

**SEATTLE TRANSPORTATION
DIRECTOR’S RULE
00-1**

Subject: Shoreline Street Ends – Definitions, Objectives, Permit Application Requirements, Community Street End Development, Permitted Private Uses, SEATRAN Review of Application, Inspection and Survey, Permit Fee Formula, Permit Fee Reduction, and Permit Fee Review	Page 1 of 7 Supersedes 97-1 Publication: July 6, 2000 Effective: July 20, 2000
Type of Rule: Code Interpretation	Ordinance Authority: SMC 3.12.020
Code and Section Reference: Seattle Municipal Code, Sections 15.04.035, 15.04.074	Approved – SEATRAN

1.0 REFERENCES

- 1.1 Ordinance 119673.
- 1.2 Title 15, Seattle Municipal Code (Street Use Ordinance, Ordinance 90047, as amended).
- 1.3 SMC 3.12.010 (Rule making authority of Director of Transportation).
- 1.4 Resolution #29370.
- 1.5 Director’s Rule 97-1 is rescinded by this rule.

2.0 DEFINITIONS

- 2.1 “Abutting property” means property abutting the margin of the particular street or other public place as defined in Seattle Municipal Code (SMC) Chapter 15.02 that an applicant has applied to use under permit.
- 2.2 “Director” means the Director of SEATRAN.
- 2.3 “Permit,” “use permit,” and “street use permit” each mean a permit to use or occupy a portion of a right-of-way issued by SEATRAN pursuant to SMC Chapter 15.04.

- 2.4 "SEATRAN" means Seattle Transportation.
- 2.5 "Shoreline street end" means the land portion of a street segment that provides the public with visual or physical access to a body of water and its shoreline, or could provide such access if improved, that is listed on Exhibit A to Resolution 29370.
- 2.6 "Use" means the exercise of dominion or control over or occupation of all or part of a public place, or the right to do so, as more fully defined in SMC chapter 15.02.

3.0 OBJECTIVES

- 3.1 In its management of the City's Shoreline Street Ends, SEATRAN will be guided by the overall policy that the highest and best use of these street ends is for public use. This will be the guiding principle whether specific rules are included in this Director's Rule or not. Private uses may be permitted, but the full use by the public is the ultimate goal.

4.0 PERMIT APPLICATION REQUIREMENTS

- 4.1 An abutting property owner, a community organization or other group of neighborhood sponsors may apply for a shoreline street end use permit on a form obtained from SEATRAN or by submitting a written request. All applications must provide the following standard information as an attachment to the application form or request:
- 4.11 A map or drawing which shows the existing conditions of the shoreline street end being proposed for use. Features to be shown include, but are not limited to: trees, shrubs or other vegetation; topography or spot elevations; any structure of any kind both in and adjacent to the street right-of-way; signs; and any unusual surface treatment. The map or drawing should be drawn to scale and be of professional quality.
- 4.12 A plan drawing or schematic plan of all improvements proposed for the street end. Improvements to be shown include, but are not limited to, the following: any structure of any kind; any new vegetation or rearrangement of existing vegetation; any new surface material including gravel; proposed signs, or any painted words or symbols. All proposed plans should provide either physical or visual access to the water and parking in compliance with the Americans with Disabilities Act (ADA). If the topography of the site is not suitable to

accommodate access for persons with disabilities, the applicant must provide a written explanation to SEATRAN as to the reason ADA access cannot be achieved. The drawing or plans should be drawn to scale and be of professional quality.

- 4.13 Any required map, drawing or plan required under this section that is prepared by an engineering or design professional should be signed by that professional.
- 4.14 A written description of the proposed use.
- 4.15 A written description of the surrounding land use patterns.
- 4.16 Documentation of the applicant's contacts with the owners of businesses and properties abutting the street end proposed for a permit, and the responses and concerns of the abutting property owners. The applicant will provide abutting property owners with copies of the plans for the proposed improvements and solicit their comments on the proposal. Note: An abutting property owner's approval is not necessary for issuance of a street use permit.

5.0 COMMUNITY STREET END DEVELOPMENT

- 5.1 A community organization or other group of neighborhood sponsors may request a street end be open and accessible to the public by applying for a permit and submitting a written request to SEATRAN pursuant to Section 4.0 of this rule. The organization must include in its application a plan showing:
 - 5.11 That the permitted access of the abutting property owner will not be compromised.
 - 5.12 The proposed maintenance plan for the street end.
 - 5.13 That their plan is compatible with any approved neighborhood development plan which exists at the time of application.
- 5.2 When a public access plan is approved by SEATRAN, the private uses which conflict with the plan must be removed at the expense of the property owner or will be removed by the project sponsor or SEATRAN at the property owner's expense.

5.3 Public access improvements shall be maintained as follows:

- 5.31 A local community group or other sponsors of new public access improvements shall provide on-going maintenance. SEATRAN may participate in the maintenance, with the goal to encourage 'stewardship' of these public areas by the surrounding communities.
- 5.32 Every reasonable effort will be made to ensure that the public rights-of-way are maintained at or better than the same standard as other public spaces in the area. The installation of low maintenance, drought-resistant landscaping is encouraged.
- 5.33 SEATRAN reserves the right to enter into agreements with any agency or individual for the purpose of maintaining street ends, and will coordinate with the Parks Department and related State and Federal agencies to encourage maintenance of public access and landscaping improvements.
- 5.34 For emergency or major unanticipated repair, SEATRAN will assist the community in providing clean up, damage and repair relief to the public features of that street end as practical within the available budget.

5.4 Public access signage shall be provided as follows:

- 5.41 All shoreline street ends which are accessible to the public will be signed.
- 5.42 Signs will be installed by SEATRAN or its designated agent in a clear and easy view by the public.
- 5.43 The right-of-way boundaries will be clearly marked as needed.

6.0 PERMITTED PRIVATE USES

- 6.1 An applicant for a private use of a shoreline street end must submit an application pursuant to Section 4.0 of this rule. Owners of property abutting Shoreline Street Ends have the right to use the street end for access to their properties. Improvements to provide that access, such as driveways or walkways, as permitted by SEATRAN, are not subject to the Shoreline Permit Fee as long as such improvements do not preclude public access.

- 6.2 Floating Homes, Boats and Other Structures. The use of submerged rights-of-way is covered by other sections of the Street Use Ordinance and is not subject to the Shoreline Street Ends provisions. However, shore-based uses of the right-of-way that support floating homes and preclude the public are subject to these provisions.
- 6.3 Uses Subject to Permit Fee: structures, fences, hedges/greenery which blocks shore access and/or view, recreational equipment, and private gardens.
- 6.4 Uses Not Subject to Permit Fee: open lawn and minor landscaping that does not obstruct public access or views.
- 6.5 Maritime industrial land uses that show an important operational/business need for an adjacent shoreline street that would be incompatible with both the business operation and safe access by the public will be considered to be a higher priority use of the street end than public access. Such land uses, whether by private entities or non-City public agencies, shall be subject to the Shoreline Street End permit fee. The fee may be calculated using a Demand Probability Factor (DPF) to reflect City Policy that supports maritime industrial land uses.

7.0 SEATRAN REVIEW OF APPLICATION

- 7.1 When a completed application is received by SEATRAN it will be reviewed for conformance with the application requirements. If it is incomplete, the applicant shall be notified of necessary missing items. When the application is determined to be complete, the Street Use and Permit Section of SEATRAN will review the application for compliance with the following:
 - 7.11 Consistency with the adopted shoreline street end policies (Resolution 29370) and all other pertinent legislation and departmental procedures.
 - 7.12 The safety of the general public: if any part of the proposed street end project could jeopardize the public safety, the applicant will be requested to revise the project to meet public safety requirements, as determined by SEATRAN.
 - 7.13 If the proposed project is not exempt from SEPA review, the applicant will be required to complete an environmental checklist.

- 7.14 A shoreline street end permit will not be issued until the applicant has obtained a shoreline substantial development permit or an exemption from the substantial development process from the Department of Construction and Land Use.
- 7.2 SEATRAN will ensure that physical or visual access to the water and parking for persons with disabilities are included in plans where the topography is suitable and that ADA standards met.
- 7.3 SEATRAN will verify that the abutting property owners were notified of the proposed improvements.
- 7.4 SEATRAN may conduct an optional administrative hearing on the proposal after providing notice to the applicant, abutting property owners, local community or business organizations, and neighbors in the adjacent area.
- 7.5 SEATRAN may grant, grant with modifications or conditions, or deny the permit application.

8.0 INSPECTION AND SURVEY

- 8.1 SEATRAN will periodically inspect and verify obstructions/private uses on street ends.
- 8.2 If SEATRAN is requested by a property owner to provide inspection services in order to verify a modification of their encroachment into the street end so that the associated permit fee can be reduced or waived, a deposit will be collected from the property owner. The first hour of such inspection will be provided without charge to the property owner. Any inspection time in excess of one (1) hour will be charged to the deposit at SEATRAN's current hourly inspection rate.
- 8.3 The property owner(s) may submit a written request to establish right-or-way margins to SEATRAN. Such a request will require a deposit for a survey. The first hour of inspection will not be charged. However, any inspection time in excess of one (1) hour will be charged to the deposit at the current inspection rate per hour. The total cost of the survey will be at the expense of the property owner who requested the survey.
- 8.4 SEATRAN will provide a response regarding a survey within thirty (30) days of receipt of the written request.

9.0 PERMIT FEE FORMULA

- 9.1 The permit fee formula will consist of the Area in square feet (sf), the Demand Probability Factor, the Barrier to Entry Factor, the Land Value/sf, and the Annualized Rate, that when multiplied together will produce the permit fee amount.
- 9.2 The Executive Services Department will re-assess and may modify the fee schedule every two (2) years based upon local property values.
- 9.3 The Demand Probability Factor (DPF) of the formula for an individual Shoreline Street End permit may be reviewed for possible adjustment by the Director of SEATRAN or his/her designee upon the written request of the permittee. The request for adjustment should demonstrate why use of the DPF is inappropriate for that permit. The Director of SEATRAN or his/her designee may seek comment from the local residential community, the local business community (if any), the Executive Services Department, and any other appropriate interested party. The Director's decision is final.

10.0 PERMIT FEE REDUCTION

- 10.1 An abutting property owner may reduce the permit fee by reducing the area of private use of the Shoreline Street End.
- 10.2 An abutting property owner can apply for a credit for maintaining public areas of the shoreline street end. The application must be accompanied by a maintenance plan.
- 10.3 The amount of the credit will be determined by agreement between the property owner and SEATRAN.

11.0 PERMIT FEE REVIEW

- 11.1 A Shoreline Street End permittee may request that the Director of SEATRAN or his/her designee review his or her permit fee.
- 11.2 The Director will review a permit fee only if one or more of the following circumstances are present:
 - 11.21 All attempts to resolve the permit fee dispute with the Street Use Program Manager and the Division Director have been exhausted.

- 11.22 The City, County, or other public agency installed the obstruction/encroachment for which the fee is being charged.
- 11.23 The obstruction/private use provides a public access and/or a public safety benefit.
- 11.3 A request for review must be submitted in writing to the Manager of Street Use, SEATRAN.
- 11.4 SEATRAN will provide a written response or, if requested, an informal hearing with the Director of SEATRAN or his/her designee to the petitioner within thirty (30) days of receipt of the written request for review.