

TERM PERMIT FAQ

What is a term permit?

A term permit is approved by City Council for significant structures in the right-of-way. The term permit is for a period of ten years, with two renewable ten-year terms for a maximum of 30 years.

Are there different types of term permits?

The types of term permits include: skybridges, private utility tunnels, pedestrian tunnels, green stormwater infrastructure, significant art, plazas, at-grade structures in the right-of-way, pipelines, PV arrays, etc.

How do I apply for a term permit?

You can apply for a term permit by completing an application form. There are several attachments listed on the last page of the application form that need to be provided with the application and a review deposit of \$2,090.

What's the review process for a term permit?

Since the permit is for a significant structure, the review time can take several months. After SDOT staff review the application and supplemental materials we draft the legislation. It's a two-step process for City Council to approve the term permit. City Council first votes on a resolution that provides conceptual approval to the applicant. This can only occur after the project receives 60% technical approval for the structure. If SEPA applies, this process will need to have been completed before the City Council votes on the resolution. Once the project receives 100% technical approval for the structure, City Council votes on the ordinance that grants permission. The term permit ordinance has all the terms and conditions of the permit.

Additional review steps may be required for certain types of structures. For example, skybridges must also be reviewed by the Skybridge Review Committee and the Seattle Design Commission before the resolution can be sent to City Council for a vote. Skybridge applications must also include a public benefit mitigation proposal. It is the policy of the City of Seattle to limit the proliferation of skybridges so applicants must explain the necessity of the proposed skybridge and the public benefit mitigation proposal should be commensurate to the impact on the right-of-way. After the Skybridge Review Committee and Design Commission evaluate the skybridge and public benefit mitigation proposal, each body sends a recommendation to the SDOT Director to consider before the legislation is sent to City Council for a vote.

How are fees calculated for term permits?

Term permit fees use the following formula:

average square foot land value of the adjacent property based on the latest value determined by the King County Assessor's office X encroachment area X the City of Seattle's current rate of return (currently at 8%) X degree of alienation = annual fee.

These fees are adjusted annually using the latest data from the King County Assessor, as authorized by Ordinance 123485.

What is the degree of alienation factor and why is it used to calculate fees?

The degree of alienation factor is determined by the impact of the structure on the public and other users of the right-of-way. The degree of alienation factor ranges from 10% for public plazas and sustainable building features to 200% for private skybridges.

What's the difference between a term permit and a public space management permit?

A term permit is for significant structures in the right-of-way and the applicant must provide a compelling necessity statement describing why there are no other feasible options to address the need. Term permits require City Council approval, whereas public space management permits are approved by SDOT.

When is it appropriate to apply for a street vacation instead of a term permit?

A term permit is for a maximum of 30 years. As it is a permit, the City of Seattle can revoke the permit and direct the permit holder to remove the encroachment from the right-of-way per the terms specified in the term permit ordinance.

Street vacations permanently change the right-of-way to private use, based on public benefit. Street vacations are approved by City Council and are only applicable when there is an adjacent development project planned. Applicants petition City Council for a street vacation and SDOT staff coordinate the review and recommendation by other SDOT divisions, City departments, and other governmental agencies.