Legislative Department
Seattle City Council
Memorandum

Date: May 23, 2011

To: Councilmember Tom Rasmussen, Chair
Councilmember Jean Godden, Vice Chair
Councilmember Tim Burgess, Member
Transportation Committee

From: Michael Jenkins, Council Central Staff

Subject: CB 117168 - Shoreline Street End legislation

At the May 10, 2011 committee meeting, SDOT staff briefed the committee on their proposal to change the method by which Shoreline Street End (SSE) permit fees are calculated. SSE permits are renewed on a yearly basis, to individuals or businesses that seek private use of a SSE[1]. The current fee formula, adopted under Ordinance 119673 in October 1999, is:

Land Value x Use Area x Rate of Return x Demand Probability Factor x Barrier to Entry = Annual fee

CB 117168 would change this fee calculation by:

- Replacing existing land value determination with King County Assessor information
- Eliminating the Barrier to Entry factor
- Add a 50% discount for Industrial uses

The proposed fee formula is:

Land Value x Use Area x Rate of Return x Demand Probability Factor x Industrial Discount Factor= Annual fee

Change to land value

Prior to the adoption of the current fee formula, all SSE were appraised in 1998 and 1999 by the City appraiser to determine the SSE land value. Since then, no new appraisals have been undertaken. SDOT has proposed amending the fee formula to determine the *present* land value of the SSE based on the value of abutting properties, as determined by King County Assessor information. SDOT has proposed this method in lieu of undertaking new City appraisals for the 149 SSE, which are expensive and take a significant amount of City appraisers' time. King County Assessor information is also updated on a more regular schedule, which SDOT sees as an additional advantage to approving the change to the fee formula.

[1] No permit fees are levied when the SSE is used for public access.

Eliminate Barrier to Entry

Long-standing SSE policy states that the "highest and best use" of a SSE is for public use. This policy is quantified in the "Barrier to Entry" calculation, which is a method of discounting the permit fee based on the extent to which a SSE is prevented from public use. SDOT has proposed eliminating this part of the fee formula, as they believe this figure is redundant due to the Demand Probability Factor (DPF) fee calculation. DPF is another fee discount that is tied to the likelihood that the SSE could be used for public access.

Adopt new discount fee for industrial uses

SDOT has proposed a new fee calculation, a 50% discount for SSE in industrial use. A discount for Industrial uses was requested by Council, following a discussion of the original version of the legislation during 2011 budget deliberations. The discount factor is designed to implement previous Council findings protecting maritime-based industrial uses that have SSE permits, including the 1997 Resolution establishing the SSE program and the 1999 Ordinance implementing the SSE permit requirement.

Direction following May 10, 2011 committee meeting

Following the May 20, 2011 briefing, Committee members requested additional information on two separate items – 1) Shoreline Street End program budget details and 2) where public access sites are located. In addition, I have developed two separate amendments for committee consideration – 1) an amendment that only allows the proposed 50% discount for industrial uses that are "water-dependant" or "water-related", and 2) an amendment to extend the phase-in period from two to four years.

1. Information concerning SSE budget

If this legislation is approved, the new fee formula would increase yearly revenue to approximately $368,000, assuming renewal of all existing SSE permits. However, if the number SSE permits decrease, actual revenue would be lower. All revenues are deposited into the Transportation Operating Fund to solely serve the SSE program.

SDOT has provided detailed information on the costs related to managing the SSE program for some of their program years. The net revenue for each year shown in the chart is derived from subtracting program expenses from yearly permit fees:

Shoreline Street end – revenue and expenses (in dollars)				
	2001	**2004**	**2007**	**2009**
SSE permit revenue	**136,019**	**132,979**	**174,972**	**111,495**
Expenses				
Salary/overhead	23,355	58,650	40,327	34,124
Workplan				27,561
Landscape services		8,602	1,898	13,644
Improvements	1,516	13,178	25,722	6,238
Subtotal	**24,871**	**80,430**	**67,947**	**81,567**
Net (revenue less expenses)	111,148	52,549	107,025	29,928
Accrued fund balance	**111,148**	**399,925**	**633,837**	**618,288**

All excess revenues are deposited in a fund used for SSE enhancement and maintenance projects, including:

- Design and implementation of SSE improvements by SDOT
- Maintenance agreements with Parks for SSE joint use (includes some cost sharing)
- Maintenance of improved street ends
- Grants to community groups for SSE enhancement projects

The following chart is an example of recent projects funded by SSE fees:

Shoreline Street End upgrades (in dollars)			
Date	Location	Item	Cost
4/23/2010	East Prospect St	Bench/concrete pad	3,364
5/25/2010	37th Ave E	2 benchs and concrete pads	6,000
5/26/2010	SW Carroll Street	Landscape improvement	6,912
9/23/2010	37th Ave East	Gravel	1,270
12/10/2011	Roanoke Street	Remove asphalt/add protection for heritage tree	3,851

SDOT estimates that the cost of upgrading a currently unimproved SSE ranges between $20,000 - $80,000, which would include only minor improvements (benches, concrete pads, and vegetation removal). Costs can substantially increase with signage, bike rack and access path improvements. Certain SSE sites can pose additional financial or program challenges, in particular where steep slopes, lack of access or environmental degradation are present.

Other considerations that increase program costs include:

- Meeting the City's Stormwater and Drainage ordinance, if 750 SF of land-disturbing activity occurs;
- Shoreline permits, when work exceeds exemptions provided for "maintenance" or "minor improvements"; and
- Environmental review, depending on the scale of the project

2. Locations of SSE

SDOT has prioritized locations for SSE enhancements. Attachment A documents all SSE and their potential for conversion to public use, rated from between "earliest" to "long-term future". No specifics are included as to timeframes, as implementation is income-driven.

The following table documents the number of SSE and their current use. The chart is not additive, as some of the SSE are in joint use and, as such, are not counted separately.

Shoreline Street Ends		
Total Shoreline Street Ends		**149**
Total Street Ends with Permitted Encroachments		**27**
Permitted encroachments and public access	6	
Permitted encroachments and no public access	21	
Total Street End Permits		**35**
Industrial Permits	7	
Residential	28	
Total Improved for Public Access		**74**
Maintained by Parks or other public agency	38	
Maintained by the community	36	
Total Unimproved		**54**

Attachment B is a map documenting the location of all 149 SSE and their current status (in use as a park, currently signed for access, etc). Of the 149 SSE, 35 have a current SSE permit (28 residential and 7 industrial). A subset of the SSE permit holders also have some form of encroachment, which occurs when a property owner (or business) uses the right of way for a minor feature (landscaping, fencing) or where a portion of a structure is within a right of way. Both of these types of SSE uses generate revenues. 74 of the SSE have a portion that is open and accessible for public use. These are maintained by either the community or by an agency. No fees are derived for the portion of the SSE in public use.

Attachment C is a copy of an 11 year old SDOT Director's rule (DR 00-1) that guides applicants through the SSE permit process. The rule sets forth permit requirements when private use of an SSE is sought, as well as steps that community groups can take to request that an SSE be opened for public access.

Rule 6.5 of DR 00-1 addresses private use for industrial sites:

Maritime industrial land uses that show an important operational/business need for an adjacent shoreline street that would be incompatible with both the business operation and safe access by the public will be considered to be a higher priority use of the street end than public access. Such land uses, whether by private entities or non-City public agencies, shall be subject to the Shoreline Street End permit fee. The fee may be calculated using a Demand Probability Factor (DPF) to reflect City Policy that supports maritime industrial land uses

If an SSE permit holder uses the area for a maritime industrial use, they need to demonstrate that joint use would negatively impact safe public access. If not, SDOT can consider joint use. The rule does not preclude joint use, assuming SDOT makes such a determination. In addition, any individual or group can demonstrate that joint use of the SSE is possible, as the permit is renewed on a yearly basis.

3. Amendments

a. New definition of eligible uses for industrial discount factor.

CB 117168 includes a proposal to apply a 50% discount for SSE permits when the permit serves an adjacent site in an industrial use.

At the May 20, 2011 committee meeting, public comments included a request that the committee consider an amendment restricting SSE uses in industrial areas to water-dependant and water-related uses only. Following this meeting, Councilmember Godden expressed interested in sponsoring this amendment.

The Land Use code, Seattle Municipal Code (SMC) Section 23.60.944, defines water-dependent and water-related uses:

> "Water-dependent use" means a use which cannot exist in other than a waterfront location and is dependent on the water by reason of the intrinsic nature of its operations. The following uses, and similar uses, are included: Ferry and passenger terminals, marine construction and repair, aquaculture, cargo terminal for marine commerce or industry, boat launch facilities, marinas, floating home moorages, tour boats, cruise ships, tug and barge operations, shoreline recreation, moorage, yacht clubs, limnological or oceanographic research facilities.

> "Water-related use" means a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without use of the water adjacent to the site. The construction, maintenance and use of facilities such as docks, piers, wharves or dolphins shall be required. The following uses, and similar uses, are included: Seafood and fish processing, lumber and plywood mills, sand and gravel companies, concrete mix and cement plants, water pollution control services, marine electronics, marine refrigeration, marine sales, freeze/chill warehouses, and boat rigging operations.

Currently there are 7 SSE permits for 6 industrial businesses (Puget Sound Freight Lines, Puget Sound Packaging (occupies the other side of the S Chelan Ave SW SSE), Duwamish Marine, Lakeside Industries, Kvichak Marine and Western Towboat/Trident Seafoods). Of these, all appear to meet the definition of a water-dependant or water-related use. At the time of an SSE permit application or renewal, these or other businesses would have to demonstrate that they meet the definition of water-dependant or water-related use to receive the 50% discount.

Attachment D is a spreadsheet showing how the proposed fee change would affect all SSE permit holders. With the proposed 50% discount, the combined fees for these 6 industrial businesses will increase from $55,881 to $65,619. A closer look shows that the yearly fees for both of the permits for the Chelan Ave SW SSE (held by Puget Sound Freight Lines and Puget Sound Packaging) would decrease, while the remaining permits would increase between 15-20% over the phase-in period. Without the 50% discount factor, the combined fees would increase to approximately $140,406, or an increase of approximately 250%.

Members of the public expressed concern that only water-dependent or water-related *activities* and not *uses* should be allowed in an SSE permit area. As a practical matter, it would be difficult, if not impossible, to scrutinize the daily activities of a use that has an SSE permit. If, for example, if an area under an SSE permit was used to store ship anchors on pallets, the activity is consistent with a water-dependant use. However, if that same area was later used to store metal scraps, one would have to determine if the metal scraps were used for a water-dependant or water-related activity. That level of scrutiny is unwarranted.

CM Godden requested the following amendment (amendments to the existing bill are shown in bold) that would only allow the 50% discount for water-related and water-dependant uses, as defined in Seattle Municipal Code Section 23.60.944:

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~~)) (Land value) x (Use area) x (Rate of return) x (Demand probability) x (**Maritime** Industrial Use Discount Factor) = Annual fee $140 minimum fee		
* * *				

* * *

Fee Methodology Factors and Descriptions

* * *

Maritime Industrial Use Discount Factor	To support the City's **policies of protecting its maritime uses ~~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 **a legally-established water-dependant or water-related use as ~~an industrial use if the use is identified as a permitted~~ defined in Seattle Municipal Code Section 23.60.944 ~~industrial use under 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 term maritime was chosen, instead of water-dependant and water-related, to be consistent with the 1996 Resolution that provided policy direction on SSE and the 1999 Ordinance that implemented a SSE permit requirement.

Committee direction:

b. Extending the phase-in period

The bill currently assumes a two-year phase-in period, with a clause that allows retroactive collection of the new fees to January, 2011. To address some of the public comments concerning the fiscal impact of the proposed changes to the fee methodology, I have prepared the following amendment to Section 4 of the bill that changes the phase-in period to four years.

* * *

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 ((~~two~~)) four - year period from 2011 through ((~~2012~~)) 2014. Starting in January 2011, the annual permit fee will increase by ((~~50~~)) 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 ((~~2012~~)) 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 ((~~2012~~)) 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.

* * *

Extending the phase-in period allows SSE permit holders additional time to plan for any significant fee increases. In addition, the extended phase-in period allows SDOT to monitor how the fees increases impact the number of new or renewed permits. If the fee increases causes a substantial reduction in permits, and thereby permit fees, the extended phase-in will allow SDOT to consult with Council on any amendments needed to maintain the program's fiscal health.

Committee direction:

Next steps

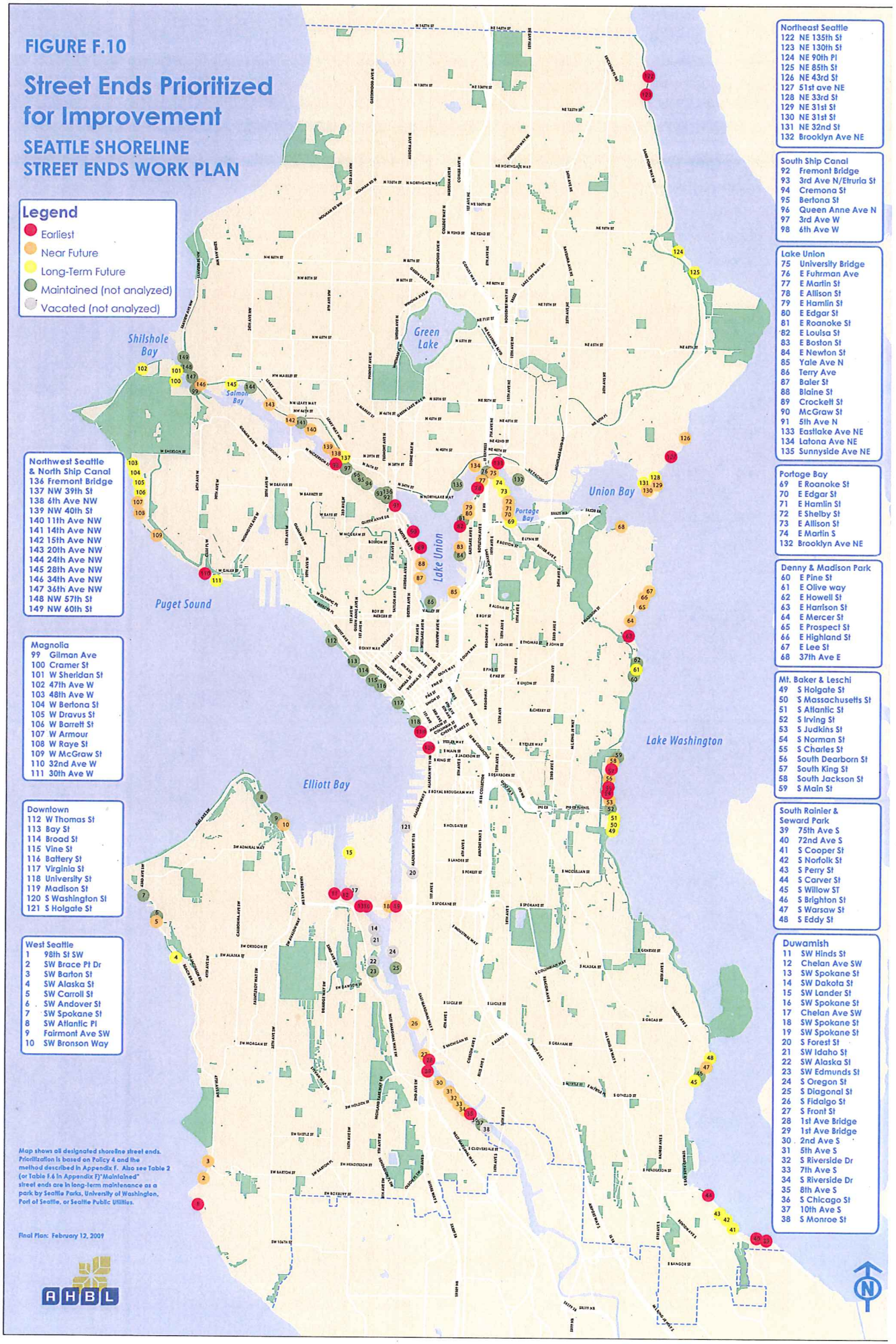
If the committee agrees with both amendments, the attached version of the bill adopting both amendments should be voted on by committee members. Assuming a favorable vote on both amendments, the bill can be referred to full Council for a May 31, 2011 vote

A

FIGURE F.10

Street Ends Prioritized for Improvement

SEATTLE SHORELINE STREET ENDS WORK PLAN



Map shows all designated shoreline street ends. Prioritization is based on Policy 4 and the method described in Appendix F. Also see Table 2 (or Table F.6 in Appendix F) "Maintained" street ends are in long-term maintenance as a park by Seattle Parks, University of Washington, Port of Seattle, or Seattle Public Utilities.

Final Plan: February 12, 2009

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FIGURE F.2

Street Ends Currently Signed/Improved for Public Access

SEATTLE SHORELINE STREET ENDS WORK PLAN

Legend

- Maintained Long-Term as a Park*
- Currently Signed / Improved for Public Access**
- Not Currently Signed / Improved for Public Access
- Vacated

Northwest Seattle & North Ship Canal
136 Fremont Bridge
137 NW 39th St
138 6th Ave NW
139 NW 40th St
140 11th Ave NW
141 14th Ave NW
142 15th Ave NW
143 20th Ave NW
144 24th Ave NW
145 28th Ave Nw
146 34th Ave NW
147 36th Ave NW
148 NW 57th St
149 NW 60th St

Magnolia
99 Gilman Ave
100 Cramer St
101 W Sheridan St
102 47th Ave W
103 48th Ave W
104 W Bertona St
105 W Dravus St
106 W Barrett St
107 W Armour
108 W Raye St
109 W McGraw St
110 32nd Ave W
111 30th Ave W

Downtown
112 W Thomas St
113 Bay St
114 Broad St
115 Vine St
116 Battery St
117 Virginia St
118 University St
119 Madison St
120 S Washington St
121 S Holgate St

West Seattle
1 98th St SW
2 SW Brace Pt Dr
3 SW Barton St
4 SW Alaska St
5 SW Carroll St
6 SW Andover St
7 SW Spokane St
8 SW Atlantic Pl
9 Fairmont Ave SW
10 SW Bronson Way

Northeast Seattle
122 NE 135th St
123 NE 130th St
124 NE 90th Pl
125 NE 85th St
126 NE 43rd St
127 51st ave NE
128 NE 33rd St
129 NE 31st St
130 NE 31st St
131 NE 32nd St

South Ship Canal
92 Fremont Bridge
93 3rd Ave N/Etruria St
94 Cremona St
96 Queen Anne Ave N
97 3rd Ave W
98 6th Ave W

Lake Union
75 University Bridge
76 E Fuhrman Ave
77 E Martin St
78 E Allison St
79 E Hamlin St
80 E Edgar St
81 E Roanoke St
82 E Louisa St
83 E Boston St
84 E Newton St
85 Yale Ave N
86 Terry Ave
87 Galer St
88 Blaine St
89 Crockett St
90 McGraw St
91 5th Ave N
133 Eastlake Ave NE
134 Latona Ave NE
135 Sunnyside Ave NE

Portage Bay
69 E Roanoke St
70 E Edgar St
71 E Hamlin St
73 E Allison St
74 E Martin S
132 Brooklyn Ave NE

Denny & Madison Park
60 E Pine St
61 E Olive way
62 E Howell St
63 E Harrison St
64 E Mercer St
65 E Prospect St
66 E Highland St
67 E Lee St
68 37th Ave E

Mt. Baker & Leschi
49 S Holgate St
50 S Massachusetts St
51 S Atlantic St
52 S Irving St
53 S Judkins St
54 S Norman St
55 S Charles St
56 S Dearborn St
57 S King St
58 S Jackson St
59 S Main St

South Rainier & Seward Park
39 75th Ave S
40 72nd Ave S
41 S Cooper St
42 S Norfolk St
43 S Perry St
44 S Carver St
45 S Willow ST
46 S Brighton St
47 S Warsaw St
48 S Eddy St

Duwamish
11 SW Hinds St
12 Chelan Ave SW
13 SW Spokane St
14 SW Dakota St
15 SW Lander St
16 SW Spokane St
17 Chelan Ave SW
18 SW Spokane St
19 SW Spokane St
20 S Forest St
21 SW Idaho St
22 SW Alaska St
23 SW Edmunds St
24 S Oregon St
25 S Diagonal St
26 S Fidalgo St
27 S Front St
28 1st Ave Bridge
29 1st Ave Bridge
30 2nd Ave S
31 5th Ave S
32 S Riverside Dr
33 7th Ave S
34 S Riverside Dr
35 8th Ave S
36 S Chicago St
37 10th Ave S
38 S Monroe St

Only designated shoreline street ends are shown.

*Maintained by Seattle Parks and Recreation, Port of Seattle, the University of Washington, or Seattle Public Utilities.
** Some of these may be missing a sign, and they have varying levels of improvement, but they are currently available for public access use.

Final Plan: February 12, 2009

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SEATTLE TRANSPORTATION
DIRECTOR'S RULE
00-1

Subject: Shoreline Street Ends – Definitions, Objectives, Permit Application Requirements, Community Street End Development, Permitted Private Uses, SEATRAN Review of Application, Inspection and Survey, Permit Fee Formula, Permit Fee Reduction, and Permit Fee Review	**Page 1 of 7** **Supersedes 97-1** **Publication: July 6, 2000** **Effective: July 20, 2000**
Type of Rule: Code Interpretation	**Ordinance Authority:** SMC 3.12.020
Code and Section Reference: Seattle Municipal Code, Sections 15.04.035, 15.04.074	**Approved – SEATRAN**

1.0 REFERENCES

1.1 Ordinance 119673.

1.2 Title 15, Seattle Municipal Code (Street Use Ordinance, Ordinance 90047, as amended).

1.3 SMC 3.12.010 (Rule making authority of Director of Transportation).

1.4 Resolution #29370.

1.5 Director's Rule 97-1 is rescinded by this rule.

2.0 DEFINITIONS

2.1 "Abutting property" means property abutting the margin of the particular street or other public place as defined in Seattle Municipal Code (SMC) Chapter 15.02 that an applicant has applied to use under permit.

2.2 "Director" means the Director of SEATRAN.

2.3 "Permit," "use permit," and "street use permit" each mean a permit to use or occupy a portion of a right-of-way issued by SEATRAN pursuant to SMC Chapter 15.04.

2.4 "SEATRAN" means Seattle Transportation.

2.5 "Shoreline street end" means the land portion of a street segment that provides the public with visual or physical access to a body of water and its shoreline, or could provide such access if improved, that is listed on Exhibit A to Resolution 29370.

2.6 "Use" means the exercise of dominion or control over or occupation of all or part of a public place, or the right to do so, as more fully defined in SMC chapter 15.02.

3.0 OBJECTIVES

3.1 In its management of the City's Shoreline Street Ends, SEATRAN will be guided by the overall policy that the highest and best use of these street ends is for public use. This will be the guiding principle whether specific rules are included in this Director's Rule or not. Private uses may be permitted, but the full use by the public is the ultimate goal.

4.0 PERMIT APPLICATION REQUIREMENTS

4.1 An abutting property owner, a community organization or other group of neighborhood sponsors may apply for a shoreline street end use permit on a form obtained from SEATRAN or by submitting a written request. All applications must provide the following standard information as an attachment to the application form or request:

4.11 A map or drawing which shows the existing conditions of the shoreline street end being proposed for use. Features to be shown include, but are not limited to: trees, shrubs or other vegetation; topography or spot elevations; any structure of any kind both in and adjacent to the street right-of-way; signs; and any unusual surface treatment. The map or drawing should be drawn to scale and be of professional quality.

4.12 A plan drawing or schematic plan of all improvements proposed for the street end. Improvements to be shown include, but are not limited to, the following: any structure of any kind; any new vegetation or rearrangement of existing vegetation; any new surface material including gravel; proposed signs, or any painted words or symbols. All proposed plans should provide either physical or visual access to the water and parking in compliance with the Americans with Disabilities Act (ADA). If the topography of the site is not suitable to

accommodate access for persons with disabilities, the applicant must provide a written explanation to SEATRAN as to the reason ADA access cannot be achieved. The drawing or plans should be drawn to scale and be of professional quality.

4.13 Any required map, drawing or plan required under this section that is prepared by an engineering or design professional should be signed by that professional.

4.14 A written description of the proposed use.

4.15 A written description of the surrounding land use patterns.

4.16 Documentation of the applicant's contacts with the owners of businesses and properties abutting the street end proposed for a permit, and the responses and concerns of the abutting property owners. The applicant will provide abutting property owners with copies of the plans for the proposed improvements and solicit their comments on the proposal. Note: An abutting property owner's approval is not necessary for issuance of a street use permit.

5.0 COMMUNITY STREET END DEVELOPMENT

5.1 A community organization or other group of neighborhood sponsors may request a street end be open and accessible to the public by applying for a permit and submitting a written request to SEATRAN pursuant to Section 4.0 of this rule. The organization must include in its application a plan showing:

5.11 That the permitted access of the abutting property owner will not be compromised.

5.12 The proposed maintenance plan for the street end.

5.13 That their plan is compatible with any approved neighborhood development plan which exists at the time of application.

5.2 When a public access plan is approved by SEATRAN, the private uses which conflict with the plan must be removed at the expense of the property owner or will be removed by the project sponsor or SEATRAN at the property owner's expense.

5.3 Public access improvements shall be maintained as follows:

5.31 A local community group or other sponsors of new public access improvements shall provide on-going maintenance. SEATRAN may participate in the maintenance, with the goal to encourage 'stewardship' of these public areas by the surrounding communities.

5.32 Every reasonable effort will be made to ensure that the public rights-of-way are maintained at or better than the same standard as other public spaces in the area. The installation of low maintenance, drought-resistant landscaping is encouraged.

5.33 SEATRAN reserves the right to enter into agreements with any agency or individual for the purpose of maintaining street ends, and will coordinate with the Parks Department and related State and Federal agencies to encourage maintenance of public access and landscaping improvements.

5.34 For emergency or major unanticipated repair, SEATRAN will assist the community in providing clean up, damage and repair relief to the public features of that street end as practical within the available budget.

5.4 Public access signage shall be provided as follows:

5.41 All shoreline street ends which are accessible to the public will be signed.

5.42 Signs will be installed by SEATRAN or its designated agent in a clear and easy view by the public.

5.43 The right-of-way boundaries will be clearly marked as needed.

6.0 PERMITTED PRIVATE USES

6.1 An applicant for a private use of a shoreline street end must submit an application pursuant to Section 4.0 of this rule. Owners of property abutting Shoreline Street Ends have the right to use the street end for access to their properties. Improvements to provide that access, such as driveways or walkways, as permitted by SEATRAN, are not subject to the Shoreline Permit Fee as long as such improvements do not preclude public access.

6.2 Floating Homes, Boats and Other Structures. The use of submerged rights-of-way is covered by other sections of the Street Use Ordinance and is not subject to the Shoreline Street Ends provisions. However, shore-based uses of the right-of-way that support floating homes and preclude the public are subject to these provisions.

6.3 Uses Subject to Permit Fee: structures, fences, hedges/greenery which blocks shore access and/or view, recreational equipment, and private gardens.

6.4 Uses Not Subject to Permit Fee: open lawn and minor landscaping that does not obstruct public access or views.

6.5 Maritime industrial land uses that show an important operational/business need for an adjacent shoreline street that would be incompatible with both the business operation and safe access by the public will be considered to be a higher priority use of the street end than public access. Such land uses, whether by private entities or non-City public agencies, shall be subject to the Shoreline Street End permit fee. The fee may be calculated using a Demand Probability Factor (DPF) to reflect City Policy that supports maritime industrial land uses.

7.0 SEATRAN REVIEW OF APPLICATION

7.1 When a completed application is received by SEATRAN it will be reviewed for conformance with the application requirements. If it is incomplete, the applicant shall be notified of necessary missing items. When the application is determined to be complete, the Street Use and Permit Section of SEATRAN will review the application for compliance with the following:

7.11 Consistency with the adopted shoreline street end policies (Resolution 29370) and all other pertinent legislation and departmental procedures.

7.12 The safety of the general public: if any part of the proposed street end project could jeopardize the public safety, the applicant will be requested to revise the project to meet public safety requirements, as determined by SEATRAN.

7.13 If the proposed project is not exempt from SEPA review, the applicant will be required to complete an environmental checklist.

7.14 A shoreline street end permit will not be issued until the applicant has obtained a shoreline substantial development permit or an exemption from the substantial development process from the Department of Construction and Land Use.

7.2 SEATRAN will ensure that physical or visual access to the water and parking for persons with disabilities are included in plans where the topography is suitable and that ADA standards met.

7.3 SEATRAN will verify that the abutting property owners were notified of the proposed improvements.

7.4 SEATRAN may conduct an optional administrative hearing on the proposal after providing notice to the applicant, abutting property owners, local community or business organizations, and neighbors in the adjacent area.

7.5 SEATRAN may grant, grant with modifications or conditions, or deny the permit application.

8.0 INSPECTION AND SURVEY

8.1 SEATRAN will periodically inspect and verify obstructions/private uses on street ends.

8.2 If SEATRAN is requested by a property owner to provide inspection services in order to verify a modification of their encroachment into the street end so that the associated permit fee can be reduced or waived, a deposit will be collected from the property owner. The first hour of such inspection will be provided without charge to the property owner. Any inspection time in excess of one (1) hour will be charged to the deposit at SEATRAN's current hourly inspection rate.

8.3 The property owner(s) may submit a written request to establish right-or-way margins to SEATRAN. Such a request will require a deposit for a survey. The first hour of inspection will not be charged. However, any inspection time in excess of one (1) hour will be charged to the deposit at the current inspection rate per hour. The total cost of the survey will be at the expense of the property owner who requested the survey.

8.4 SEATRAN will provide a response regarding a survey within thirty (30) days of receipt of the written request.

9.0 PERMIT FEE FORMULA

9.1 The permit fee formula will consist of the Area in square feet (sf), the Demand Probability Factor, the Barrier to Entry Factor, the Land Value/sf, and the Annualized Rate, that when multiplied together will produce the permit fee amount.

9.2 The Executive Services Department will re-assess and may modify the fee schedule every two (2) years based upon local property values.

9.3 The Demand Probability Factor (DPF) of the formula for an individual Shoreline Street End permit may be reviewed for possible adjustment by the Director of SEATRAN or his/her designee upon the written request of the permittee. The request for adjustment should demonstrate why use of the DPF is inappropriate for that permit. The Director of SEATRAN or his/her designee may seek comment from the local residential community, the local business community (if any), the Executive Services Department, and any other appropriate interested party. The Director's decision is final.

10.0 PERMIT FEE REDUCTION

10.1 An abutting property owner may reduce the permit fee by reducing the area of private use of the Shoreline Street End.

10.2 An abutting property owner can apply for a credit for maintaining public areas of the shoreline street end. The application must be accompanied by a maintenance plan.

10.3 The amount of the credit will be determined by agreement between the property owner and SEATRAN.

11.0 PERMIT FEE REVIEW

11.1 A Shoreline Street End permittee may request that the Director of SEATRAN or his/her designee review his or her permit fee.

11.2 The Director will review a permit fee only if one or more of the following circumstances are present:

11.21 All attempts to resolve the permit fee dispute with the Street Use Program Manager and the Division Director have been exhausted.

11.22 The City, County, or other public agency installed the obstruction/ encroachment for which the fee is being charged.

11.23 The obstruction/private use provides a public access and/or a public safety benefit.

11.3 A request for review must be submitted in writing to the Manager of Street Use, SEATRAN.

11.4 SEATRAN will provide a written response or, if requested, an informal hearing with the Director of SEATRAN or his/her designee to the petitioner within thirty (30) days of receipt of the written request for review.

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	Permit #	Street End #	Street End	Name	Use type	Use	2010 Base Fee	Industrial Factor	2-YEAR PHASE-IN: 50% phased increase (2011-Year 1)	2-YEAR PHASE-IN: 100% phased increase (2012-Year 2)
1	20128	4	South side SW Alaskan St	Steve Burkholder	Residential	House Encroachmnt	$ 1,743.75	1.00	$ 2,360.49	$ 2,977.23
2	26862	12	South side Chelan Ave SW	ITB Holdings LLC	Business	Pallet material storage	$ 2,800.00	0.50	$ 2,379.92	$ 2,379.92
3	81930	12	North side Chelan Ave SW	Thomas Reuters Pts	Business	Pallet material storage	$ 3,000.00	0.50	$ 2,550.00	$ 2,550.00
4	28427	27	North side S Front St	James Gilmur	Business	Security fence/ prop ext.	$ 7,200.00	0.50	$ 7,650.00	$ 8,100.00
5	19711	40	East side 72nd Ave S	Keith and Brook Jones	Residential	Fence/prop ext.	$ 2,550.00	1.00	$ 3,019.21	$ 3,488.42
6	19967	43	South side S Perry St	Tomo Romulus	Residential	Parking platform	$ 144.00	1.00	$ 774.78	$ 1,405.56
7	32073	43	North side S Perry St	Brian E. Bolton	Residential	Garage, parking, shed	$ 189.00	1.00	$ 788.73	$ 1,388.45
8	30468	45	South side S Willow St	John De Rocco	Residential	Property extension	$ 189.60	1.00	$ 303.82	$ 418.03
9	32463	45	North side S Willow St	Robert Raphael	Residential	Property extension	$ 78.00	1.00	$ 166.02	$ 254.04
10	32314	47	North side S Warsaw St (not adjacent to shore)	Marcos Melendez	Residential	Fence / prop ext	$ 280.00	1.00	$ 584.44	$ 888.89
11	89352	49	North side S Holgate St	Ivan Tinder	Residential	security gate	$ 3,943.10	1.00	$ 4,524.39	$ 5,105.68
12	19992	50	North side S Massachusetts St	James Janssen	Residential	wall	$ 980.00	1.00	$ 1,169.31	$ 1,358.63
13	32999	50	South side S Massachusetts St	George Austin	Residential	patio	$ 1,113.00	1.00	$ 1,496.50	$ 1,879.99
14	29751	52	North side S Irving St	Eric Goodwin	Residential	concrete wall, fence	$ 13,737.50	1.00	$ 19,207.82	$ 24,678.14
15	96110	56	South side S Dearborn St (streetside)	Sharon Bloome	Residential		$ 1,430.00	1.00	$ 3,412.94	$ 5,395.88
16	88250	61	North side E Olive St	Steven A. Fleischmann	Residential	Shack	$ 7,740.00	1.00	$ 22,122.04	$ 36,504.08
17	40286	63	North side E Harrison St	John Keister	Residential	fence	$ 1,872.50	1.00	$ 13,496.88	$ 25,121.25
18	32337	64	North side E Mercer St (adjacent to water)	Mike Slade	Residential	property extension	$ 35,100.00	1.00	$ 45,256.63	$ 55,413.25
19	33262	64	North side E Mercer St (streetside)	Mike Slade	Residential	garage	$ 2,031.75	1.00	$ 2,619.66	$ 3,207.57
20	88104	64	south side E Mercer St (adjacent to water)	Loren Hostek	Residential		$ 21,600.00	1.00	$ 60,020.34	$ 98,440.68
21	30322	102	East side 47th Ave W (street side)	Darcie Furlan	Residential	Security Gate/Fence	$ 733.50	1.00	$ 1,057.04	$ 1,380.57
22	31724	103	West side 48th Ave W	Mark & Sharon Bloome	Residential	House encr./fence/property	$ 112.50	1.00	$ 126.25	$ 140.00

4-YEAR PHASE-IN: 25% phased increase (Year 1)	50% phased increase (Year 2)	75% phased increase (Year 3)	100% phased increase (Year 4)
$ 2,052.12	$ 2,360.49	$ 2,668.86	$ 2,977.23
$ 2,379.92	$ 2,379.92	$ 2,379.92	$ 2,379.92
$ 2,550.00	$ 2,550.00	$ 2,550.00	$ 2,550.00
$ 7,425.00	$ 7,650.00	$ 7,875.00	$ 8,100.00
$ 2,784.61	$ 3,019.21	$ 3,253.82	$ 3,488.42
$ 459.39	$ 774.78	$ 1,090.17	$ 1,405.56
$ 488.86	$ 788.73	$ 1,088.59	$ 1,388.45
$ 246.71	$ 303.82	$ 360.92	$ 418.03
$ 122.01	$ 166.02	$ 210.03	$ 254.04
$ 432.22	$ 584.44	$ 736.67	$ 888.89
$ 4,233.75	$ 4,524.39	$ 4,815.04	$ 5,105.68
$ 1,074.66	$ 1,169.31	$ 1,263.97	$ 1,358.63
$ 1,304.75	$ 1,496.50	$ 1,688.24	$ 1,879.99
$ 16,472.66	$ 19,207.82	$ 21,942.98	$ 24,678.14
$ 2,421.47	$ 3,412.94	$ 4,404.41	$ 5,395.88
$ 14,931.02	$ 22,122.04	$ 29,313.06	$ 36,504.08
$ 7,684.69	$ 13,496.88	$ 19,309.06	$ 25,121.25
$ 40,178.31	$ 45,256.63	$ 50,334.94	$ 55,413.25
$ 2,325.71	$ 2,619.66	$ 2,913.62	$ 3,207.57
$ 40,810.17	$ 60,020.34	$ 79,230.51	$ 98,440.68
$ 895.27	$ 1,057.04	$ 1,218.80	$ 1,380.57
$ 119.38	$ 126.25	$ 133.13	$ 140.00

23	33248	104	North side W Bertona St	Marvin Strenge	Residential	greenhouse	$ 36.00	1.00	$ 88.00	$ 140.00	$ 62.00	$ 88.00	$ 114.00	$ 140.00
24	31855	107	South side W Armour St (adjacent to water)	Sarah Jepson Coleman	Residential	House encroachments	$ 153.00	1.00	$ 286.39	$ 419.79	$ 219.70	$ 286.39	$ 353.09	$ 419.79
25	30248	109	South side W McGraw St	Don Goertzen	Residential	Rockery Steps	$ 1,152.00	1.00	$ 2,357.90	$ 3,563.79	$ 1,754.95	$ 2,357.90	$ 2,960.85	$ 3,563.79
26	33025	122	North side NE 135th St	Gustave Jansson	Residential	Fence/prop ext.	$ 7,350.00	1.00	$ 10,774.43	$ 14,198.86	$ 9,062.22	$ 10,774.43	$ 12,486.65	$ 14,198.86
27	33905	122	South side NE 135th St	Cheryl & Thomas Hartman	Residential	Fence/prop ext.	$ 6,300.00	1.00	$ 6,426.73	$ 6,553.47	$ 6,363.37	$ 6,426.73	$ 6,490.10	$ 6,553.47
28	32647	126	North side NE 43rd St	Ward Damon	Residential	Concrete pad	$ 165.00	1.00	$ 189.88	$ 214.77	$ 177.44	$ 189.88	$ 202.33	$ 214.77
29	39371	126	South side NE 43rd St	Steve McCracken	Residential	patio and steps	$ 410.00	1.00	$ 615.60	$ 821.20	$ 512.80	$ 615.60	$ 718.40	$ 821.20
30	30725	127	North side 51st Ave NE	John Holcenberg	Residential	Wall enclosure	$ 4,420.00	1.00	$ 5,155.10	$ 5,890.21	$ 4,787.55	$ 5,155.10	$ 5,522.66	$ 5,890.21
31	34129	130	North side NE 31st St	Michael Corliss	Residential	Driveway/prop ext.	$ 175.00	1.00	$ 824.74	$ 1,474.48	$ 499.87	$ 824.74	$ 1,149.61	$ 1,474.48
32	33160	137	South side NW 39th St	Lakeside Industries	Business	Material storage/craneway	$ 15,750.00	0.50	$ 17,324.80	$ 18,899.61	$ 16,537.40	$ 17,324.80	$ 18,112.20	$ 18,899.61
33	31823	138	South side 6th Ave NW	Resolute Properties	Business	Fence / material storage	$ 2,839.50	0.50	$ 3,123.42	$ 3,407.33	$ 2,981.46	$ 3,123.42	$ 3,265.37	$ 3,407.33
34	33709	138	North side 6th Ave NW	Wesland LLC (Western Towboat)	Business	Fence / material storage	$ 3,135.00	0.50	$ 3,448.44	$ 3,761.88	$ 3,291.72	$ 3,448.44	$ 3,605.16	$ 3,761.88
35	20223	139	NW 40th St	Wesland LLC (Western Towboat)	Business		$ 21,157.00	0.50	$ 23,839.12	$ 26,521.24	$ 22,498.06	$ 23,839.12	$ 25,180.18	$ 26,521.24
							$ 171,610.70	**Total**	**$ 269,541.76**	**$ 368,342.90**	**$ 220,141.19**	**$ 269,541.76**	**$ 318,942.33**	**$ 368,342.90**