

1 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 26th day of September, 2023,
5 and signed by me in open session in authentication of its passage this 26th day of
6 September, 2023.

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8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 6th day of October, 2023.

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11 Bruce A. Harrell, Mayor

12 Filed by me this 6th day of October, 2023.

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14 Scheereen Dedman, City Clerk

15 (Seal)

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21 Attachments:

22 Attachment A – Seattle Department of Transportation Street Use Fee Schedule

Street Use Fee Schedule

Table A – Base Permit Fees	
Permit Type	Base Permit Fee
ROW Simple Issuance	\$194
ROW Complex Issuance	\$698
Major (SIP/UMP) Permit Issuance	\$8,262
SIP Lite Issuance	\$3,161
No Permit/No Job Start Fee	\$339
Street Vacation Processing	\$11,042
Council Term Issuance	\$395
General Long-Term Issuance	\$395
General Long-Term Renewal	\$300
Year-round Public Street & Sidewalk Activities Issuance, including Year-round Farmers Markets*	\$200
Seasonal or Temporary Public Street & Sidewalk Activities Issuance, including Seasonal Farmers Markets*	\$75
Temporary Private Street & Sidewalk Activities Issuance	\$910 + Table B4
Year-round Business Activation Issuance	\$1,220 + \$200 for each Additional Space
Year-round Business Activation Renewal	\$588
Seasonal Business Activation Issuance	\$500
Year-round Site-Specific Vending Issuance*	\$950
Year-round Site-Specific Vending Renewal*	\$553
4-month Site Trial Vending Issuance*	\$200
Temporary Event Vending (max 4 event days) Issuance*	\$75
Annual Route Vending Issuance*	\$300
Event Pole Banner Issuance	\$300

* See Table A2. As part of the Downtown Activation Plan, no fees are assessed for these uses on a City-wide basis from the effective date of this ordinance to January 1, 2026.

Table A1 – Hourly Review and Inspection Service Rates	
Service Rate Type (for all City staff)	Rate
Hourly Review and Inspection	\$332
Overtime Hourly Review and Inspection	\$665

Table A2 - Uses with No Base Permit Fee	
Use Description	Use Code
Gardening in the ROW	1
Tree Planting, Pruning or Removal	1A, 1B, and 1C
Unimproved right-of-way and shoulder planting with minimal ground disturbance of 1 cubic yard or less	1D
Miscellaneous User per SMC 15.04.100	54
Residential Street Barricading for Neighborhood Activation (e.g. block parties, play streets)	54B
Barricading for Public Safety	54C
Sidewalk or Driveway Maintenance or Repair (less than 100 sq. ft.)	55
First Amendment Vending or Expressive Activity	19B/19K
Public Activation Amenities (e.g. street furniture, art)	52
Advertising in the ROW (e.g. signs, graphics)	6
Vending (year-round issuance and renewal, site trial, temporary, and route vending) and Public Street and Sidewalk Activities (year-round, seasonal, and temporary) – From effective date of ordinance to January 1, 2026	3A, 3B, 19 series

Table A3 – Modification Fee	
Use Description	Modification Fee
Standard Permit Modification Issuance	\$278

Table B1 – Use Fee Model						
Density Factors	Urban Center		Urban Village		Neither	
	\$1.10		\$0.70		\$0.20	
Mobility/Safety Factors						
Street Category	Arterial		Non-Arterial		Alley	
	\$0.40		\$0		\$0	
Modal Priority	Transit Blocked	Transit Impacted	Bike Blocked	Bike Impacted	Ped Blocked	Ped Impacted
	\$0.20	\$0	\$0.20	\$0	\$0.20	\$0.10
Use Fee Calculation						
Summation of all uses by frontage: (Sum of all Factors) x (s.f. occupied/100) x (Duration) x (Escalation Rate per Table B2)						

Table B2 – Use Fee Model Escalation Rates		
Duration (days)	Arterial	Non-Arterial
0-30	x 1	x 0
31-60	x 2	x 1
61-90	x 4	x 1
91-120	x 8	x 2
121-150	x 12	x 2
151-210	x 12	x 4
211-270	x 12	x 8
271+	x 12	x 12
31D permits	\$0.70 per square foot	

Table B3 – Short-Term Uses with Use Fees		
Use Description	Use Code	Permit Type(s)
Installation or removal of encroachments	29B	ROW Complex
ROW construction staging	31	ROW Complex
Scaffolding installation, removal and non-walk thru staging	50	ROW Complex
Crane installation and removal or staging and operation	44	ROW Complex
Pavement restoration	40/51M	ROW Complex
Utility infrastructure	51-51E	ROW Complex & UMP
Privately owned utility	51G	ROW Complex
Preparatory or exploratory work	51I	ROW Complex
Small wireless facility	51Z	ROW Complex

Table B4 – Temporary Activation Use Fees

Use Description	Use Code	Short Term Use Fees
Temporary Private Street & Sidewalk Activities – Daily Recurrence	3APRI	\$150/day after first date on same permit

Table C1 – Long-Term Uses with Long-Term Occupancy Fees

Use Description	Use Code	Long-term Occupancy Fee
Fixed ground signs	2A	\$767/sign
Maintenance of at-grade structures	7	See Table C2
Structures, moorage, and overhangs in underwater streets	7A	\$2.18/sf
Maintenance of below- and above-grade structures, including elevated access structures	7C	\$.70/sf
Fenced material storage and private use	12	See Table C2
Active areaways existing prior to January 1, 1995	16	\$.70/sf
First Amendment vending*	19B	\$50/month
Stadium event vending*	19C	See Table C2
Annual vending from a public place sidewalk or plaza*	19E	See Table C2
Annual food-vehicle zone vending (paid parking)*	19G	\$478 (each 4-hr period x each day per week)
Annual food-vehicle zone vending (unpaid parking)*	19H	\$104 (each 4-hr period x each day per week)
Underground storage tank: non-decommissioned	21	\$767/tank
Permanent soldier piles	22B	\$1011/pile
Structures, moorage, and overhangs in state waterways	WW100	\$2.18/sf

* As part of the Downtown Activation Plan, no occupation fees will be charged on a City-wide basis from the effective date of this ordinance to January 1, 2026.

Table C2 - Occupation Fee Model

Street Category	Urban Center	Urban Village	Neither
Arterial	\$1.40	\$1.35	\$0.90
Non-Arterial	\$1.20	\$1.15	\$0.70

Table D1 – Term Permit Fee Model		
Location	Use Description	Degree of Alienation
Sub-surface	Utility tunnels/structures	0.3
	Vehicle/pedestrian tunnels	0.25
At-grade	Public plazas, artwork	0.1
	Structures, restricted access	0.8
	Utility structures	0.5
Above grade	Overhead building structures	0.75
	Private use skybridges	2
	Semi-public use skybridges	0.75
	Public use skybridges	0.1
	Vehicle bridges	0.5
	Public use vehicle ramps	0.2
Other	Sustainable building features*	0.1

* In order to qualify for this degree of alienation factor, the development must be participating in the City's Living Building Program, be capable of achieving Leadership in Energy and Environmental Design (LEED) platinum certification, or both. Programmatic term permit and franchise agreements fees are established by ordinance.

Term Permit (use code 62) annual occupation fee equation: ((land value) x (use area) x (rate of return) x (degree of alienation)) + PSM issuance or renewal fee

Table D2- Shoreline Street End Fee Model
<p>Shoreline Street End (use code 11) annual occupation fee equation: (land value) x (use area) x (rate of return) x (demand probability) x (maritime industrial use) + PSM issuance or renewal fee</p>

Table E1 – Citation Penalty Fee Schedule

Adjacent Lot Zone or Permit Type	Citation Penalty Fee*		
	1 st Violation	2 nd Violation	3 rd + Violation
RSL, SF 5000, SF 7200, or SF 9600 (“Residential Zones”), Public Space Management Permits, or Maintenance Activities**	\$250	\$500	\$1,000
All other zones (“Non-Residential Zones”) or Utility Construction Permits	\$1,000	\$2,000	\$4,000
Snow and ice removal*** in RSL, SF 5000, SF 7200, or SF 9600 (“Residential Zones”)	\$50	\$50	\$50
Snow and ice removal*** in all other zones (“Non-Residential Zones”)	\$250	\$500	\$1,000

* Violators may be subject to subsequent violations within a one-year period

** “Maintenance Activities” includes violations of Chapters 15.20 and 15.43 of the Seattle Municipal Code

*** “Snow and ice removal” references Seattle Municipal Code Section 15.48.010

Definitions

<u>Factor/Term</u>	<u>Description</u>
ROW Simple	A simple permit is a permit that requires minimal review, such as a dumpster or storage container.
ROW Complex	A complex permit requires technical review and coordination, such as a 50-foot utility trench, a tower crane or other construction staging.
General Long-Term	Permits scheduled to renew on an annual basis for long-term, continuing uses of public right-of-way. This applies to Council Term and Shoreline Street End permits as well as the following long-term permit use codes: 2A, 3D, 7, 7A, 7C, 8, 11, 12, 14, 16, 19A, 21, 22B, 29A, 62, WW100, and WW150 that all have base fees listed on Table A. It does not apply to long-term permit use codes 6 and 52 which are included in Table A2.
Public Street & Sidewalk Activities	A public street and sidewalk activity is open to the public.
Private Street & Sidewalk Activities	A private street and sidewalk activity is for invited guests, customers, or a select intended audience only.

Year-round Business Activation Permit A long-term permit for year-round sidewalk cafes, curbspace cafes, and merchandise displays. This applies to the following long-term use codes: 18A, 18B, 18D, and 18E.

Year-round Business Activation Additional Space A space is defined as one of the following: a sidewalk frontage zone along a single building frontage, a sidewalk furniture zone along a single building frontage, or a curbspace along a single building frontage. The first space on an application is included in the base Year-round Business Activation Issuance Fee; each additional space is charged an Additional Space fee.

Seasonal Business Activation Permit A permit for seasonal sidewalk cafes, curbspace cafes, and merchandise displays. These permits are active only from April 1 through October 31 of their issuance year. This applies to the following use codes: 18AS, 18BS, 18DS, 18ES.

Land value

For Term permits, the value of the use area in the right-of-way shall be based on the abutting parcel's current per-square-foot land value as determined by the King County Assessor. If the use area extends beyond the right-of-way centerline or abuts multiple parcels, the permit fee shall be calculated by averaging the abutting parcels' current land values.

For Shoreline Street End permits, the value of the use area in the right-of-way shall be based on the abutting parcel's current per-square-foot land value as determined by the King County Assessor. If the use area extends beyond the centerline of the right-of-way or abuts multiple parcels, the permit fee shall be calculated for each portion of the use area according to the current per-square-foot land value of the abutting parcels.

If all parcels abutting the Term or Shoreline Street End permitted use area are government-owned and the parcels are not tax assessed in whole or in part by King County, the parcels shall be excluded when establishing the Term or Shoreline Street End permit fee. To determine the permit fee, the current per-square-foot land value as determined by the King County Assessor of the closest privately-owned parcel or parcels with the same zoning or shoreline designation of the Term or Shoreline Street End permitted use area shall be averaged. If the next closest privately-owned parcel or parcels do not have the same underlying zoning or shoreline designation as the abutting government-owned parcel, the Seattle Department of Transportation shall consult with the City Appraiser. The City Appraiser shall determine if the next closest parcel or parcels with similar zoning or shoreline designation reasonably establishes the current per-square-foot land value of the use area in the right of way for fee calculation purposes.

Use area	Square footage of the permitted encroachment in the right-of-way, as authorized by Seattle Department of Transportation.
Transit/Bike/Ped Impacted	When a transit lane, bike lane or pedestrian sidewalk or pathway is partially closed, but mobility for the traveling public is maintained.
Transit/Bike/Ped Blocked	When a transit lane, bike lane or pedestrian sidewalk or pathway is closed to the traveling public.
Rate of return	Annualized rate of return on market value of the right-of-way, as established by the City Appraiser or a State of Washington Certified General Real Estate Appraiser retained by the Director of Transportation.
Degree of alienation	For Term permits, the degree of impact on the public, utilities, right-of-way, and other potential uses of the right-of-way based on City policy, as established by Seattle Department of Transportation.
Demand probability	For Shoreline Street End permits, the estimated demand of probable use shall be based on factors that include, but are not limited to, location, access, size, view, and topography; as established by the City Appraiser or a State of Washington Certified General Real Estate Appraiser retained by the Director of Transportation. Refer to Ordinance 123611, Attachment A: Demand Probability Factor. The Director of Transportation is authorized to update Attachment A based upon the recommendations of the City Appraiser or a State of Washington Certified General Real Estate Appraiser. The new Demand Probability Factor shall become effective when the updated Demand Probability Factor is adopted by rule.
Maritime Industrial Use Discount Factor	To support the City's policies of protecting its maritime uses, a 50 percent discount factor shall apply to that portion of the Shoreline Street End occupied by a legally established water-dependent or water-related use as defined in Seattle Municipal Code Section 23.60.944.

Use of Shoreline Street End Fees

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

- (a) Notifying property owners that abut shoreline street ends of the need for permits for private use of the street end and of the fee schedule;
- (b) Administering and inspecting shoreline street end use;
- (c) Verifying property boundaries and area of use;
- (d) Matching funds for neighborhood improvements of shoreline street ends for public use;

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

Use of Vending Fees

Fees for vending activities authorized under Chapter 15.17 shall be deposited in the Transportation Fund. Street Use permit fees for vending activities may be used by other City departments for vending enforcement as authorized by the Director of Transportation and shall be used by the Department of Transportation for the following purposes:

- (a) Administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation;
- (b) Verifying property boundaries and square footage of usage;
- (c) Designating pre-approved vending sites by the Department of Transportation;
- (d) Signing and demarcating designated vending sites and food vehicle zones;
- (e) Attending meetings or hearings;
- (f) Preparing documents, legislation, forms, and notices;
- (g) Inspecting and enforcing permitted or illegal vending activity; or
- (h) Engaging in any other vending-related activity as directed by the Director of Transportation.