

Ordinance No. 123611

Council Bill No. 117168

AN ORDINANCE relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by revising the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673, Shoreline Street End Permit Fee Methodology; and ratifying and confirming certain prior acts.

Related Legislation File:

Date Introduced and Referred: <b>5.9.11</b>	To: (committee): <b>Transportation</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>5.31.11</b>	Date Presented to Mayor: <b>6.1.11</b>
Date Signed by Mayor: <b>6.3.11</b>	Date Returned to City Clerk: <b>6.3.11</b>
Published by Title Only <b>X</b>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *Tom Rasmussen*

Committee Action:

Date	Recommendation	Vote
<b>5/24/11</b>	<b>Pass As Amended</b>	<b>TRJ &amp; TB 3-0</b>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<b>5.31.11</b>	<b>Passed as amended</b>	<b>8-0 (M.O. excused)</b>



**ORDINANCE**

123611

AN ORDINANCE relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by revising the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673, Shoreline Street End Permit Fee Methodology; and ratifying and confirming certain prior acts.

WHEREAS, by Resolution 29370, the City Council adopted policies guiding the development of public access improvements to Shoreline Street Ends, requiring their preservation as public right-of-way, establishing criteria to evaluate the suitability of a shoreline street end for public use improvements, and providing that new private use permits will be granted only when there is not a proposal for a shoreline street end improvement; and

WHEREAS, by Ordinance 119673, the City clarified the policy for the Shoreline Street End program and designated a Shoreline Street End permit type, and a fee methodology in the Street Use Permit Fee Schedule; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Seattle Department of Transportation (SDOT) Director to prepare and recommend to the City Council, for passage by ordinance, a schedule of fees applicable to all street and sidewalk use permits (referred to as the Street Use Permit Fee Schedule), commensurate with the cost of administration, review, inspection, and policing involved in the issuance and continuance of such permits and the use thereby granted; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code specifies that fees for use of the public right-of-way may take into consideration the City's policy of discouraging encroachments inconsistent with the public's right of access to the shorelines or right-of-way; and

WHEREAS, the City of Seattle's Comprehensive Plan establishes goals for industrial areas that include preserving industrial land for industrial uses and supporting growth in the industrial and manufacturing employment base; and

WHEREAS, Attachment A to Ordinance 119673 authorized the City Appraiser to establish the Street Use permit land values based on multiple properties surrounding a shoreline street end; and

WHEREAS, the SDOT Director has prepared and recommended the repeal of Section 1 and Attachment A of the Shoreline Street End Fee Methodology Ordinance 119673 and proposed an amendment to the Street Use Fee Schedule for a new Shoreline Street End to provide transparency and to simplify program administration; NOW, THEREFORE,

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

Section 1. Street Use Permit Fee Schedule, Attachment A to Ordinance 123477, as amended by Ordinance 123485 and Ordinance 123600 (introduced as Council Bill 117159) is amended as follows:

**Attachment A: Street Use Permit Fee Schedule**

\* \* \*

Per ordinance or council action				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
11	Shoreline street ends [land portion]	((Fees determined by ordinance)) $\frac{(\text{Land value}) \times (\text{Use area}) \times (\text{Rate of return})}{\times (\text{Demand probability}) \times (\text{Maritime Industrial Use Discount Factor})} = \text{Annual fee}$		
		\$140 minimum fee		

\* \* \*

\* \* \*

**Fee Methodology Factors and Descriptions**

Factor	Description
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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 land value per square foot as determined by the King County Assessor. If the use area extends beyond the <u>right-of-way</u> centerline or abuts multiple parcels, the permit fee shall be calculated by averaging the abutting parcels' current land values.
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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 land value per square foot 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 value of the abutting parcels. If one of the abutting parcels is publicly-owned, the permit fee for that portion of the use area abutting the publicly-owned parcel shall be calculated using the value of the privately owned parcel abutting the largest portion of the use area occupying the right-of-way.

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 Table A: 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 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-dependant 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.

\* \* \*

Section 2. Attachment A and Section 1 of the Shoreline Street Ends Permit Fee Methodology Ordinance 119673, which is shown in Attachment B of this ordinance, is repealed.

Section 3. Shoreline Street End permit fee implementation schedule. Shoreline Street End permits existing on the effective date of this ordinance shall have new annual fees applied starting on January 1, 2011 as authorized in Section 4 of this ordinance. All new Shoreline Street End permits that may be approved by the Director of Transportation after the effective date of this ordinance shall have the annual fees applied using the new methodology adopted in Section 1 of this ordinance.

1           Section 4. Shoreline Street End permit fee phase-in schedule. Annual Shoreline Street  
2 End permit fees for existing Shoreline Street End permits shall be phased in over a four -year  
3 period from 2011 through 2014. Starting in January 2011, the annual permit fee will increase by  
4 25 percent of the difference between the 2010 annual Shoreline Street End permit fee and the  
5 new Shoreline Street End permit fee based on the Shoreline Street End permit fee methodology.  
6 In 2012, the annual Shoreline Street End permit fee will increase to 50 percent of the difference  
7 between the 2010 annual Shoreline Street End permit fee and the 2012 permit fee based on the  
8 Shoreline Street End permit fee methodology. In 2013, the annual Shoreline Street End permit  
9 fee will increase to 75 percent of the difference between the 2010 annual Shoreline Street End  
10 permit fee and the 2013 permit fee based on the Shoreline Street End permit fee methodology.  
11 Starting in January 2014, the annual Shoreline Street End permit fee will increase to the full new  
12 annual Shoreline Street End permit fee based on the Shoreline Street End permit fee  
13 methodology. By the end of 2014, the phase-in period will be complete and all existing Shoreline  
14 Street End permits will be determined using the Shoreline Street End permit fee methodology on  
15 an annual cycle.

16           The new annual Shoreline Street End permit fee authorized by this ordinance will be  
17 applied starting in January 2011 and will not be phased in if the fee is less than the 2010 annual  
18 Shoreline Street End permit fee for an existing Shoreline Street End permit, or a new permit for  
19 an existing Shoreline Street End use is issued after the effective date of this ordinance.

20           Section 5. Sections 3 and 4 of this ordinance shall apply retroactively to the extent  
21 necessary to ensure their application to periods of time occurring before the effective date of this  
22 ordinance.


1 ordinance. In no event shall a Shoreline Street End permit be subject to an annual fee or fees for  
2 2011 in a total amount that exceeds the fee authorized by Sections 3 and 4 of this ordinance.

3 Section 6. Severability. The provisions of this ordinance are declared to be separate and  
4 severable. The invalidity of any portion of this ordinance, or the invalidity of its application to  
5 any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the  
6 validity of its application to other persons or circumstances.

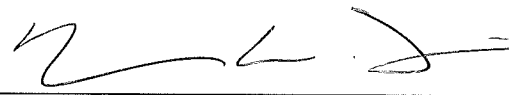
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8 Section 7. Ratify and Confirm. Any act consistent with the authority of this ordinance  
9 taken prior to its effective date is ratified and confirmed.

10 Section 8. This ordinance shall take effect and be in force 30 days from and after its  
11 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
12 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
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1 Passed by the City Council the 31<sup>st</sup> day of May, 2011, and signed by  
2 me in open session in authentication of its passage this 31<sup>st</sup> day of May 2011.

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

6 Approved by me this 3<sup>rd</sup> day of June, 2011.  
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9  
10 Michael McGinn, Mayor

11 Filed by me this 3<sup>rd</sup> day of June, 2011.  
12

13   
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachment A: Demand Probability Factor  
17 Attachment B: Section 1 and Attachment A of Ordinance 119673  
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Attachment A: Demand Probability Factor

Shoreline Street End Number:	Shoreline Street End Name:	Demand Probability:
4	SW Alaskan Street	0.50
10	SW Bronson Street	1.0
12	Chelan Avenue SW	0.50
27	South Front Street	0.50
32	South Riverside Drive (north)	0.50
33	7 <sup>th</sup> Avenue South	0.50
34	South Riverside Drive (south)	0.50
40	72 <sup>nd</sup> Avenue South	0.50
42	South Norfolk Street	0.50
43	South Perry Street	0.25
45	South Willow Street	0.25
47	South Warsaw Street	0.50
48	South Eddy Street	0.50
49	South Holgate Street	0.10
50	South Massachusetts Street	0.50
52	South Irving Street	0.50
53	South Judkins Street	0.50
56	South Dearborn Street	0.25
60	East Pine Street	0.50
61	East Olive Street	0.50
63	East Harrison Street	0.50
64	East Mercer Street (water side portion)	0.50
64	East Mercer Street (land side portion)	0.25
69	East Roanoke Street (east)	0.75
71	East Hamlin Street (east)	0.25
72	East Shelby Street	0.50
73	East Allison Street (east)	0.25
74	East Martin Street (east)	0.25
75	University Bridge (south)	1.0
77	East Martin Street (west)	1.0
78	East Allison Street (west)	1.0
80	East Edgar Street (west)	1.0
81	East Roanoke Street (west)	1.0
82	East Louisa Street	1.0
83	East Boston Street	1.0
84	East Newton Street	1.0



86	Terry Avenue North	1.0
89	Crockett Street	1.0
90	McGraw Street	1.0
98	6 <sup>th</sup> Avenue West	0.50
100	West Cramer Street	0.50
102	47 <sup>th</sup> Avenue West	0.10
103	48 <sup>th</sup> Avenue West	0.10
104	West Bertona Street	0.25
105	West Dravus Street	0.25
107	West Armour Street	0.25
108	West Raye Street	0.25
109	West McGraw Street	0.25
110	32 <sup>nd</sup> Avenue West	0.25
114	Broad Street	1.0
115	Vine Street	1.0
118	University Street	1.0
119	Madison Street	1.0
122	NE 135 <sup>th</sup> Street	0.50
125	NE 85 <sup>th</sup> Street	0.25
126	NE 43 <sup>rd</sup> Street	0.50
127	51 <sup>st</sup> Avenue NE	0.50
130	NE 31 <sup>st</sup> Street	0.50
132	Brooklyn Avenue NE	1.0
133	Eastlake Avenue NE/University Bridge	1.0
134	Latona Avenue NE	1.0
135	Sunnyside Avenue NE	1.0
137	NW 39 <sup>th</sup> Street	0.50
138	6 <sup>th</sup> Avenue NW/NW Bowdoin Place	0.50
139	NW 40 <sup>th</sup> Street	0.50
140	11 <sup>th</sup> Avenue NW	0.50
143	20 <sup>th</sup> Avenue NW	0.50
145	28 <sup>th</sup> Avenue NW	0.50
147	36 <sup>th</sup> Avenue NW	0.50



Attachment B: Section 1 and Attachment A of Ordinance 119673

((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
<del>7. Structures and overhangs</del>  <del>Street areas that are not shoreline street ends</del>	<del>42 cents/sq. ft./year</del>  <del>\$68/year minimum</del>	<del>Indemnity Agreement</del>
<del>11. Shoreline street ends (land portions).</del>  <del>Uses for structures, overhangs, fences, material or equipment storage, trees, shrubs, lawns.</del>	<del>Sq. ft. of Use X Demand Probability Factor x Barrier Factor x land value per sq. Ft/ x annualized rate (10%).</del>  <del>Plus cost of inspection or survey time in excess of one hour.</del>	<del>Indemnity Agreement</del>

~~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))~~



((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 (SEATLAN) 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. SEATLAN assigned a number to each shoreline street end, and these numbers were retained for this project. SEATLAN 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.~~



Brian de Place  
SDOT Shoreline Street End Fee Schedule ATT B  
March 7, 2011  
Version #2  
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:~~

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



## **FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Department of Transportation	Brian de Place/233-3855	Rebecca Guerra/684-5339

### **Legislation Title:**

AN ORDINANCE relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by revising the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673, Shoreline Street End Permit Fee Methodology; and ratifying and confirming certain prior acts.

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

This legislation allows the Street Use division of the Seattle Department of Transportation (SDOT) to administer a Shoreline Street End Permit Fee Methodology as part of the Street Use Fee Schedule. The modified fee methodology provides transparency and equity, and simplifies program administration.

As part of the fee methodology, the Street Use division will apply a land value for the use area based on the abutting parcel's King County tax assessed value. The fee methodology takes into consideration the City policy of discouraging encroachments inconsistent with the public's right of access to the shorelines or right-of-way (SMC Section 15.04.074).

### **Shoreline Street End Permit Fee Methodology:**

The Shoreline Street End Permit Fee Methodology will combine the factors of land value, use area, rate of return, and demand probability. The annual fee will be calculated as follows:

$$\text{Annual fee} = (\text{Land Value}) \times (\text{Use Area}) \times (\text{Rate of Return}) \times (\text{Demand Probability}) \times (\text{Industrial Discount Factor})$$

This legislation updates the definition of Land Value, which was established in Ordinance No. 123485, passed on November 29, 2010. The updated definition clarifies that the Land Value factor is the abutting parcel's land value per square foot, and not the aggregate land value.

Assessing a rate of return on land has been an industry standard practice for approximately 20 years. The rate may vary between 7 and 10%. Generally, the rate of return for commercial uses is higher, around 9% to 10%, while residential uses are lower, around 7% to 8%. The rate of return for 2011 is established at 8%, which is well within the industry standard range of rate of return. Instead of reevaluating the rate of return for each site, setting it at 8% allows the department to easily implement and administer the new methodology. It also provides clarity to applicants.



Demand Probability factors were set in 1997 by the City Appraiser.

This legislation introduces an Industrial Discount Factor in support to support the City's long-standing policies of protecting industrially-zoned land for industrial uses as stated in the City's Comprehensive Plan. The Comprehensive Plan establishes goals for industrial areas that include preserving industrial land for industrial uses and supporting growth in the industrial and manufacturing employment base. A 50 percent discount factor will apply to that portion of the Shoreline Street End occupied by an industrial use if the use is identified as a permitted industrial use under Section 23.50.012. The discount factor will only apply to Shoreline Street Ends located in industrial zones as defined by the Seattle Municipal Code Section 23.84A.048. There a total of 48 Shoreline Street Ends in industrially-zoned areas and seven active Shoreline Street End permits.

There are 35 active Shoreline Street End permits that will have their new annual permit fees phased-in over a two-year period, from 2011 to 2012. 2011 permit fees will increase by 50% of the difference between the 2010 annual Shoreline Street End permit fee and the new Shoreline Street End permit fee based on the new Shoreline Street End permit fee methodology. By the end of 2011, the annual Shoreline Street End permit fee will be calculated at the full rate and the phase-in period will be complete. All Shoreline Street End permits will be valued using the Shoreline Street End permit fee methodology on an annual cycle.

**Background:**

(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

**Existing Shoreline Street End Permit Fee Methodology:**

The City Council by Resolution 29370 adopted policies to guide the development of public access improvements to Shoreline Street Ends by requiring their preservation as public right-of-way and establishing criteria to evaluate the use of a street end. By Ordinance 119673, the City clarified the policy for the Shoreline Street End program and designated a Shoreline Street End permit type and fee methodology in the Street Use Fee Schedule. This fee methodology required a significant amount of work by the City Appraiser in assessing neighborhood land values, demand probability, and barrier to entry for the permitted Shoreline Street Ends.

Attachment A is a map of the Shoreline Street Ends designated as part of Resolution 29370. Attachment B is a list of the permitted Shoreline Street Ends.

The new Shoreline Street End term permit fee methodology will result in an estimated new annual total base fee of \$368,343 compared to the previous base of \$171,611, an increase of approximately 116%, which will be phased-in over two years.

Please check one of the following:

**This legislation does not have any financial implications.**

(Stop here and delete the remainder of this document prior to saving and printing.)

**X This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Appropriations:**

This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2011 Appropriation	2012 Anticipated Appropriation
<b>TOTAL</b>				

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Appropriations Notes:**

N/A

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:**

This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
Transportation Operating Fund 10310	Seattle Department of Transportation	Shoreline Street End Annual Fee	\$97,761 First year of two-year phase-in over 2010 permit revenue, plus additional revenue from new permit fees.	\$196,732 Second year of two-year phase-in over 2010 permit revenue for existing Shoreline Street End permits, plus additional revenue from new permit fees.
<b>TOTAL</b>			<b>\$97,761, plus new permit fees for remainder of 2011</b>	<b>\$196,732 Second year of Shoreline Street End permit fees, plus first year of term permit phase-in and new permits</b>

**Revenue/Reimbursement Notes:**

The Industrial Discount Factor would apply to seven permits that are in industrially-zoned Street Ends. Prior to the Discount Factor, the revenue resulting from the legislation would be \$128,106 in the first year of the phased increase in fees and \$262,106 in the second and final year of the phased increase.

**Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:** None.

**Do positions sunset in the future?** N/A

**Spending/Cash Flow:** N/A

**What is the financial cost of not implementing the legislation?**

If the legislation is not enacted by the City Council, the City of Seattle will not receive the revenue for the existing Shoreline Street Ends for 2011 and 2012 over current 2010 permit revenue.

The Shoreline Street End permit program would not be able to determine the annual fees on an annual basis based on current King County tax assessed land values. SDOT would have to wait to have the annual fees assessed by the City Assessor at an additional cost to the permittee.

**Does this legislation affect any departments besides the originating department?** None

**What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None

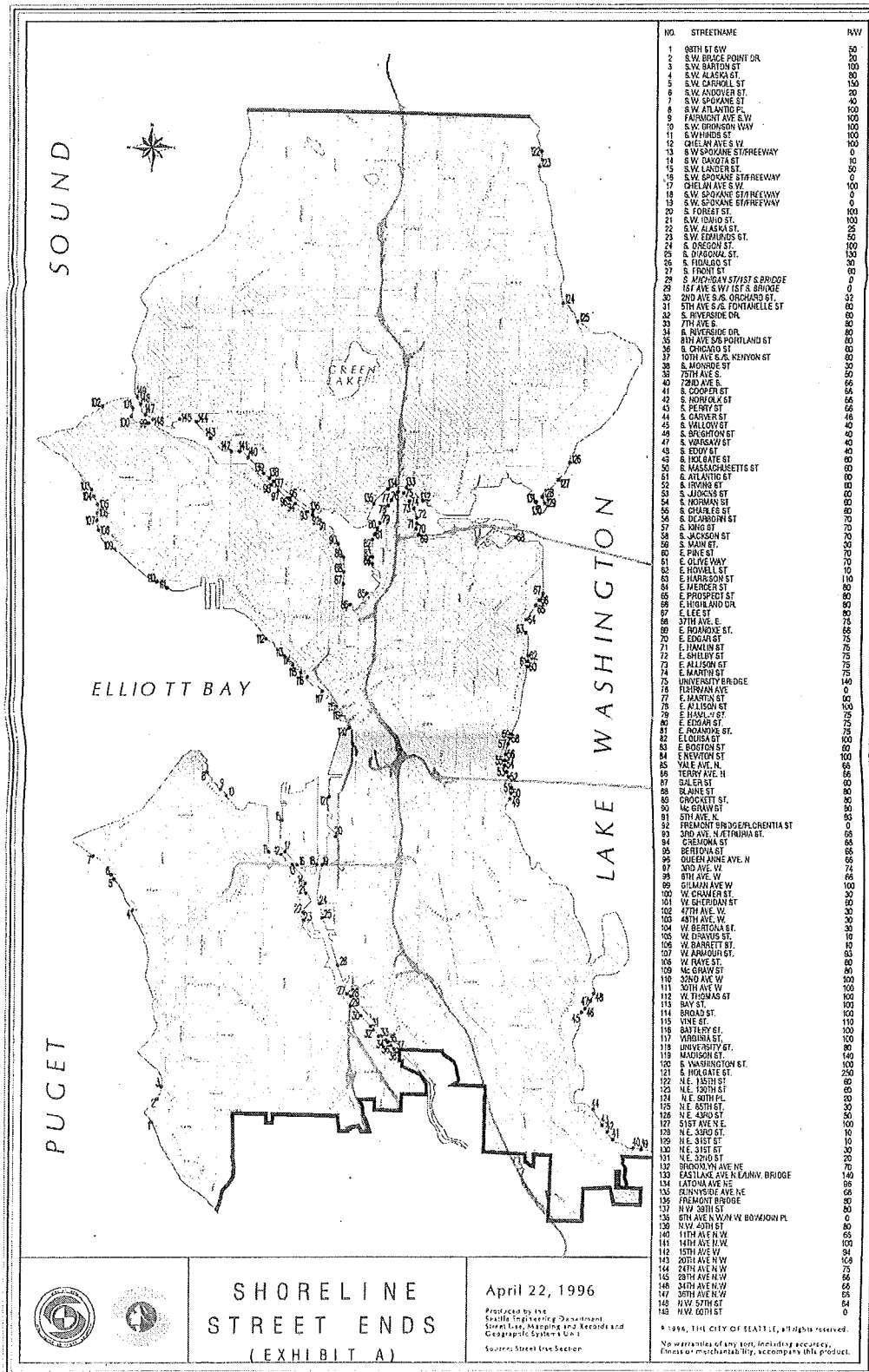
**Is the legislation subject to public hearing requirements:** No

**Other Issues** N/A

**List attachments to the fiscal note below:**

Attachment A – Shoreline Street End Map, Exhibit A to Resolution 29370  
Attachment B—Permitted Shoreline Street Ends

Attachment A – Shoreline Street End Map, Exhibit A to Resolution 29370



Attachment B – Permitted Shoreline Street Ends

Shoreline Street End Number	Street Name	Number of Permits
4	SW Alaskan Street	1
12	Chelan Avenue SW	2
27	South Front Street	1
40	72 <sup>nd</sup> Avenue South	1
43	South Perry Street	2
45	South Willow Street	2
47	South Warsaw Street	1
49	South Holgate Street	1
50	South Massachusetts Street	2
52	South Irving Street	1
56	South Dearborn Street	1
61	East Olive Street	1
63	East Harrison Street	1
64	East Mercer Street	1
102	47 <sup>th</sup> Avenue West	1
103	48 <sup>th</sup> Avenue West	1
104	West Bertona Street	1
107	West Armour Street	1
109	West McGraw Street	1
122	NE 135 <sup>th</sup> Street	2
125	NE 85 <sup>th</sup> Street	1
126	NE 43 <sup>rd</sup> Street	2
127	51 <sup>st</sup> Avenue NE	1
130	NE 31 <sup>st</sup> Street	1
137	NW 39 <sup>th</sup> Street	1
138	6 <sup>th</sup> Avenue NW	2
139	NW 40 <sup>th</sup> Street	1
147	36 <sup>th</sup> Avenue NW	1







City of Seattle  
Office of the Mayor

April 26, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

At the request and recommendation of the Director of Transportation, I am transmitting the attached proposed Council Bill that amends the Seattle Department of Transportation's (SDOT) Street Use Fee Schedule. The proposed changes allow the SDOT Street Use division to administer a modified Shoreline Street End Fee Methodology that provides transparency and equity, and simplifies program administration.

As part of the fee methodology, SDOT will apply a land value for the shoreline-street-end area used by the permit holder based on the abutting parcel's King County tax assessed value. The fee methodology takes into consideration the City's policy of discouraging encroachments that are inconsistent with the public's right of access to the shorelines or right-of-way. This legislation also introduces an Industrial Discount Factor that supports industrial companies' shoreline street end uses. The Discount Factor aligns with the City's Comprehensive Plan, which establishes goals for industrial areas that include preserving industrial land for industrial uses and supporting growth in the industrial and manufacturing employment base. Industrially-zoned Shoreline Street Ends will receive a discount factor of 50%.

There are 35 existing Shoreline Street End permits that will have their new permit fees phased-in over a two-year period. All Shoreline Street End permits will be assessed using the new fee methodologies.

Thank you for considering this legislation. Should you have questions, please contact Brian de Place at (206) 233-3855.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by revising the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673, Shoreline Street End Permit Fee Methodology; and ratifying and confirming certain prior acts.

WHEREAS, by Resolution 29370, the City Council adopted policies guiding the development of public access improvements to Shoreline Street Ends, requiring their preservation as public right-of-way, establishing criteria to evaluate the suitability of a shoreline street end for public use improvements, and providing that new private use permits will be granted only when there is not a proposal for a shoreline street end improvement; and

WHEREAS, by Ordinance 119673, the City clarified the policy for the Shoreline Street End program and designated a Shoreline Street End permit type, and a fee methodology in the Street Use Permit Fee Schedule; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Seattle Department of Transportation (SDOT) Director to prepare and recommend to the City Council, for passage by ordinance, a schedule of fees applicable to all street and sidewalk use permits (referred to as the Street Use Permit Fee Schedule), commensurate with the cost of administration, review, inspection, and policing involved in the issuance and continuance of such permits and the use thereby granted; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code specifies that fees for use of the public right-of-way may take into consideration the City's policy of discouraging encroachments inconsistent with the public's right of access to the shorelines or right-of-way; and

WHEREAS, the City of Seattle's Comprehensive Plan establishes goals for industrial areas that include preserving industrial land for industrial uses and supporting growth in the industrial and manufacturing employment base; and

WHEREAS, Attachment A to Ordinance 119673 authorized the City Appraiser to establish the Street Use permit land values based on multiple properties surrounding a shoreline street end; and

WHEREAS, the SDOT Director has prepared and recommended the repeal of Section 1 and Attachment A of the Shoreline Street End Fee Methodology Ordinance 119673 and proposed an amendment to the Street Use Fee Schedule for a new Shoreline Street End to provide transparency and to simplify program administration; NOW, THEREFORE,

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

Section 1. Street Use Permit Fee Schedule, Attachment A to Ordinance 123477, as amended by Ordinance 123485 and Ordinance XXXXX (introduced as Council Bill 117159) is amended as follows:

**Attachment A: Street Use Permit Fee Schedule**

\* \* \*

Per ordinance or council action				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
11	Shoreline street ends [land portion]	((Fees determined by ordinance)) $\frac{(\text{Land value}) \times (\text{Use area}) \times (\text{Rate of return})}{\text{x (Demand probability) x (Maritime Industrial Use Discount Factor)}} = \text{Annual fee}$		
		\$140 minimum fee		

\* \* \*

\* \* \*

**Fee Methodology Factors and Descriptions**

**Factor**

**Description**

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 land value per square foot 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 land value per square foot as determined by the King County Assessor. If the use area extends beyond the centerline of the right-of-way or abuts multiple parcels,

**THIS VERSION IS NOT ADOPTED**



the permit fee shall be calculated for each portion of the use area according to the current value of the abutting parcels. If one of the abutting parcels is publicly-owned, the permit fee for that portion of the use area abutting the publicly-owned parcel shall be calculated using the value of the privately owned parcel abutting the largest portion of the use area occupying the right-of-way.

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 Table A: 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 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-dependant or water-related use as defined in Seattle Municipal Code Section 23.60.944.

THIS VERSION IS NOT ADOPTED







Section 4. Shoreline Street End permit fee phase-in schedule. Annual Shoreline Street End permit fees for existing Shoreline Street End permits shall be phased in over a four -year period from 2011 through 2014. Starting in January 2011, the annual permit fee will increase by 25 percent of the difference between the 2010 annual Shoreline Street End permit fee and the new Shoreline Street End permit fee based on the Shoreline Street End permit fee methodology. In 2012, the annual Shoreline Street End permit fee will increase to 50 percent of the difference between the 2010 annual Shoreline Street End permit fee and the 2012 permit fee based on the Shoreline Street End permit fee methodology. In 2013, the annual Shoreline Street End permit fee will increase to 75 percent of the difference between the 2010 annual Shoreline Street End permit fee and the 2013 permit fee based on the Shoreline Street End permit fee methodology. Starting in January 2014, the annual Shoreline Street End permit fee will increase to the full new annual Shoreline Street End permit fee based on the Shoreline Street End permit fee methodology. By the end of 2014, the phase-in period will be complete and all existing Shoreline Street End permits will be determined using the Shoreline Street End permit fee methodology on an annual cycle.

The new annual Shoreline Street End permit fee authorized by this ordinance will be applied starting in January 2011 and will not be phased in if the fee is less than the 2010 annual Shoreline Street End permit fee for an existing Shoreline Street End permit, or a new permit for an existing Shoreline Street End use is issued after the effective date of this ordinance.

Section 5. Sections 3 and 4 of this ordinance shall apply retroactively to the extent necessary to ensure their application to periods of time occurring before the effective date of this



1 ordinance. In no event shall a Shoreline Street End permit be subject to an annual fee or fees for  
2 2011 in a total amount that exceeds the fee authorized by Sections 3 and 4 of this ordinance.

3 Section 6. Severability. The provisions of this ordinance are declared to be separate and  
4 severable. The invalidity of any portion of this ordinance, or the invalidity of its application to  
5 any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the  
6 validity of its application to other persons or circumstances.

7  
8 Section 7. Ratify and Confirm. Any act consistent with the authority of this ordinance  
9 taken prior to its effective date is ratified and confirmed.

10 Section 8. This ordinance shall take effect and be in force 30 days from and after its  
11 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
12 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.  
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1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_, 2011, and  
2 signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_ 2011.

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4  
5 President \_\_\_\_ of the City Council

6 Approved by me this \_\_\_\_ day of \_\_\_\_, 2011.

7  
8  
9 Michael McGinn, Mayor

10  
11 Filed by me this \_\_\_\_ day of \_\_\_\_, 2011.

12  
13  
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachment A: Demand Probability Factor

17 Attachment B: Section 1 and Attachment A of Ordinance 119673

THIS VERSION IS NOT ADOPTED



## ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by revising the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673, Shoreline Street End Permit Fee Methodology; and ratifying and confirming certain prior acts.

WHEREAS, by Resolution 29370, the City Council adopted policies guiding the development of public access improvements to Shoreline Street Ends, requiring their preservation as public right-of-way, establishing criteria to evaluate the suitability of a shoreline street end for public use improvements, and providing that new private use permits will be granted only when there is not a proposal for a shoreline street end improvement; and

WHEREAS, by Ordinance 119673, the City clarified the policy for the Shoreline Street End program and designated a Shoreline Street End permit type, and a fee methodology in the Street Use Permit Fee Schedule; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Seattle Department of Transportation (SDOT) Director to prepare and recommend to the City Council, for passage by ordinance, a schedule of fees applicable to all street and sidewalk use permits (referred to as the Street Use Permit Fee Schedule), commensurate with the cost of administration, review, inspection, and policing involved in the issuance and continuance of such permits and the use thereby granted; and

WHEREAS, Section 15.04.074 of the Seattle Municipal Code specifies that fees for use of the public right-of-way may take into consideration the City's policy of discouraging encroachments inconsistent with the public's right of access to the shorelines or right-of-way; and

WHEREAS, the City of Seattle's Comprehensive Plan establishes goals for industrial areas that include preserving industrial land for industrial uses and supporting growth in the industrial and manufacturing employment base; and

WHEREAS, Attachment A to Ordinance 119673 authorized the City Appraiser to establish the Street Use permit land values based on multiple properties surrounding a shoreline street end; and

WHEREAS, the SDOT Director has prepared and recommended the repeal of Section 1 and Attachment A of the Shoreline Street End Fee Methodology Ordinance 119673 and proposed an amendment to the Street Use Fee Schedule for a new Shoreline Street End to provide transparency and to simplify program administration; NOW, THEREFORE,

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

Section 1. Street Use Permit Fee Schedule, Attachment A to Ordinance 123477, as amended by Ordinance 123485 and Ordinance XXXXX (introduced as Council Bill 117159) is amended as follows:

**Attachment A: Street Use Permit Fee Schedule**

\* \* \*

Per ordinance or council action				
Use Code	Use Description	Base Permit Fee	Occupation Fee (Long Term)	Use Fee (Short Term)
11	Shoreline street ends [land portion]	<del>((Fees determined by ordinance))</del> <del>(Land value) x (Use area) x (Rate of return)</del> <del>x (Demand probability) x (Industrial Discount Factor) = Annual fee</del> <u>\$140 minimum fee</u>		

\* \* \*

\* \* \*

**Fee Methodology Factors and Descriptions**

Factor	Description
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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 land value <u>per square foot</u> as determined by the King County Assessor. If the use area extends beyond the <u>right-of-way</u> centerline or abuts multiple parcels, the permit fee shall be calculated by averaging the abutting parcels' current land values.
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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 land value per square foot as determined by the King County Assessor. If the use area extends beyond the centerline of the right-of-way or abuts multiple parcels,

**Date Filed with City Clerk**  
**THIS VERSION IS NOT ADOPTED**  
**By**



the permit fee shall be calculated for each portion of the use area according to the current value of the abutting parcels. If one of the abutting parcels is publicly-owned, the permit fee for that portion of the use area abutting the publicly-owned parcel shall be calculated using the value of the privately owned parcel abutting the largest portion of the use area occupying the right-of-way.

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 Table A: 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 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.

Industrial Discount Factor To support the City's long-standing policies of protecting industrially-zoned land for industrial uses and encouraging growth in the industrial-employment base, a 50 percent discount factor shall apply to that portion of the Shoreline Street End occupied by an industrial use if the use is identified as a permitted industrial use under

THIS VERSION IS NOT ADOPTED

Section 23.50.012. The discount factor shall only apply to Shoreline Street Ends located in industrial zones as defined by the Seattle Municipal Code Section 23.84A.048.

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 about 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.

\* \* \*

Section 2. Attachment A and Section 1 of the Shoreline Street Ends Permit Fee Methodology Ordinance 119673, which is shown in Attachment B of this ordinance, is repealed.

Section 3. Shoreline Street End permit fee implementation schedule. Shoreline Street End permits existing on the effective date of this ordinance shall have new annual fees applied starting on January 1, 2011 as authorized in Section 4 of this ordinance. All new Shoreline Street End permits that may be approved by the Director of Transportation after the effective date of

1 this ordinance shall have the annual fees applied using the new methodology adopted in Section  
2 1 of this ordinance.

3 Section 4. Shoreline Street End permit fee phase-in schedule. Annual Shoreline Street  
4 End permit fees for existing Shoreline Street End permits shall be phased in over a two-year  
5 period from 2011 through 2012. Starting in January 2011, the annual permit fee will increase by  
6 50 percent of the difference between the 2010 annual Shoreline Street End permit fee and the  
7 new Shoreline Street End permit fee based on the Shoreline Street End permit fee methodology.  
8 Starting in January 2012, the annual Shoreline Street End permit fee will increase to the full new  
9 annual Shoreline Street End permit fee based on the Shoreline Street End permit fee  
10 methodology. By the end of 2012, the phase-in period will be complete and all existing Shoreline  
11 Street End permits will be determined using the Shoreline Street End permit fee methodology on  
12 an annual cycle.  
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15 The new annual Shoreline Street End permit fee authorized by this ordinance will be  
16 applied starting in January 2011 and will not be phased in if the fee is less than the 2010 annual  
17 Shoreline Street End permit fee for an existing Shoreline Street End permit, or a new permit for  
18 an existing Shoreline Street End use is issued after the effective date of this ordinance.  
19

20 Section 5. Sections 3 and 4 of this ordinance shall apply retroactively to the extent  
21 necessary to ensure their application to periods of time occurring before the effective date of this  
22 ordinance. In no event shall a Shoreline Street End permit be subject to an annual fee or fees for  
23 2011 in a total amount that exceeds the fee authorized by Sections 3 and 4 of this ordinance.

24 Section 6. Severability. The provisions of this ordinance are declared to be separate and  
25 severable. The invalidity of any portion of this ordinance, or the invalidity of its application to  
26  
27



any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. Ratify and Confirm. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 8. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_ 2011.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Michael McGinn, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachment A: Demand Probability Factor

Attachment B: Section 1 and Attachment A of Ordinance 119673

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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272660  
CITY OF SEATTLE, CLERKS OFFICE

No. 123609,610,611,612,613

**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 12<sup>th</sup> 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:TITLE ONLY ORDINANCE

was published on

06/17/11

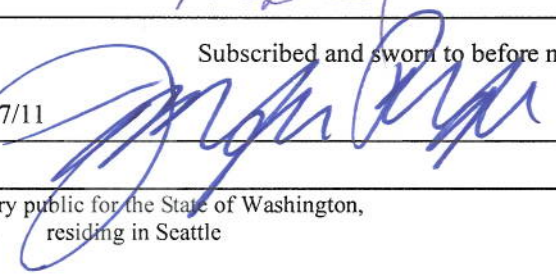
The amount of the fee charged for the foregoing publication is the sum of \$ 81.90, which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

06/17/11

  
Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on May 31, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

#### ORDINANCE NO. 123609

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 102 of the Official Land Use Map to rezone property located at 711 Bellevue Avenue East from Lowrise 3 (LR3) to Midrise with a 60 foot height limit (MR-60), and accepting a Property Use and Development Agreement in connection therewith. (Petition by Lesley Bain, C.F. 310211, DPD Project 3010378)

#### ORDINANCE NO. 123610

AN ORDINANCE related to fees and charges for permits and activities under Seattle's Building and Construction Codes; repealing sections of Ordinance 123453 and amending Sections 22.900B.050, 22.900C.010, and 22.900D.145 of the Seattle Municipal Code to make technical corrections.

#### ORDINANCE NO. 123611

AN ORDINANCE relating to Shoreline Street End permits; amending the current Seattle Department of Transportation Street Use Fee Schedule by revising the Shoreline Street End permit fee methodology, and repealing Section 1 and Attachment A of Ordinance 119673, Shoreline Street End Permit Fee Methodology; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123612

AN ORDINANCE relating to the Seattle Streetcar, accepting donations to fund service enhancements, authorizing changes in the streetcar service plan, and ratifying and confirming prior acts.

#### ORDINANCE NO. 123613

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; authorizing the Executive Director to execute an agreement with the Seattle School District for implementing an ongoing independent ethics and whistleblower protection program for Seattle Public Schools, increasing appropriations in the 2011 Adopted Budget for the Seattle Ethics and Elections Commission, creating a position in the Seattle Ethics and Elections Commission, and ratifying and confirming prior acts; all by a two-thirds vote of the City Council.

Date of publication in the Seattle Daily Journal of Commerce, June 17, 2011.

6/17(272660)