



ORDINANCE NO. 28301

1 BY REQUEST OF DEPUTY MAYOR BOE AND COUNCIL MEMBERS CAMPBELL,
2 MELLO, AND THOMS

3 AN ORDINANCE relating to street occupancies; amending Chapter 9.08 (Street
4 Occupancies) of the Tacoma Municipal Code, by amending
5 Section 9.08.075 thereof to eliminate the new application fee for review
6 and processing of sidewalk cafe permits.

7 WHEREAS sidewalk cafes, regulated by Chapter 9.08 (Street Occupancies)
8 of the Tacoma Municipal Code (“TMC”), use a portion of the sidewalk for private
9 business use and generally include non-permanent additions such as tables,
10 chairs, or other furniture, but may also include permanent features such as
11 awnings or attachments of fencing to the sidewalk, and

12 WHEREAS sidewalk cafes are recognized as a special street occupancy
13 that promotes desirable street life which can have a favorable economic impact by
14 encouraging visitation to City business districts and result in patronage of those
15 businesses, and

16 WHEREAS sidewalk cafes account for approximately 13 percent of all street
17 occupancy permits (“SOPs”) issued, and the City currently has a total of 290 active
18 SOPs, 38 of which are for sidewalk cafes, and

19 WHEREAS, in April 2014, Council Member Thoms requested a review of
20 the City’s Sidewalk Cafe Permitting and Inspection process, and

21 WHEREAS the City charges a \$120 new application fee for review and
22 processing of sidewalk cafe permits, with an annual renewal fee of \$90, and
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WHEREAS eliminating the new application fee of \$120 would reduce the cost associated with the installation of sidewalk cafes and could contribute to the economic development and revitalization of the City, and

WHEREAS staff recommends that the application fee for new sidewalk cafe applications be eliminated at present, and

WHEREAS, at its meeting of June 23, 2015, the Economic Development Committee reviewed and approved the proposed TMC amendment for City Council consideration; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 9.08 (Street Occupancies) of the Tacoma Municipal Code is hereby amended by amending Section 9.08.075 thereof, as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

**Chapter 9.08
STREET OCCUPANCIES¹**

Sections:

- 9.08.010 Definitions.
- 9.08.020 Occupancy permit required.
- 9.08.030 Application – Information required.
- 9.08.040 Processing of application.
- 9.08.050 Indemnity deposit on approved applications for permit.
- 9.08.060 Indemnity to save the City harmless from claims.
- 9.08.070 Revocation of permits.
- 9.08.075 Fees.
- 9.08.080 Issuance of permits.
- 9.08.090 Validation of prior permit.

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9.08.075 Fees.

The City Council hereby authorizes the fees for street occupancy permits set forth in the schedule below, and all previously adopted fee schedules are hereby rescinded, except that the existing fee schedule for Shoreline Districts shall remain in effect until superseded by an alternative use fee as referenced in Section 2 below. Application and renewal fees are established commensurate with the costs of administration involved in the issuance and continuance of the permits. Application and renewal fees do not apply for garden activities. Use fees are established for commercial uses of the street rights-of-way, and are payable in addition to the application and renewal fees. Sidewalk cafes are recognized as a special street occupancy that promotes desirable street life that can have favorable economic impact by encouraging visitation to City business districts and result in patronage of its businesses. ~~Since~~Because sidewalk cafes are an encouraged use and promote various public benefits, no fee shall be charged for the street occupancy permit fees for sidewalk cafes are given favorable consideration.

Street occupancy permit fees shall be collected by the Director of Finance, and payment of said fees is a condition of the issuance and continuance of any such permit. In order to effectuate the ongoing collection of said fees, holders of permits shall be notified by the City a minimum of one month in advance, to pay applicable fees or the permit will be revoked. All fees collected pursuant to this chapter shall be deposited in the General Fund.

**SCHEDULE OF STREET OCCUPANCY PERMIT FEES
ADMINISTRATIVE FEES**

General Application Fee (includes processing, initial inspection, review, document preparation)	\$320
Sidewalk Café – Application Fee* (includes processing, initial inspection, review, document preparation)	\$120 <u>no fee</u>
Annual Renewal Fee (includes site inspection for compliance, file review, insurance review and application of fees/escalators/adjustments as required)	\$ 90

*~~The elimination of fees is reduced fee~~ is designed to encourage this use, which the City finds promotes economic development and revitalization of its business districts.

¹ Streets - Obstructions and Excavations - See Chapter 10.22.



GENERAL ANNUAL USE FEES

1	Commercial Occupancy - Exclusive Use (based on square footage occupied)	10% of Assessed Land Value**
2	Commercial Occupancy - Non-exclusive Use (based on square footage occupied)	5% of Assessed Land Value**
3	Subsurface Use (based on square footage occupied)	2.5% of Assessed Land Value**
4	Minimum Annual Fee (for commercial occupancies)	\$120
5	Sidewalk Cafés (subject to annual renewal fee only – annual permit to be posted onsite)	None
6	Non-Commercial Occupancy (subject to annual renewal fee only)	None

** Assessed Land Value is abstracted from the Pierce County Assessor's property tax assessment for the entire property excluding improvement (building) value. The land value used is that of the property abutting the street occupancy area except in any case where the assessment of the abutting property is inconsistent with other, comparable properties in the vicinity. In such a case, the City may adjust the assessed value for the purpose of setting fees for street occupancies.

SPECIFIC USE FEES

Signs – Annual Fee

Commercial	\$600
Non-Commercial (directional signs or similar)	\$ 75

Monitoring Wells – Annual Fee

One well	\$175
Each additional well	\$150

Subsurface Structural Supports – One-Time Fee (per location)

Soldier Beams	\$700
Soil Nails	\$700
Tie-Backs	\$700

Section 1. Except as provided for in Section 2 below, this ordinance shall have an effective date of April 1, 2006, provided however, that General Use Fees calculated as a percentage of assessed value shall take effect in three phases. During the first year, beginning April 1, 2006, General Annual Use Fees shall be applied at a rate of 33 percent of the calculated use fee; in the second year, beginning January 1, 2007, General Annual Use Fees shall be applied at a rate of 67 percent of the calculated use fee; and in the third year, beginning January 1, 2008, all General Annual Use Fees shall be applied at 100 percent; however, in no event shall any General Use Fee be less than the set minimum of \$120. General Annual Use Fees for new Street Occupancy Permits that are in excess of \$120 shall be prorated in the first year to a renewal date of January 1st; however, in no event shall any General Use Fee be less than the set minimum of \$120.

Section 2. The new use fees provided for in Section 1 above shall not apply to street occupancies in the Shoreline Districts until an alternative use fee formula is developed that recognizes the unique characteristics of the non-exclusive parking uses within the rights-of-way of the Shoreline Districts. Said additional use fee formula shall be developed no later than June 30, 2006.

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