



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119099

Record No.: CB 119099

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125452

In Control: City Clerk

File Created: 09/01/2017

Final Action: 11/28/2017

**Title:** AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A - SDOT Street Use Permit Fee Schedule

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

| Version: | Acting Body:  | Date:      | Action:                            | Sent To:                      | Due Date: | Return Date: | Result: |
|----------|---|------------|------------------------------------|-------------------------------|-----------|--------------|---------|
| 1        | Mayor   | 09/25/2017 | Mayor's leg transmitted to Council | City Clerk                    |           |              |         |
| 1        | City Clerk  | 10/18/2017 | sent for review                    | Council<br>President's Office |           |              |         |
| 1        | Council President's Office  | 10/19/2017 | sent for review                    | Select Budget Committee       |           |              |         |
|          | <b>Action Text:</b> The Council Bill (CB) was sent for review. to the Select Budget Committee |            |                                    |                               |           |              |         |
|          | <b>Notes:</b>   |            |                                    |                               |           |              |         |
| 1        | Full Council  | 10/23/2017 | referred                           | Select Budget Committee       |           |              |         |
| 1        | Select Budget Committee   | 10/24/2017 |                                    |                               |           |              |         |
| 1        | Select Budget Committee   | 11/14/2017 |                                    |                               |           |              |         |
| 1        | Select Budget Committee   | 11/15/2017 | pass                               |                               |           |              | Pass    |
|          | <b>Action Text:</b> The Committee recommends that Full Council pass the Council Bill (CB).    |            |                                    |                               |           |              |         |
|          | <b>Notes:</b>   |            |                                    |                               |           |              |         |

In Favor: 8 Member Bagshaw, Member Harrell, Member Harris-Talley, Chair Herbold, Vice Chair Johnson, Member Juarez, Vice Chair O'Brien, Member Sawant

Opposed: 0

Absent(NV): 1 Member González

1 Full Council 11/20/2017 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

Notes:

In Favor: 9 Councilmember Bagshaw, Councilmember González, Council President Harrell, Councilmember Harris-Talley, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1 City Clerk 11/22/2017 submitted for Mayor  
Mayor's signature

1 Mayor 11/22/2017 Signed

1 Mayor 11/28/2017 returned City Clerk

1 City Clerk 11/28/2017 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

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**CITY OF SEATTLE**

**ORDINANCE** 125452

**COUNCIL BILL** 119099

AN ORDINANCE relating to street and sidewalk use; amending the Street Use Permit Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code.

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Director of Transportation to prepare and recommend to the City Council, for passage by ordinance, a schedule of fees applicable to all street and sidewalk use permits (“the Street Use Permit Fee Schedule”) commensurate with the cost of administering, reviewing, inspecting, and policing involved in issuing and continuing the permits and the uses granted by the permits; and

WHEREAS, issuance fees for construction permits were restructured in 2016 to simplify many permits and encourage applicants to submit well-prepared plans for review and perform work in the right-of-way that meets or exceeds City specifications; and

WHEREAS, issuance fees for major utility and street improvement permits do not recover the costs, and street use permits must fully recover their cost to comply with the Seattle Municipal Code; and

WHEREAS, updating the Street Use Permit Fee Schedule to fully recover the costs of permitting will free up use and occupation fees to be returned to the community in the form of investments to support: managing right-of-way, activating public space, leveraging development and utility restoration efforts; and returning the value of using the right-of-way to the community that experienced disruption; and

1 WHEREAS, it is appropriate that The City of Seattle adjust those fees to comply with current  
2 City policy to protect the right-of-way for the traveling public, especially those by active  
3 and high-occupancy modes; NOW, THEREFORE,

4 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

5 Section 1. The Seattle Department of Transportation (SDOT) Street Use Fee Schedule,  
6 last substantially amended by Section 1 of Ordinance 125185, is replaced by the SDOT Street  
7 Use Permit Fee Schedule attached as Attachment A to this ordinance. Remaining Sections 2, 3  
8 and 4 of Ordinance 125185 remain in effect.

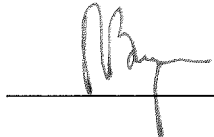
1 Section 2. This ordinance and Attachment A to this ordinance shall take effect on April 1,  
2 2018.

3 Passed by the City Council the 20<sup>th</sup> day of NOVEMBER, 2017,  
4 and signed by me in open session in authentication of its passage this 20<sup>th</sup> day of  
5 NOVEMBER, 2017.

6 

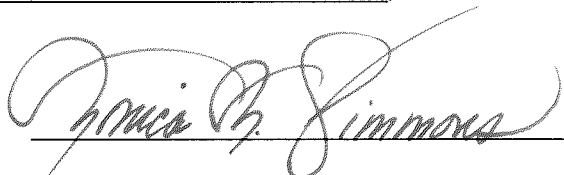
7 President \_\_\_\_\_ of the City Council

8 Approved by me this 22<sup>nd</sup> day of November, 2017.

9 

10 Tim Burgess, Mayor

11 Filed by me this 28<sup>th</sup> day of NOVEMBER, 2017.

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13 Monica Martinez Simmons, City Clerk

14 (Seal)

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Attachments:  
Attachment A –SDOT Street Use Permit Fee Schedule

**Attachment A - Table A**

**Seattle Department of Transportation Street Use Permit Fee Schedule, Effective April 1, 2018**

| Permit Type                                    | Base Permit Fee |
|--|-----------------|
| ROW Management - Simple Review                 | \$150           |
| ROW Management - Complex Review                | \$313           |
| ROW Management - Permit Modification           | \$159           |
| PSM Issuance Short-Term                        | \$175           |
| PSM Issuance Long-Term, subject to PSM Renewal | \$224           |
| PSM Renewal                                    | \$170           |
| Major Permits (SIP/UMP)                        | \$4,700         |
| No Permit/No Job Start fee                     | \$300           |

**Attachment A - Table A1**

**Other Rates and Charges**

|   |       |
|---|-------|
| Hourly Review and Inspection Rate                       | \$260 |
| Premium Hourly rate for overtime inspections and review | \$520 |

**Attachment A - Table A2**

**Uses with no base permit fee**

| Use Description   | Use Code       |
|---|----------------|
| planting strip planting and low planting box installation   | 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 uses for use of public places per SMC 15.04.100   | 54             |
| residential street barricading associated with a Neighborhood Block Party or Play Street                            | 54B            |
| temporary barricading for public safety   | 54C            |
| sidewalk, driveway, or curb repair and maintenance (less than 100 sq. ft.) including caulking, sealing, or grinding | 55             |
| First Amendment vending or expressive activity  | 19B/19K        |

**Attachment A - Table A3**

**Use with base permit fee but no PSM Renewal fee**

| Use Description  | Use Code |
|--|----------|
| public activation amenities, including street furniture, art | 52       |

**Attachment A - Table B1**

| Use Fee Model | Cost per square foot per 10 days |                     |
|---------------|----------------------------------|---------------------|
|               | Arterial Street                  | Non-arterial street |
| Month 1       | \$0.10                           | no fee              |
| Month 2       | \$0.20                           | \$0.10              |
| Month 3       | \$0.40                           | \$0.10              |
| Month 4       | \$0.80                           | \$0.20              |
| Month 5       | \$1.20                           | \$0.20              |
| Month 6 and 7 | \$1.20                           | \$0.40              |
| Month 8 and 9 | \$1.20                           | \$0.80              |
| Month 10      | \$1.20                           | \$1.20              |
| 31D permits   | \$ .66 per sq ft                 |                     |

**Attachment A - Table B2**

Applies to the following uses of the right of way:

| Use Description  | Use Code | Type of Permit |
|--|----------|----------------|
| install or remove rockeries, retaining walls, fences, and other  | 29B      | ROW Complex    |
| staging and material storage in transportation corridor          | 31       | ROW Complex    |
| Single-family construction/debris dumpster or storage containers | 31B      | ROW Simple     |
| use of mobile crane, manlift, boom truck, pump truck, etc.       | 44       | ROW Complex    |
| non-walk thru structures such as scaffolding                     | 50       | ROW Complex    |
| utility service or short main construction                       | 51       | ROW Complex    |
| utility main construction  | 51A      | ROW Complex    |
| installing, maintaining, replacing, or removing utility poles or | 51B      | ROW Complex    |
| utility construction restoration                                 | 51M      | ROW Complex    |

**Attachment A - Table C1**

| <b>Signs</b>   | <b>Use Code</b> | <b>one sign</b> | <b>each additional</b> |
|--|-----------------|-----------------|------------------------|
| Advertising in the right of way, including directional signs, awning graphics and related lighting | 6               | \$0             | \$75                   |

**Attachment A - Table C2**

These rates apply to the following permitted uses in the right of way

| <b>Use Description</b>  | <b>Use Code</b> | <b>Long-term Occupancy Fee</b>                       |
|---|-----------------|--|
| fixed ground signs  | 2A              | \$767/sign   |
| long-term maintenance of at-grade structures                  | 7               | .66/sf   |
| structures, moorage, and overhangs in underwater streets      | 7A              | \$2.18/sf  |
| long-term maintenance of below- and above-grade structures    | 7C              | .66/sf   |
| long-term fenced material storage and private use             | 12              | .66/sf   |
| areaways existing prior to January 1, 1995: active            | 16              | .66/sf   |
| merchandise displays  | 18A             | \$1.56/sf  |
| sidewalk cafes and streateries                                | 18B             | \$1.56/sf  |
| 1 <sup>st</sup> Amendment vending                             | 19B             | \$40+\$35/month                                      |
| Stadium Event vending (April-September)                       | 19C             | \$170/month  |
| Stadium Event vending (October-March)                         | 19D             | \$110/month  |
| vending from a public place sidewalk or plaza (DAY 6am-8pm)   | 19E             | \$1.56/sf + \$344                                    |
| vending from a public place sidewalk or plaza (NIGHT 8pm-6am) | 19F             | \$1.56/sf + \$688                                    |
| food-vehicle zone vending (DAY 6am-8pm)                       | 19G             | \$468 (each 4-hr period x each day per week) + \$344 |
| food-vehicle zone vending (NIGHT 8pm-6am)                     | 19H             | \$468 (each 4-hr period x each day per week) + \$688 |
| 1st Amendment expressive activity                             | 19K             | \$40 +\$35/month over one month                      |
| underground storage tank: non-decommissioned                  | 21              | \$767/tank   |
| permanent soldier piles                                       | 22B             | \$1011/pile  |
| staging or material storage in a non-transportation corridor  | 31D             | .66/sf   |
| structures, moorage, and overhangs in state waterways         | WW100           | \$2.16/sf  |



**Attachment A - Table D1**

| <b>Term Permit Fees</b> | <b>Degree of Alienation</b>    |      |
|-------------------------|--------------------------------|------|
| 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  |

(land value) \* (use area) \* (rate of return) \* (degree of alienation) = annual fee

The minimum annual fee for term permits is \$170

**Programmatic Term Permit and Franchise Agreements: fee established by ordinance**

\* 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.

**Attachment A - Table D2**

| <b>Shoreline Street End Fees</b> | <b>Use Description</b>               | <b>Use Code</b> |
|----------------------------------|--------------------------------------|-----------------|
|                                  | shoreline street ends [land portion] | 11              |

(land value) \* (use area) \* (rate of return) \* (demand probability) \* (maritime industrial use) = annual fee

The minimum annual fee for shoreline street end permits is \$170

## Attachment A - Definitions

The Department of Transportation is directed to use the vending Street Use permit fees credited to the Transportation Operating Fund for the following purposes: administering the vending program, including notifying property owners abutting a proposed vending site designated by the Department of Transportation; verifying property boundaries and square footage of usage; designating pre-approved vending sites by the Department of Transportation; signing and demarcating designated vending sites and food-vehicle zones; attending meetings or hearings; preparing documents, legislation, forms, and notices; inspecting and enforcing permitted or illegal vending activity; or engaging in any other vending-related activity as directed by the Director of Transportation.

### Fee Methodology Factors, Terms and Descriptions

#### Factor/Term Description

|                |  |
|----------------|--|
| Simple Permit  | A simple permit is a permit that requires minimal or no review, such as a dumpster or storage container.   |
| Complex Permit | A complex permit requires technical review and coordination, such as a 50-foot utility trench, a tower crane or other construction.  |
| PSM            | Public Space Management (PSM) issues permits ranging from short-term activation of the right of way (e.g., neighborhood block parties) to long-term renewing permits for private encroachments like retaining walls and sidewalk cafes. This includes term permits as well as pilot projects such as streateries and bike share. This applies to the following short-term use codes: 3A, 3B, 3C, 19B-19J, 52A, 54B. This applies to the following long-term use codes: 2A, 3D, 6, 7, 7A, 7C, 8, 11, 12, 14, 16, 18A, 18B, 19A, 21, 22B 29A, 62, WW100, WW150 |
| Short-Term     | Permits that are not renewed and are generally less than one year in duration.   |
| Long-Term      | Permits that are scheduled to renew on an annual basis.  |
| 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.
- 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. Refer to Attachment A-Table C1: Degree of Alienation Factor.
- 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.

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;
- (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.