

Ordinance No. 119673

Council Bill No. 112853

AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance 90047, as amended) and Section 15.04.074 of the Seattle Municipal Code to provide for deposit of shoreline street end permit fees to the Transportation Operating Fund, setting forth a priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street ends, notification of owners of property abutting shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce the amount of the fee.

The City of Seattle  
Council Bill/Ordinance

8-23-99 Full

(Excused:)

9-21-99 - PASS AS AMENDED



9-27-99 Full C

This file is complete and ready

Law Department

Law Dept. Review

|   |   |
|---|---|
| Date Introduced:                            |   |
| Date Ref. Referred: <u>AUG 16 1999</u>      | To: (committee) <u>TRANSPORTATION</u>   |
| Date Re - Referred: <u>AUG 16 1999</u>      | To: (committee)   |
| Date Re - Referred:                         | To: (committee)   |
| Date of Final Passage: <u>9-27-99</u>       | Full Council Vote: <u>9-0</u>   |
| Date Presented to Mayor: <u>9-28-99</u>     | Date Approved: <u>10/5/99</u>   |
| Date Returned to City Clerk: <u>10/6/99</u> | Date Published: <u>6/99</u> T.D. <input type="checkbox"/> ET. <input checked="" type="checkbox"/> |
| Date Vetted by Mayor:                       | Date Veto Published:  |
| Date Passed Over Veto:                      | Vote Sustained:   |

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_

McIVER

Councilmember

## Committee Action:

3-23-99 Full Council Hold ~~until~~ <sup>until further</sup> notice

(Excused: Choe, Donaldson, Licata, Podlowski)

3-21-99 - PAS AS AMENDED - 4-0 - Transportation Committee



3-27-99 Full Council Passed As Amended 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_

(Initial/Date)

*Law Department*

Law Dept. Review

GMP  
Review

City Clerk  
Review

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ORDINANCE 119673

1  
2 AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street  
3 use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance  
4 90047, as amended) and Sections 15.02.046, 15.04.35, 15.04.074 of the Seattle Municipal Code; setting forth a  
5 priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the  
6 requirement for use and occupation permit on shoreline street ends, notification of owners of property abutting  
7 shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce  
8 the amount of the fee.

6 WHEREAS, by Resolution 29370, in 1996 the Council adopted policies to guide the development of public access  
7 improvements to shoreline street ends, requiring their preservation as public right-of way, setting forth criteria to be  
8 employed in evaluating the suitability of a street end for public use improvements, and providing that new private  
9 use permits will be granted only when there is no active proposal for a public street improvement; and

8 WHEREAS, the City Council now wishes to strengthen and clarify these policies, by adopting legislation intended to a) keep  
9 adjacent property owners from encroaching on the public's shoreline street-ends; b) encourage people with  
10 permitted encroachments to remove them; c) require unpermitted encroachments to be permitted and removed; and  
11 d) discourage private use permit applications; and

10 WHEREAS, the City Council finds that it is in the public interest to classify shoreline street end permits as a separate  
11 category of street use permits, and that it is appropriate to add to the Street Use Permit Fee Schedule a new fee to be  
12 collected from private shoreline street end permittees, and to direct the proceeds of said fees to Seattle  
13 Transportation for administration and management of shoreline street ends; NOW, THEREFORE,

12 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

13 Section 1. The Street Use Fee Permit Schedule attached to Ordinance 119260 and made a part thereof is hereby  
14 amended to clarify the description of Category 7, to add a new category 11 for ~~private~~ use of shoreline street ends, to prescribe a  
15 fee for such use based on appropriate appraisal methodology, and to add public street end uses to Category 54, as follows:  
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| TYPE OF USE   | PERMIT FEE   | REQUIREMENTS               |
|---|--|----------------------------|
| 7. Structures and overhangs.<br>Street areas that are not <u>shoreline street ends</u> ( <del>underwater</del> )-<br><del>underwater</del> .  | 42 cents/sq. ft./year<br>\$68/year minimum.  | Indemnity Agreement        |
| <u>11. Shoreline street ends (land portions).</u><br><u>Uses for structures, overhangs, fences, material or equipment</u><br><u>storage, trees, shrubs, lawns.</u>  | <u>Sq. ft. of use x</u><br><u>Demand/Probability Factor</u><br><u>x Barrier Factor x land</u><br><u>value per sq. ft. x</u><br><u>annualized rate (\$ 10 %).</u><br><u>Plus cost of inspection or</u><br><u>survey time in excess of</u><br><u>one hour.</u> | <u>Indemnity Agreement</u> |
| 54. Miscellaneous uses that are for the use of the public, e.g., a<br>street park, <u>shoreline street end improvements</u> , or plantings in a<br>traffic circle per SMC 15.04.100 (for purposes of record keeping<br>and permission granted as authorized by the Director of Seattle<br>Transportation) | No Fee   |                            |

Section 2. Section 15.02.046 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended to add a definition, to be placed in alphabetical order in the section, as follows:

**15.02.046 Definitions N through S.**

“Shoreline street ends” means the land portions of those street segments that provide the public with visual or physical access to a body of water and its shoreline, or could provide such access if improved, that are listed on Exhibit A to Resolution 29370, a resolution adopting policies to guide the development of public access improvements to shoreline street ends.

Section 3. Section 15.04.035 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended as follows:



1           15.04.035           Approval; considerations.

2           \* \* \* \* \*

3           B.           Factors for consideration in evaluating an application for a permit include but are not limited to the  
4 rights of the applicant (both constitutional liberties and abutter's property rights; the site and its terrain; the public and  
5 private benefits of the proposed use; the impact of the proposed use on the following:

- 6           • The paramount purpose of streets for travel and transportation;
- 7           • Utilities; authorized secondary street uses; and any usage being made by the public of the site;
- 8           • Fire access and public safety;
- 9           • Uses under permit; street trees; and other proposed or past uses of the site;
- 10          • Rights of light, air, access and lateral support of abutting properties and on access or easements of properties  
11 dependent upon the public place for access;
- 12          • The environment;
- 13          • Drainage, surface and underground springs and watercourses; and stability of the soils; and
- 14          • Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved  
15 neighborhood land use plans.

16           In addition, where these situations occur, factors for consideration include:

- 17          • As to public places under the jurisdiction of the Department of Parks and Recreation, their character as a park drive  
18 or boulevard, or as open space;
- 19          • As to shoreline street ends, their purpose to provide the public with visual or physical access to the water and the  
20 shoreline;
- 21          • As to submerged streets, the Harbor Code, Title 16;
- 22          • As to environmentally critical areas, the requirements of Chapter 25.09; and
- 23          • As to streets in the process of being vacated, the use upon vacation.

24           Section 4. Section 15.04.074 of the Seattle Municipal Code as last amended by Ordinance 118409 is further  
amended as follows:



1           **15.04.074       Permit --- Fees.**

2           A. From time to time, the Director of Transportation shall prepare and recommend for adoption by the City Council  
3           a schedule of fees applicable to all such permits for public places under the jurisdiction of Seattle Transportation.  
4           The Director of the Office of Economic development shall prepare and recommend for adoption by the City Council  
5           a schedule of fees applicable to master filming permits. The Superintendent shall prepare and recommend a  
6           schedule of fees applicable to permits for use of public places under the jurisdiction of the Department of Parks and  
7           Recreation, and the Director of the Department of Design, Construction and Land Use shall recommend a schedule  
8           of fees applicable to permits required by Section 15.44.020. The fee schedule, when adopted by ordinance, shall  
9           govern the amount of the fee for permits heretofore or hereafter issued. The amount of the fee shall be  
10          commensurate with the cost of administration, inspection and policing involved in the issuance and continuance of  
11          such permits and the use thereby granted. Fees for use of shoreline street ends may take into consideration City  
12          policy of discouraging encroachments inconsistent with the public right of access to shorelines and may be included  
13          in the schedule of fees for use of public places under the jurisdiction of Seattle Transportation. Fees for use of park  
14          drives and boulevards may take into consideration City policy of discouraging encroachments inconsistent with  
15          their park-like character and may be included in the schedule of fees for use of facilities of the Department of Parks  
16          and Recreation.

14          \* \* \* \* \*

15          E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall be  
16          deposited to the credit of the Park and Recreation Fund; beginning January 1, 2001, fees for the use of shoreline  
17          street ends shall be deposited to the credit of the Transportation Operating Fund; all other fees shall be deposited to  
18          the credit of the General Fund.

19          Section 5. Seattle Transportation is directed to use the shoreline street end fees credited to the Transportation Operating  
20          Fund for the following purposes:

- 21           (a)       Notification to property owners abutting street ends of the need for permits for private use and occupation of  
22           shoreline street ends, and of the fee schedule;
- 23           (b)       Administration and inspection of shoreline street end use;

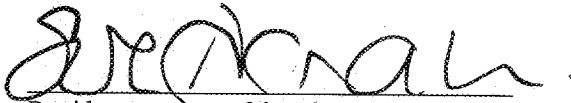
- 1 (c) Verification of property boundaries and square feet of area of usage;
- 2 (d) Matching funds for neighborhood improvements of shoreline street ends for public use;
- 3 (e) Signage, demarcation and maintenance of shoreline street ends;
- 4 (f) City-funded street and sidewalk improvements within a half-block radius of any of the 149 shoreline  
5 street ends identified in this legislation that directly contribute to public access to the shoreline street end.

6 Section 6. Seattle Transportation is further directed to draft and implement a plan for enforcing the requirement of SMC  
7 15.04.010 for use and occupation permit on shoreline street ends; providing notification to owners of property abutting shoreline  
8 street ends of the increased fee and the fee calculation methodology; and providing public education as to the policy preferences  
9 for public access uses of shoreline street ends, as set forth in Resolution 29370, and of means whereby a permittee can reduce the  
10 amount of the fee by reducing the amount of private encroachment onto the street end and/or contributing to the maintenance of  
11 public access improvements on the street end. Any permits granted shall clearly establish the dates, or circumstances (i.e.,  
12 property sale) for the removal of encroachments. The Director shall also establish policies


1 requiring liens to be filed against the property owners, should the City be forced to remove any encroachments. During the third  
2 quarter of 2000, Seattle Transportation shall report back to the Transportation Committee on its progress implementing the new  
3 fee schedule and providing public education or relief to permit applicants seeking to reduce their fees. This report shall include a  
4 comprehensive review of both the costs and revenues of the program and itemize the improvements made to shoreline streetends.

5 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but  
6 if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal  
7 Code Section 1.04.020.

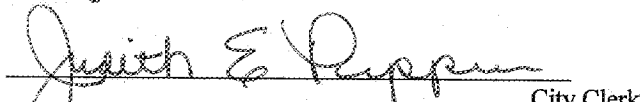
8 Passed by the City Council the 27<sup>th</sup> day of September, 1999, and signed by me in open session in authentication  
9 of its passage this 27<sup>th</sup> day of September, 1999.

10   
11 \_\_\_\_\_  
12 President \_\_\_\_\_ of the City Council

13 Approved by me this 5<sup>th</sup> day of October, 1999.

14   
15 \_\_\_\_\_  
16 Mayor

17 Filed by me this 6<sup>th</sup> day of October, 1999.

18   
19 \_\_\_\_\_  
20 City Clerk

21 (Seal)





## Attachment A

### Shoreline Street Ends Permit Fee Methodology

#### **Purpose**

Title 15 of the Seattle Municipal Code requires permits for the use of public places and empowers the Director of Seattle Transportation to prepare and recommend a schedule of fees. The Shoreline Street Ends Policies guide the preservation of the shoreline street ends, a valuable and limited resource within the City of Seattle. This document describes the methodology for creating a fee schedule for private use of shoreline street ends as requested by the Director of Seattle Transportation.

There are 149 shoreline street ends, 72 of which contain one or more encroachments. The shoreline street ends differ greatly in their location, zoning, access, topography, size, view and uses. The purpose for creating a new methodology for calculating private use fees is to create an equitable and fair system for assessing fees given this wide variety of locations and uses.

#### **Assumptions**

The Seattle Transportation (SEATRAN) Street Use Division of the City of Seattle provided all information regarding the names and addresses of those responsible for private use of shoreline street ends, size and explanation of the street encroachments, current fees, and the status of permits. SEATRAN assigned a number to each shoreline street end, and these numbers were retained for this project. SEATRAN provided a copy of their Shoreline Street Ends 1997 Review, along with an exhibit of GIS Orthophotos showing locations of parcels, building outlines and encroachments that can be readily seen in the overhead photographs. It was assumed that the information contained in the Shoreline Street Ends 1997 Review was accurate.

It is assumed that permits are approved or renewed on an annual basis; and that any change or update of the base land values (per square foot), demand factor or rate categories would be performed or approved by the Appraisers or their assigns.

The premise behind this model is that shoreline street ends are a valuable resource and should be maintained for public use. However, it was also recognized that many of the adjacent (to the street end) property owners have structures that have encroached for many years with implied acquiescence from the City (based on non-action, until recently). The permit fee should not be so high as to encourage abutting property owners to cease maintenance of enhancing landscaping. On the other hand, owners with fence encroachments should be encouraged to open the street end to the public.

It is assumed that the Appraisers are involved only with the creation of the methodology of the Permit Fees; and that implementation, maintenance and enforcement of the permit fees is, and will be, the responsibility of SEATRAN.



### **Methodology**

The Appraisers physically inspected all shoreline street ends with private use encroachments. High quality digital photos were taken and will be kept along with brief descriptions.

Assessed land values were obtained for the areas surrounding the shoreline street ends, as well as recent land sales. In the final analysis, most reliance was placed on assessed values for several reasons: 1) Assessed values are easily accessible for all properties. 2) There are very few waterfront land sales; and it would be difficult to account for differences in location, access, view and all the different aspects particular to a site, and make adjustments to all the shoreline street end sites based on so few sales. 3) After interviewing several appraisers from the assessor's office regarding their methodology, the use of their data on a large scale was appropriate. A great amount of weight should not be placed on the assessed value of any one particular site. However, as a whole, the confirmation, analysis and utilization of recent sales to estimate and smooth values over specific areas is reliable.

By performing statistical analysis on assessor data, such as looking at average land values, the average of the middle third values, which excludes the extreme highs and lows, the middle values, the most common values, and the standard deviation, the data was smoothed even further and resulted in estimated values that could be applied equitably across relatively large but distinct areas.

Between property inspections and data analysis, continual consideration went into the different ways to address the very distinct types of encroachments and locations, given that some street ends would be more inviting to the general public than others. Additionally, some properties located on Lake Washington could have incredibly high assessed land values on a per square foot basis, even though their overall values may be low compared with other waterfront values, all depending on their size and location. All of the assessed land values for encroaching properties on Lake Washington, which are not income producing, were significantly higher than commercial sites on Lake Union. There are two categories for adjustments to the land value that help to equalize the valuation problem.

### **Demand/Probability Factor**

The Demand/Probability Factor (DPF category on the permit fee calculation sheets) is an estimate of the demand, or the probability of public use for a particular shoreline street end site based on location, access, view, size and topography. This is an adjustment to the estimated value, requiring an experienced appraiser judgement. The DPF should not be construed to imply that a statistical or probability analysis of potential use was performed. The adjustment is based on the current condition of the specific shoreline street end.

A high demand area will carry a factor of 1.0. An example of a location with this factor would be a commercial and high-density residential neighborhood with easy access, such



as the east side of Lake Union. A very low demand site would have a factor of .25 or .10. A very good example of this is found on Magnolia, where the slope is steep, the right of way is not improved or accessible, and the probability of public use, or the demand for public use, is very low.

The factors are estimated in rounded increments as 1.0, .75, .50, .25, and .10. Typically, single family residential area street ends carry a maximum demand factor of .50 due to lower density and the availability of existing waterfront parks with facilities. Industrial street ends also typically carry a low demand factor due to less desirable views and locations, in terms of the probability for general public use.

This demand factor category is set by the Appraisers, and should not be adjusted without consulting the Appraisers.

### Barrier to Entry

This rating involves the effect of the type of use and encroachment on potential public use. If the message by the encroachment to the general public is "private, keep out", such as a fence or thick hedge, or the barrier is simply impassable, as in the case of a building, shed, dock, or other structure, then the barrier is rated 100%. Most of the encroachments are rated 100%. Open driveways or landscaping that do not physically block entry, but still give the impression of private property are judged to be a 50% barrier. If the shoreline street end is partially cut off by a hedge or fence, then an 80% factor is used. This factor is available for changes by SEATRAN, and is controlled to a large extent by the encroaching property owner. Some encroaching fences create a very large encroachment area. Removing the fence may not only have the effect of decreasing the barrier rating; it may also decrease the encroachment area, lowering the permit fee significantly.

### Area

One of the most important factors involved in setting the fee is the area of encroachment. This is a measurement that is determined by a field representative within SEATRAN. The appraisers did not make any changes to this category. The area is determined by measuring the square footage of shoreline street end land actually used or occupied for non-street purposes or that is subject to a barrier to public use or enjoyment.

### Rate

For purposes of calculating the permit fee, an annualized rate will be applied to the adjusted value. The annualized rate is subject to change. This rate should be similar to typical land rates of return, although some commercial rates may be higher, and some residential rates may be lower, depending on location, use and rates of return on other investments (theory of substitution, opportunity cost). One rate will most likely be used for all of the shoreline street end permit fee calculations at this time.



### Final Permit Fee Calculation

The final permit fee takes all five categories into consideration, and is a simple calculation. The five columns are multiplied together, resulting in a permit fee that is easy to apply, and is equitable for all the different locations and uses of the shoreline street ends. The calculation is as follows:

$$\text{Area (SF)} \times \text{DPF} \times \text{Barrier} \times \text{Land Value/SF} \times \text{Rate} = \text{Permit Fee.}$$



## Fiscal Note

Each piece of legislation that is financial in nature will be accompanied by a fiscal note. The fiscal note should be drafted by department staff and will identify operating, capital, revenue, and FTE impacts of the legislation.

|  |  |  |
|--|--|--|
| <b>Department:</b><br>Seattle Transportation | <b>Contact Person/Phone:</b><br>Vincent H. Brown<br>684-5252 | <b>CBO Analyst/Phone:</b><br>Cameron Keyes<br>684-8048 |
|--|--|--|

### **Legislation Title:**

AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance 90047, as amended) and Sections 15.02.046, 15.04.35, 15.04.074 of the Seattle Municipal Code; setting forth a priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street ends, notification of owners of property abutting shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce the amount of the fee.

### **Summary of the Legislation:**

This ordinance creates a new Shoreline Street Ends permit; establishes a new fee schedule; and redirects fees collected into the Transportation Operating Fund, starting January 1, 2001. The ordinance specifies purposes for use of the permit fees deposited in the Transportation Operating Fund. The ordinance also directs SEATRAN to draft and implement a plan for enforcing the requirement for use and occupation permit on shoreline street ends; educating property owners and the public about the City's shoreline street ends permit and policies; and informing permittees how they can reduce the amount of the fee by reducing the amount of private encroachment onto the street end and/or contributing to the maintenance of public access improvements on the street.

### **Background (Include justification for the legislation and funding history, if applicable):**

In 1991, the Shoreline Park Improvement Fund (SPIF) was established as part of the West Point Treatment Plan expansion mitigation agreement between the City of Seattle and the Municipality of Metropolitan Seattle (METRO) and adopted by Ordinance 1155496 of the City Council of Seattle. Its purpose was to provide funds to enhance and improve public access at or along bodies of water. In 1992, the SPIF Citizens Steering Committee was formed to administer an open public process, review proposed projects, and develop advisory recommendations. In 1993 by Council Resolution 28762, these



recommendations were approved and included an amendment which directed the Department of Parks and Recreation, the Seattle Engineering Department, and the Department of Neighborhoods to develop coordinated shoreline street end policies. In 1996, Council Resolution 29370 was passed to establish policies with which to guide the development of public access improvements to shoreline street ends.

Current shoreline street end fees are collected under the Category 7 Permit and is calculated at \$0.42/sq.ft./yr. There are 67 street ends with 147 encroachments. The 48 street ends which are currently permitted generate approximately \$169,000. Many street ends are unused by the public because of a general unawareness that the area is public property with the right of access, or because of privately installed encroachments and barriers which effectively block both visual and physical access to water.

**Sustainability Issues (related to grant awards):** N/A

***Estimated Expenditure Impacts:***

| FUND   | 1999            | 2000             | 2001             |
|--|-----------------|------------------|------------------|
| Transportation Operating Fund:<br>i.e. public notification, inspection,<br>improvements and repairs, signage | \$50,000        | \$150,000        | \$250,000        |
| <b>TOTAL</b>   | <b>\$50,000</b> | <b>\$150,000</b> | <b>\$250,000</b> |

One-time \$ \_\_\_\_\_

On-going \$ 250,000

***Estimated Revenue Impacts:***

| FUND                          | 1999             | 2000             | 2001             |
|-------------------------------|------------------|------------------|------------------|
| General Fund                  | \$169,000        | \$320,000        |                  |
| Transportation Operating Fund |                  |                  | \$320,000        |
| <b>TOTAL</b>                  | <b>\$169,000</b> | <b>\$320,000</b> | <b>\$320,000</b> |

One-time \$ \_\_\_\_\_

On-going \$ 320,000

Note: Estimated revenues for 2000 and 2001 assume that *some* property owners (about one-third) will remove their encroachments, rather than obtain a permit and pay the permit fee. If more property owners were to remove their encroachments, revenues would be reduced. If *all* property owners with existing encroachments were to obtain permits under the new permit fee schedule, then annual permit fee revenues would be about \$481,000.



**Estimated FTE Impacts: N/A**

| FUND  | 1998 | 1999 | 2000 |
|-------|------|------|------|
|       |      |      |      |
| TOTAL |      |      |      |

# Full Time \_\_\_\_\_ # Part Time \_\_\_\_\_ # TES \_\_\_\_\_

Do positions sunset in the future? If so, when? N/A

**Other Issues (including long-term implications of the legislation): N/A**





# City of Seattle

Paul Schell, Mayor

## Seattle Transportation

Daryl R. Grigsby, Director

August 11, 1999

Honorable Sue Donaldson, President  
Seattle City Council  
Municipal Building 11<sup>th</sup> Floor  
600 Fourth Avenue  
Seattle, Washington 98104

VIA: Joan Walters, Director, City Budget Office

SUBJECT: Shoreline Street Ends Ordinance

Dear Council President Donaldson:

Enclosed is a proposed ordinance to create a new category of street use permits for shoreline street ends, provide a fee for this permit, and direct Seattle Transportation to draft and implement a plan for enforcing the requirement for use and occupation permit on shoreline street ends.

### Background:

In 1991, the Shoreline Park Improvement Fund (SPIF) was established as part of the West Point Treatment Plan expansion mitigation agreement between the City of Seattle and the Municipality of Metropolitan Seattle (METRO) and adopted by Ordinance 1155496 of the City Council of Seattle. Its purpose was to provide funds to enhance and improve public access at or along bodies of water. In 1992, the SPIF Citizens Steering Committee was formed to administer an open public process, review proposed projects, and develop advisory recommendations. In 1993 by Council Resolution 28762, these recommendations were approved and included an amendment which directed the Department of Parks and Recreation, the Seattle Engineering Department, and the Department of Neighborhoods to develop coordinated shoreline street end policies. In 1996, Council Resolution 29370 was passed to establish policies with which to guide the development of public access improvements to shoreline street ends.

This proposed ordinance will apply to approximately 149 unopened shoreline street ends within the City of Seattle. These Seattle shoreline street ends abut Lake Washington, Union Bay, Portage Bay, Lake Union, the Lake Washington Ship Canal, Puget Sound, Shilshole Bay, Elliott Bay, and the Duwamish Waterway. Many of the street ends are currently unused by the public because of a general unawareness that the area is public property with the right of access, or

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because of privately installed encroachments and barriers which effectively block both visual and physical access to water.

The purpose of the ordinance is to create a new Shoreline Street Ends Category 11 Permit, establish a new fee schedule, and redirect fees collected into the Transportation Operating Fund starting January 1, 2001. The ordinance also directs SEATRAN to draft and implement a plan for enforcing the requirement for use and occupation permit on shoreline street ends; educating property owners and the public about the City's shoreline street ends permit and policies; and informing permittees how they can reduce the amount of the fee by reducing the amount of private encroachment onto the street end and/or contributing to the maintenance of public access improvements on the street.

Budget:

The new fee structure will be effective thirty (30) days from the passage of the ordinance and will apply to all permits. From the effective date of the ordinance to January 1, 2001, fees collected will be deposited into the General Fund. In 2001, fees collected will be deposited into the Transportation Operating Fund. The 2000 Proposed Budget for SEATRAN will include funding from the General Fund for implementation of the shoreline street end program in 2000.

In 2001, the projected revenue deposited in the Transportation Operating Fund, should all encroachments be permitted, will be approximately \$481,000 after implementation of the new fee schedule. Permit fees under this new schedule will be the product of the area of encroachment x demand probability factor x percent of barrier x land value/SF x an annualized rate. This is approximately \$297,000 more than what is currently generated. This amount may decrease as property owners remove their encroachments, instead of obtaining permits and paying the permit fee.

The fees deposited into the Transportation Operating Fund will be used to fund: public notification and involvement processes regarding the City of Seattle's policies for the public and private uses of shoreline street ends; administration of shoreline street end use; surveying and verification of property boundaries and square foot area of usage; street use inspection of shoreline street ends; matching funds for neighborhood improvement of shoreline street ends; signage of shoreline street ends; maintenance of shoreline street ends; projects within a ½ block radius of the shoreline street end which are funded 100% by the City of Seattle and which directly contribute to the public having access to the shoreline street end; and neighborhood sidewalk repair program with priority given to sidewalks in close proximity to shoreline street ends.




August 11, 1999  
Shoreline Street Ends Ordinance  
Page 3

Importance:

The draft shoreline street end policies were sent to the community, business organizations, property owners, and other interested parties for review and comment during the summer of 1995 and January of 1996. The City Council conducted a public hearing to get further community input on these policies in 1996. The ordinance proposal was revised to address the important issues and concerns raised by the community as well as strengthen the language and content. Therefore, I recommend approval of this City Ordinance.

If there are any questions, please contact Vincent Brown, Street Use Manager, at 684-5252.  
Thank you.

Sincerely,



Daryl Grigsby, Director  
Seattle Transportation

DG/VHB:crs

Enclosure

cc: Noel Schoneman, Director, SEATRAN Street Use  
Vincent Brown, Manager, SEATRAN Street Use  
Ken Bounds, Superintendent, Department of Parks and Recreation  
Jim Diers, Director, Department of Neighborhoods



ORDINANCE \_\_\_\_\_

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AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance 90047, as amended) and Sections 15.02.046, 15.04.35, 15.04.074 of the Seattle Municipal Code; setting forth a priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street ends, notification of owners of property abutting shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce the amount of the fee.

WHEREAS, by Resolution 29370, in 1996 the Council adopted policies to guide the development of public access improvements to shoreline street ends, requiring their preservation as public right-of way, setting forth criteria to be employed in evaluating the suitability of a street end for public use improvements, and providing that new private use permits will be granted only when there is no active proposal for a public street improvement; and

WHEREAS, the City Council now wishes to strengthen and clarify these policies, by adopting legislation intended to a) keep adjacent property owners from encroaching on the public's shoreline street-ends; b) encourage people with permitted encroachments to remove them; c) require unpermitted encroachments to be permitted and removed; and d) discourage private use permit applications; and

WHEREAS, the City Council finds that it is in the public interest to classify shoreline street end permits as a separate category of street use permits, and that it is appropriate to add to the Street Use Permit Fee Schedule a new fee to be collected from private shoreline street end permittees, and to direct the proceeds of said fees to Seattle Transportation for administration and management of shoreline street ends; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Street Use Fee Permit Schedule attached to Ordinance 119260 and made a part thereof is hereby amended to clarify the description of Category 7, to add a new category 11 for use of shoreline street ends, to prescribe a fee for such use based on appropriate appraisal methodology, and to add public street end uses to Category 54, as follows:

| 1 | TYPE OF USE   | PERMIT FEE  | REQUIREMENTS               |
|---|---|---|----------------------------|
| 2 | 7. Structures and overhangs.<br>Street areas that are not <u>shoreline street ends</u> (underwater).  | 42 cents/sq. ft./year<br>\$68/year minimum.   | Indemnity Agreement        |
| 3 | 11. <u>Shoreline street ends (land portions).</u>   |   |                            |
| 4 | <u>Uses for structures, overhangs, fences, material or equipment storage, trees, shrubs, lawns.</u>   | <u>Sq. ft. of use x Demand/Probability Factor x Barrier Factor x land value per sq. ft. x annualized rate (10 %).</u><br><u>Plus cost of inspection or survey time in excess of one hour.</u> | <u>Indemnity Agreement</u> |
| 5 |   |   |                            |
| 6 |   |   |                            |
| 7 |   |   |                            |
| 8 |   |   |                            |
| 9 | 54. Miscellaneous uses that are for the use of the public, e.g., a street park, <u>shoreline street end improvements</u> , or plantings in a traffic circle per SMC 15.04.100 (for purposes of record keeping and permission granted as authorized by the Director of Seattle Transportation) | No Fee  |                            |

12 Section 2. Section 15.02.046 of the Seattle Municipal Code as last amended by Ordinance 117569 is further  
13 amended to add a definition, to be placed in alphabetical order in the section, as follows:

14 **15.02.046 Definitions N through S.**

15 “Shoreline street ends” means the land portions of those street segments that provide the public with visual or  
16 physical access to a body of water and its shoreline, or could provide such access if improved, that are listed on  
17 Exhibit A to Resolution 29370, a resolution adopting policies to guide the development of public access  
18 improvements to shoreline street ends.

19 Section 3. Section 15.04.035 of the Seattle Municipal Code as last amended by Ordinance 117569 is further  
20 amended as follows:

1           **15.04.035       Approval; considerations.**

2       \* \* \* \* \*

3           B.       Factors for consideration in evaluating an application for a permit include but are not limited to  
4       the rights of the applicant (both constitutional liberties and abutter's property rights; the site and its terrain; the  
5       public and private benefits of the proposed use; the impact of the proposed use on the following:

- 6       •   The paramount purpose of streets for travel and transportation;
- 7       •   Utilities; authorized secondary street uses; and any usage being made by the public of the site;
- 8       •   Fire access and public safety;
- 9       •   Uses under permit; street trees; and other proposed or past uses of the site;
- 10      •   Rights of light, air, access and lateral support of abutting properties and on access or easements of properties  
11      dependent upon the public place for access;
- 12      •   The environment;
- 13      •   Drainage, surface and underground springs and watercourses; and stability of the soils; and
- 14      •   Where applicable, City land use, transportation, open space, shoreline, and beautification policies and  
15      approved neighborhood land use plans.

16           In addition, where these situations occur, factors for consideration include:

- 17      •   As to public places under the jurisdiction of the Department of Parks and Recreation, their character as a  
18      park drive or boulevard, or as open space;
  - 19      •   As to shoreline street ends, their purpose to provide the public with visual or physical access to the water and  
20      the shoreline;
  - 21      •   As to submerged streets, the Harbor Code, Title 16;
  - 22      •   As to environmentally critical areas, the requirements of Chapter 25.09; and
  - 23      •   As to streets in the process of being vacated, the use upon vacation.
- 24

1 Section 4. Section 15.04.074 of the Seattle Municipal Code as last amended by Ordinance 118409 is  
2 further amended as follows:

3 **15.04.074 Permit --- Fees.**

4 A. From time to time, the Director of Transportation shall prepare and recommend for adoption by the  
5 City Council a schedule of fees applicable to all such permits for public places under the jurisdiction of  
6 Seattle Transportation. The Director of the Office of Economic development shall prepare and recommend  
7 for adoption by the City Council a schedule of fees applicable to master filming permits. The  
8 Superintendent shall prepare and recommend a schedule of fees applicable to permits for use of public  
9 places under the jurisdiction of the Department of Parks and Recreation, and the Director of the  
10 Department of Design, Construction and Land Use shall recommend a schedule of fees applicable to  
11 permits required by Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the  
12 amount of the fee for permits heretofore or hereafter issued. The amount of the fee shall be commensurate  
13 with the cost of administration, inspection and policing involved in the issuance and continuance of such  
14 permits and the use thereby granted. Fees for use of shoreline street ends may take into consideration City  
15 policy of discouraging encroachments inconsistent with the public right of access to shorelines and may be  
16 included in the schedule of fees for use of public places under the jurisdiction of Seattle Transportation.  
17 Fees for use of park drives and boulevards may take into consideration City policy of discouraging  
18 encroachments inconsistent with their park-like character and may be included in the schedule of fees for  
19 use of facilities of the Department of Parks and Recreation.

20 \* \* \* \* \*

21 E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall  
22 be deposited to the credit of the Park and Recreation Fund; beginning January 1, 2001, fees for the use of  
23 shoreline street ends shall be deposited to the credit of the Transportation Operating Fund; all other fees  
24 shall be deposited to the credit of the General Fund.

1 Section 5. Seattle Transportation is directed to use the shoreline street end fees credited to the Transportation  
2 Operating Fund for the following purposes:

- 3 a) Notification to property owners abutting street ends of the need for permits for private use and  
4 occupation of shoreline street ends, and of the fee schedule;
- 5 b) Administration and inspection of shoreline street end use;
- 6 c) Verification of property boundaries and square feet of area of usage;
- 7 d) Matching funds for neighborhood improvements of shoreline street ends for public use;
- 8 e) Signage, demarcation and maintenance of shoreline street ends;
- 9 f) City-funded street and sidewalk improvements within a half-block radius of any of the 149 shoreline  
10 street ends identified in this legislation that directly contribute to public access to the shoreline street end.

11 Section 6. Seattle Transportation is further directed to draft and implement a plan for enforcing the  
12 requirement of SMC 15.04.010 for use and occupation permit on shoreline street ends; providing notification to  
13 owners of property abutting shoreline street ends of the increased fee and the fee calculation methodology; and  
14 providing public education as to the policy preferences for public access uses of shoreline street ends, as set forth in  
15 Resolution 29370, and of means whereby a permittee can reduce the amount of the fee by reducing the amount of  
16 private encroachment onto the street end and/or contributing to the maintenance of public access improvements on  
17 the street end. Any permits granted shall clearly establish the dates, or circumstances (i.e., property sale) for the  
18 removal of encroachments. The Director shall also establish policies requiring liens to be filed against the property  
19 owners, should the City be forced to remove any encroachments. During the third quarter of 2000, Seattle  
20 Transportation shall report back to the Transportation Committee on its progress implementing the new fee  
21 schedule and providing public education or relief to permit applicants seeking to reduce their fees. This report shall  
22 include a comprehensive review of both the costs and revenues of the program and itemize the improvements made  
23 to shoreline streetends.  
24

1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the  
2 Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as  
3 provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1999, and signed by me in open session in  
5 authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1999.

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

8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

9 \_\_\_\_\_  
10 Mayor

11 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

12 \_\_\_\_\_  
13 City Clerk

14 (Seal)

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ORDINANCE \_\_\_\_\_

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2  
3 AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a  
4 new category of street use permits for shoreline street ends and to provide a fee therefor;  
5 amending the Street Use Ordinance (Ordinance 90047, as amended) and Sections 15.02.046,  
6 15.04.35, 15.04.074 of the Seattle Municipal Code; setting forth a priority for use of the fees, and  
7 directing Seattle Transportation to draft and implement a plan for enforcement of the  
8 requirement for use and occupation permit on shoreline street ends, notification of owners of  
9 property abutting shoreline street ends of the increased fee, public education as to fee calculation  
10 methodology and of means to reduce the amount of the fee.

11 WHEREAS, by Resolution 29370, in 1996 the Council adopted policies to guide the development of  
12 public access improvements to shoreline street ends, requiring their preservation as public right-  
13 of way, setting forth criteria to be employed in evaluating the suitability of a street end for public  
14 use improvements, and providing that new private use permits will be granted only when there is  
15 no active proposal for a public street improvement; and

16 WHEREAS, the City Council finds that it is in the public interest to classify shoreline street end permits  
17 as a separate category of street use permits, and that it is appropriate to add to the Street Use  
18 Permit Fee Schedule a new fee to be collected from private shoreline street end permittees, and  
19 to direct the proceeds of said fees to Seattle Transportation for administration and management  
20 of shoreline street ends; NOW, THEREFORE,

21 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. The Street Use Fee Permit Schedule attached to Ordinance 119260 and made a part  
23 thereof is hereby amended to clarify the description of Category 7, to add a new category 11 for private use  
24 of shoreline street ends, to prescribe a fee for such use based on appropriate appraisal methodology, and to  
add public street end uses to Category 54, as follows:



| 1 | TYPE OF USE   | PERMIT FEE   | REQUIREMENTS        |
|---|---|--|---------------------|
| 2 | 7. Structures and overhangs.<br>Street areas that are not <u>shoreline street ends</u><br>3 <u>((underwater))</u> .   | 42 cents/sq. ft./year<br>\$68/year minimum.  | Indemnity Agreement |
| 4 | 11. <u>Shoreline street ends.</u><br>Private use for structures, overhangs, fences, material or<br>5 <u>equipment storage, trees, shrubs, lawns.</u>  | <u>Sq. ft. of use x</u><br><u>Demand/Probability</u><br><u>Factor x Barrier</u><br><u>Factor x land value</u><br><u>per sq. ft. x annualized</u><br><u>rate (8%)</u><br><u>(See Attachment A).</u><br><u>Plus cost of inspection</u><br><u>or survey time in</u><br><u>excess of one hour.</u> | Indemnity Agreement |
| 9 | 54. Miscellaneous uses that are for the use of the public,<br>10 e.g., a street park, <u>shoreline street end improvements</u> , or<br>plantings in a traffic circle per SMC 15.04.100 (for<br>11 purposes of record keeping and permission granted as<br>authorized by the Director of Seattle Transportation) | No Fee   |                     |

13 Section 2. Section 15.02.046 of the Seattle Municipal Code as last amended by Ordinance 117569  
14 is further amended to add a definition, to be placed in alphabetical order in the section, as follows:

15 **15.02.046 Definitions N through S.**

16 "Shoreline street ends" means those street segments that provide the public with visual or  
17 physical access to a body of water and its shoreline, or could provide such access if improved, as  
18 listed on Exhibit A to Resolution 29370, a resolution adopting policies to guide the development of  
19 public access improvements to shoreline street ends.

20 Section 3. Section 15.04.035 of the Seattle Municipal Code as last amended by Ordinance 117569  
21 is further amended as follows:



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**15.04.035 Approval; considerations.**

\* \* \* \* \*

B. Factors for consideration in evaluating an application for a permit include but are not limited to the rights of the applicant (both constitutional liberties and abutter's property rights; the site and its terrain; the public and private benefits of the proposed use; the impact of the proposed use on the following:

- The paramount purpose of streets for travel and transportation;
- Utilities; authorized secondary street uses; and any usage being made by the public of the site;
- Fire access and public safety;
- Uses under permit; street trees; and other proposed or past uses of the site;
- Rights of light, air, access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;
- The environment;
- Drainage, surface and underground springs and watercourses; and stability of the soils;
- and
- Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans.

In addition, where these situations occur, factors for consideration include:

- As to public places under the jurisdiction of the Department of Parks and Recreation, their character as a park drive or boulevard, or as open space;
- As to shoreline street ends, their purpose to provide public access to the water and the shoreline:



- 1           • As to submerged streets, the Harbor Code, Title 16;
- 2           • As to environmentally critical areas, the requirements of Chapter 25.09; and
- 3           • As to streets in the process of being vacated, the use upon vacation.

4           Section 4. Section 15.04.074 of the Seattle Municipal Code as last amended by Ordinance  
5 118409 is further amended as follows:

6           **15.04.074     Permit --- Fees.**

7           A. From time to time, the Director of Transportation shall prepare and recommend for adoption  
8 by the City Council a schedule of fees applicable to all such permits for public places under the  
9 jurisdiction of Seattle Transportation. The Director of the Office of Economic development shall  
10 prepare and recommend for adoption by the City Council a schedule of fees applicable to master  
11 filming permits. The Superintendent shall prepare and recommend a schedule of fees applicable  
12 to permits for use of public places under the jurisdiction of the Department of Parks and  
13 Recreation, and the Director of the Department of Design, Construction and Land Use shall  
14 recommend a schedule of fees applicable to permits required by Section 15.44.020. The fee  
15 schedule, when adopted by ordinance, shall govern the amount of the fee for permits heretofore  
16 or hereafter issued. The amount of the fee shall be commensurate with the cost of  
17 administration, inspection and policing involved in the issuance and continuance of such permits  
18 and the use thereby granted. Fees for use of shoreline street ends may take into consideration  
19 City policy of discouraging encroachments inconsistent with the public right of access to  
20 shorelines and may be included in the schedule of fees for use of public places under the  
21 jurisdiction of Seattle Transportation. Fees for use of park drives and boulevards may take into  
22 consideration City policy of discouraging encroachments inconsistent with their park-like  
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1 character and may be included in the schedule of fees for use of facilities of the Department of  
2 Parks and Recreation.

3 \* \* \* \* \*

4 E. Fees for the use of public places under the jurisdiction of the Department of Parks and  
5 Recreation shall be deposited to the credit of the Park and Recreation Fund; beginning January 1,  
6 2001, fees for the use of shoreline street ends shall be deposited to the credit of the  
7 Transportation Operating Fund; all other fees shall be deposited to the credit of the General  
8 Fund.

9 Section 5. Seattle Transportation is directed to use the shoreline street end fees credited to the  
10 Transportation Operating Fund for the following purposes:

11 (a) Notification to property owners abutting street ends of the need for permits for private use  
12 and occupation of shoreline street ends, and of the fee schedule;

13 (b) Administration and inspection of shoreline street end use;

14 (c) Verification of property boundaries and square feet of area of usage;

15 (d) Matching funds for neighborhood improvements of shoreline street ends for public use;

16 (e) Signage, demarcation and maintenance of shoreline street ends;

17 (f) City-funded street and sidewalk improvements within a half-block radius of a shoreline  
18 street end that directly contribute to public access to the shoreline street end; and

19 (g) Neighborhood sidewalk repair programs with priority given to sidewalks in close proximity  
20 to shoreline street ends.

21 Section 6. Seattle Transportation is further directed to draft and implement a plan for enforcing the  
22 requirement of SMC 15.04.010 for use and occupation permit on shoreline street ends; providing  
23 notification to owners of property abutting shoreline street ends of the increased fee and the fee calculation  
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1 methodology; and providing public education as to the policy preferences for public access uses of  
2 shoreline street ends, as set forth in Resolution 29370, and of means whereby a permittee can reduce the  
3 amount of the fee by reducing the amount of private encroachment onto the street end and/or contributing to  
4 the maintenance of public access improvements on the street end.

5 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its  
6 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
7 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1999, and signed by me in open  
9 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1999.

10  
11 \_\_\_\_\_  
12 President \_\_\_\_\_ of the City Council

13 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

14 \_\_\_\_\_  
15 Mayor

16 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

17 \_\_\_\_\_  
18 City Clerk

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(Seal)



ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category  
3 of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use  
4 Ordinance (Ordinance 90047, as amended) and Sections 15.02.046, 15.04.35, 15.04.074 of the Seattle  
5 Municipal Code; setting forth a priority for use of the fees, and directing Seattle Transportation to draft  
6 and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street  
7 ends, notification of owners of property abutting shoreline street ends of the increased fee, public education  
8 as to fee calculation methodology and of means to reduce the amount of the fee.

9 WHEREAS, by Resolution 29370, in 1996 the Council adopted policies to guide the development of public access  
10 improvements to shoreline street ends, requiring their preservation as public right-of way, setting forth  
11 criteria to be employed in evaluating the suitability of a street end for public use improvements, and  
12 providing that new private use permits will be granted only when there is no active proposal for a public  
13 street improvement; and

14 WHEREAS, the City Council now wishes to strengthen and clarify these policies, by adopting legislation intended  
15 to a) keep adjacent property owners from encroaching on the public's shoreline street-ends; b) encourage  
16 people with permitted encroachments to remove them; c) require unpermitted encroachments to be  
17 permitted and removed; and d) discourage private use permit applications; and

18 WHEREAS, the City Council finds that it is in the public interest to classify shoreline street end permits as a  
19 separate category of street use permits, and that it is appropriate to add to the Street Use Permit Fee  
20 Schedule a new fee to be collected from private shoreline street end permittees, and to direct the proceeds of  
21 said fees to Seattle Transportation for administration and management of shoreline street ends; NOW,  
22 THEREFORE,

23 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

24 Section 1. The Street Use Fee Permit Schedule attached to Ordinance 119260 and made a part thereof is hereby  
amended to clarify the description of Category 7, to add a new category 11 for use of shoreline street ends, to prescribe a  
fee for such use based on appropriate appraisal methodology, and to add public street end uses to Category 54, as follows:

| TYPE OF USE   | PERMIT FEE   | REQUIREMENTS        |
|---|--|---------------------|
| 7. Structures and overhangs.<br>Street areas that are not <u>shoreline street ends</u> (underwater).  | 42 cents/sq. ft./year<br>\$68/year minimum.  | Indemnity Agreement |
| 11. <u>Shoreline street ends (land portions).</u><br><u>Uses for structures, overhangs, fences, material or equipment storage, trees, shrubs, lawns.</u>  | <u>Sq. ft. of use x Demand/Probability Factor x Barrier Factor x land value per sq. ft. x annualized rate ( 10 %).</u><br><u>Plus cost of inspection or survey time in excess of one hour.</u> | Indemnity Agreement |
| 54. Miscellaneous uses that are for the use of the public, e.g., a street park, <u>shoreline street end improvements</u> , or plantings in a traffic circle per SMC 15.04.100 (for purposes of record keeping and permission granted as authorized by the Director of Seattle Transportation) | No Fee   |                     |

Section 2. Section 15.02.046 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended to add a definition, to be placed in alphabetical order in the section, as follows:

**15.02.046 Definitions N through S.**

“Shoreline street ends” means the land portions of those street segments that provide the public with visual or physical access to a body of water and its shoreline, or could provide such access if improved, that are listed on Exhibit A to Resolution 29370, a resolution adopting policies to guide the development of public access improvements to shoreline street ends.

Section 3. Section 15.04.035 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended as follows:



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**15.04.035 Approval; considerations.**

\* \* \* \* \*

B. Factors for consideration in evaluating an application for a permit include but are not limited to the rights of the applicant (both constitutional liberties and abutter's property rights; the site and its terrain; the public and private benefits of the proposed use; the impact of the proposed use on the following:

- The paramount purpose of streets for travel and transportation;
- Utilities; authorized secondary street uses; and any usage being made by the public of the site;
- Fire access and public safety;
- Uses under permit; street trees; and other proposed or past uses of the site;
- Rights of light, air, access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;
- The environment;
- Drainage, surface and underground springs and watercourses; and stability of the soils; and
- Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans.

In addition, where these situations occur, factors for consideration include:

- As to public places under the jurisdiction of the Department of Parks and Recreation, their character as a park drive or boulevard, or as open space;
- As to shoreline street ends, their purpose to provide the public with visual or physical access to the water and the shoreline;
- As to submerged streets, the Harbor Code, Title 16;
- As to environmentally critical areas, the requirements of Chapter 25.09; and
- As to streets in the process of being vacated, the use upon vacation.

1 Section 4. Section 15.04.074 of the Seattle Municipal Code as last amended by Ordinance 118409 is  
2 further amended as follows:

3 **15.04.074 Permit --- Fees.**

4 A. From time to time, the Director of Transportation shall prepare and recommend for adoption by the  
5 City Council a schedule of fees applicable to all such permits for public places under the jurisdiction of  
6 Seattle Transportation. The Director of the Office of Economic development shall prepare and recommend  
7 for adoption by the City Council a schedule of fees applicable to master filming permits. The  
8 Superintendent shall prepare and recommend a schedule of fees applicable to permits for use of public  
9 places under the jurisdiction of the Department of Parks and Recreation, and the Director of the  
10 Department of Design, Construction and Land Use shall recommend a schedule of fees applicable to  
11 permits required by Section 15.44.020. The fee schedule, when adopted by ordinance, shall govern the  
12 amount of the fee for permits heretofore or hereafter issued. The amount of the fee shall be commensurate  
13 with the cost of administration, inspection and policing involved in the issuance and continuance of such  
14 permits and the use thereby granted. Fees for use of shoreline street ends may take into consideration City  
15 policy of discouraging encroachments inconsistent with the public right of access to shorelines and may be  
16 included in the schedule of fees for use of public places under the jurisdiction of Seattle Transportation.  
17 Fees for use of park drives and boulevards may take into consideration City policy of discouraging  
18 encroachments inconsistent with their park-like character and may be included in the schedule of fees for  
19 use of facilities of the Department of Parks and Recreation.

20 \* \* \* \* \*

21 E. Fees for the use of public places under the jurisdiction of the Department of Parks and Recreation shall  
22 be deposited to the credit of the Park and Recreation Fund; beginning January 1, 2001, fees for the use of  
23 shoreline street ends shall be deposited to the credit of the Transportation Operating Fund; all other fees  
24 shall be deposited to the credit of the General Fund.

1 Section 5. Seattle Transportation is directed to use the shoreline street end fees credited to the Transportation  
2 Operating Fund for the following purposes:

- 3 a) Notification to property owners abutting street ends of the need for permits for private use and  
4 occupation of shoreline street ends, and of the fee schedule;
- 5 b) Administration and inspection of shoreline street end use;
- 6 c) Verification of property boundaries and square feet of area of usage;
- 7 d) Matching funds for neighborhood improvements of shoreline street ends for public use;
- 8 e) Signage, demarcation and maintenance of shoreline street ends;
- 9 f) City-funded street and sidewalk improvements within a half-block radius of any of the 149 shoreline  
10 street ends identified in this legislation that directly contribute to public access to the shoreline street end.

11 Section 6. Seattle Transportation is further directed to draft and implement a plan for enforcing the  
12 requirement of SMC 15.04.010 for use and occupation permit on shoreline street ends; providing notification to  
13 owners of property abutting shoreline street ends of the increased fee and the fee calculation methodology; and  
14 providing public education as to the policy preferences for public access uses of shoreline street ends, as set forth in  
15 Resolution 29370, and of means whereby a permittee can reduce the amount of the fee by reducing the amount of  
16 private encroachment onto the street end and/or contributing to the maintenance of public access improvements on  
17 the street end. Any permits granted shall clearly establish the dates, or circumstances (i.e., property sale) for the  
18 removal of encroachments. The Director shall also establish policies requiring liens to be filed against the property  
19 owners, should the City be forced to remove any encroachments. During the third quarter of 2000, Seattle  
20 Transportation shall report back to the Transportation Committee on its progress implementing the new fee  
21 schedule and providing public education or relief to permit applicants seeking to reduce their fees. This report shall  
22 include a comprehensive review of both the costs and revenues of the program and itemize the improvements made  
23 to shoreline streetends.  
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Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 1999, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 1999.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 1999.

\_\_\_\_\_  
City Clerk

(Seal)

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Richard J. McIver*

\_\_\_\_\_  
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**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



\_\_\_\_\_  
PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

111039  
City of Seattle, City Clerk

—ss.

No. FULL ORDINAN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119673

was published on

10/19/99

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

*R. Peterson*

Subscribed and sworn to before me on

10/19/99

*McLivaney*

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 119973

AN ORDINANCE relating to Seattle Transportation, amending the Street Use Fee Schedule to add a new category of street use permits for shoreline street ends and to provide a fee therefor; amending the Street Use Ordinance (Ordinance 90047, as amended) and Sections 15.02.045, 15.04.35, 15.04.074 of the Seattle Municipal Code, setting forth a priority for use of the fees, and directing Seattle Transportation to draft and implement a plan for enforcement of the requirement for use and occupation permit on shoreline street ends, notification of owners of property abutting shoreline street ends of the increased fee, public education as to fee calculation methodology and of means to reduce the amount of the fee.

WHEREAS, by Resolution 29370, in 1998 the Council adopted policies to guide the development of public access improvements to shoreline street ends, requiring their preservation as public right-of-way, setting forth criteria to be employed in evaluating the suitability of a street end for public use improvements, and providing that new private use permits will be granted only when there is no active proposal for a public street improvement; and

WHEREAS, the City Council now wishes to strengthen and clarify these policies, by adopting legislation intended to a) keep adjacent property owners from encroaching on the public's shoreline street ends; b) encourage people with permitted encroachments to remove them; c) require unpermitted encroachments to be permitted and removed; and d) discourage private use permit applications; and

WHEREAS, the City Council finds that

it is in the public interest to classify shoreline street end permits as a separate category of street use permits, and that it is appropriate to add to the Street Use Permit Fee Schedule a new fee to be collected from private shoreline street end permittees; and to direct the proceeds of said fees to Seattle Transportation for administration and management of shoreline street ends; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Street Use Fee Permit Schedule attached to Ordinance 119460 and made a part thereof is hereby amended to clarify the description of Category 7, to add a new category 11 for private use of shoreline street ends, to prescribe a fee for such use based on appropriate appraisal methodology, and to add public street end uses to Category 54, as follows:

| TYPE OF USE   | PERMIT FEE  | REQUIREMENTS        |
|---|---|---------------------|
| 7. Structures and overhangs.<br>Street areas that are not shoreline street ends (underwater, <del>underwater.</del> )   | 42 cents/sq. ft./year<br>\$68/year minimum.   | Indemnity Agreement |
| 11. Shoreline street ends (land portions).<br><u>Uses for structures, overhangs, fences, material or equipment storage, trees, shrubs, lawns.</u>   | $Sq. ft. of use \times Demand/Probability Factor \times Barrier Factor \times land value per sq. ft. \times annualized rate (\$ 10 \%)$<br><u>Plus cost of inspection or survey time in excess of one hour.</u> | Indemnity Agreement |
| 54. Miscellaneous uses that are for the use of the public, e.g., a street park, shoreline street end improvements, or plantings in a traffic circle per SMC 15.04.100 (for purposes of record keeping and permission granted as authorized by the Director of Seattle Transportation) | No Fee  |                     |

Section 2. Section 15.02.046 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended to add a definition, to be placed in alphabetical order in the section, as follows:

### 15.02.046 DEFINITIONS THROUGH S

"Shoreline street ends" means the land portions of those street segments that provide the public with visual or physical access to a body of water and its shoreline, or could provide such access if improved, that are listed on Exhibit A to Resolution 29370, a resolution adopting policies to guide the development of public access improvements to shoreline street ends.

Section 3. Section 15.04.035 of the Seattle Municipal Code as last amended by Ordinance 117569 is further amended as follows:

### 15.04.035 APPROVAL, CONSIDERATIONS.

\*\*\*\*\*

B. Factors for consideration in evaluating an application for a permit include but are not limited to the rights of the applicant (both constitutional liberties and abutter's property rights; the site and its terrain; the public and private benefits of the proposed use; the impact of the proposed use on the following:

- \* The paramount purpose of streets for travel and transportation.
- \* Utilities; authorized secondary street uses; and any usage being made by the public of the site;
- \* Fire access and public safety;
- \* Uses under permit; street trees; and other proposed or past uses of the site;
- \* Rights of light, air, access and lateral support of abutting properties and on access or easements of properties dependent upon the public place for access;
- \* The environment;
- \* Drainage, surface and underground springs and watercourses; and stability of the soils; and
- \* Where applicable, City land use, transportation, open space, shoreline, and beautification policies and approved neighborhood land use plans.

In addition, where these situations occur, factors for consideration include:

\* As to public places under the jurisdiction of the Department of Parks and Recreation, their character as a park drive or boulevard, or as open space;

\* As to shoreline street ends, their purpose to provide the public with visual or physical access to the water and the

feet and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of September, 1999, and signed by me in open session in authentication of its passage this 27th day of September, 1999.

SUE DONALDSON,  
President of the City Council.

Approved by me this 5th day of October, 1999.

PAUL SCHELL,  
Mayor.

Filed by me this 6th day of October, 1999.

(Seal) JUDITH E. PIPPIN,  
City Clerk.

Publication ordered by JUDITH PIPPIN,  
City Clerk.

((Boldface denotes deletion))

### ATTACHMENT A SHORELINE STREET ENDS PERMIT FEE METHODOLOGY

#### PURPOSE

Title 15 of the Seattle Municipal Code requires permits for the use of public places and empowers the Director of Seattle Transportation to prepare and recommend a schedule of fees. The Shoreline Street Ends Policies guide the preservation of the shoreline street ends, a valuable and limited resource within the City of Seattle. This document describes the methodology for creating a fee schedule for private use of shoreline street ends as requested by the Director of Seattle Transportation.

There are 149 shoreline street ends, 72 of which contain one or more encroachments. The shoreline street ends differ greatly in their location, zoning, access, topography, size, view and uses. The purpose for creating a new methodology for calculating private use fees is to create an equitable and fair system for assessing fees given this wide variety of locations and uses.

#### ASSUMPTIONS

The Seattle Transportation (SEATRAN) Street Use Division of the City of Seattle provided all information regarding the names and addresses of those responsible for private use of shoreline street ends, size and explanation of the street encroachments, current fees, and the status of permits. SEATRAN assigned a number to each shoreline street end, and these numbers were retained for this project. SEATRAN provided a copy of their Shoreline Street Ends 1997 Review, along with an exhibit of GIS Orthophotos showing locations of parcels, building outlines

less desirable views and locations, in terms of the probability for general public use.

This demand factor category is set by the Appraisers, and should not be adjusted without consulting the Appraisers.

#### Barrier to Entry

This rating involves the effect of the type of use and encroachment on potential public use. If the message by the encroachment to the general public is "private, keep out", such as a fence or thick hedge, or the barrier is simply impassable, as in the case of a building, shed, dock, or other structure, then the barrier is rated 100%. Most of the encroachments are rated 100%. Open driveways or landscaping that do not physically block entry, but still give the impression of private property are judged to be a 50% barrier. If the shoreline street end is partially cut off by a hedge or fence, then an 80% factor is used. This factor is available for changes by SEATRAN, and is controlled to a large extent by the encroaching property owner. Some encroaching fences create a very large encroachment area. Removing the fence may not only have the effect of decreasing the barrier rating; it may also decrease the encroachment area, lowering the permit fee significantly.

#### Area

One of the most important factors involved in setting the fee is the area of encroachment. This is a measurement that is determined by a field representative within SEATRAN. The appraisers did not make any changes to this category. The area is determined by measuring the square footage of shoreline street end land actually used or occupied for non-street purposes or that is subject to a barrier to public use or enjoyment.

#### Rate

For purposes of calculating the permit fee, an annualized rate will be applied to the adjusted value. The annualized rate is subject to change. This rate should be similar to typical land rates of return, although some commercial rates may be higher, and some residential rates may be lower, depending on location, use and rates of return on other investments (theory of substitution, opportunity cost). One rate will most likely be used for all of the shoreline street end permit fee calculations at this time.

Date of official publication in Daily Journal of Commerce, Seattle, October 19, 1999.  
10/19(111039)