



SEATTLE CITY COUNCIL

Legislative Summary

CB 119388

Record No.: CB 119388

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125706

In Control: City Clerk

File Created: 08/30/2018

Final Action: 11/26/2018

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; removing street vacation fees from the Seattle Municipal Code in conformity with the new Street Use Permit Fee Schedule; and amending Section 15.62.030 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Bagshaw

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

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/24/2018	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	10/22/2018	sent for review	Council President's Office			
1	Council President's Office	10/24/2018	sent for review	Select Budget Committee			
1	City Council	10/29/2018	referred	Select Budget Committee			
Action Text: The Council Bill (CB) was referred. to the Select Budget Committee Notes:							
1	Select Budget Committee	10/31/2018					
1	Select Budget Committee	11/07/2018					

1 Select Budget Committee 11/14/2018 pass Pass

Action Text: The Committee recommends that City Council pass the Council Bill (CB).

Notes:

In Favor: 9 Chair Bagshaw, Member González , Member Harrell, Member Herbold,
Member Johnson, Member Juarez, Member Mosqueda, Member O'Brien,
Member Sawant

Opposed: 0

1 City Council 11/19/2018 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 Herbold, Councilmember Johnson,
Councilmember Juarez, Councilmember Mosqueda, Councilmember
O'Brien, Councilmember Sawant

Opposed: 0

1 City Clerk 11/21/2018 submitted for Mayor
Mayor's signature

1 Mayor 11/26/2018 Signed

1 Mayor 11/26/2018 returned City Clerk

1 City Clerk 11/26/2018 attested by City Clerk

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

Notes:

CITY OF SEATTLE

ORDINANCE 125706

COUNCIL BILL 119388

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; removing street vacation fees from the Seattle Municipal Code in conformity with the new Street Use Permit Fee Schedule; and amending Section 15.62.030 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" or "fee schedule") that may take into consideration the undesirability of the use or occupation relative to the rights of the public; and

WHEREAS, street vacation filing fees have not been updated since 1983 and do not accurately reflect the cost of administering petitions as required under Section 15.04.074; and

WHEREAS, all other fees for street use-related activities are in the Street Use Permit Fee Schedule, and relocating the street vacation fees to the fee schedule establishes greater consistency; 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; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Department of Transportation (SDOT) Street Use Fee Schedule, Attachment A to Ordinance 125452, is replaced by the SDOT Street Use Permit Fee Schedule attached as Attachment A to this ordinance. Otherwise, Ordinance 125452 remains in effect.

Section 2. The Director shall adjust use fees in Attachment A to this ordinance based on changes in the average assessed land value in Seattle as calculated from the King County Assessor's average assessed land value for King County.

Section 3. Section 15.62.030 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.62.030 Petition fees((;))

Every petition for the vacation of any street, alley, or public place, or any part thereof, shall be accompanied by an initial filing fee payment to the ~~((City of a pre-hearing fee of Four Hundred Fifty Dollars (\$450.00) to defray a portion of the administrative costs incurred in processing such vacation petitions. Subsequent fees for post-hearing activities shall be One Hundred Fifty Dollars (\$150.00) for single-family residential-zoned land, and Three Hundred Dollars (\$300.00)))~~ for all other street vacation petitions)) Department of Transportation to cover the administrative costs incurred in processing the vacation petition. The filing fee amount shall be established according to the Street Use Permit Fee Schedule. ((Such)) The fees shall not be refunded under any circumstances. In addition, ~~((at the time))~~ when the City Council, or a committee thereof, recommends granting a vacation petition ~~((for single-family residential-zoned land))~~, the petitioner shall deposit ~~((Six Hundred Dollars (\$600.00) with the Director of Transportation to be applied to the cost of an appraisal. If the land is zoned other than single-family residential or multiple parcels of land are involved in the vacation, the petitioner shall deposit))~~ an amount determined by the Director of Transportation to be the Director's best estimate of the cost of an appraisal of the land to be used by the City for reviewing the appraisal. ((In the event)) If an appraisal cost is less than the amount deposited, the vacation compensation payable to the City shall be reduced by the difference between the deposit and the actual cost, or ~~((;))~~ in the

1 alternative(~~(, such))~~ the difference shall be refunded. (~~(In the event))~~ If an appraisal cost is more
2 than the amount deposited, the vacation compensation payable to the City shall be increased by
3 the difference between the deposit and the actual cost, or (~~(,))~~ in the alternative(~~(, such))~~ the
4 difference shall be separately billed and paid (~~(prior to))~~ before final vacation approval (~~(of the~~
5 ~~vacation))~~).

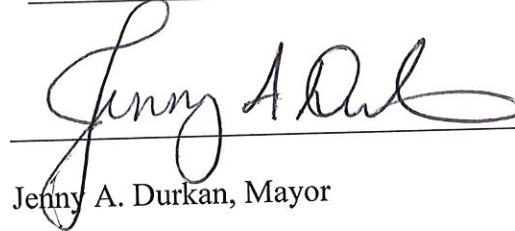
Section 4. This ordinance shall take effect and be in force on April 1, 2019.

Passed by the City Council the 19th day of November, 2018,
and signed by me in open session in authentication of its passage this 19th day of
November, 2018.



President _____ of the City Council

Approved by me this 26th day of November, 2018.


Jenny A. Durkan, Mayor

Filed by me this 26th day of NOVEMBER, 2018.



Monica Martinez Simmons, City Clerk

(Seal)



Attachments:
Attachment A – Seattle Department of Transportation Street Use Permit Fee Schedule

Attachment A - Table A

Seattle Department of Transportation Street Use Permit Fee Schedule, Effective April 1, 2019	
Permit Type	Base Permit Fee
ROW Management - Simple Review	\$155
ROW Management - Complex Review	\$324
Permit Modification	\$165
PSM Issuance Short-Term	\$181
PSM Issuance Long-Term, subject to PSM Renewal	\$232
PSM Renewal	\$176
Major Permits (SIP/UMP)	\$4,865
No Permit/No Job Start fee	\$311

Attachment A - Table A1

Other Rates and Charges	
Hourly Review and Inspection Rate	\$269
Premium Hourly rate for overtime inspections and review	\$538

Attachment A - 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

Attachment A - Table B1

Use Fee Model			
Base Burden (\$/ 100 sq.ft/day)	Urban Center	Urban Village	Neither
Urban center/urban village/ neither	\$1.00	\$0.70	\$0.40
Mobility/Safety Factors			
	Arterial	Non-arterial	
Arterial/non-arterial	\$0.400	\$0.150	X
	Blocked	Impacted	Open
Transit facility blocked/impacted/open	\$0.015	\$0.010	\$ -
Bike facility blocked/impacted/open	\$0.015	\$0.010	\$ -
Pedestrian facility blocked/impacted/open	\$0.015	\$0.010	\$ -

(Base Rate + Mobility/Safety factors x (square feet occupied / 100) x (duration in the ROW)

Attachment A - Table B2

Use Fee Model	Cost per square foot per day	
	Arterial Street	Non-arterial street
Month 1	as calculated above	no fee
Month 2	x 2	as calculated above
Month 3	x 4	as calculated above
Month 4	x 8	x 2
Month 5	x12	x 2
Month 6 and 7	x 12	x 4
Month 8 and 9	x 12	x 8
Month 10	x 12	x 12
31D permits	\$.70 per square foot	

Attachment A - Table B3

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 structures	29B	ROW Complex
staging and material storage in transportation corridor	31	ROW Complex
storage and residential construction containers	31B	ROW Simple
street and alley paving less than 750 sq. ft.	40	ROW Complex
installation, maintenance, or replacing transit infrastructure	41	ROW Complex
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 street lights	51B	ROW Complex
installing, maintaining, replacing, or removing utility aerial lines	51C	ROW Complex
installing, maintaining, replacing, or removing natural gas lines or short gas mains	51D	ROW Complex
utility maintenance work, no restoration	51E	ROW Complex
utility service connection installed by private party	51G	ROW Complex
installing or maintaining electrical or telecommunications lines	51H	ROW Complex
preparatory or exploratory work	51I	ROW Complex
installing or maintaining water lines	51J	ROW Complex
installing or maintaining sewer or drainage lines	51K	ROW Complex
maintaining existing transportation infrastructure	51L	ROW Complex
utility restoration	51M	ROW Complex
installation, maintenance, or replacing franchise utilities	51N	ROW Complex
utility construction restoration	51M	ROW Complex

Attachment A - Table C1

Signs	Use Code	one sign	each additional sign
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:

Use Description	Use Code	Long-term Occupancy Fee
fixed ground signs	2A	\$767/sign
long-term maintenance of at-grade structures	7	see Table C3
structures, moorage, and overhangs in underwater streets	7A	\$2.18/sf
long-term maintenance of below- and above-grade structures, including elevated access structures	7C	\$.70/sf
long-term fenced material storage and private use	12	see Table C3
areaways existing prior to January 1, 1995: active	16	\$.70/sf
merchandise displays	18A	see Table C3
sidewalk cafes	18B	see Table C3
curb space café (paid parking)	18D	see Table C3 + \$3176/removed paid parking space
curb space café (unpaid parking)	18E	see Table C3 + \$300/removed unpaid parking space
1 st Amendment vending	19B	\$50/month
Stadium Event vending	19C	see Table C3
vending from a public place sidewalk or plaza	19E	see Table C3
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)
1 st Amendment expressive activity	19K	\$0/month
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

Attachment A - Table C3

Occupation Fee Model

At-grade structures, fenced storage, cafes, displays, and sidewalk/stadium vending, per square foot

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

Attachment A - Table D1

Term Permit Fees		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

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

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

Shoreline Street End Fees	Use Description	Use Code
	shoreline street ends [land portion]	11

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

Attachment A - Table D3

Street Vacation Filing Fee	
Street Vacation Filing Fee	\$6,500

Attachment A - Definitions

The Department of Transportation is directed to use the vending Street Use permit fees credited to the Transportation 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-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, 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 D1: 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.