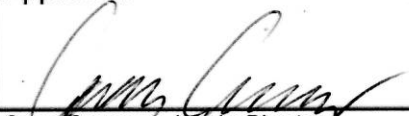


# SDOT

## Director's Rule 1-2014

<b>Applicant:</b>  CITY OF SEATTLE Seattle Department of Transportation (SDOT)	<b>Page</b> 1 of 9	<b>Supersedes:</b> N/A
	<b>Publication:</b> 11/18/2013	<b>Effective:</b> 1/6/2014
<b>Subject:</b>  Existing At-Grade Telecommunication Cabinet Upgrade Standards and Procedures	<b>Code and Section Reference:</b> Seattle Municipal Code Section 15.04.035	
	<b>Type of Rule:</b> Legislative	
	<b>Ordinance Authority:</b> SMC 3.12.020	
<b>Index:</b>  Street and Sidewalk Use, Telecommunication Cabinets	<b>Approved</b>	<b>Date</b>
	 Goran Sparman, Interim Director Seattle Department of Transportation	1/6/14

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## **1.0 References**

- 1.1 Seattle Municipal Code (SMC) Title 15, Street and Sidewalk Use;
- 1.2 SMC Chapter 23.30, Zone Designations Established;
- 1.3 SMC Chapter 23.32, Land Use Maps;
- 1.4 SMC Chapter 23.57, Communications Regulations;
- 1.5 SMC Chapter 23.55, Sign Code;
- 1.6 RCW Chapter 35.99, Telecommunications, Cable Television Service-Use of Right-of-Way.

## **2.0 Purpose of Rule**

The purpose of this rule is to establish application and mitigation criteria for proposed upgrades or repairs to existing at-grade telecommunication cabinets in the public place. These criteria are intended to comply with RCW Chapter 35.99; promote and maintain sight distances in the public place; ensure mobility for the public; establish standards for the appearance of the equipment cabinets; coordinate use of the public place with other uses; and minimize visual blight and clutter in the public place.

The rule provides standardized procedures and conditions for issuing Street Use permits, including mitigation standards, for upgrades to existing at-grade telecommunication cabinets. When the rule is citing existing sections of the SMC, the code language is referenced by a citation to the SMC after the heading or section of the rule that is citing the code.

## **3.0 Definitions**

- 3.1 "Public place" means and includes streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting strips, squares, triangles, plazas, and right-of-way for public use and the space above or beneath its surface, whether or not opened or improved. (SMC 15.02.046)
- 3.2 "SMC" means Seattle Municipal Code.
- 3.3 "Telecommunication cabinet" means all structures, cabinets, electric meters, and any other appurtenance installed for telecommunication purposes in the public place, except utility poles and attachments to poles.
- 3.4 "Upgrades and repairs" means improving or enhancing, restoring or fixing, an existing telecommunication cabinet or its equipment to a sound working condition; or installing a replacement, or new version or improved model of a telecommunication cabinet in the same location of an existing cabinet.

## **4.0 General Requirements**

- 4.1 This rule applies to upgrades or repairs to: (1) telecommunication cabinets existing in the public place prior to the effective date of this rule; (2) telecommunication cabinets replacing telecommunication cabinets existing in the public place prior to

the effective date of this rule; and (3) new telecommunication cabinets permitted by the SDOT Director after the effective date of this rule and prior to the adoption of City legislation authorizing new telecommunication cabinets; and (4) new telecommunication cabinets authorized by City legislation adopted after the effective date of this rule.

- 4.2 This rule does not apply to existing at-grade telecommunication cabinets that are proposed to be relocated and attached to poles or are currently attached to poles. Any proposal to attach telecommunication cabinets to poles, as a use of the public place, shall be subject to SMC Chapter 15.04.
- 4.3 All proposed upgrades and repairs of existing telecommunication cabinets in the public place require a Street Use permit prior to work commencing.
- 4.4 A Street Use permit is not required prior to commencing work if an emergency condition exists with the telecommunication cabinet. It is considered an emergency if the repair could not have been anticipated or the repair is necessary to protect the public's health or safety. A Street Use permit shall be obtained at the earliest possible opportunity. (SMC 15.32.050)
- 4.5 Telecommunication cabinets on private property are not subject to this rule, but are subject to review by the Department of Planning and Development as provided for in SMC Chapter 23.57, Communications Regulations.
- 4.6 Telecommunication cabinets abutting a residentially-zoned parcel or lot that is zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as defined by SMC subsection 23.30.010.A provided the zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32 shall be required to provide public notice and install mitigation elements as provided for in Sections 5.2 and 8.0 of this rule.

## 5.0 Permit Application and Review

5.1 **Application to SDOT.** Applicants for upgrading or repairing an existing telecommunication cabinet shall submit the following:

- Complete Street Use Utility permit application.
- Scaled site plan including the following:
  - o North arrow;
  - o Name and location of adjoining street(s) or alley(s);
  - o Zoning of abutting parcel(s);
  - o Width of adjacent sidewalk(s);
  - o Location of existing improvements (for example, utility poles, parking pay stations, bus shelters, sign posts, tree pits) detailing distance of each from nearest edge of the proposed telecommunication cabinet area;

- Location of property lines and dimensions of the public place area proposed for the upgraded telecommunication cabinet;
  - Dimensions of existing cabinet, along with location relation to dimensions of the new cabinet and any new grading, paving, or retaining functions that may be needed to support the proposed new cabinet; and
  - Location of all underground conduits or wiring to be installed in conjunction with the proposal.
- Described plan of proposed new cabinet, including:
    - Dimensions of cabinet and footing/platform detail; and
    - Location of contact information on cabinet.
  - Photograph(s) of existing telecommunication cabinet location and surrounding vicinity.
  - Mitigation Plan for sites abutting residentially-zoned parcels, that may include one or more of the following:
    - Landscape plan with location of existing and proposed landscaping to be installed;
    - Location and dimensions of any proposed screening installations for example, fencing in the public place;
      - **Note:** Non-vegetative screening structures such as fencing may require a separate Street Use review.
    - Rendering of proposed visual treatment of cabinet or cabinet wrap; and
    - Other proposed mitigation if screening of the cabinet is not feasible due to physical site constraints.
  - Public Notice list for sites abutting residentially-zoned parcels, including parcel numbers, addresses, and tax payer of record information for all entities as described in Section 5.2.2.
  - Field review fee deposit as established by the current Street Use Fee Schedule hourly rate. A utility permit application field review fee deposit is collected for 3 hours of work by the permit reviewer. If review time is less than 3 hours, the remaining balance will be refunded after the permit is issued. If the review time is more than 3 hours, an invoice will be sent for the additional review fees not covered by the field review fee deposit. Field review fee deposits cannot be applied to the permit fee at the time of issuance.
  - If the telecommunication cabinet is located in a Historic or Landmark District, the applicant must obtain a Certificate of Approval from the appropriate district and submit a copy to SDOT.

**5.2 Notice of Application and Application Comment Period for Mitigation Proposals.**  
Applicants submitting a permit application to upgrade or repair an existing at-grade telecommunication cabinet shall be required to provide public notice of the mitigation

proposal in the application if: the cabinet site abuts a residentially-zoned parcel or lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as defined by SMC subsection 23.30.010.A provided the zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32.

- 5.2.1 When a complete Street Use Utility application is submitted, SDOT will prepare a public notice form for the applicant. The notice form will include information regarding the mitigation proposal including proposed location, application date, and comment period dates, as well as provide information on how the public can comment on the mitigation proposal for the pending application and how to request a review or reconsideration of a Street Use permit decision.
- 5.2.2 The applicant shall send the SDOT-prepared notice, along with site plans, by first-class mail to:
  - All street-level business entities, public entities, and residences located within a 100-foot radius of the site, and
  - All property managers, home owners associations, and apartment managers of all residential units located above the 100-foot radius of the site.
- 5.2.3 The applicant shall send all required notices three-calendar days before the start of the public comment period. The public comment period shall be 14-calendar days. If the comment period ends during a weekend or on a City-recognized holiday, the last day of the comment period shall be extended to the next business day.
- 5.2.4 SDOT will post notice of the pending applications on the SDOT Street Use webpage.
- 5.2.5 Written comments concerning the application shall be postmarked or emailed to the Director of Transportation no later than 14-calendar days after the first day of the public comment period. If the comment period ends during a weekend or on a City-recognized holiday, the last day of the comment period shall be extended to the next business day.
- 5.2.6 After the comment period has closed, SDOT may approve, reject, or modify the permit conditions of the mitigation proposal as part of the application.

## **6.0 Placement Standards**

- 6.1 The Street Use permit may specify the portion of the public place that will be occupied by the telecommunication cabinet. (SMC 15.04.035)

6.2 **ADA Guidelines.** The telecommunication cabinet must be detectable by cane and the adjoining public place shall remain accessible as required by ADA guidelines.

## 7.0 Paving Requirements

7.1 Concrete pads installed in full-width sidewalks shall be constructed according to SDOT approved plan and shall join to the nearest score line of the existing concrete pavement consistent with the SDOT Pavement Opening and Restoration Rules.

8.0 **Screening Mitigation Requirements.** Proposals for upgrading or repairing an existing telecommunication cabinet abutting a parcel or lot zoned RSL, SF 5000, SF 7200, SF 9600, LR1, LR2, or LR3 as defined by SMC subsection 23.30.010.A, provided the zoning does not have an RC designation as shown on the Official Land Use Map, Chapter 23.32; shall be mitigated with screening. The screening shall screen the telecommunication cabinet from the public place and abutting private property. All mitigation elements will comply with all placement standards as described in Section 6.0. As determined by the Director, screening may include:

8.1 **Landscaping.** A vegetated screen may be proposed to mitigate the visual impacts of the telecommunication cabinets.

8.1.1 If existing landscaping is insufficient to screen the telecommunication cabinet, the applicant shall include a landscaping plan that provides for vegetation that fully screens the cabinet at plant maturity using plants approved by SDOT Urban Forestry.

8.1.2 The type of vegetated screening and number of plants shall be contingent upon:

- Site conditions; and
- Size of proposed cabinet.

8.1.3 SDOT Urban Forestry may determine a planting schedule to ensure the health of newly installed plants. It is the responsibility of the permittee to maintain and replace the vegetation for as long as the telecommunication cabinet remains in the public place.

8.2 **Fencing.** Fencing and other screening structures may be proposed to mitigate the visual impacts of the telecommunication cabinets.

8.2.1 Fencing must be constructed of high-quality finish materials such as steel, glass, or finished wood. Plastic, unfinished wood, or pressure-treated lumber is not allowed; and

8.2.2 Fencing shall not contain electrical or other utility elements.

**8.3 Visual Treatment to the Cabinet Surface.** Telecommunication cabinets may be decorated with paint, decals, or vinyl wraps, photos added, or maps installed on the surface of the cabinets to discourage graffiti and provide an opportunity to add visual interest to the public place. The proposed cabinet treatment shall conform to SMC Chapter 23.55, Sign Code.

8.3.1 The applicant shall ensure that the submitted rendering plan reflects the cabinet color or cabinet wrap.

8.4 If it is not feasible to install screening due to physical site constraints, the applicant shall provide an alternative mitigation proposal that includes landscaping or tree planting within 200 feet of the project. If the alternative mitigation cannot be located within 200 feet of the project, the applicant shall propose an alternative location that the Director shall review and may approve.

8.5 If the proposed upgraded site will be fully screened with existing landscaping, further screening mitigation and public notice shall not be required.

8.6 If the proposal is to replace the existing cabinet with a smaller, same size, or minimally larger cabinet (not to exceed 6 inches in height, width, or depth), screening mitigation and public notice shall not be required.

8.7 All screening mitigation shall remain the permittee's responsibility to maintain so long as the telecommunication cabinet occupies the public place.

## **9.0 Permit Conditions**

9.1 The Director may, as deemed appropriate, condition the Street Use permit to address:

9.1.1 Mitigation requirements;

9.1.2 Placement and setback requirements to ensure the permittee does not operate the telecommunication cabinet in a way that restricts or interferes with access to the abutting property; or creates a nuisance or hazard to public health, safety, or welfare; or increases traffic congestion or delay; or constitutes an obstruction for fire, police, or sanitation vehicles;

9.1.3 Maintenance requirements to ensure that the telecommunication cabinet is kept free of graffiti, in good repair, and has contact information prominently displayed on the surface of the cabinet to give the public the opportunity to report maintenance issues;

9.1.4 Repair or improvement requirements to the public place in order to accommodate the telecommunication cabinet or to ensure access to the abutting public place complies with the ADA; and

9.1.5 Pedestrian circulation, traffic management, or any public use purpose.



- 9.2 Permit duration, revocation, and public place restoration requirements (SMC 15.04.070):
- 9.2.1 The Director may modify the conditions of a Street Use permit after providing the permittee with written notice 30 days before modifying the Street Use permit;
  - 9.2.2 All Street Use permits are of a temporary nature, vest no permanent rights, and are revocable upon 30-calendar days' notice, or without notice in case the telecommunication cabinet is deemed dangerous or is insecure or unsafe;
  - 9.2.3 If a permit for a telecommunication cabinet is revoked or terminated, the public place shall be restored to the condition that existed prior to the use occurring in the public place.
- 9.3 The surface of the public place shall not be altered and fixtures of any kind shall not be installed in the public place unless authorized by a Street Use permit. (SMC 15.04.010)

## **10.0 Requests for Review or Reconsideration**

A request for review or reconsideration of a Street Use permit decision may be made to the SDOT Director by filing a written request within 10-calendar days of the date of the SDOT decision (SMC 15.04.112). The request must identify the decision for which review or reconsideration is requested, grounds for objecting to the decision based on City standards, and the specific remedy being proposed. The Director will designate a review officer who will make a recommendation to the Director. The Director may, at the Director's discretion, stay implementation of a decision pending review or reconsideration. The Director's decision on review or reconsideration is final.

The request for review or reconsideration shall be submitted to:

Director of Transportation, Seattle Department of Transportation  
700 Fifth Avenue, Suite 3800  
PO Box 34996  
Seattle WA 98124-4996

With a copy to:  
Division Director, Street Use and Urban Forestry Division  
700 Fifth Avenue, Suite 2300  
PO Box 34996  
Seattle WA 98124-4996

3.3. If a person is not a party to a hearing, the person may not be represented by a lawyer.

3.4. If a person is not a party to a hearing, the person may not be represented by a lawyer.

3.5. All persons who are parties to a hearing must appear in person at the hearing, unless the person is represented by a lawyer.

3.6. If a person is not a party to a hearing, the person may not be represented by a lawyer.

3.7. The statute of limitations for a claim does not apply to a claim for a hearing.

16.0 Request for Review or Reconsideration

A request for review or reconsideration of a final decision may be made to the Director by filing a written request within 10-business days of the date of the final decision. The request must identify the decision being reviewed and the reasons for the request. The Director will designate a review officer who will make a written report to the Director. The review officer will make a decision on the request for review or reconsideration. The Director's decision on review or reconsideration is final.

The request for review or reconsideration shall be submitted to:

Director of Transportation, State Department of Transportation  
100 First Avenue, Suite 1000  
PO Box 34099  
Seattle WA 98124-1990

With a copy to:  
Deputy Director, State Department of Transportation  
100 First Avenue, Suite 1000  
PO Box 34099  
Seattle WA 98124-1990