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8 BEFORE THE HEARING EXAMINER
9 FOR THE CITY OF SEATTLE

10 In the Matter of the Appeal of
11 ESCALA OWNERS ASSOCIATION
12
13 from a decision issued by the Director, Seattle
14 Department of Construction and Inspections
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16
17

Hearing Examiner File:
MUP-19-031 (DD, DR, S, SU, W)

Department Reference:
3018037-LU

CITY AND APPLICANT'S JOINT LIST
OF MITIGATING ORDINANCES

18 At the close of the hearing in this matter, the Examiner required the Appellant Escala
19 Owner's Association ("Appellant") to submit a list of State Environmental Policy Act ("SEPA")
20 issues that the Appellant believes remain following the Examiner's ruling on his jurisdiction
21 under RCW 43.21C.500. The Examiner also required the City of Seattle ("City") and the
22 Applicant Seattle Downtown Hotel & Residences, LLC ("Applicant") (collectively,
23 "Respondents") to submit a list of ordinances of general application that mitigate any issues
24 identified by Appellant. Appellant filed the Escala Owners Association's Statement of
25 Remaining SEPA Issues ("Appellant's Statement") on February 4, 2020. Respondents now
26 submit this list of ordinances that mitigate the impacts identified in Appellant's Statement. The
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CITY AND APPLICANT'S JOINT LIST OF
MITIGATING ORDINANCES - Page 1 of 17

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ordinances identified in this list are in addition to, and do not replace, those identified in Examiner Exhibit 5 in this matter, even if some ordinances are listed in both documents. Respondents reserve the right to identify additional ordinances in the briefing in this matter and in any subsequent appeals. Respondents also reserve the right to contest any of the statements in Appellant's Statement, including but not limited to Appellant's characterization of the Examiner's ruling on the applicability of RCW 43.21C.500.

1. Appellant's alleged impact: "The Altitude Project will cause conflicts with the new Seattle Streetcar on Stewart Street causing significant adverse traffic impacts on Stewart and in the alley."

Ordinances that expressly mitigate this impact include the following:

SMC 11.52.020 – General speed stated. "(B) The driver of every vehicle shall, consistent with the requirements of this section, drive at an appropriate reduced speed when approaching and crossing an intersection . . . when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or roadway conditions."

SMC 11.52.170 – Due care required. "Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require."

SMC 11.55.020 – Right turns. "The operator of a vehicle intending to turn right at an intersection shall make both the approach for a right turn and a right turn as close as practicable to the right-hand curb or edge of the roadway."

SMC 11.55.200 – Turn signal – Required. "No person shall turn a vehicle or move right or left upon a roadway unless and until such movement can be made with reasonable safety

1 nor without giving an appropriate signal.”

2 **SMC 11.58.008 – Inattention.** “No person shall operate a vehicle in an inattentive
3 manner over and along the streets, alleys or ways open to the public of this City. For the purpose
4 of this section, "inattentive manner" means such a manner so as to fail to maintain a careful
5 lookout for persons or property in the direction of travel.”
6

7 **SMC 11.65.020 – Rights and duties of streetcar operator.** “Every person operating a
8 streetcar shall be granted all of the rights and shall be subject to all of the duties applicable to a
9 driver of a vehicle, except as to the special regulations of this chapter and except as to those
10 provisions of this subtitle which by their nature can have no application.”
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12 **SMC 11.65.040 – Streetcar rights-of-way.** “Streetcars shall have the right-of-way over
13 all traffic except authorized emergency vehicles.”

14 **SMC 11.65.080 – Obstructing streetcars.** “No person shall obstruct, hinder, interfere,
15 or delay in any way the movement of a streetcar.”
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17 **2. Appellant’s alleged impact: “The Altitude Project will cause congestion and**
18 **safety problems at the intersection of the alley and Stewart Street which, in**
19 **turn, will have significant adverse impacts to pedestrians, bicyclists, and**
20 **drivers on Stewart Street.”**

21 Ordinances that expressly mitigate this impact include the following:

22 **SMC 11.52.020 – General speed stated.** (Quoted above).

23 **SMC 11.52.120 – Speed limit in alleys.** “No person shall operate any vehicle at a speed
24 in excess of fifteen (15) miles per hour upon an alley.”

25 **SMC 11.52.170 – Due care required.** (Quoted above).

26 **SMC 11.55.020 – Right turns.** (Quoted above).

27 **SMC 11.55.200 – Turn signal—Required.** (Quoted above).

28 **SMC 11.58.008 – Inattention.** (Quoted above).

1 **SMC 11.58.230 – Emerging from alley, driveway, private property, or building.**

2 “Except as directed otherwise by official traffic-control devices, the driver of a vehicle emerging
3 from any alley, driveway, private property, or building shall stop such vehicle immediately prior
4 to driving onto a sidewalk or onto the sidewalk area extending across any alley or driveway, or
5 onto a public path, and shall yield the right-of-way to any pedestrian or bicyclist as may be
6 necessary to avoid collision, and upon entering the roadway of a street shall yield the right-of-
7 way to all vehicles approaching on the roadway.”

9 **SMC 11.58.290 – Alley – Backing from or to.** “No person shall back any vehicle into or
10 out of any alley; Provided, that this section will not apply when backing is done under the
11 guidance of a person whose duty is to direct the driver's movements with safety.”

13 **SMC 11.58.310 – Regard for pedestrians.** “Notwithstanding the provisions of Chapters
14 11.40 and 11.44, every operator of a vehicle shall exercise due care to avoid colliding with any
15 pedestrian or person riding a bicycle upon any roadway and shall give warning by sounding the
16 horn when necessary, and shall exercise all proper precautions upon observing any child or any
17 obviously confused or incapacitated person upon a roadway.”

19 **SMC 11.72.110 – Driveway or alley entrance.** “No person shall stand or park a vehicle
20 in front of a public or private driveway within a street or alley or in front of or in an alley
21 entrance or within five feet (5') of the end of a constructed driveway return or alley entrance
22 return, or if none, within five feet (5') of the projection of the edge of the driveway or alley.”

24 **SMC 23.49.019.C – Maximum parking limits.** “Except as provided in subsections
25 23.49.019.C.2 and 23.66.342.B, parking for non-residential uses is limited to a maximum of
26 one parking space per 1,000 square feet.”

27 **SMC 23.49.022 – Minimum sidewalk and alley width.** “A. Minimum sidewalk
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widths are established for certain streets by Map 1C. 1. If a new structure is proposed on lots abutting these streets, sidewalks shall be widened, if necessary, to meet the minimum standard . . . B. A setback or dedication may be required in order to meet the provisions of Section 23.53.030, Alley improvements in all zones.” Map 1C establishes an 18’ sidewalk width on Stewart Street adjacent to the project site.

SMC 23.53.030.F – Existing alleys that do not meet minimum width. “When an existing alley is used for access to parking spaces, open storage, or loading berths on a lot, and the alley does not meet the minimum width established in subsection 23.53.030.D, except as provided in subsection 23.53.030.G, a dedication equal to half the difference between the current alley right-of-way width and minimum right-of-way width established in subsection 23.53.030.D shall be required[.]”

SMC 23.53.006.A – Pedestrian access and circulation, general requirements. “Pedestrian access and circulation are required on all streets in all zones as set forth in this Section 23.53.006. A. General requirements. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks, pedestrian walkways, curbs, curb ramps, and accessible crossings.”

SMC 23.53.006.C – Pedestrian access and circulation, within urban centers and urban villages. “Within urban centers and urban villages, if the existing sidewalks, curbs, curb ramps, and accessible crossings do not comply with the Right-of-Way Improvements Manual, they shall be brought into compliance when . . . development is proposed that abuts any existing street in any zone, except as specified in subsection 23.53.006.F.”

Seattle Right-of-Way Improvements Manual (also known as Streets Illustrated):
Among others, Section 3.2 provides design standards for sidewalks to “facilitate walking as a

safe, attractive, and viable travel mode.” Section 3.2 provides design standards for sidewalks that include a “Frontage Zone,” which is “the area between the property line and pedestrian clear zone,” a “Pedestrian Clear Zone,” which is “the area of the sidewalk corridor that is specifically reserved for pedestrian travel” and the “Landscape/Furniture Zone,” which is “the area between the roadway curb face and the front edge of the pedestrian clear zone.” Section 3.16 provides downtown design standards. Among other things, these include downtown streetscape standards and sidewalk pavement treatment standards. The design intent of these standards for driveways and alleys is: “To provide consistency along the public realm by color-coding the driveway aprons to match the paving color in the Furniture/Landscape zone . . . This is intended to cue drivers that they are crossing a pedestrian threshold. If a wider dimension exists at driveway/alley entrances beyond the apron, the paving shall match the Pedestrian Clear Zone recommendations.”

3. Appellant’s alleged issue: “The Altitude Project will cause conflicts between trucks attempting to access the Altitude loading bay and residents attempting to access the Altitude residential parking garage which will, in turn, cause significant adverse impacts in the alley.”

Ordinances that expressly mitigate this impact include the following:

SMC 11.52.120 – Speed limit in alleys. (Quoted above.)

SMC 11.52.170 – Due care required. (Quoted above.)

SMC 11.53.120 – Interval between vehicles. “The driver of a motor vehicle shall not follow another vehicle or bicycle more closely than is reasonable and prudent, having due regard for the speed of such vehicles or bicycles and the traffic upon and the condition of the street or alley.”

SMC 11.58.280 – Limitations on backing. “No person shall back a vehicle unless such movement can be made with safety and without interfering with other traffic.”

1 **SMC 11.60.050 – Outside width limits.** “The total outside width of any vehicle or load
2 thereon shall not exceed eight and one-half (8½) feet; provided, that no rear vision mirror may
3 extend more than five (5) inches beyond the extreme limits of the body; provided further, that
4 excluded from this calculation of width are safety appliances . . .”

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6 **SMC 11.62.080 – Operation in downtown traffic-control zone – General.** “No person
7 shall operate any vehicle with or without a trailer attached, except authorized buses or stages,
8 exceeding an overall length of thirty feet (30') in the downtown traffic-control zone between
9 seven a.m. and seven p.m. without obtaining a permit . . .”

10 **SMC 11.62.100 – Operation in downtown traffic-control zone – Peak hour.** “No
11 person shall operate a vehicle except authorized buses or stages over eight feet (8') in width, over
12 twenty-four feet (24') in length, or over twenty-four thousand (24,000) pounds gross weight in
13 the downtown traffic-control zone between the hours of four p.m. and six p.m. without obtaining
14 a permit . . .”

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16 **SMC 11.72.020 – Alley.** “No person shall stand or park a vehicle except a commercial
17 vehicle, a vehicle displaying a valid commercial loading permit, or authorized emergency vehicle
18 in an alley.”

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20 **SMC 11.72.025 – Alley – Driveway.** “No person shall stop, stand or park a vehicle
21 within an alley in such a position as to block the driveway entrance to any abutting property.”

22 **SMC 11.72.110 – Driveway or alley entrance.** “No person shall stand or park a vehicle
23 in front of a public or private driveway within a street or alley or in front of or in an alley
24 entrance or within five feet (5') of the end of a constructed driveway return or alley entrance
25 return, or if none, within five feet (5') of the projection of the edge of the driveway or alley.”

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27 **SMC 11.72.330 – Posted signs.** “No person shall: (A) Stop, stand or park a vehicle at
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1 any place or time where official signs prohibit stopping; (B) Stand or park a vehicle at any place
2 or time where official signs prohibit standing; or (C) Park a vehicle at any place or time where
3 official signs prohibit parking.”

4 **SMC 11.74.010 – Loading in alleys.** “No person shall stop, stand or park a commercial
5 vehicle or a vehicle displaying a valid commercial loading permit in any alley for any purpose or
6 length of time other than the expeditious unloading and delivery or pickup and loading of
7 property and then in no case shall such parking for loading and unloading of property exceed
8 thirty (30) minutes.”

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10 **SMC 23.53.030.F – Existing alleys that do not meet minimum width.** (Quoted
11 above.)

12
13 **4. The lack of curbside parking and loading/unloading opportunities in the**
14 **near vicinity of the Altitude Project will cause significant adverse traffic**
15 **impacts.**

16 Respondents object to the Appellant’s late identification of this issue, which is unrelated
17 to project impacts. Appellant’s Notice of Appeal did not claim significant adverse impacts
18 resulting from pre-existing conditions unrelated to the project, nor could it have done so, since
19 impacts cognizable under SEPA are limited to those resulting from the project under review. See
20 Notice of Appeal, Issue 1.a. The Examiner should reject Appellant’s attempt to raise this
21 improper issue for the first time after hearing.

22 In addition, ordinances that expressly mitigate this impact include the following:

23 **SMC 11.16.280 – Traffic Engineer – Authority – Special zones.** “Consistent with
24 Section 11.23.420, the Traffic Engineer is authorized under the supervision of the Director of
25 Transportation to . . . B. Determine the location of and establish truck load and commercial
26 load zones where practicable, when upon investigation it appears that there are no alley
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entrances or other similar means of approach to buildings or property and that congested traffic conditions require such zones for the purpose of loading or unloading, and in each case to fix the hours during which such zones shall be maintained open for the purpose for which the same are intended; C. Determine the location of and establish passenger load zones and in each case to fix the hours during which such zones shall be maintained open for the purpose for which the same are intended; D. Determine the location of and establish taxicab, pedicab and other for-hire car stands; E. Determine the location of and establish car sharing zones.”

SMC 11.26.020 – Service parking. “The Traffic Engineer is authorized to issue upon application permits for service parking upon payment of the prescribed fee as established herein. As many permits may be issued to any one (1) applicant as the Traffic Engineer deems necessary or convenient. Service parking permits are of two (2) types: Those needed for building service and those needed for on-street service functions. "Building service" is defined as rendering maintenance service to building and building equipment, including utilities. "On-street service" is defined as a commercial vehicle being used as a mobile shop or a commercial vehicle engaged in loading or unloading operations or when the parking space is to be cleared to allow work to occur in the roadway area.” SMC 11.26.040-.290 provide additional regulations regarding service parking permits, including but not limited to the issuance of “service hoods” to cover parking meters (SMC 11.26.060).

SMC 11.72.075 – Commercial load zone. “No person shall stop, stand or park a vehicle other than a commercial vehicle or a vehicle displaying a valid commercial loading permit in a commercial load zone during the hours the zone restriction is in effect; provided, that commercial load zone restrictions are not effective on Sundays or parking holidays, except where otherwise indicated by signposting for the load zone.”

1 **SMC 11.72.215 – Load and unload zone.** “No person shall stop, stand, or park a vehicle
2 in a load and unload zone, for any purpose or length of time other than for the expeditious pickup
3 and loading or unloading and delivery of persons or property, and then in no case shall the stop
4 for such purposes exceed thirty (30) minutes.”

5 **SMC 11.74.030 – Commercial load zone – Usage.** “No person shall stop a commercial
6 vehicle or a vehicle displaying a valid commercial loading permit in a commercial load zone for
7 any purpose or length of time other than for the expeditious unloading and delivery or pickup
8 and loading of property. In no case shall such stopping for loading and/or unloading of
9 commercial products exceed thirty (30) minutes. Such time and loading limitations shall be in
10 effect during the days and times displayed on the traffic signs or marking at the zone.”

11 **SMC 11.74.120 – Standing in morning peak-hour restricted areas in downtown**
12 **traffic-control zone.** “No person shall stop, stand or park a vehicle on any portion of any street
13 or alley where signs are erected prohibiting parking as provided in Section 11.72.300: Provided,
14 that commercial vehicles may park on those streets in the downtown traffic-control zone during
15 morning peak traffic hours where signs are erected prohibiting parking between seven a.m. (7:00
16 a.m.) and nine a.m. (9:00 a.m.) for the purpose or length of time necessary for the expeditious
17 unloading and delivery or pickup and loading of property, but in no case shall such parking for
18 loading and unloading exceed thirty (30) minutes and: Provided, further, that this exception shall
19 not apply to those streets or portions thereof where signs are erected prohibiting stops during
20 specified times.”

21 **SMC 23.49.019.A.1 – Parking quantity** “No parking, either long-term or short-
22 term, is required for uses on lots in Downtown zones, except as follows”
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1 **SMC 23.54.035 – Loading berth requirements and space standards.** Section A –
2 Quantify of Loading Spaces. “1. The minimum number of off-street loading berths required for
3 specific uses shall be set forth in Table A.” Section C.1 – Width and Clearance. “Each loading
4 berth shall be not less than ten (1) feet in width and shall provide not less than fourteen (14) feet
5 vertical clearance” Section C-2.b – Length “Low- and Medium-demand Uses. Each loading
6 berth for low- and medium-demand uses, except those uses identified in subsection C2d, shall
7 be a minimum of thirty-five (35) feet in length unless reduced by determination of the Director
8 as provided at subsection C2c.” Section C-2c – Exceptions to Loading Berth Length. “Where
9 the Director finds, after consulting with the property user, that site design and use of the
10 property will not result in vehicles extending beyond the property line, loading berth lengths
11 may be reduced to not less than the following . . . (ii) Low- and Medium-demand Uses.
12 Twenty-five (25) feet.”
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15 **5. Appellant’s alleged issue: “The existing obstructions in the alley, including**
16 **but not limited to solid waste and recycling containers, ducts, electrical**
17 **boxes, will obstruct vehicle access and will, in turn, cause significant adverse**
18 **impacts in the alley.”**

19 Respondents object to the Appellant’s late identification of this issue, which is unrelated
20 to project impacts. Appellant’s Notice of Appeal did not claim significant adverse impacts
21 resulting from pre-existing conditions unrelated to the project such as “existing obstructions,”
22 nor could it have done so, since impacts cognizable under SEPA are limited to those resulting
23 from the project under review. See Notice of Appeal, Issue 1.a. The Examiner should reject
24 Appellant’s attempt to raise this improper issue for the first time after hearing.

25 In addition, ordinances that expressly mitigate this impact include the following:

26 **SMC 11.52.020 – General speed stated.** (Quoted above.)

27 **SMC 11.52.120 – Speed limit in alleys.** (Quoted above.)
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1 **SMC 11.52.170 – Due care required.** (Quoted above.)

2 **SMC 11.58.008 – Inattention.** (Quoted above.)

3 **SMC 11.58.290 – Alley – Backing from or to.** (Quoted above.)

4 **SMC 11.60.050 – Outside width limits.** (Quoted above.)

5 **SMC 11.60.060 – Maximum height – Impaired clearance – Signs.** “No person shall
6 operate any vehicle unladen or with load exceeding a height of fourteen (14) feet above the level
7 surface upon which the vehicle stands The provisions of this section shall not relieve the
8 owner or operator of a vehicle or combination of vehicles from the exercise of due care in
9 determining that sufficient vertical clearance is provided upon the streets or alleys where such
10 vehicle or combination of vehicles is being operated. . . .”

11 **SMC 11.62.080 – Operation in downtown traffic-control zone – General.** (Quoted
12 above.)

13 **SMC 11.62.100 – Operation in downtown traffic-control zone – Peak hour.** (Quoted
14 above.)

15 **SMC 15.04.010.A – Permit – Required.** “It is unlawful for anyone to make use, as
16 defined in Section 15.02.048, of any public place without first securing a written permit”
17 Under SMC 15.02.048, “use” includes “constructing, storing, erecting, placing upon,
18 maintaining, or operating; any inanimate thing or object; in, upon, over, or under any public
19 place.”

20 **SMC 15.20.010 – Permit – Required.** “It is unlawful for anyone to occupy a public
21 place with scaffolding, ladders or equipment to clean or paint a building, wall, or sign without
22 first obtaining a permit to do so from the Director of Transportation”

23 **SMC 15.04.012.A – Nuisances.** “Any structure built, excavation made, or material
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placed in or on any public place by anyone without having first obtained and complied with a permit, as provided in Title 15, may be declared a public nuisance.”

SMC 15.46.010 – Removal of obstructions or nuisances. “Whenever it furthers the safety or convenience of the public, the Director of Transportation, and, as to park drives and boulevards, the Superintendent of Parks and Recreation, may remove obstructions, hazards or nuisances from public places, and anyone causing the obstruction, hazard or nuisance shall be responsible for reimbursing the City for the expense of removing the same and cleaning the public place together with a charge equal to fifteen percent (15%) of the City's costs to cover administrative expenses.”

SMC 21.36.080.B – Placement of containers. “Containers shall not be placed on the sidewalk or in the planting strip or the alley for collection until a reasonable time prior to collection. Containers shall be removed within a reasonable time thereafter.”

SMC 23.53.030.F – Requirement to dedicate property to widen alley. (Quoted above.)

SMC 23.54.040.E.3 – Solid waste and recyclable materials storage and access. “The storage space shall not block or impede any fire exits, any public rights-of-way, or any pedestrian or vehicular access.”

6. Appellant’s alleged issue: “The cumulative impacts of the Altitude Project, the Escala, and the proposed 5th and Virginia project will cause congestion problems in the alley that will have significant adverse impacts to residents, hotel guests, emergency vehicles, solid waste and recycling vehicles, delivery vehicles, and other users of the alley.”

Respondents object to the Appellant’s late identification of these issues. Appellant’s Notice of Appeal did not claim significant adverse cumulative impacts or impacts to “hotel guests, emergency vehicles, solid waste and recycling vehicles, delivery vehicles, and other users

1 of the alley” See Notice of Appeal, Issue 1.a (“Escala residents who drive in and near the alley,
2 walk in and near the alley, rely on trash service and other services that occur in the alley will be
3 significantly and adversely affected by the proposal’s impacts to the alley.”). The Examiner
4 should reject Appellant’s attempt to raise these issues for the first time after hearing.
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6 In addition, ordinances that expressly mitigate these impacts include the following:

7 **Ordinances identified in relation to alleged issues 1-5.** (Quoted above.)

8 **SMC 11.58.260 – Right-of-way of emergency vehicles.** “The following vehicles on
9 emergency calls shall in the order named have the right-of-way over all other traffic: (A)
10 Vehicles and apparatus of the Fire Department; (B) Vehicles and apparatus of Police
11 Department, Sheriff’s offices, Washington State Patrol; (C) Ambulances and other authorized
12 emergency vehicles.”
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14 **SMC 11.58.270.A – Operation of vehicles on approach of authorized emergency**
15 **vehicles.** “Upon the immediate approach of an authorized emergency vehicle making use of
16 audible and visual signals meeting the requirements of Section 11.82.520, or of a police
17 vehicle properly and lawfully making use of an audible signal only the driver of every other
18 vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as
19 close as possible to, the right-hand edge or curb of the roadway clear of any intersection and
20 shall stop and remain in such position until the authorized emergency vehicle has passed,
21 except when otherwise directed by a peace officer.”
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23 **SMC 11.68.100 – Fire lines established.** “During any emergency requiring the
24 services of the Fire Department, the Chief of the Fire Department or his authorized agent is
25 authorized to establish fire lines on a street, alley or private property by roping or barricading
26 off same, or by stationing a fireman in service gear, or a peace officer to direct traffic, and no
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1 person shall disregard or fail to obey the orders of the fireman or peace officer, or run over the
2 rope or operate any vehicle inside fire lines.”

3 **SMC 11.68.120 – Fire line equipment.** “The Chief of Police shall maintain in
4 readiness for immediate use a sufficient quantity of rope, traffic cones and barricades for
5 establishing fire lines, and, in case of fire, shall dispatch thereto patrolmen in charge of an
6 officer with the fire line ropes, traffic cones or barricades which officer shall report for duty
7 and be subject to the orders of the Chief of the Fire Department, or his authorized agent, and
8 shall establish fire lines and direct traffic in accordance with his orders.”

9
10 **SMC 11.68.140 – Crossing fire hose.** “No person shall drive a vehicle over any
11 unprotected fire hose or other equipment of the Fire Department that has been laid down on
12 any street, alley, or private property to be used in any Fire Department operation without the
13 consent of the Fire Department official in command.”

14
15 **SMC 11.68.180 – Barricading hazardous area.** “The Chief of the Fire Department or
16 his authorized agent shall, when the walls of a structurally unsafe building are unsafe or in
17 such condition as to endanger traffic on a street or alley, or when any pole, chimney, spire,
18 steeple, electric wire or other thing or object endangers human life or property in the streets or
19 alleys, rope, fence or wall off parts of streets, alleys and private property adjacent thereto, and
20 place suitable signs marked "Danger" about same, or caution lights at night, and no person
21 shall remove, mutilate, tear down or otherwise damage any sign, fence, wall or rope, or walk,
22 or drive, operate or move any vehicle inside the lines, fences or walls.”

23
24
25 **SMC 22.600.020 – Enforcement authority.** “The Seattle Fire Code consists of: (A) The
26 International Fire Code . . . and (B) The amendments to the 2015 International Fire Code and to
27 Appendices A, B, D, E, F, G, H, and I, adopted by the City Council by ordinance.”

1 **Seattle Fire Code.** Among others, Section 101.3 – “The intent of this code is to establish
2 the minimum requirements consistent with nationally recognized good practice for providing a
3 reasonable level of life safety and property protection from the hazards of fire . . .” Section
4 102.1 “The construction and design provisions of this code apply to . . . 1. Structures, facilities
5 and conditions arising after the adoption of this code.” Section 104.2 – “The fire code official is
6 authorized to receive applications, review construction documents and issue permits for
7 construction regulated by this code, issue permits for operations regulated by this code, inspect
8 the premises for which such permits have been issued and enforce compliance with the
9 provisions of this code.” Section 104.11 – “The fire chief or officer of the fire department in
10 charge at the scene of a fire or other emergency involving the protection of life or property . . . is
11 authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is
12 authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or
13 thing that could impede or interfere with the operations of the fire department . . .” Section 110.1
14 – “If a premises, a building or structure or any building system, vehicle or vessel, in whole or in
15 part, endangers any property or the health or safety of the occupants of the property or of
16 neighboring premises, buildings, motor vehicles, vessels, or the health and safety of the public or
17 fire department personnel, the fire code official shall issue such notice or orders to remove or
18 remedy the conditions as shall be deemed necessary . . .” Section 202 – “FIRE APPARATUS
19 ACCESS ROAD. A road that provides fire apparatus access from a fire station to a facility,
20 building or portion thereof. This is a general term inclusive of all other terms such as fire lane,
21 public street, private street, parking lot lane and access roadway.” Section D102.1 – “Access and
22 loading. Facilities, buildings or portions of buildings hereinafter constructed, substantially
23 altered or moved into or within the jurisdiction when required by the fire code official shall be
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1 accessible to fire department apparatus by way of an approved fire apparatus access road . . .”

2 *See also* Sections D103-107 (requirements for Fire Apparatus Access Roads).

3 (Redline/strikeout and italics omitted in all sections.)

4 DATED this 21st day of January, 2020.

5
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7 s/Courtney A. Kaylor, WSBA #27519

8 s/David P. Carpman, WSBA #54753

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