

CITY OF SEATTLE
ORDINANCE 126159
COUNCIL BILL 119865

AN ORDINANCE relating to street and sidewalk use; amending Ordinance 125706 and the Street Use Permit Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

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” or “fee schedule”) that may take into consideration the desirability or undesirability of the use or occupation relative to the rights of the public; and

WHEREAS, Street Use permits must fully recover their cost to comply with the Seattle Municipal Code; and

WHEREAS, it is appropriate that The City of Seattle adjust those fees to comply with current City policy to protect the right-of-way for the traveling public, especially those by active and high-occupancy modes, and to promote uses for economic vitality;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

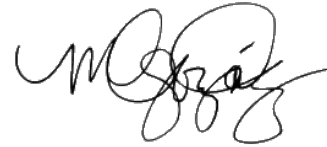
Section 1. The Seattle Department of Transportation Street Use Fee Schedule (“SDOT Street Use Fee Schedule”), Attachment A to Ordinance 125706, last substantially amended by Ordinance 125945, is amended by replacing Table A2, Uses with No Base Permit Fee, included as Attachment A to this ordinance.

1 Section 2. Effective November 7, 2020, the SDOT Street Use Fee Schedule is replaced
2 by the SDOT Street Use Permit Fee Schedule attached as Attachment B to this ordinance.
3 Otherwise, authority to adjust rates and fees as authorized in Ordinances 125945, 125706, and
4 125185 remains in effect.

5 Section 3. Any act consistent with the authority of this ordinance taken after its passage
6 and prior to its effective date is ratified and confirmed.

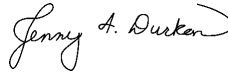
1 Section 4. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 8th day of September, 2020,
5 and signed by me in open session in authentication of its passage this 8th day of
6 September, 2020.



7 _____
8 President _____ of the City Council

9 Approved by me this 11th day of September, 2020.



10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this 11th day of September, 2020.



13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

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Attachments:
Attachment A – Table A2, Uses with No Base Permit Fee
Attachment B – Seattle Department of Transportation Street Use Permit Fee Schedule

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Table A2 - Uses with No Base Permit Fee	
Use Description	Use Code
planting strip gardening in improved right-of-way	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
public activation amenities, including street furniture, art	52
Temporary Business Recovery Uses (e.g., cafes, displays, vending) – Through Phase 4 of the Governor’s Safe Start Plan	3AA

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Table A – Base Permit Fees	
Permit Type	Base Permit Fee
ROW Simple Issuance	\$155
ROW Complex Issuance	\$324
PSM Short-Term Issuance	\$181
PSM Long-Term Issuance	\$232
PSM Renewal	\$176
Major (SIP/UMP) Permit Issuance	\$4,865
Permit Modification Issuance	\$165
No Permit/No Job Start Fee	\$311
Street Vacation Filing Fee	\$6,500

Table A1 – Hourly Review and Inspection Service Rates	
Service Rate Type	Rate
Hourly Review and Inspection	\$278
Overtime Hourly Review and Inspection	\$555

Table A2 – Uses with No Base Permit Fee	
Use Description	Use Code
Gardening in the ROW	1, 1D
Tree Planting, Pruning or Removal	1A, 1B, and 1C
Miscellaneous Uses per SMC 15.04.100	54
Residential Street Barricading for Neighborhood Activation	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
Overhead advertising in the ROW (e.g., signs, awning graphics)	6
Temporary Business Recovery Uses (e.g., cafes, displays, vending) – Through Phase 4 of the Governor’s Safe Start Plan	3AA

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)
Construction and storage containers	31B	ROW Simple
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 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
Merchandise displays	18A	See Table C2
Sidewalk cafes	18B	See Table C2
Curb space café (paid parking)	18D	See Table C2 + \$3176/removed paid parking space
Curb space café (unpaid parking)	18E	See Table C2 + \$300/removed unpaid parking space
First Amendment vending	19B	\$50/month
Stadium event vending	19C	See Table C2
Vending from a public place sidewalk or plaza	19E	See Table C2
Food-vehicle zone vending (paid parking)	19G	\$478 (each 4-hr period x each day per week)
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

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
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

Table E1 – Citation Penalty Fee Schedule			
Adjacent Lot Zone or Permit Type	Citation Penalty Fee*		
	1st Violation	2nd Violation	3rd+ 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.
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 and shoreline street ends, as well as pilot projects. This applies to the following short-term use codes: 3AA, 3A, 3B, 3C, 19B-19K, 52A, 54B. This applies to the following long-term use codes: 2A, 3D, 6, 7, 7A, 7C, 8, 11, 12, 14, 16, 18A, 18B, 18D, 18E, 19A, 21, 22B, 29A, 52, 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.

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.

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.