

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 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.

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 adoption by ordinance, a schedule of permit fees applicable to all permits for the use of public places under the jurisdiction of the Seattle Department of Transportation. The fees for using the city's public places are to be commensurate with the cost of administration, review, inspection, and policing involved in issuing and continuing the permits and may take into consideration the undesirability of the use or occupation relative to the rights of the public; and

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

WHEREAS, by Ordinance 123206, the City established a Living Building Pilot Program in conjunction with the International Living Building Institute's Living Building Challenge. The program recognizes 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, 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.



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

4 Section 2. This ordinance shall take effect and be in force 30 days after its approval by
5 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
6 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

7 Passed by the City Council the ____ day of _____, 2012, and
8 signed by me in open session in authentication of its passage this

9 _____ day of _____, 2012.

10 _____
11 _____
12 _____
13 President _____ of the City Council

14 Approved by me this ____ day of _____, 2012.

15 _____
16 _____
17 _____
18 Michael McGinn, Mayor

19 Filed by me this ____ day of _____, 2012.

20 _____
21 _____
22 _____
23 Monica Martinez Simmons, City Clerk

24 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | CBO Analyst/Phone: |
|--------------------------------------|------------------------------|---------------------------|
| 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:

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, 2nd 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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