

Ordinance No. 123907

Council Bill No. 117483

AN ORDINANCE relating to term permits for sustainable building features that support sustainable building practices in public places; amending the current Seattle Department of Transportation Street Use Fee Schedule, Attachment A to Ordinance 123477, as amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinance 123585 by adding a new term permit use to the term permit fee methodology.

Related Legislation File: \_\_\_\_\_

Date Introduced and Referred: <b>6.4.12</b>	To: (committee): <b>Transportation</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>6.18.12</b>	Date Presented to Mayor: <b>6.19.12</b>
Date Signed by Mayor: <b>6.25.12</b>	Date Returned to City Clerk: <b>6.28.12</b>
Published by Title Only <input checked="" type="checkbox"/>	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: *Alan Romo*

## Committee Action:

Date	Recommendation	Vote
<b>6/12/12</b>	<b>PASS</b>	<b>TR JG 2-0</b>

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

## Full Council Action:

Date	Decision	Vote
<b>6.18.12</b>	<b>Passed</b>	<b>4.0</b>

*Law Department*

CITY OF SEATTLE

ORDINANCE 123907

COUNCIL BILL 117483

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3  
4 AN ORDINANCE relating to term permits for sustainable building features that support  
5 sustainable building practices in public places; amending the current Seattle Department  
6 of Transportation Street Use Fee Schedule, Attachment A to Ordinance 123477, as  
7 amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinance  
8 123585 by adding a new term permit use to the term permit fee methodology.

9  
10 WHEREAS, Section 15.04.074 of the Seattle Municipal Code authorizes and directs the Seattle  
11 Department of Transportation (SDOT) Director to prepare and recommend to the City  
12 Council, for adoption by ordinance, a schedule of permit fees applicable to all permits for  
13 the use of public places under the jurisdiction of the Seattle Department of  
14 Transportation. The fees for using the city's public places are to be commensurate with  
15 the cost of administration, review, inspection, and policing involved in issuing and  
16 continuing the permits and may take into consideration the undesirability of the use or  
17 occupation relative to the rights of the public; and

18  
19 WHEREAS, by Ordinance 123485, as amended by Ordinance 123585, the City adopted a term  
20 permit schedule of fees and established a term permit fee methodology for eleven  
21 different term permit uses; and

22  
23 WHEREAS, by Ordinance 123206, the City established a Living Building Pilot Program in  
24 conjunction with the International Living Building Institute's Living Building Challenge.  
25 The program recognizes developments that achieve an advanced level of sustainability by  
26 challenging building owners, architects, design professionals, engineers, and contractors  
27 to build well-designed, environmentally-sound, and self-sustaining buildings that  
28 generate all of their own energy with renewable resources, capture and treat all of the  
water needed, and use resources efficiently; and

WHEREAS, the City continues to encourage and support the development of environmentally-  
sustainable buildings meeting the United States Green Building Council's Leadership in  
Energy and Environmental Design (LEED) standards; in particular, buildings seeking to  
achieve Platinum certification, LEED's most stringent standard that achieves the highest  
level of energy efficiency; and

WHEREAS, when portions of buildings constructed to meet the Living Building Pilot Program  
or the LEED platinum standard are designed to use a public place for sustainable building  
features such as photovoltaic arrays, cisterns, or wind generators, the current term permit  
fee methodology does not adequately anticipate, nor provide an appropriate fee, for such  
features in a public place; NOW, THEREFORE,



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

Section 1. Street Use Permit Fee Schedule, Attachment A to Ordinance No. 123477, as amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinance 123585 is amended as follows:

Attachment A: Street Use Permit Fee Schedule

* * *								
Long term uses of the Right-of-Way (Council approved term permits)								
Use Code	Use Description		Base Permit Fee	Franchise and Utility Map Surcharge	Occupation Fee (Long Term)	Use Fee (Short Term)		
61C	Pipelines and steam mains		Fees determined by ordinance					
61D	Other miscellaneous long-term uses							
61E	Sub-surface:	Utility tunnels/structures	$(\text{Land value}) \times (\text{Use area}) \times (\text{Rate of return}) \times (\text{Degree of alienation}^*) = \text{Annual fee}$ * Refer to Table A: Degree of Alienation Factor					
61F		Vehicle/pedestrian tunnels						
61G	At-grade:	Public plazas, artwork						
61H		Structures, restricted access						
61I		Utility structures						
61J	Above grade:	Overhead building structures (excluding skybridges and vehicle bridges/ramps)						
61K		Skybridges (private use)						
61L		Skybridges (public use)						
61M		Skybridges (semi-public use)						
61N		Vehicle bridge						
61O		Vehicle ramp						
61P	Sub-surface, at-grade, or above-grade	Sustainable Building Features**						
* * *								



Table A: Degree of Alienation Factor				
Use code:	Use description:		Examples:	Factor rate:
61E	Sub-surface*:	Utility tunnels/structures	Privately-maintained utility tunnels connecting parcels	0.3
61F		Vehicle/pedestrian tunnels	Underground pedestrian concourses	0.25
61G	At-grade:	Public plazas, artwork	Privately-maintained public plazas	0.1
61H		Structures/restricted access	Building encroachments, skybridge columns	0.8
61I		Utility structures	Wastewater pump stations	0.5
61J	Above grade*:	Overhead building structures	Building roof projections	0.75
61K		Skybridges (private use)	Skybridges connecting office building or condominium garage access	2.0
61L		Skybridges (public use)	Skybridges connecting to the public transportation network	0.1
61M		Skybridges (semi-public use)	Skybridges connecting hospitals, department stores, hotels/convention centers	0.75
61N		Vehicle bridges	Overhead vehicle bridges connecting private structures	0.5
61O		Vehicle ramps	Privately-owned vehicle ramps connecting to a portion of the public transportation network (portion of ramp may be at-grade)	0.2
61P	<u>Sub-surface, at-grade, or above-grade</u>	<u>Sustainable Building Features**</u>	<u>A building appurtenance identified as being necessary to achieve the Living Building Challenge or LEED platinum certification; including but not limited to photo-voltaic arrays, wind generators, or cisterns.</u>	<u>0.1</u>

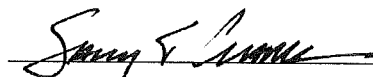
\* Portions of sub-surface or above-grade structures, such as columns or stairwells, may be located at grade.  
 Except for vehicle ramps, the total value of the term permit annual fee shall be calculated by adding the value of the at-grade use area to the value of the sub-surface or above-grade use area.



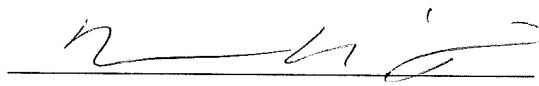
\*\* In order to qualify for this term permit use code, the development must be participating in the City's Living Building Pilot Program, be capable of achieving Leadership in Energy and Environmental Design (LEED) platinum certification, or both.

Section 2. This ordinance shall take effect and be in force 30 days 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.

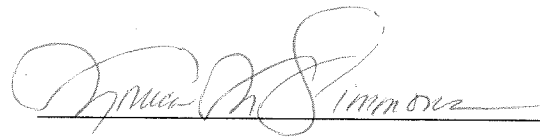
Passed by the City Council the 18<sup>th</sup> day of June, 2012, and signed by me in open session in authentication of its passage this 18<sup>th</sup> day of June, 2012.

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

Approved by me this 25<sup>th</sup> day of June, 2012.

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

Filed by me this 28<sup>th</sup> day of June, 2012.

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

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Department of Transportation	Angela Steel/684-5967	Rebecca Guerra/684-5339

**Legislation Title:**

AN ORDINANCE relating to term permits for sustainable building features that support sustainable building practices in public places; amending the current Seattle Department of Transportation Street Use Fee Schedule, Attachment A to Ordinance 123477, as amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinance 123585 by adding a new term permit use to the term permit fee methodology.

**Summary of the Legislation:**

This legislation amends the Seattle Department of Transportation (SDOT) Street Use Fee Schedule by adding a new term permit use code for sustainable building features to the existing term permit fee methodology. The sustainable building features are components of buildings or the development area identified as being necessary to achieve the Living Building Challenge, such as photovoltaic arrays, wind generators, or cisterns.

When property owners who seek to construct buildings to meet the City's Living Building Pilot Program request the use of a public place for sustainable building features, the current term permit fee methodology does not adequately anticipate, nor provide an appropriate fee, for such features in a public place.

In order to qualify for this new sustainable building features term permit use code, the development must be participating in the City's Living Building Pilot Program, be capable of achieving Leadership in Energy and Environmental Design (LEED) platinum certification, or both.

**Background:**

By Ordinance 123206, the City established a Living Building Pilot Program in conjunction with the Living Building Challenge developed by the International Living Building Institute to recognize developments that achieve an advanced level of sustainability by challenging building owners, architects, design professionals, engineers, and contractors to build well-designed, environmentally-sound, and self-sustaining buildings that generate all of their own energy with renewable resources, that capture and treat all of the water needed, and that use resources efficiently.

By Ordinance 123485, as amended by Ordinance 123585, the City authorized SDOT to administer a term permit fee methodology for long-term uses of the right-of-way. This



methodology assessed annual fees by calculating the abutting parcel's King County tax assessed land value, the permitted use area, the rate of return, and the 'degree of alienation' (DA). The DA is the degree of impact on the public, utilities, right-of-way, and other potential uses of the right-of-way based on City policy, which rates were established by Ordinance 123485, as amended by Ordinance 123585, Table A. Currently Table A, details the factor rates of eleven different DAs for long-term uses of the public place (like pedestrian tunnels with a 25% DA, public plazas with a 10% DA, and semi-public skybridges with a 75% DA).

Please check one of the following:

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

Although this legislation does not accept or appropriate funds, SDOT will assess this term permit fee methodology with other term permit ordinances that may qualify for this new sustainable building feature use code.

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**

No.

- b) **What is the financial cost of not implementing the legislation?**

None.

- c) **Does this legislation affect any departments besides the originating department?**

No.

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

- e) **Is a public hearing required for this legislation?**

No.

- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

- g) **Does this legislation affect a piece of property?**

No.

- h) **Other Issues:**

N/A

List attachments to the fiscal note below: N/A



City of Seattle  
Office of the Mayor

May 22, 2012

Honorable Sally J Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

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 change would add a new term permit use code to the existing term permit fee methodology for sustainable building features. The sustainable building features are components of buildings or the development area identified as being necessary to achieve the Living Building Challenge, such as photovoltaic arrays, wind generators, or cisterns. In order to qualify for this new sustainable building features term permit use code, the development must be participating in the City's Living Building Pilot Program, be capable of achieving Leadership in Energy and Environmental Design (LEED) platinum certification, or both.

Currently, when property owners who seek to construct buildings to meet the City's Living Building Pilot Program request the use of a public place for sustainable building features, the existing term permit fee methodology does not adequately anticipate, nor provide an appropriate fee, for such features in a public place. This proposed Council Bill will provide property owners a fair term permit fee so as not be a deterrent in participating in the Living Building Pilot Program.

Thank you for your consideration of this ordinance. Should you have questions, please contact Angela Steel at 684-5967.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor  
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mike.mcgin@seattle.gov





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12 JUL -9 AM 10:34  
CITY CLERK

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STATE OF WASHINGTON – KING COUNTY

--SS.

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286056  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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.

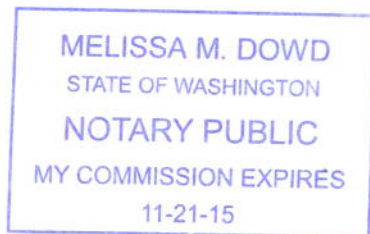
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123906-909 TITLE ONLY

was published on

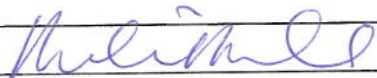
07/05/12

The amount of the fee charged for the foregoing publication is the sum of \$ 69.75, which amount has been paid in full.



  
\_\_\_\_\_  
Subscribed and sworn to before me on

07/05/12

  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

## State of Washington, King County

### City of Seattle

The full text of the following legislation, passed by the City Council on June 18, 2012, 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. 123906

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 123907

AN ORDINANCE relating to term permits for sustainable building features that support sustainable building practices in public places; amending the current Seattle Department of Transportation Street Use Fee Schedule, Attachment A to Ordinance 123477, as amended by Ordinances 123600, 123611, 123659, and 123485 as amended by Ordinance 123585 by adding a new term permit use to the term permit fee methodology.

#### ORDINANCE NO. 123908

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to submit for approval to the U.S. District Court a Consent Decree by the United States Environmental Protection Agency and the State of Washington Department of Ecology and to fulfill the obligations set forth therein.

#### ORDINANCE NO. 123909

AN ORDINANCE relating to a pedestrian skybridge over and across Alaskan Way West at West Prospect Street, amending Ordinance 120552, as amended by Ordinance 121855, updating the insurance and bond requirements, and amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to the Immunex Corporation; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, July 5, 2012.

75(286056)