;

7 2. The café shall abut the applicant’s business frontage, unless an alternative
8 location is approved;

9 3. The café shall be operated by a food service business holding all necessary City
10 and state permits and licenses;

11 4. The café shall not be located in the public place abutting a lot zoned RSL, SF
12 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under
13 subsection 23.30.010.A unless the abutting zone has an RC classification as shown on the
14 Official Land Use Map, Chapter 23.32;

15 5. The applicant shall obtain insurance according to Section 15.04.045. Failure to
16 maintain the required insurance coverage is grounds for revoking a Street Use permit for a café
17 in the public place;

18 6. The applicant shall indemnify and hold harmless The City of Seattle
19 according to Section 15.04.060;

20 8. The applicant shall obtain a Certificate of Approval for the café in the public
21 place from the appropriate Board or Commission when located in a Landmark District or
22 Historic District subject to the provisions of Title 23 or 25 of the Seattle Municipal Code;

1 9. The applicant shall obtain all applicable permits for installing the café and all
2 associated café elements, including but not limited to platforms and other structures. Platforms or
3 other structures may be approved when necessary for site-leveling, accessibility, or any public-
4 use purpose;

5 C. The applicant shall provide public notice of a new application in a form approved by
6 the Director of Transportation as provided for in Section 15.04.030.

7 D. The Director of Transportation may require additional information from the applicant
8 as provided for in Section 15.04.030.

9 E. The Director of Transportation may, as deemed appropriate, condition the Street Use
10 permit to address potential impacts as provided for in Section 15.04.035, including requiring a
11 surety bond in accordance with the provisions of Section 15.04.044 or establishing an escrow
12 account in accordance with the provisions of Section 15.04.042.

13 F. The Director of Transportation may promulgate rules to implement this Chapter 15.16.
14 Section 12. Section 15.16.050 of the Seattle Municipal Code, last amended by Ordinance
15 123668, is amended as follows:

16 **15.16.050 ((~~Liquor~~**

17 ~~Liquor, as defined in RCW 66.04.01024, as now existing or as amended, may only be used or~~
18 ~~sold at a sidewalk café if authorized by: the Street Use permit; the permit issued by the Director~~
19 ~~of Public Health—Seattle & King County; and the permit issued by the Washington State Liquor~~
20 ~~Control Board.))~~

21 **Siting standards**

1 A. All cafés and associated elements located on the sidewalk or where pedestrian
2 mobility is impacted, including but not limited to fencing, seating, tables, platforms, or
3 umbrellas, shall be sited to provide:

4 1. An unobstructed corner clearance zone;

5 2. An unobstructed pedestrian clear zone abutting the entire length of the café:

6 a. The width of the pedestrian clear zone is determined by the street type
7 the café is located on as defined by the Right-of-Way Improvements Manual or successor rule;
8 and

9 b. The width of the café shall not be greater than the available pedestrian
10 clear zone width, except where the Director of Transportation determines the pedestrian clear
11 zone can extend into an adjacent public place that is closed to vehicular travel, a public place
12 plaza, or other public space in consultation with the authorizing official for the space;

13 3. An unobstructed 3-foot-wide pedestrian straight path within the designated
14 pedestrian clear zone that extends along the permitted area and for 25 feet on either end of the
15 permitted area's boundaries along the block face as defined in Section 15.02.046.

16 B. The café shall comply with clearances required in the Right-of-Way Improvements
17 Manual or successor rule. The café shall not be sited in a manner that adversely affects
18 pedestrian mobility directly beyond the permitted footprint area or inhibits the operation,
19 maintenance, or functionality of any utilities or street fixtures;

20 C. The Traffic Engineer or Director of Transportation has authority to require dimensions
21 greater than the minimum standards included in subsections 15.16.050.A and 15.16.050.B to
22 provide for pedestrian passage, traffic management, or any other public-use purpose.

Section 13. Section 15.16.060 of the Seattle Municipal Code, last amended by Ordinance 123659, is repealed:

~~((15.16.060 Insurance~~

~~An applicant for a sidewalk café Street Use permit shall, before issuance of the Street Use permit, obtain and maintain in full force and effect at its own expense, commercial general liability (CGL) insurance that names the City of Seattle as an additional insured for primary limits of liability for the purpose of protecting the City from all claims and risks of loss as a result of the permittee's activity, occupation, operation, maintenance, or use of a public place in conjunction with the permitted activity. The CGL insurance shall be in an amount specified by the Director of Transportation and shall include: premises operations, products and completed operations, broad form property damage liability, and personal injury. Failure to maintain the required CGL insurance coverage is grounds for sidewalk café Street Use permit revocation.))~~

Section 14. Section 15.16.070 of the Seattle Municipal Code, last amended by Ordinance 123659, is repealed:

~~((15.16.070 Indemnity~~

~~The permittee shall agree to defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents against:~~

~~A. Any liability, claims, causes of action, judgments, or expenses, including reasonable attorney fees, resulting directly or indirectly from any act or omission of the permittee, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the permittee's use or occupancy of the public place; and~~

~~B. All loss by the failure of the permittee to fully or adequately perform, in any respect, all authorizations of obligations under the sidewalk café Street Use permit.))~~

Section 15. Section 15.16.075 of the Seattle Municipal Code, last amended by Ordinance 123659, is repealed:

~~((15.16.075 Public notice of application~~

~~A. A sidewalk café Street Use permit applicant shall post notice of a new application for a sidewalk café at the proposed site. The notice shall be clearly visible from the abutting sidewalk.~~

~~B. The notice of application shall be on a form approved by the Department of Transportation and shall state that written comments shall be postmarked or emailed to the Director of Transportation no later than ten business days after the first day of the posted public notice.~~

~~C. A sidewalk café Street Use permit for which notice is required shall not be issued by the Director of Transportation until after the notice of application comment period has ended.))~~

Section 16. Section 15.16.080 of the Seattle Municipal Code, last amended by Ordinance 123659, is amended as follows:

15.16.080 ((Maintaining public place conditions)) Permittee responsibilities for café operation

A. The permittee shall maintain the ((sidewalk)) café and adjoining and abutting public place free of all refuse of any kind generated from the operation of the ((sidewalk)) café and their business.

B. The café activity shall not violate the Americans with Disabilities Act.

1 C. Amplified sound shall not be used in the café and the permittee shall comply with
2 Chapter 25.08, Noise Control.

3 D. Unless authorized by Street Use permit, the permittee shall not locate electrical lines
4 overhead or on the ground surface where the public has access to the public place.

5 E. Unless authorized by the Director of Transportation pursuant to a Street Use permit, no
6 public place surface shall be broken or disturbed, and no permanent fixture of any kind shall be
7 installed in or on the public place in connection with a café.

8 F. Approved platforms or other site-leveling structures in the public place associated with
9 the café shall be continuously maintained by the permittee in an as-built condition.

10 ~~((B))~~ G. Only materials and supplies used by the permittee for the daily operation of the
11 ~~((sidewalk))~~ café may be located within the sidewalk café and the permittee shall not store other
12 supplies or other materials in the ((sidewalk)) café or public place unless otherwise authorized by
13 Street Use permit.

14 ~~((C. The surface of the public place shall not be altered and fixtures of any kind shall not~~
15 ~~be installed in the public place unless authorized by a Street Use permit.~~

16 ~~D))~~ H. A ((sidewalk)) café shall not be secured to any public amenity unless authorized
17 by a Street Use permit.

18 ~~((E))~~ I. The permittee shall temporarily remove the ((sidewalk)) café and clear the public
19 place as the Director of Transportation deems necessary to temporarily accommodate access to
20 abutting properties or utilities.

21 ~~((F))~~ J. The permittee is responsible for ensuring that the ((sidewalk)) café activity does
22 not ((encroach into the roadway or)) cause pedestrians to divert from the pedestrian clear zone.

1 ~~((G))~~ K. The permittee shall not operate the ~~((sidewalk))~~ café in a way that restricts or
2 interferes with access to or egress from the abutting property; or creates a nuisance or hazard to
3 public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an
4 obstruction for fire, police, or sanitation vehicles.

5 ~~((H))~~ L. The permittee shall immediately remove the ~~((sidewalk))~~ café when ordered by
6 the Director of Transportation, the Chief of Police, the Fire Chief, or other City official.

7 M. Liquor, as defined in RCW 66.04.01024, as now existing or as amended, may only be
8 used or sold at a café if authorized by the Street Use permit; the permit issued by the Director of
9 Public Health—Seattle & King County, and the permit issued by the Washington State Liquor
10 and Cannabis Board.

11 Section 17. Section 15.17.005 of the Seattle Municipal Code, enacted by Ordinance
12 124261, is amended as follows:

13 **15.17.005 Authorized vending in public places**

14 No person shall vend to the public in a public place unless authorized below:

15 A. The permittee's activity occurs in an area that is permitted for that type of an activity,
16 for example: Chapter 11.25, parade permits; Chapters 15.08 and 15.16, areaway or ~~((sidewalk))~~
17 café Street Use permits; street areas within the Pike Place Market Historical District (Chapter
18 25.24) that are being administered by the Pike Place Market Preservation and Development
19 Authority; Chapter 15.35, filming permits; Chapter 15.52, Special Event permits; or Chapter
20 6.310, Taxicabs and For-Hire Vehicles; or

21 B. The permittee has obtained a Street Use permit authorized by ~~((Sections 15.17.080,~~
22 ~~15.17.100, 15.17.120, 15.17.130, 15.17.150, or 15.17.200))~~ Chapter 15.17; or

1 C. The vendor is vending (~~((newspapers, magazines, event programs, and other similar))~~)
2 publications (~~((on foot,))~~) as authorized by Chapter 15.14 (~~((;))~~) or expressive items protected under
3 the United States or Washington Constitutions; or

4 D. The vendor is vending bicycles, helmets, or other bike-share-related merchandise that
5 is made available for general public use and has been authorized by a separate permit.

6 Section 18. Section 15.17.006 of the Seattle Municipal Code, enacted by Ordinance
7 123659, is amended as follows:

8 **15.17.006 Permit expiration, renewal, administration, and revocation**

9 A. A Street Use permit for vending or merchandise display expires if: the business, food
10 vehicle, or vending cart changes ownership; the Street Use permit duration expires; or Street Use
11 permit fees are not paid as required by subsection (~~((15.04.074.B))~~) 15.04.074.D. All carts,
12 objects, or other Street Use permit-related encroachments shall be removed from the public
13 place when the Street Use permit expires. A Street Use permit to vend or display merchandise
14 shall not be (~~((transferable))~~) transferable or assignable.

15 * * *

16 F. (~~((The Director of Transportation may modify the conditions of a vending or~~
17 ~~merchandise display Street Use permit, including permitted hours or days of operation, after~~
18 ~~providing the permittee with written notice ten calendar days before modifying the Street Use~~
19 ~~permit. A copy of the modified Street Use permit shall be mailed by first-class mail to the~~
20 ~~permittee at the address listed on the Street Use permit. The permittee may request a Director's~~
21 ~~review of the decision to modify the conditions of the Street Use permit as provided for in~~
22 ~~Section 15.04.112.~~

1 ~~G.))~~ All vending or merchandise display Street Use permits authorized by Chapter 15.17
2 are of a temporary nature, vest no permanent rights, and are revocable and modifiable as
3 provided for in Section 15.04.070. The Director of Transportation may suspend any vending or
4 merchandise display Street Use permit to: promote transportation mobility or public safety; or
5 coordinate with permitted Special Events authorized by Chapter 15.52, parade permits
6 authorized by Chapter 11.25, or any other permitted activity; or, provide access to property if an
7 access affidavit is withdrawn by the property owner.

8 Section 19. Section 15.17.007 of the Seattle Municipal Code, enacted by Ordinance
9 123659, is amended as follows:

10 **15.17.007 Insurance**

11 ~~((A. An applicant for a vending or merchandise display Street Use permit shall, before~~
12 ~~issuance of the Street Use permit, obtain and maintain in full force and effect, at its own expense,~~
13 ~~commercial general liability (CGL) insurance that names the City of Seattle as an additional~~
14 ~~insured for primary limits of liability for the purpose of protecting the City from all claims and~~
15 ~~risks of loss as a result of the permittee's activity, occupation, operation, maintenance, or use of a~~
16 ~~public place in conjunction with the permitted activity. The CGL insurance shall be in an amount~~
17 ~~specified by the Director of Transportation and shall include: premises operations; products and~~
18 ~~completed operations; broad form property damage liability; and personal injury. Failure to~~
19 ~~maintain the required CGL insurance coverage is grounds for vending or merchandise display~~
20 ~~Street Use permit revocation.~~

21 ~~B. A property owner or public entity applicant for a temporary curb space food vehicle~~
22 ~~vending Street Use permit, as authorized in subsection 15.17.120.D, shall submit a copy of the~~
23 ~~vendor's CGL insurance as required in subsection 15.17.007.A.))~~

1 An applicant for a vending or merchandise display Street Use permit shall, before a Street Use
2 permit is issued, obtain insurance according to Section 15.04.045. Failure to maintain the
3 required insurance coverage is grounds for revoking a vending or merchandise display Street Use
4 permit.

5 Section 20. Section 15.17.008 of the Seattle Municipal Code, enacted by Ordinance
6 123659, is amended as follows:

7 **15.17.008 Indemnity**

8 ~~((The permittee shall agree to defend, indemnify, and hold harmless the City of Seattle, its~~
9 ~~officials, officers, employees, and agents against:~~

10 ~~A. Any liability, claims, causes of action, judgments, or expenses, including reasonable~~
11 ~~attorney fees, resulting directly or indirectly from any act or omission of the permittee, its~~
12 ~~subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or~~
13 ~~omissions they may be liable, arising out of the permittee's use or occupancy of the public place;~~
14 ~~and~~

15 ~~B. All loss by the failure of the permittee to fully or adequately perform, in any respect,~~
16 ~~all authorizations of obligations under the vending or merchandise display Street Use permit.))~~

17 The permittee shall indemnify and hold harmless The City of Seattle according to Section
18 15.04.060.

19 Section 21. Section 15.17.009 of the Seattle Municipal Code, enacted by Ordinance
20 123659, is amended as follows:

21 **15.17.009 Public notice of application**

22 ~~((A. The vending Street Use permit applicant shall send notice of an application for a~~
23 ~~vending site by first class mail to:~~

1 ~~1. All street level business entities, public entities, and residences located:~~

2 ~~a. Within a 100 foot radius of the vending site, and~~

3 ~~b. On the adjacent and opposing block face of the vending site, and~~

4 ~~c. On the adjoining block face around the corner if the vending site is~~

5 ~~located within 10 feet of a corner curb radius area.~~

6 ~~2. The property manager, home owners association, or apartment manager of all~~
7 ~~residential units located above:~~

8 ~~a. The adjacent and opposing block face of the proposed vending site, and~~

9 ~~b. On the adjoining block face around the corner if the vending site is~~

10 ~~located within 10 feet of a corner curb radius area.~~

11 ~~B. The applicant shall send all required notices three calendar days before the start of the~~
12 ~~public notice period.~~

13 ~~C. Notice of application is not required if: a permittee with an existing vending Street Use~~
14 ~~permit applies to renew the same type of vending Street Use permit for the same vending site, or~~
15 ~~the stadium and exhibition center event site has already been designated or permitted by the~~
16 ~~Director of Transportation.~~

17 ~~D. The notice of application shall be on a form approved by the Department of~~
18 ~~Transportation.~~

19 ~~E. Written comments concerning the application shall be postmarked or emailed to the~~
20 ~~Director of Transportation no later than ten business days after the first day of the public notice~~
21 ~~period.~~

22 ~~F. The applicant shall provide the notice of application required by subsection~~
23 ~~15.17.009.A once the Director of Transportation has accepted an application as complete. The~~

1 ~~applicant shall provide the Director of Transportation with a mailing list containing: the~~
2 ~~individuals the notice was mailed to, the recipient's mailing address, and date the notice was~~
3 ~~mailed to each recipient.~~

4 ~~G. The Director of Transportation shall provide a notice to the public before designating~~
5 ~~a food vehicle zone, stadium exhibition center event site, or other City designated vending site.~~

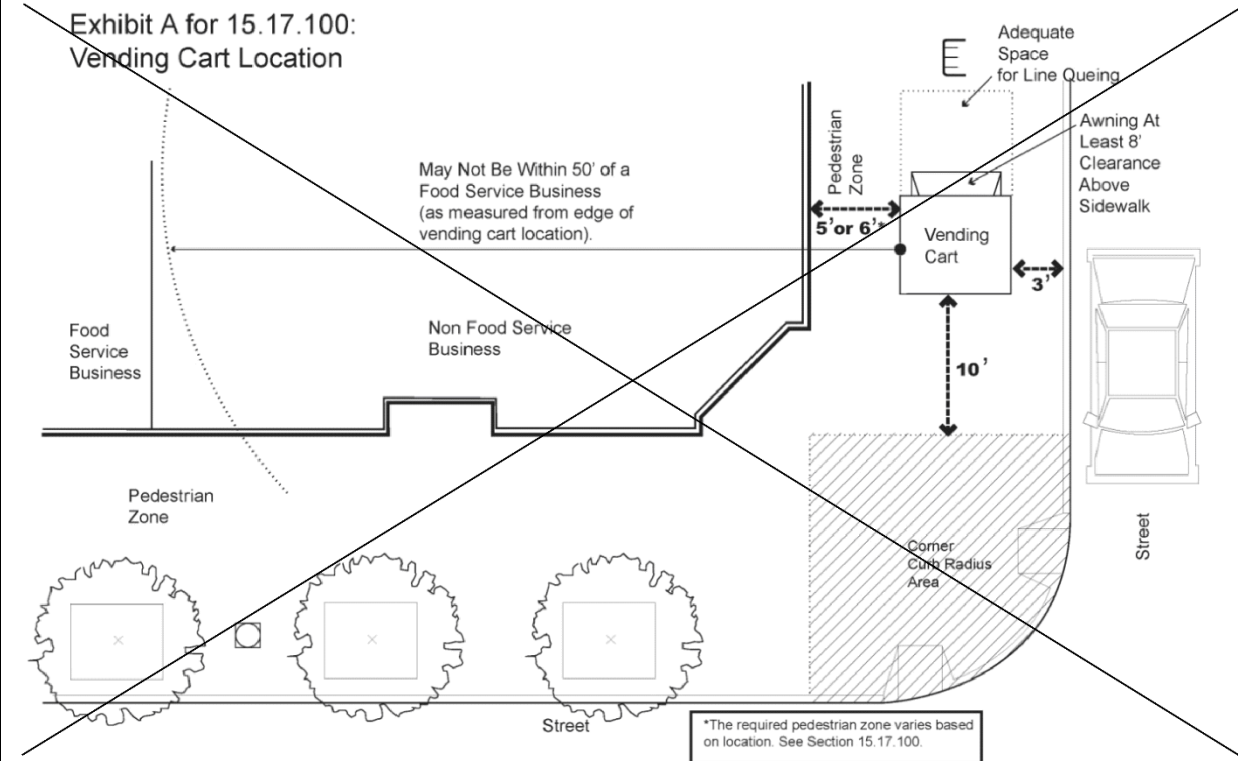
6 ~~H. A vending Street Use permit for which notice is required shall not be issued until a~~
7 ~~complete mailing list has been received by the Director of Transportation and the notice of~~
8 ~~application comment period has ended.))~~

9 A vending Street Use permit applicant shall provide public notice of a new application in
10 a form approved by the Director of Transportation as provided for in Section 15.04.030. A
11 vending Street Use permit shall not be issued by the Director of Transportation until after the
12 public notice period has ended.

13 Section 22. Section 15.17.100 of the Seattle Municipal Code, last amended by Ordinance
14 123668, is amended as follows:

15 **15.17.100 Food and flower vending from a public place sidewalk or plaza**

16 A. The Director of Transportation may issue a Street Use permit authorizing the use of a
17 public place sidewalk or plaza for ((:)) vending food, flowers, or nonalcoholic beverages from a
18 vending cart ((as depicted in Exhibit A for 15.17.100: Vending Cart Location; or)) , a food
19 vehicle stationed at an authorized public place plaza site ((:)) , or ((from)) an attended newsstand
20 under the following requirements:



1. The permittee shall comply with all ((§)) Public Health—Seattle & King County code requirements((§)) and Seattle Fire Department requirements if propane or a combustible fuel is used;
2. The permittee shall only sell food and beverages that are capable of immediate consumption;
3. The permittee shall obtain and maintain in effect all required permits and business licenses and display the vending Street Use permit at the vending site in a manner approved by the Director of Transportation;
4. The permittee's vending cart or food vehicle shall not be located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting zoning does not have an RC ((designation)) classification as shown on the Official Land Use Map, Chapter 23.32;

5. The permittee's vending cart or food vehicle shall not be located in the curb space of the public place, unless authorized under 15.17.120;

6. ~~((As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor; a))~~ A proposed vending cart, food vehicle, or attended newsstand, and all associated vending activity including ~~((customer queues,))~~ accessory units ~~((;))~~ or signage ~~((;))~~ shall not impair pedestrian passage and shall be sited to provide:

a. An unobstructed ~~((corner curb radius area))~~ corner clearance zone;
~~((and))~~

~~((b. If located in the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4 foot wide pedestrian visual corridor; or~~

~~c. If located outside of the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3 foot wide pedestrian visual corridor; or))~~

b. An unobstructed pedestrian clear zone abutting the entire length of the vending cart, food vehicle, or attended newsstand. The width of the pedestrian clear zone is determined by the street type the permitted area is located on as defined by the Right-of-Way Improvements Manual or successor rule; and

c. An unobstructed 3-foot-wide pedestrian straight path within the designated pedestrian clear zone that extends along the permitted area and for 25 feet on either end of the permitted area's boundaries along the block face as defined in Section 15.02.046;

~~((6. In addition to any other required setbacks, the vending cart, food vehicle, or attended newsstand site shall be located at least:~~

- a. ~~3 feet from the curb; and~~
 - b. ~~5 feet from alleys, driveways, bus zone areas, disabled person parking zones, food vehicle zones, and commercial loading zones; and~~
 - c. ~~5 feet from curb ramps, parking meters or pay stations, traffic signs, utility poles, fire hydrants, bike racks, and other street fixtures; and~~
 - d. ~~10 feet along the curb line from the point where the radius of corner curb area intersects the curb line; and~~
 - e. ~~15 feet from any business entrance or exit; and~~
 - f. ~~50 feet from a food service business if the permittee is vending food or nonalcoholic beverages and at least 50 feet from a floral business if the permittee is vending flowers. A vending Street Use permit may, however, be issued to the owner of a food service business for a site along the food service business's frontage provided, all other Chapter 15.17 vending requirements are satisfied; and~~
 - g. ~~1,000 feet from any public or private school containing a 9-12 class if the permittee's vending cart or food vehicle is located in a public place abutting a lot listed in subsection 15.17.100.A.4.~~
- ~~7. A larger setback distance may be required by the Director of Transportation to provide for pedestrian passage, traffic management, or any other public use purpose;))~~
7. The vending cart, food vehicle, or attended newsstand shall comply with clearances required in the Right-of-Way Improvements Manual or successor rule. In addition to any other required setbacks, the vending cart, food vehicle, or attended newsstand:

1 a. Shall not be sited in a manner that adversely affects pedestrian mobility
2 directly beyond the permitted footprint area or inhibits the operation, maintenance, or
3 functionality of any utilities or street fixtures;

4 b. Shall not be located in the furniture zone when the curb space is
5 designated as a bus zone area, disabled person parking zone, food-vehicle zone, or commercial
6 loading zone;

7 c. Shall be located:

8 1) At least 1,000 feet from any public or private school containing
9 a ninth- to twelfth-grade class;

10 2) At least 50 feet from a food service business if the permittee is
11 vending food or nonalcoholic beverages and at least 50 feet from a floral business if the
12 permittee is vending flowers. A vending Street Use permit may, however, be issued to the owner
13 of a food service business for a site along the food service business's frontage provided, all other
14 Chapter 15.17 vending requirements are satisfied;

15 3) At least 10 feet from the corner clearance zone when located in
16 the furniture zone; and

17 4) At least 5 feet from curb ramps, curb ramp landings, alleys, and
18 driveways;

19 8. The Traffic Engineer or Director of Transportation has authority to require
20 dimensions greater than the minimum standards included in subsections 15.17.100.A.6 and
21 15.17.A.7 to provide for pedestrian passage, traffic management, or any other public-use
22 purpose;

9. Vending sites shall not be located in driveways or within 15 feet of a business entrance or exit unless the abutting property owner submits an affidavit stating that access is not needed during the proposed vending hours;

((9)) 10. The ((proposed)) vending activity shall not violate the Americans with Disabilities Act;

((40)) 11. The permittee shall not use amplification or noise-making devices and the permittee shall comply with Chapter 25.08, Noise Control;

~~((41. The))~~ 12. Unless specifically authorized by Street Use permit, the permittee
shall not locate electrical lines overhead or on the ground surface where the public has access to
the public place; and

((42)) 13. The permittee shall not leave a vending cart or food vehicle unattended in the public place for longer than 30 minutes.

D. The Director of Transportation may, as deemed appropriate, condition the vending cart or food vehicle Street Use permit to address ((the: (

1. Design and placement of food vending equipment and umbrellas;
2. Hours of operation and dates of use;
3. Need for repairs or improvements to the public place in order to accommodate the vending activity or to ensure access to the use complies with the Americans with Disabilities Act;

~~4. Impacts associated with the vending activity from: lighting, noise, emissions to the air, the placement of signage, or equipment such as generators;~~

1 ~~5. Impacts to the abutting business displays, business signage, or intake vents~~
2 ~~from the proposed vending activity; and 6. Pedestrian circulation, traffic management, or any~~
3 ~~other public use purpose))~~ potential impacts as provided for in Section 15.04.035.

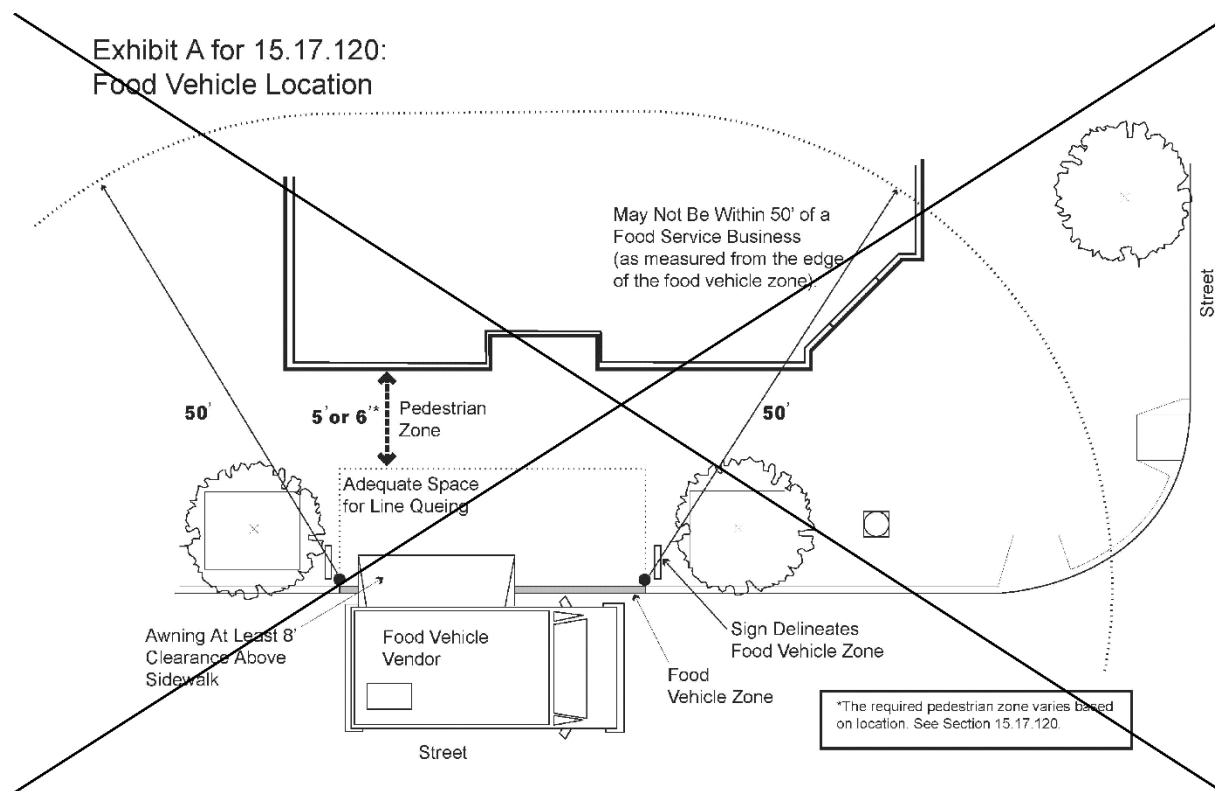
4 * * *

5 H. If an existing vending site conflicts with the setback requirements of subsection
6 ~~((15.17.100.A.6))~~ 15.17.100.A.7, the Director of Transportation shall not issue a new vending
7 Street Use permit when the existing Street Use permit expires.

8 Section 23. Section 15.17.120 of the Seattle Municipal Code, last amended by Ordinance
9 123668, is amended as follows:

10 **15.17.120 Food vending from a curb space**

11 A. The Director of Transportation may issue a Street Use permit authorizing use of a curb
12 space for vending food or nonalcoholic beverages from a food vehicle. Vending from the food
13 vehicle shall be subject to Title 11, Vehicles and Traffic, under the following requirements ~~((as~~
14 ~~depicted in Exhibit A for 15.17.120: Food Vehicle Location:))~~ :



1. Vending shall only occur from a curb space if the vending has been authorized by:
 - a. Food-vehicle-zone vending Street Use permit that allows vending if the curb space is delineated by a sign or other traffic control device as a food-vehicle zone ((7)) ; or
 - b. Temporary-curb-space vending Street Use permit that allows vending from a curb space the Director of Transportation has approved for a vending activity that shall only occur in conjunction with an event located on private property abutting the curb space or an event occurring in the public place;
2. The permittee shall comply with all Public Health—Seattle & King County requirements and Seattle Fire Department requirements if propane or a combustible fuel is used;
3. The permittee shall only sell food and beverages that are capable of immediate consumption;

1 4. The permittee shall obtain and maintain in effect all required permits and
2 business licenses and display the food-vehicle zone or temporary-curb-space vending Street Use
3 permit at the vending site in a manner approved by the Director of Transportation;

4 5. ~~((As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual~~
5 ~~Corridor; a))~~ A food vehicle and all associated vending activity including ((customer queues,))
6 accessory units ((;)) or signage ((;)) shall not impair pedestrian passage and shall be sited to
7 provide:

8 ~~((a. If located in the Downtown Urban Center as established in the~~
9 ~~Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4 foot wide pedestrian visual~~
10 ~~corridor; or~~

11 ~~b. If located outside of the Downtown Urban Center as established in the~~
12 ~~Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3 foot wide pedestrian visual~~
13 ~~corridor; or~~

14 a. An unobstructed pedestrian clear zone along the entire length of the
15 permitted area. The width of the pedestrian clear zone is determined by the street type the
16 permitted area is located on as defined by the Right-of-Way Improvements Manual or successor
17 rule; and

18 b. An unobstructed 3-foot-wide pedestrian straight path within the
19 designated pedestrian clear zone that extends along the permitted area and for 25 feet on either
20 end of the permitted area's boundaries along the block face as defined in Section 15.02.046;

21 6. The food vehicle and associated activities shall comply with clearances
22 required in the Right-of-Way Improvements Manual or successor rule. The food vehicle and
23 associated activities shall not be sited in a manner that adversely affects pedestrian mobility

1 directly beyond the permitted footprint area or inhibits the operation, maintenance, or
2 functionality of any utilities or street fixtures;

3 7. The Traffic Engineer or Director of Transportation has authority to require
4 dimensions greater than the minimum standards included in subsections 15.17.120.A.5 and
5 15.17.120.A.6 to provide for pedestrian passage, traffic management, or any other public-use
6 purpose;

7 ~~((6))~~ 8. Food-vehicle-zone vending and temporary-curb-space vending Street Use
8 permit vending sites shall not be located in driveways, loading zones, or within 15 feet of a
9 business entrance or exit;

10 ~~((7))~~ 9. The ~~((proposed))~~ vending activity shall not violate the Americans with
11 Disabilities Act;

12 ~~((8))~~ 10. The permittee shall not use amplification or noise-making devices and
13 the permittee shall comply with Chapter 25.08, Noise Control;

14 ~~((9. The))~~ 11. Unless authorized by Street Use permit, the permittee shall not
15 locate electrical lines overhead or on the ground surface where the public has access to the public
16 place; and

17 ~~((10))~~ 12. The vending shall only occur from the side of a food vehicle that is
18 parked abutting and parallel to the curb.

19 * * *

20 C. The Department of Transportation may designate a food-vehicle zone subject to the
21 following requirements:

1. The proposed location is:

a. At least 50 feet from a food service business when vending food or nonalcoholic beverages; ~~((and))~~

b. Not located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting zoning does not have an RC ~~((designation))~~ classification as shown on the Official Land Use Map, Chapter 23.32; and

c. At least 1,000 feet from any public or private school containing a ~~((9-12))~~ ninth- to twelfth-grade class ~~((if the permittee's food vehicle is located in a public place abutting a lot listed in subsection 15.17.120.C.1.b.))~~ ;

2. If an existing food-vehicle zone conflicts with the setback requirements of subsection 15.17.120.C.1, the Director of Transportation shall not issue a new food-vehicle-zone vending Street Use permit when the existing Street Use permit expires.

D. The Director of Transportation may issue to a vendor, property owner, or public entity ~~((;))~~ a temporary-curb-space vending Street Use permit that: authorizes vending from a curb space that is not designated as a food-vehicle zone, and is effective for no more than four days during a six-month period for the adjoining address in a lot with a zoning designation other than those listed in subsection 15.17.120.C.1.b, or is effective for no more than one day during a calendar year for the block abutting a lot listed in subsection 15.17.120.C.1.b. The temporary-curb-space vending Street Use permit may be issued under the following requirements:

1. The permittee shall reserve the curb space as required in Title 11, Vehicles and Traffic;

2. The permittee shall comply with the requirements in ~~((subsections))~~ subsection 15.17.120.A;

3. The temporary-curb-space vending Street Use permit shall only be issued for an event located on private property abutting the curb space or an event located in the adjoining public place. If the event requires a Special Event as permitted and authorized under Chapter 15.52, ~~((Special Event permits))~~ Crowd Control Events, the Director of Transportation shall not issue a temporary-curb-space vending Street Use permit; and

4. If located in the public place abutting a lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection 23.30.010.A if the abutting zoning does not have an RC ~~((designation))~~ classification as shown on the Official Land Use Map, Chapter 23.32; the vending activity shall end by ~~((10:00))~~ 10 p.m.

E. The Director of Transportation may require additional information from the applicant as provided for in Section 15.04.030.

F. The Director of Transportation may, as deemed appropriate, condition the food-vehicle zone or temporary-curb-space vending Street Use permit to address ~~((the:~~

- ~~1. Design and placement of food vending equipment and umbrellas;~~
- ~~2. Hours of operation and dates of use;~~
- ~~3. Need for repairs or improvements to the public place in order to accommodate the vending activity or to ensure access to the use complies with the Americans with Disabilities Act;~~
- ~~4. Impacts associated with the vending activity from: lighting, noise, emissions to the air, the placement of signage, or equipment such as generators;~~

~~5. Impacts to the abutting business displays, business signage, or intake vents from the proposed vending activity; and~~

~~6. Pedestrian circulation, traffic management, or any other public use purpose))~~
potential impacts as provided for in Section 15.04.035.

* * *

Section 24. Section 15.17.130 of the Seattle Municipal Code, last amended by Ordinance 123668, is amended as follows:

15.17.130 Mobile-food vending from a public place

* * *

B. Mobile-food vending may occur from a vending cart or food vehicle in the public place subject to the following requirements:

1. Mobile-food vending from a food vehicle or vending cart located in the curb space shall be subject to Title 11, Vehicles and Traffic;

2. Mobile-food ((-)) vending ((~~permittees~~)) permittees shall not stop the food vehicle or vending cart in a curb space or other public place for any longer than necessary to vend to waiting customers;

3. Mobile-food ((-)) vending permittees shall comply with all applicable requirements of Title 5 of the Code of the King County Board of Health;

4. Mobile-food ((-)) vending ((~~permittees~~)) permittees shall obtain and maintain in effect all required permits and business licenses and display the mobile-food vending Street Use permit on the vending cart or food vehicle in a manner approved by the Director of Transportation;

5. Mobile-food ((-)) vending permittees shall comply with Chapter 25.08, Noise Control;

6. Tables, carts, umbrellas, or other vending-related installations shall not be erected in the public place in association with a mobile-food vending activity;

7. The mobile-food vending activity shall not violate the Americans with Disabilities Act;

~~((7. As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor, a))~~ 8. A vending cart or food vehicle and all associated mobile-food vending activity ((including customer queues)) shall not impair pedestrian passage nor inhibit the operation, maintenance, or functionality of any utilities or street fixtures; ((and shall be sited to provide a pedestrian zone at least 5 feet wide with a 3 foot wide pedestrian visual corridor.))

9. Mobile vending carts and food vehicles not located in the curb space shall be sited to provide:

a. An unobstructed corner clearance zone; and

b. Appropriate clearances as required in the Right-of-Way Improvements Manual or successor rule, or any other applicable rule.

* * *

~~((C))~~ D. The Director of Transportation may require additional information from the applicant as provided for in Section 15.04.030.

~~((D))~~ E. The Director of Transportation may, as deemed appropriate, condition the mobile-food vending Street Use permit to address ~~((the:~~

~~1. Hours of operation and dates of use;~~

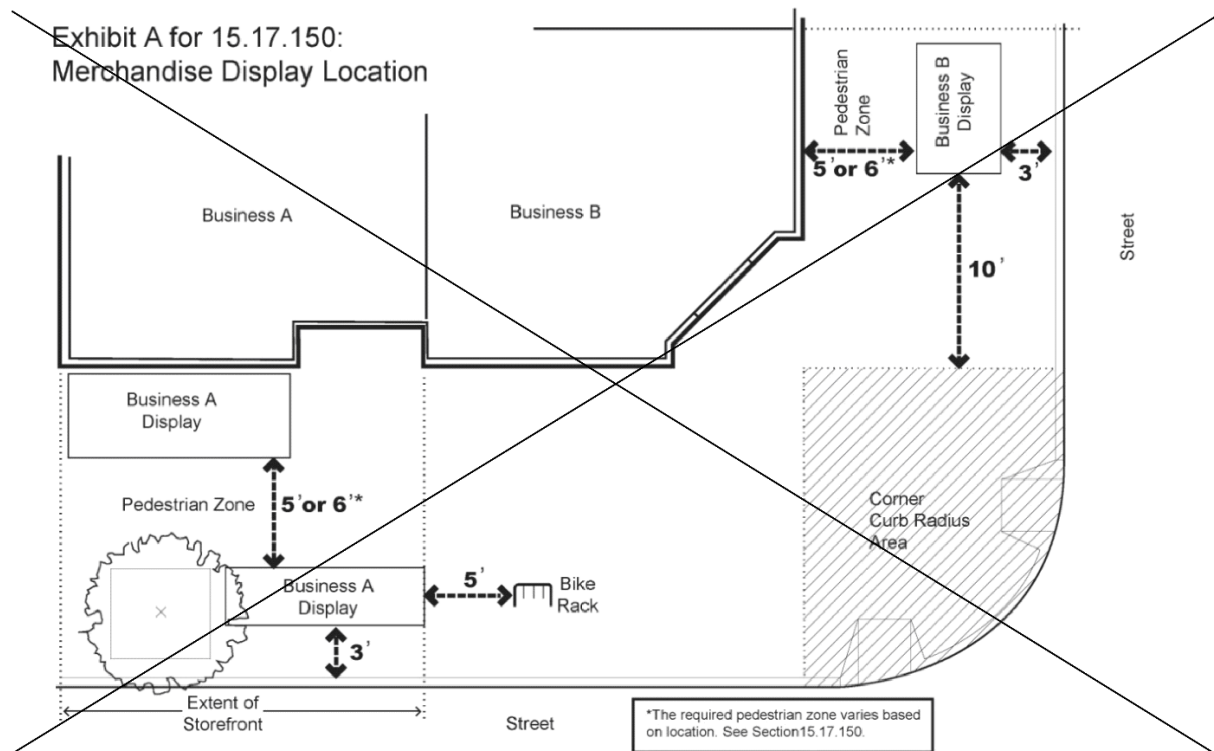
~~2. Impacts associated with the vending activity from: lighting, noise, or emissions
to the air; or~~

~~3. Pedestrian circulation, traffic management, or any other public use purpose))~~
potential impacts as provided for in Section 15.04.035.

Section 25. Section 15.17.150 of the Seattle Municipal Code, last amended by Ordinance
123659, is amended as follows:

15.17.150 Merchandise display from a public place

A. The Director of Transportation may issue a merchandise display Street Use permit to a
retail sales business allowing the same goods or wares offered for sale by the business to be
displayed on the adjoining public place. Merchandise displays shall be subject to the following
requirements: ~~((as depicted in Exhibit A for 15.17.150: Merchandise Display Location:))~~



1. ~~((As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor, the))~~ The proposed merchandise display shall be sited to provide:

a. An unobstructed ~~((corner curb radius area))~~ corner clearance zone;
~~((and))~~

~~((b. If located in the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4 foot wide pedestrian visual corridor; or~~

~~c. If located outside of the Downtown Urban Center as established in the Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3 foot wide pedestrian visual corridor; or))~~

b. An unobstructed pedestrian clear zone abutting the entire length of the merchandise display. The width of the pedestrian clear zone is determined by the street type the merchandise display is located on as defined by the Right-of-Way Improvements Manual or successor rule; and

c. An unobstructed 3-foot-wide pedestrian straight path within the designated pedestrian clear zone that extends along the permitted area and for 25 feet on either end of the permitted area's boundaries along the block face as defined in Section 15.02.046;

2. ~~((In addition to any other required setbacks, the merchandise display site shall be located at least:~~

a. ~~3 feet from the curb; and~~

b. ~~5 feet from alleys, driveways, bus zone areas, parking zones for disabled persons, food vehicle zones, and commercial loading zones; and~~

1 e. 5 feet from curb ramps, parking meters or pay stations, traffic signs,
2 utility poles, fire hydrants, bike racks, and other street fixtures; and

3 d. 10 feet along the curb line from the point where the radius of corner
4 curb area intersects the curb line; or

5 e. A larger setback distance may be required by the Director of Transportation to
6 provide for pedestrian passage, traffic management, or for any other public use purpose;)) The
7 merchandise display shall comply with clearances required in the Right-of-Way Improvements
8 Manual or successor rule. In addition to any other required setbacks, the merchandise display:

9 a. Shall not be sited in a manner that adversely affects pedestrian mobility
10 directly beyond the permitted footprint area or inhibits the operation, maintenance, or
11 functionality of any utilities or street fixtures;

12 b. Shall not be located in the furniture zone when the curb space is
13 designated as a bus zone area, disabled person parking zone, food-vehicle zone, or commercial
14 loading zone;

15 c. Shall be located:

16 1) At least 10 feet from the corner clearance zone when located in
17 the furniture zone; and

18 2) At least 5 feet from curb ramps, curb ramp landings, alleys, and
19 driveways;

20 3. The Traffic Engineer or Director of Transportation has authority to require
21 dimensions greater than the minimum standards included in subsections 15.17.150.A.1 and
22 15.17.150.A.2 to provide for pedestrian passage, traffic management, or any other public-use
23 purpose.

1 4. The merchandise display shall not be located in the public place abutting a lot
2 zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are
3 defined under subsection 23.30.010.A if the abutting zoning does not have an RC ~~((designation))~~
4 classification as shown on the Official Land Use Map, Chapter 23.32;

5 ~~((4))~~ 5. The display shall be removed during those hours that the business is
6 closed;

7 ~~((5))~~ 6. The ~~((proposed))~~ merchandise display activity shall not violate the
8 Americans with Disabilities Act;

9 ~~((6))~~ 7. Sales of goods or merchandise displayed shall occur on the adjoining
10 privately owned property;

11 ~~((7))~~ 8. The display shall not contain alcoholic beverages, tobacco, firearms or
12 munitions, any article that a minor is prohibited by law from purchasing, or any material
13 restricted by the Fire Code from direct access or handling by the public;

14 ~~((8))~~ 9. The permittee shall not use amplification or noise-making devices, and the
15 permittee shall comply with Chapter 25.08, Noise Control; and

16 ~~((9-The))~~ 10. Unless specifically authorized by Street Use permit, the permittee
17 shall not locate electrical lines overhead or on the ground surface where the public has access to
18 the public place.

19 B. The City assumes no responsibility for loss of the items on display, whether the loss
20 occurs through accident, collision, vandalism, theft, or otherwise.

21 C. The Director of Transportation may require additional information from the applicant
22 as provided for in Section 15.04.030.

1 D. The Director of Transportation may, as deemed appropriate, condition the
2 merchandise display Street Use permit to address ~~((the:~~
3 ~~1. Design and placement of merchandise display equipment and umbrellas;~~
4 ~~2. Hours of operation and;~~
5 ~~3. Need for repairs or improvements to the public place in order to accommodate~~
6 ~~the vending activity or to ensure access to the use complies with the Americans with Disabilities~~
7 ~~Act;~~
8 ~~4. Impacts associated with the merchandise display activity from: lighting, noise,~~
9 ~~emissions to the air, the placement of signage, or equipment such as generators; and~~
10 ~~5. Pedestrian circulation, traffic management, or any other public use purpose))~~
11 potential impacts as provided for in Section 15.04.035.

12 Section 26. Section 15.17.152 of the Seattle Municipal Code, last amended by Ordinance
13 123659, is amended as follows:

14 **15.17.152 – Maintaining public place conditions**

15 ***

16 F. The permittee is responsible for ensuring that customer queues, displays, or vending
17 activity do not encroach into the roadway ((;)) or cause pedestrians to divert from the abutting
18 pedestrian clear zone.

19 ***

20 Section 27. Section 15.17.200 of the Seattle Municipal Code, last amended by Ordinance
21 123659, is amended as follows:

22 **15.17.200 – ((Vending by nonprofit organizations)) First Amendment vending**

The Director of Transportation, the Superintendent of the Parks Department, and the Director of the Seattle Center are authorized to adopt rules relating to the time, place, and manner in which a ~~((nonprofit organization))~~ person may vend merchandise in which the ~~((organization's))~~ person's political, religious, sociological, or ideological message is inextricably intertwined if the sale exercises the permittee's rights guaranteed by the United States or the Washington Constitution. These rules may address the issuance and duration of permits, the size and placement of tables and other equipment used, their siting and location on the public place or public property, the type of merchandise offered for sale, advertising and posting of prices, the display of licenses, the exclusion of ineligible merchandise, the documentation to accompany applications for registration, and the prohibitions against discrimination, among other subjects.

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

Section 28. Section 15.32.200 of the Seattle Municipal Code, enacted by Ordinance 124598, is amended as follows:

15.32.200 At-grade communication cabinets

* * *

F. The applicant for a new at-grade communication cabinet proposal that is more than 36 inches in height including footings or bases as measured from the grade of the surrounding public place, or has a maximum volume of more than 18 cubic feet, shall: (1) send notice of ((an SDOT)) a Department of Transportation application by first-class mail to all business entities, property owners, and residents located within a 100-foot radius from where the communication

1 cabinet is proposed to be located; and (2) post notice of the new application at the proposed site.

2 The notice shall be displayed towards the nearest public place that abuts the site and is viewable

3 by the public((;)) and shall be maintained on the site for the duration of the public notice period.

4 1. If the new at-grade communication cabinet proposal ((;)) is more than 36 inches

5 in height including footings or bases as measured from the grade of the surrounding public place,

6 or has a maximum volume of more than 18 cubic feet, and is abutting a lot zoned RSL, SF 5000,

7 SF 7200, SF 9600, LR1, LR2, or LR3 as these zoning designations are defined under subsection

8 23.30.010.A ((and)) unless the abutting zoning ((does not have)) has an RC ((designation))

9 classification as shown on the Official Land Use Map, Chapter 23.32 (“residentially ((-)) zoned

10 parcels”), ((;)) the communication cabinet shall be fully screened from the public place and

11 abutting private property. If it is not feasible to install mitigation screening due to physical site

12 constraints, the applicant shall provide an alternative mitigation proposal within 200 feet of the

13 project. If the alternative mitigation cannot be located within 200 feet of the project, the

14 applicant shall propose an alternative location that the Director shall review and may approve.

15 All mitigation screening shall comply with setback standards in Section ((15.32.225))

16 15.32.250((;)) and remain the permittee’s sole responsibility to maintain so long as the

17 communication cabinet or accessory equipment occupy the public place. As determined by the

18 Director, mitigation screening may include landscaping, fencing, or visual treatment to the

19 cabinet surface. Visual treatment to the cabinet may include paint, decals, vinyl wraps, photos, or

20 other surface treatments. A cabinet shall be considered fully screened for visual treatment

21 purposes when the treatment is applied to all communication cabinet vertical surfaces.

22 2. The applicant shall send and post all required notices at least three ((-))

23 calendar days before the start of the public notice period. The mailing and on-site notice shall be

1 on a form provided by the Department of Transportation and shall include: a description of the
2 proposed location and installations, comment period dates, information on how the public can
3 submit comments to ~~((SDOT))~~ the Department of Transportation, and how to request a
4 reconsideration of a Street Use permit decision. If the proposal is abutting a residentially ~~((-))~~
5 zoned parcel, the mailing and on-site notice shall include a visual and narrative description of the
6 proposed mitigation screening required in subsection 15.32.200.F.1.

7 3. Written comments concerning the application shall be postmarked or emailed
8 to the Director of Transportation within ~~((10))~~ ten business days after the first day of the public
9 notice period.

10 4. The applicant shall provide the Director of Transportation with a mailing list
11 containing the individuals the notice was mailed to, the recipient's mailing address, and date the
12 notice was mailed to each recipient.

13 * * *

14 Section 29. Section 15.32.250 of the Seattle Municipal Code, enacted by Ordinance
15 124598, is amended as follows:

16 **15.32.250 Communication cabinet standards and setbacks**

17 * * *

18 E. ~~((As depicted in Exhibit A for 15.02.046: Pedestrian Zone/Pedestrian Visual Corridor;~~
19 a)) A proposed at-grade communication cabinet, and all accessory equipment, shall not impair
20 pedestrian passage and shall be sited to provide:

- 21 1. An unobstructed ~~((corner curb radius area))~~ corner clearance zone; ~~((and))~~

1 ~~((2. If located in the Downtown Urban Center as established in the~~
2 ~~Comprehensive Plan, a pedestrian zone at least 6 feet wide with a 4 foot wide pedestrian visual~~
3 ~~corridor; or~~

4 ~~3. If located outside of the Downtown Urban Center as established in the~~
5 ~~Comprehensive Plan, a pedestrian zone at least 5 feet wide with a 3 foot wide pedestrian visual~~
6 ~~corridor; or~~

7 ~~4. A wider pedestrian zone or pedestrian visual corridor may be required by the~~
8 ~~Director of Transportation to provide for pedestrian passage, traffic management, or any other~~
9 ~~public use purpose.))~~

10 2. An unobstructed pedestrian clear zone abutting the entire length of the
11 communication cabinet. The width of the pedestrian clear zone is determined by the street type
12 the communication cabinet is located on as defined by the Right-of-Way Improvements Manual
13 or successor rule; and

14 3. An unobstructed 3-foot-wide pedestrian straight path within the designated
15 pedestrian clear zone that extends along the permitted area and for 25 feet on either end of the
16 permitted area's boundaries along the block face as defined in Section 15.02.046.

17 F. ~~((In addition to any other required setbacks, the at-grade communication cabinet and~~
18 ~~accessory equipment shall be located at least:~~

- 19 ~~1. 3 feet from the curb face; and~~
- 20 ~~2. 5 feet from alleys, driveways, bus zone areas, disabled person parking zones,~~
21 ~~commercial loading zones, and fire hydrants; and~~
- 22 ~~3. 5 feet from curb ramps, parking meters or pay stations, traffic signs, utility~~
23 ~~poles, bike racks, and other street fixtures; and~~

1 4. 10 feet along the curb line from the point where the radius of corner curb area
2 intersects the curb line; and

3 5. 15 feet from any business entrance or exit; and

4 6. 1 foot from edge of sidewalk.

5 7. A smaller setback than that required by subsections 15.32.250.F.3,
6 15.32.250.F.4, 15.32.250.F.5, or 15.32.250.F.6 may be allowed by the Director of
7 Transportation, provided the Director determines the cabinet can be installed with a reduced
8 setback without impairing public safety or access, and will not conflict with other setback
9 requirements established by code or rule.)) The communication cabinet shall comply with
10 clearances required in the Right-of-Way Improvements Manual or successor rule. In addition to
11 any other required setbacks, the communication cabinet:

12 1. Shall not be sited in a manner that adversely affects pedestrian mobility directly
13 beyond the permitted footprint area or inhibits the operation, maintenance, or functionality of
14 any utilities or street fixtures;

15 2. Shall not be located in the furniture zone when the curb space is designated as a
16 bus zone area, disabled person parking zone, food-vehicle zone, or commercial loading zone;

17 3. Shall be located:

18 a. At least 15 feet from any business entrance or exit;

19 b. At least 10 feet from the corner clearance zone when located in the
20 furniture zone; and

21 c. At least 5 feet from curb ramps, curb ramp landings, alleys, driveways;

1 G. The Traffic Engineer or Director of Transportation has authority to require dimensions
2 greater than the minimum standards included in subsections 15.32.250.E and 15.32.250.F to
3 provide for pedestrian passage, traffic management, or any other public-use purpose.

4 ~~((G))~~ H. The communication cabinet and accessory equipment shall not be located in a
5 manner that violates the Americans with Disabilities Act.

6 ~~((H))~~ I. The permittee shall maintain the exterior of all communication cabinets and any
7 applicable mitigation screening, ~~((and))~~ remove graffiti, and repair any exterior damage to the
8 cabinet or mitigation screening within 10 calendar days from the date the permittee becomes
9 aware of the graffiti or damage by any means.

10 ~~((I))~~ J. All permittees shall submit to the Department of Transportation a quarterly report
11 with the first report due at the end of the third month of each year that describes each complaint
12 received in the prior quarter, how the complaint was resolved, and how long it took to resolve the
13 complaint.

14 Section 30. Severability. The provisions of this ordinance are declared to be separate and
15 severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of
16 this ordinance, or the invalidity of its application to any person or circumstance, does not affect
17 the validity of the remainder of this ordinance or the validity of its application to other persons or
18 circumstances.

Section 31. 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 _____, 2019,
and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)