

ORDINANCE No. 118181

Law Department

COUNCIL BILL No. 11294

The City of Seattle--Legislative

INDEXED

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend

6/12/96 Parks, Public Grounds &

Full Council date 9-2

COMPTROLLER FILE No. _____

Introduced: JUN 10 1996	By: DONALDSON
Referred: JUN 10 1996	To: PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE
Referred:	To:
Referred:	To:
Reported: JUN 27 1996	Second Reading: JUN 17 1996
Third Reading: JUN 17 1996	Signed: JUN 17 1996
Presented to Mayor: JUN 18 1996	Approved: JUN 25 1996 <i>6/26/96</i>
Returned to City Clerk: JUN 27 1996	Published: <i>Full</i> <i>25/96</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained: <i>OK</i>



US5247

Committee Chair

Law Department

The City of Seattle--Legislative Department

INDEXED

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

6/12/96 Parks, Public Grounds & Recreation 2-0 Do Pass

Full Council vote 9-0

Committee Chair

ORDINANCE 118181

1
2
3 AN ORDINANCE further implementing and clarifying the effects of Chapter 347 of the Laws of 1995
4 and correcting errors and omissions in prior implementation; relating to land use and zoning,
5 environmental protection, historic preservation, and building and construction; amending
6 Sections 23.66.030 and 25.05.680 of the Seattle Municipal Code to conform to the limitation in
7 RCW 36.70B to only one open record hearing and to correct an error; amending Sections
8 23.66.030, 25.16.080, 25.20.080, and 25.22.100 to add a provision for preliminary design
9 approval in special review and landmark districts; amending Section 25.16.100 to correct an
10 unintended effect on process caused by a prior amendment, Sections 25.12.120 and 25.12.430 to
11 delete a superfluous term, Section 25.12.210 to delete the Hearing Examiner from the definition
12 of "party of record" and Section 25.12.680 to correct an omission in application requirements;
13 amending Sections 23.66.030, 25.12.690, 25.20.080 and 25.22.100 to clarify permit submittal
14 requirements; amending Section 23.66.318 to codify an exemption from the time limits of
15 Chapter 36.70B RCW and to clarify the finality of a decision of the Director of the Department
16 of Neighborhoods; amending Section 23.76.012 to correct an error in the comment period for
17 shoreline applications; amending Section 23.76.024 to provide for 30 day notice of availability of
18 the Director's report and to correct an omission; amending Section 23.76.032 to make the term of
19 all components of a Master Use Permit with a shoreline component coterminous, to clarify the
20 requirements for extending the term of a Master Use Permit by submittal of a complete building
21 permit application, and to make the standards for renewal of a Master Use Permit parallel to
22 those for a related building permit; amending Section 23.76.056 to clarify that Type IV land use
23 decisions should contain information helpful to identification of parties under RCW 36.70C.040;
24 amending Section 23.88.020 to clarify that interpretations are administrative remedies to be
exhausted; amending Section 106 of the Seattle Building Code to bring permit processing times
into conformance with Chapter 36.70B RCW; and stating Council intent as to the applicability of
the code amendments made by prior Ordinance 118012.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection C of Section 23.66.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.66.030 Certificates of approval - Application, review and appeals.

C. Application

1. An application for a certificate of approval shall be filed with the Director of the Department of Neighborhoods. When a permit application is filed with the Director or with the Director of Engineering for work requiring a certificate of approval, the permit application shall not be determined to

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be complete until the applicant has submitted ((an)) a complete application for a certificate of approval to the Department of Neighborhoods.

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2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

- a. Building name and building address;
- b. Name of the business(es) located at the site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;
- e. Applicant's telephone number;
- f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;
- g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;
- h. A detailed description of the proposed work, including:
 - (1) Any changes that will be made to the building or the site;
 - (2) Any effect that the work would have on the public right-of-way or other public spaces;
 - (3) Any new construction;
 - (4) Any proposed use, change of use, or expansion of use;
- i. Four (4) sets of scale drawings, with all dimensions shown, of:
 - (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;
 - (2) A floor plan showing the existing features and a floor plan showing the proposed new features;

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1 (3) Elevations and sections of both the proposed new features and the
existing features;

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(4) Construction details;

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(5) A landscape plan showing existing features and plantings, and another
landscape plan showing proposed site features and plantings;

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j. Photographs of any existing features that would be altered and photographs
showing the context of those features, such as the building facade where they are located;

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k. One (1) sample of proposed colors, if the proposal includes new finishes or paint,
and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

8

l. If the proposal includes new signage, awnings, or exterior lighting:

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(1) Four (4) sets of scale drawings of proposed signage or awnings,
showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

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11

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the
location of the proposed awning, sign, or lighting;

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(3) Four (4) copies of details showing the proposed method of attaching the
new awning, sign, or lighting;

14

(4) The wattage and specifications of the proposed lighting, and a drawing
or picture of the lighting fixture;

15

16

(5) One (1) sample of proposed sign colors or awning material and color;

17

(6) For new signage or awnings in the International Special Review District,
the dimensions of the street frontage on the side where the sign or awning would be located;

18

m. If the proposal includes demolition of a structure or object:

19

(1) A statement of the reason(s) for demolition;

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21

(2) A description of the replacement structure or object and the replacement
use;

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n. If the proposal includes replacement, removal, or demolition of existing features,
a survey of the existing conditions of the features that would be replaced, removed, or demolished.

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3. .. Director of the Department of Neighborhoods shall determine whether an
application is complete and shall notify the applicant in writing within twenty-eight (28) days of the

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1 application being filed whether the application is complete or that the application is incomplete and what
2 additional information is required before the application will be complete. Within fourteen (14) days of
3 receiving the additional information, the Director of the Department of Neighborhoods shall notify the
4 appellant in writing whether the application is now complete or what additional information is necessary.
5 An application shall be deemed to be complete if the Director of the Department of Neighborhoods does
6 not notify the appellant in writing by the deadlines in this section that the application is incomplete. A
7 determination that the application is complete is not a determination that the application is vested.

8 4. The determination of completeness does not preclude the Director of the Department of
9 Neighborhoods or the Board from requiring additional information during the review process if more
10 information is needed to evaluate the application according to the criteria in this Chapter and in any rules
11 adopted by the Board, or if the proposed work changes. For example, additional information that may be
12 required could include a shadow study or a traffic study when new construction is proposed.

13 5. An applicant may make a written request to submit an application for a certificate of
14 approval for a preliminary design if the applicant waives in writing the deadline for a Board decision on the
15 final design and any deadlines for decisions on related permit applications under review by the Department
16 of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary
17 design would not be an efficient use of staff or Board time and resources, or would not further the goals
18 and objectives of this Chapter. To be complete, an application for a certificate of approval for a
19 preliminary design must include the information listed above in subsection C 2, subparagraphs a through h,
20 i(1) through i(3), m and n. A certificate of approval that is granted for a preliminary design shall be
21 conditioned upon subsequent submittal of the final design and all of the information listed above in
22 subsection C 2, and upon Board approval, prior to issuance of permits for work affecting the structure,
23 right-of-way or space.

24 ((5))6. After the special review board has given notice of the meeting at which an
application for a certificate of approval will be considered, no other application for the same alteration or
change of use may be submitted until the Department of Neighborhoods Director has approved or denied
the existing application and all appeals have been concluded.

Section 2. Subsection E of Section 23.66.030 of the Seattle Municipal Code, which Section was
last amended by Ordinance 118012, is amended as follows:

23.66.030 Certificates of Approval - Application, review and appeals.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods
Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department
of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of
approval is also the subject of one or more related permit applications under review by the Department of
Construction and Land Use, then the appellant must also file notice of the appeal with the Director of the
Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard

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1 until all of the time periods for filing administrative appeals on the other permits or any environmental
2 determinations have expired. The appeal of the certificate of approval shall be consolidated with the
3 predecision hearing required for any Type IV Council land use decision, or ((H))if one or more appeals are
4 filed regarding the other permits or environmental determinations, ((then)) the appeal of the certificate of
5 approval shall be consolidated with them and shall be heard according to the same timelines established for
6 the other appeals or predecision hearing, except that appeals to the state Shoreline Hearings Board shall
7 proceed independently according to the timelines set by the state for such appeals.

8 2. If the related permit decisions would not be appealable, and no predecision hearing is
9 required, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

10 3. The applicant for the certificate of approval may elect to have the appeal proceed
11 immediately rather than be postponed for consolidation with appeals of related permit applications or with
12 a predecision hearing, if the applicant agrees in writing that the Department of Construction and Land Use
13 may suspend its review of the related permits or approvals, and that the time period for review of those
14 permits or approvals shall be suspended until the Hearing Examiner issues a decision on the appeal of the
15 certificate of approval.

16 4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards
17 and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code.
18 Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed
19 or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision
20 was arbitrary and capricious.

21 5. If evidence is presented to the Hearing Examiner that was not presented to the Board, or
22 if the Hearing Examiner determines that additional information is required, then the Hearing Examiner
23 shall remand the decision to the Department of Neighborhoods Director for consideration of the additional
24 information or evidence.

16 6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last
17 of any ((the)) appeals of related permit decisions is filed provided that, when an appeal of a certificate of
18 approval is consolidated with a predecision hearing, the Hearing Examiner shall issue the decision on the
19 certificate of approval with the recommendation to the City Council on a Type IV Council land use
20 decision, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval,
21 as provided in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal.
22 Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval
23 shall be exempt from the deadlines for review and decision on both the certificate of approval and any
24 related permit applications or approvals.

25 7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's
26 decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be
27 commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by
28 RCW 36.70C.040.

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1 **Section 3.** New subsections C and D are added to Section 23.66.318, which Section was last
2 amended by Ordinance 116744, to read as follows:

3 **Section 23.66.318 Demolition approval.**

4 C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt
5 from the time limits and other requirements of RCW 36.70B.060 through Section .090 and the
6 requirements of RCW 36.70B.110 through Section .130.

7 D. There is no administrative appeal of the decision of the Director of the Department of
8 Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review
9 must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods
10 Director's decision, as provided by RCW 36.70C.040.

11 **Section 4.** Subsection D of Section 23.76.012 of the Seattle Municipal Code, which Section was
12 last amended by Ordinance 118012, is amended as follows:

13 **23.76.012 Notice of application.**

14 D. Comment Period. The Director shall provide a fourteen (14) day public comment period
15 prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project;
16 provided, that the comment period shall be extended by fourteen (14) days if a written request for
17 extension is submitted within the initial fourteen (14) day comment period; provided further that the
18 comment period shall be thirty (30) days for applications requiring shoreline decisions. The comment
19 period shall begin on the date notice is published in the General Mailed Release. Comments shall be
20 filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day
21 of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run
22 until five p.m. (5:00 p.m.) of the next business day. Any comments received (~~reviewed~~) after the end of
23 the official comment period may be considered if material to review yet to be conducted.

24 **Section 5.** Subsections C and J of Section 23.76.024 of the Seattle Municipal Code, which
Section was last amended by Ordinance 118012, are amended as follows:

23.76.024 Hearing Examiner open record hearing and decision for subdivisions.

 C. Notice

 The Director shall give notice of the hearing Examiner's hearing, the Director's environmental
determination, and of the availability of the Director's report at least thirty (30) (~~fifteen (15)~~) days
prior to the hearing by:

1. General Mailed Release;

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2. Publication in the City official newspaper and in at least one community newspaper in the area affected by the proposal;

3. Mailed notice and written notice mailed to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024; and

b. all owners of real property located within three hundred feet (300') of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Posting in the Department.

* * *

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review of decisions not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

Section 6. Subsection A of Section 23.76.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits.

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of a Master Use Permit with a ((the)) shoreline component ((of a Master Use Permit)) shall be governed by WAC 173-14-060.

b. Expiration of a variance component of a Master Use Permit shall be governed by the following:

(1) Variances for access, yards, setback, open space, or lot area minimums granted as part of short plat or lot boundary adjustment shall run with the land in perpetuity as recorded with the Director of the King County Department of Records and Elections.

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1 (2) Variances granted as separate Master Use Permits pursuant to Section
2 23.76.010D shall expire eighteen (18) months from the date the permit is approved for issuance as
3 described in Section 23.76.028 or on the effective date of any text amendment making more stringent the
4 development standard from which the variance was granted, whichever is sooner. If a Master Use
5 Permit to establish the use is granted within this period, the variance's expiration date shall be extended
6 until the expiration date established for the use approval.

7 c. The time during which pendency of litigation related to the Master Use Permit
8 made it reasonable not to submit an application for a building permit, or to establish a use where a
9 building permit is not required, shall not be included in the eighteen (18) month term of the Master Use
10 Permit.

11 d. Master Use Permits entered in the competition for office space downtown
12 established under Section 23.49.011 shall expire as follows:

13 (1) Eighteen (18) months from the date that the project is chosen to
14 receive an office space allocation; or

15 (2) If the project is not chosen to receive an office space allocation in the
16 first year that it is entered in the competition, it shall expire either:

17 (a) On the date that the opportunity to enter the next competition
18 has passed, and the project has not been entered; or

19 (b) If it is chosen in the next competition to receive an office space
20 allocation, eighteen (18) months from the date that the project is chosen; or

21 (c) On the date that it is not chosen to receive an office allocation
22 in the next competition; or

23 (d) Eighteen (18) months from the date that the permit is approved
24 for issuance as described in Section 23.76.028, whichever is greater.

(3) Master Use Permits entered in the competition for office space
downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory
dwelling units when final inspection approval for modifications required for Building or Housing Code
compliance is not obtained within two (2) years from the date of application for the Master Use Permit is
governed by Section 23.44.025B.

f. Master Use Permits with a Major Phased Development component established
under Section 23.47.007 or 23.50.015 shall expire as follows:

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1 (1) For the first phase, twenty-four (24) months from the date the permit
is approved for issuance, except as provided in subsection B;

2 (2) For subsequent phases, expiration shall be determined at the time of
3 permit issuance.

4 g. Master Use Permits with a Design Review Component are subject to Section
5 23.76.026C.2. If the Land Use Code or other land use control ordinances change prior to publication of
6 the Director's decision on a Master Use Permit that contains a design review component and qualifies
7 for vesting pursuant to Section 23.76.026C.2, such Master Use Permit shall expire one hundred and
8 twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete
9 application for a building permit meeting the requirements of Section 106 of the Seattle Building Code
10 is submitted within 120 days of the date the Master Use Permit is approved for issuance.

11 2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

12 a. A building permit is issued before the end of the eighteen (18) month term, or
13 an ~~((completed))~~ application for a building permit ~~((meeting the requirements of Section 106 of the
14 Seattle Building Code which is subsequently issued))~~ is: 1) submitted at least sixty (60) days before the
15 end of the eighteen (18) month term; 2) made sufficiently complete to meet the requirements of Section
16 106 of the Seattle Building Code before the end of the eighteen (18) month term; and 3) subsequently
17 issued. In such cases, the Master Use Permit shall be extended for the same term as the building permit
18 is issued. For highrise structures regulated under Section 403 of the Seattle Building Code, the building
19 permit application may be a partial one, provided that it includes the complete structural frame of the
20 building, and schematic plans for the exterior shell of the building. If a building permit is issued and
21 renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit
22 shall be extended in the same manner; or

23 b. For projects which do not require a building permit, the use has been
24 established prior to the expiration date of the Master Use Permit and is not terminated by abandonment
or otherwise. In such cases the Master Use Permit shall not expire; or

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in
which case subsection A1f shall apply.

3. When a building permit ~~((is))~~ has been issued and ~~((construction is substantially
underway and progressing at a satisfactory rate, as evidenced by the applicant's demonstrating to the
Director's satisfaction that a construction step is ready for an inspection required by Section 108.5 of the
Seattle Building Code Supplement prior to the expiration of a Master Use Permit))~~ the conditions of
Section 106.9.2 of the Seattle Building Code are met, the Master Use Permit shall be automatically
extended for the life of the building permit and no Master Use Permit renewal shall be required.

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1 **Section 7.** Section 23.76.056 of the Seattle Municipal Code, as last amended by Ordinance
2 118012, is further amended as follows:

3 **23.76.056 Council decision on Hearing Examiner recommendation.**

4 A. The Council's decision to approve, approve with conditions, remand, or deny the application
5 for a Type IV land use decision shall be based on the record established pursuant to SMC 23.76.054.

6 B. The Council shall adopt written findings and conclusions in support of its decision regarding
7 Type IV land use decisions.

8 C. To the extent such information is available to the Council, the decision should contain the
9 name and address of the owner of the property at issue, of the applicant, and of each person who filed a
10 request for further consideration with the Council, unless such person abandoned the request or such
11 person's claims were dismissed before the hearing.

12 D((C)). Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or
13 the decision is reversed or remanded on judicial appeal or appeal to the Shorelines Hearings Board. Any
14 judicial review of a decision not appealable to the Shorelines Hearings Board must be commenced
15 within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040.

16 E((D)). A copy of the Council's findings, conclusions and decision shall be transmitted to the
17 City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall
18 promptly mail copies to all parties of record and to any person who has submitted substantive comments
19 to the Director, Hearing Examiner or City Council on the proposal. The Clerk's transmittal letter shall
20 include official notice of the time and place for seeking judicial review. The Director shall be bound by
21 and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or
22 on approved plans.

23 **Section 8.** Subsection A of Section 23.88.020 of the Seattle Municipal Code, which Section
24 was last amended by Ordinance 118012, is amended as follows:

23.88.020 Land Use Interpretations.

A. Interpretations General . . .

A decision by the Director as to the meaning, application or intent of any development regulation
in Title 23, Land Use Code, or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it
relates to a specific property is known as an "interpretation". An interpretation may be requested in
writing by any person or may be initiated by the Director. Procedural provisions and statements of
policy shall not be subject to the interpretation process. A decision by the Director that an issue is not
subject to an interpretation request shall be final and not subject to administrative appeal. A request for

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an interpretation and a subsequent appeal to the Hearing Examiner are administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought.

Section 5. Subsection A of Section 25.05.680 of the Seattle Municipal Code, which Section was last amended by Ordinance 118012, is amended as follows:

25.05.680 Appeals.

A. Master Use Permits and Council Land Use Decisions.

1. For proposals requiring a Master Use Permit under SMUC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for which the Department of Construction and Land Use or a non-City agency is the lead agency, SEPA appeal procedures shall be as provided in Chapter 23.76.

2. For proposals requiring Master Use Permits or Council Land Use Decisions for which a City department other than the Department of Construction and Land Use is lead agency:

a. The following agency environmental determinations shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

(1). Determination of Nonsignificance (DNS). On appeal of a DNS, a party may also challenge the preliminary determinations.

(2). Adequacy of the Final EIS as filed in the SEPA Public Information Center.

b. An appeal shall be commenced by filing of a notice of appeal with the Office of the Hearing Examiner no later than five p.m. (5 p.m.) the fourteenth (14th) day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later; provided that when a fifteen (15) day DNS comment period is required pursuant to this Chapter, appeals may be filed no later than the twenty-first (21st) day following such filing or publication. The appeal notice shall set forth in a clear and concise manner the alleged errors in the decision. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

c. The Hearing Examiner shall notify the parties of the receipt of the appeal but shall not set a date for hearing of the appeal until:

(1). For projects requiring a Master Use Permit, the close of the appeal period following notice of the decision on the Master Use Permit, or the receipt of an appeal of the Master Use Permit decision, whichever is earlier;

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1 (2). For projects requiring a Type IV Council Land Use Decision: a
2 recommendation is received from the Director at which time the Hearing Examiner shall schedule the
3 hearing on the appeal to be consolidated with the predecision hearing.

4 d. In all other respects, the appeals shall be handled in the same manner as
5 appeals related to Master Use Permits, Section 23.76.

6 **Section 10.** Section 25.12.120 of the Seattle Municipal Code, as last amended by Ordinance
7 109125, is further amended as follows:

8 **25.12.120 Economic incentives.**

9 “Economic incentives” are such compensation, rights, or privileges or combination thereof,
10 which the Council, or other public body or agency, by virtue of applicable present or future legislation,
11 may be authorized to grant to or obtain for the owner as consideration for the imposition of controls on a
12 designated (~~landmark site or~~) landmark.

13 Examples of economic incentives include tax relief, conditional use permits, rezoning, street
14 vacation, planned unit development, transfer of development rights, facade easements, named gifts,
15 preferential leasing policies, private or public grants-in-aid, beneficial placement of public
16 improvements, or amenities, or the like.

17 **Section 11.** Section 25.12.210 of the Seattle Municipal Code, as last amended by Ordinance
18 118012, is further amended as follows:

19 **25.12.210 Party of record.**

20 “Party of record” includes the Board, the owner, the person in charge, and the nominator of any
21 proposed landmark (~~and the Hearing Examiner, when appropriate~~).

22 **Section 12.** Section 25.12.430 of the Seattle Municipal Code, as adopted by Ordinance 106348,
23 is amended as follows:

24 **25.12.430 Board action on approval of designation.**

 Whenever the Board approves designation of all or any portion of the site, improvement or object
under consideration as a landmark (~~or landmark site~~), it shall within fourteen (14) days issue a written
report on designation which shall set forth:

 A. The legal description of the site, the specific features and/or characteristics to be preserved,
and such other description of the site, improvement or object as it deems appropriate;

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1 B. Its reasons, analysis and conclusions supporting subsection A with specific reference to the
2 criteria set forth in Section 25.12.350.

3 **Section 13.** Subsection E of Section 25.12.680 of the Seattle Municipal Code, which Section
4 was last amended by Ordinance 118012, is amended as follows:

5 **25.12.680 Application for certificate of approval-Filing.**

6 E. An applicant may make a written request to submit an application for a certificate of approval
7 for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final
8 design, and any deadlines for decisions on related permit applications under review by the Department of
9 Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary
10 design would not be an efficient use of staff or Board time and resources, or would not further the goals
11 and objectives of this Chapter. To be complete, an application for a certificate of approval for a
12 preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8,
13 9a through 9c, ~~((and))~~ 13 and 14. A certificate of approval that is granted for a preliminary design shall be
14 conditioned upon subsequent submittal ~~((and Board approval))~~ of the final design and ~~((including))~~ all of
15 the information listed above in subsection B, and upon Board approval, prior to issuance of permits for
16 work affecting the landmark.

17 **Section 14.** Section 25.12.690 of the Seattle Municipal Code, as last amended by Ordinance
18 118012, is further amended as follows:

19 **25.12.690 Application for certificate of approval-In conjunction with permit application.**

20 If an application is made to the Department of Construction and Land Use for a permit for an action
21 which requires a certificate of approval, the Director of Construction and Land Use shall require the
22 applicant to submit an application to the Board for a certificate of approval. Submission of ~~((the))~~ a
23 complete application for a certificate of approval to the Board shall be required before the permit
24 application to the Department of Construction and Land Use may be determined to be complete. The
Director of Construction and Land Use shall continue to process the permit application, but shall not issue
any such permit until the time has expired for acting upon the certificate of approval or a certificate of
approval has been issued pursuant to this Chapter.

Section 15. Section 25.16.080 of the Seattle Municipal Code, as last amended by Ordinance
118012, is further amended as follows:

25.16.080 Certificate of approval-Application.

A. Application.

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1 1. All applications for a certificate of approval (~~(, and all applications for any permit~~
2 ~~requiring such a certificate of approval, (hereinafter both included in the words "such application"))~~) shall
3 be submitted to the District Board.

4 2. The following information must be provided in order for the application to be complete,
5 unless the board staff indicate in writing that specific information is not necessary for a particular
6 application:

- 7 a. Building name and building address;
- 8 b. Name of the business(es) located at the site of the proposed work;
- 9 c. Applicant's name and address;
- 10 d. Building owner's name and address;
- 11 e. Applicant's telephone number;
- 12 f. The building owner's signature on the application, or a signed letter from the
13 owner designating the applicant as the owner's representative, if the applicant is not the owner;
- 14 g. Confirmation that the fee required by SMC 22.901T of the Permit Fee Subtitle
15 has been paid;
- 16 h. A detailed description of the proposed work, including:
- 17 (1) Any changes it will make to the building or the site;
- 18 (2) Any effect that the work would have on the public right of way or other
19 public spaces;
- 20 (3) Any new construction;
- 21 i. Four (4) sets of scale drawings, with all dimensions shown, of:
- 22 (1) A site plan of existing conditions, showing adjacent streets and
23 buildings and, if the proposal includes any work in the public right-of-way, the existing street uses, such as
24 street trees and sidewalk displays, and another site plan showing proposed changes to the existing
conditions;
- (2) A floor plan showing the existing features and a floor plan showing the
proposed new features;
- (3) Elevations and sections of both the proposed new features and the
existing features;

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(4) Construction details;

(5) A landscape plan showing the existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawings showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object;

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. Any application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

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1 4. The determination of completeness does not preclude the staff or the District Board from
2 requiring additional information during the review process if more information is needed to evaluate the
3 application according to the standards in this Chapter and in any rules adopted by the board, or if the
4 proposed work changes. For example, additional information that may be required could include a shadow
5 study or a traffic study when new construction is proposed.

6 B. An applicant may make a written request to submit an application for a certificate of approval
7 for a preliminary design, if the applicant waives in writing the deadline for the decision on the certificate of
8 approval for final design, and any deadlines for decisions on related permit applications under review by
9 the Department of Construction and Land Use. The staff may reject the request if it appears that approval
10 of a preliminary design would not be an efficient use of staff or District Board time and resources, or would
11 not further the goals and objectives of this Chapter. To be complete, an application for a certificate of
12 approval for a preliminary design must include the information listed above in subsection A.2,
13 subparagraphs a through h, i(1) through i(3), m and n. A certificate of approval that is granted for a
14 preliminary design shall be conditioned upon subsequent submittal of the final design and all of the
15 information listed above in subsection A.2, and upon obtaining a certificate of approval for final design,
16 prior to issuance of permits for work affecting any building or property in the District.

17 C. If before a certificate of approval is obtained, an application is made to the Department of
18 Construction and Land Use for a permit for which a certificate of approval is required, the Director of
19 Construction and Land Use shall require the applicant to submit an application to the District Board for a
20 certificate of approval. Submission of a complete application for a certificate of approval to the District
21 Board shall be required before the permit application to the Department of Construction and Land Use may
22 be deemed to be complete. The Department of Construction and Land Use shall continue to process such
23 application, but shall not issue any permit until a certificate of approval has been issued pursuant to this
24 Chapter, or the time has expired for filing with the Director of the Department of Construction and Land
25 Use the notice of denial of a certificate of approval.

26 ~~((B.—Decision on application.—Within thirty (30) days after receipt of a complete application the
27 District Board shall hold a public meeting thereon and by duly approved motion recommend to the
28 Director of the Department of Neighborhoods that the same be granted, denied, or granted with conditions
29 The Director of the Department of Neighborhoods shall issue a decision within fifteen (15) days of
30 receiving the Board's recommendation.))~~

31 **Section 16 .** Subsections A and B of Section 25.16.100 of the Seattle Municipal Code, as that
32 Section was last amended by Ordinance 118012, are amended as follows:

33 **25.16.100 Certificate of approval-Issuance or denial.**

34 A. Within thirty (30) days after receipt of a complete application the District Board shall hold a
35 public meeting thereon. If after such meeting and upon consideration of the foregoing, the District Board
36 determines that the changes and any new construction proposed in the application are consistent with the
37 purpose of this Chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated
38 pursuant to this Chapter, it shall recommend that a certificate of approval be granted and the Director shall,

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1 within fifteen (15) days of receiving the recommendation, issue a decision granting the certificate of
2 approval in accordance with the District Board's recommendation. If the recommendation is to deny such
3 application, the Director shall issue a written notice of denial. If the District Board does not recommend
4 granting, granting with conditions, or denial of an application within the time provided for such
5 recommendation, the Director of the Department of Neighborhoods shall issue a decision without a
6 recommendation from the District Board. If the Director of the Department of Neighborhoods does not
7 issue a decision within the time provided by this Chapter, then the application shall be deemed approved.
8 Provided, however, that the applicant may waive the deadlines in writing for the District Board to make a
9 recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant
10 also waives in writing any deadlines on the review or issuance of related permits that are under review by
11 the Department of Construction and Land Use. Before issuing a recommendation of denial, the District
12 Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and
13 consult with the applicant for the purpose of considering means of modifying the application and
14 considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an
15 agreed upon period of time no acceptable solution has been reached, the District Board shall make its
16 recommendation and the applicant shall be so notified by letter.

17 B. The Director of the Department of Neighborhoods shall send copies of the decision to the
18 applicant, the property owner, the Director of Construction and Land Use and to the District Board. Notice
19 of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made
20 a written request to receive notice of the decision or made written substantive comments on the application.

21 **Section 17.** Section 25.20.080 of the Seattle Municipal Code, as last amended by Ordinance
22 118012, is further amended as follows:

23 **25.20.080 Application for certificate of approval.**

24 A. Application.

1. Application for a certificate of approval may be made by filing an application for such a
certificate with the Board.

2. The following information must be provided in order for the application to be complete,
unless the board staff indicate in writing that specific information is not necessary for a particular
application:

- a. Building name and building address;
- b. Name of the business(es) located at the site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;

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- e. Applicant's telephone number;
- f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;
- g. Confirmation that the fee required by SMC 22.901T of the Permit Fee Subtitle has been paid;
- h. A detailed description of the proposed work, including:
 - (1) Any changes it will make to the building or the site;
 - (2) Any effect that the work would have on the public right of way or other public spaces;
 - (3) Any new construction;
- i. Four (4) sets of scale drawings, with all dimensions shown, of:
 - (1) A site plan of existing conditions, showing adjacent streets and buildings and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;
 - (2) A floor plan showing the existing features and a floor plan showing the proposed new features;
 - (3) Elevations and sections of both the proposed new features and the existing features;
 - (4) Construction details;
 - (5) A landscape plan showing the existing features and plantings, and another landscape plan showing proposed site features and plantings;
- j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;
- k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;
- l. If the proposal includes new signage, awnings, or exterior lighting:
 - (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size and colors;

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1 (2) Four (4) sets of a plan, photograph, or elevation drawings showing the
location of the proposed awning, sign, or lighting;

2 (3) Four (4) copies of details showing the proposed method of attaching the
3 new awning, sign, or lighting;

4 (4) The wattage and specifications of the proposed lighting, and a drawing
or picture of the lighting fixture;

5 (5) One (1) sample of proposed sign colors or awning material and color;

6 m. If the proposal includes demolition of a structure or object;

7 (1) A statement of the reason(s) for demolition;

8 (2) A description of the replacement structure or object;

9 n. If the proposal includes replacement, removal, or demolition of existing features,
10 a survey of the existing conditions of the features that would be replaced, removed, or demolished.

11 3. The staff shall determine whether an application is complete and shall notify the
12 applicant in writing within twenty-eight (28) days of the application being filed whether the application is
13 complete or that the application is incomplete and what additional information is required before the
14 application will be complete. Within fourteen (14) days of receiving the additional information, the staff
15 shall notify the applicant in writing whether the application is now complete or what additional information
is necessary. Any application shall be deemed to be complete if the staff does not notify the applicant in
writing by the deadlines in this section that the application is incomplete. A determination that the
application is complete is not a determination that the application is vested.

16 4. The determination of completeness does not preclude the staff or the Board from
17 requiring additional information during the review process if more information is needed to evaluate the
18 application according to the standards in this Chapter and in any rules adopted by the board, or if the
proposed work changes. For example, additional information that may be required could include a shadow
study or a traffic study when new construction is proposed.

19 B. An applicant may make a written request to submit an application for a certificate of approval
20 for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final
21 design, and any deadlines for decisions on related permit applications under review by the Department of
22 Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary
23 design would not be an efficient use of staff or Board time and resources, or would not further the goals
24 and objectives of this Chapter. To be complete, an application for a certificate of approval for a
preliminary design must include the information listed above in subsection A.2. subparagraphs a through h,
i(1) through i(3), m and n. A certificate of approval that is granted for a preliminary design shall be
conditioned upon subsequent submittal of the final design and all of the information listed above in

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subsection A 2, and upon Board approval, prior to issuance of permits for work affecting any building or property in the District.

1
2 C((B)). If before a certificate of approval is obtained, an application is made to the Department of
3 Construction and Land Use for a permit for which a certificate of approval is required, the Director of
4 Construction and Land Use shall require the applicant to submit an application to the Board for a certificate
5 of approval. Submission of ((the)) a complete application for a certificate of approval to the Board shall be
6 required before the permit application to the Department of Construction and Land Use may be deemed to
7 be complete. The Department of Construction and Land Use shall continue to process such application, but
8 shall not issue any permit until a certificate of approval has been issued pursuant to this Chapter, or the
9 time has expired for filing with the Director of the Department of Construction and Land Use the notice of
10 denial of a certificate of approval.

11 D((C)). After the Board has commenced proceedings for the consideration of an application for a
12 certificate of approval for a particular alteration or significant change, by giving notice of a meeting
13 pursuant to this section or otherwise, no other application for the same or a similar alteration or significant
14 change may be made until such proceedings and all appeals therefrom have been concluded.

15
16 **Section 18.** Section 25.22.100 of the Seattle Municipal Code, as last amended by Ordinance
17 118012, is further amended as follows:

18 **25.22.100 Application for certificate of approval.**

19 **A. Application.**

20 1. Application for a certificate of approval may be made by filing an application for such a
21 certificate with the Board.

22 2. The following information must be provided in order for the application to be complete,
23 unless the board staff indicate in writing that specific information is not necessary for a particular
24 application:

- 25 a. Building name and building address;
- 26 b. Name of the business(es) located at the site of the proposed work;
- 27 c. Applicant's name and address;
- 28 d. Building owner's name and address;
- 29 e. Applicant's telephone number;
- 30 f. The building owner's signature on the application, or a signed letter from the
31 owner designating the applicant as the owner's representative, if the applicant is not the owner;

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- 1 has been paid;
- 2 g. Confirmation that the fee required by SMC 22.901T of the Permit Fee Subtitle
- 3 h. A detailed description of the proposed work, including:
- 4 (1) Any changes it will make to the building or the site;
- 5 (2) Any effect that the work would have on the public right-of-way or other
6 public spaces;
- 7 (3) Any new construction;
- 8 i. Four (4) sets of scale drawings with all dimensions shown, of:
- 9 (1) A site plan of existing conditions, showing adjacent streets and
10 buildings and, if the proposal includes any work in the public right-of-way, the existing street uses, such as
11 street trees and sidewalk displays, and another site plan showing proposed changes to the existing
12 conditions;
- 13 (2) A floor plan showing the existing features and a floor plan showing the
14 proposed new features;
- 15 (3) Elevations and sections of both the proposed new features and the
16 existing features;
- 17 (4) Construction details;
- 18 (5) A landscape plan showing the existing features and plantings, and
19 another landscape plan showing proposed site features and plantings;
- 20 j. Photographs of any existing features that would be altered and photographs
21 showing the context of those features, such as the building facade where they are located;
- 22 k. One (1) sample of proposed colors, if the proposal includes new finishes or paint,
23 and an elevation drawing or a photograph showing the location of proposed new finishes or paint;
- 24 l. If the proposal includes new signage, awnings, or exterior lighting:
- (1) Four (4) sets of scale drawings of proposed signage or awnings,
showing the overall dimensions, material, design graphics, typeface, letter size and colors;
- (2) Four (4) sets of a plan, photograph, or elevation drawings showing the
location of the proposed awning, sign, or lighting;

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1 (3) Four (4) copies of details showing the proposed method of attaching the
new awning, sign, or lighting;

2 (4) The wattage and specifications of the proposed lighting, and a drawing
or picture of the lighting fixture;

3 (5) One (1) sample of proposed sign colors or awning material and color;

4 m. If the proposal includes demolition of a structure or object;

5 (1) A statement of the reason(s) for demolition;

6 (2) A description of the replacement structure or object;

7 n. If the proposal includes replacement, removal, or demolition of existing features,
8 a survey of the existing conditions of the features that would be replaced, removed, or demolished.

9 3. The staff shall determine whether an application is complete and shall notify the
10 applicant in writing within twenty-eight (28) days of the application being filed whether the application is
11 complete or that the application is incomplete and what additional information is required before the
12 application will be complete. Within fourteen (14) days of receiving the additional information, the staff
13 shall notify the applicant in writing whether the application is now complete or what additional information
is necessary. Any application shall be deemed to be complete if the staff does not notify the applicant in
writing by the deadlines in this section that the application is incomplete. A determination that the
application is complete is not a determination that the application is vested.

14 4. The determination of completeness does not preclude the staff or the Board from
15 requiring additional information during the review process if more information is needed to evaluate the
16 application according to the standards in this Chapter and in any rules adopted by the board, or if the
proposed work changes. For example, additional information that may be required could include a shadow
study or a traffic study when new construction is proposed.

17 B. An applicant may make a written request to submit an application for a certificate of approval
18 for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final
19 design, and any deadlines for decisions on related permit applications under review by the Department of
20 Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary
21 design would not be an efficient use of staff or Board time and resources, or would not further the goals
22 and objectives of this Chapter. To be complete, an application for a certificate of approval for a
23 preliminary design must include the information listed above in subsection A.2, subparagraphs a through h,
24 i(1) through i(3), m and n. A certificate of approval that is granted for a preliminary design shall be
conditioned upon subsequent submittal of the final design and all of the information listed above in
subsection A.2, and upon Board approval, prior to issuance of permits for work affecting any building or
property in the District.

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1 ~~C((B))~~. If an application is made to the Director for a permit for which a certificate of approval is
2 required, the Director of Construction and Land Use shall require the applicant to submit an application to
3 the Board for a certificate of approval. Submission of ~~((the))~~ a complete application for a certificate of
4 approval to the Board shall be required before the permit application to the Department of Construction and
5 Land Use may be determined to be complete. The Director shall continue to process the application, but
6 shall not issue any permit until a certificate of approval has been issued pursuant to this Chapter, or the
7 time for filing the notice of denial of a certificate of approval with the Director has expired.

8 ~~D((C))~~. After the Board has commenced proceedings of the consideration of any application for a
9 certificate of approval for a particular alteration or significant change by giving notice of a meeting
10 pursuant to this section or otherwise, no other application for the same or a similar alteration or significant
11 change at the same site may be made until such proceedings and all appeals therefrom have been
12 concluded.

13 ~~E((D))~~. A certificate of approval shall be valid for eighteen (18) months from the date of issuance
14 of the Board's decision granting it unless the Board grants an extension in writing; provided however, that
15 certificates of approval for actions subject to permits issued by the Department of Construction and Land
16 Use shall be valid for the life of the permit, including any extensions granted in writing by the Department
17 of Construction and Land Use.

18 **Section 19.** Subsection 106.6 of Section 106 of the 1994 Seattle Building Code, adopted by
19 reference to Section 22.100.010 of the Seattle Municipal Code, which Section was last amended by
20 Ordinance 117721, is amended as follows:

21 **106.6 Permit Issuance**

22 **106.6.1 General.** The application, plans, specifications and other data filed by an applicant for a permit
23 shall be reviewed by the building official. Such plans may be reviewed by other departments of the City to
24 check compliance with the laws and ordinances under their jurisdiction. The building official shall mail
notice to or otherwise notify the applicant within twenty-eight ((working)) days of application if additional
information is required and what additional information is required before the application will be complete
~~((to commence building permit application review)). Within fourteen days of receiving the additional~~
~~information, the building official shall notify the applicant in writing whether the application is now~~
~~complete or what additional information is necessary. An application shall be deemed to be complete if the~~
~~building official does not notify the applicant in writing by the deadlines in this section that the application~~
~~is incomplete.~~ The Director shall approve, condition or deny the application within 120 ((ninety-working))
days, as that time period is calculated pursuant to RCW 36.70B.090. If the building official finds that the
work as described in an application for permit and the plans, specifications and other data filed therewith
substantially conforms to the requirements of this building code and other pertinent laws and ordinances
and the fees specified in the Permit Fee Ordinance have been paid, he/she shall issue a permit therefor to
the applicant who becomes the permit holder or authorized agent.

EXCEPTIONS: 1. The Building Official may issue a permit for the construction of part of a building or
structure before complete plans for the whole building or structure have been submitted or approved, provided that

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1 the proposed project complies with the State Environmental Policy Act as adopted by the City (Chapter 25.05
2 Seattle Municipal Code) and as amended and the Land Use and Zoning Ordinances, as amended; and provided
3 further that adequate information and plans have been filed and checked to assure compliance with all pertinent
4 requirements of this and other pertinent codes. The holder of such a permit shall proceed at his/her own risk without
5 the assurance that the permit for the entire building or structure will be granted.

6 2. After approval of a Master Use Permit as required by the Land Use Code, a permit for excavation may be
7 issued.

8 The building official may condition a permit where he/she determines that risks associated with
9 development, construction, ownership and occupation in areas of the city, including, but not limited to
10 potential slide areas, can be reduced to an acceptable level. The building official may deny such permit
11 where he/she determines that the risks cannot be reduced to an acceptable level.

12 **106.6.2 Compliance with Approved Plans and Permit.** When the building official issues a permit,
13 he/she shall endorse the permit in writing and endorse in writing or stamp the plans APPROVED. Such
14 approved plans and permit shall not be changed, modified or altered without authorization from the
15 building official, and all work shall be done in accordance with the approved plans and permit except as the
16 building official may require during field inspection to correct errors or omissions.

17 **106.6.3 Amendments to the Permit.** When substitutions or changes are made during construction,
18 approval shall be secured prior to execution, however, the building inspector may approve minor
19 modifications to the plans for work not reducing the structural strength or fire and life safety of the
20 structure. The building inspector shall determine if it is necessary to revise the approved plans.
21 Substitutions or changes made during construction subject to special inspection required by Section 1701
22 shall be approved by the building official. Substitutions, changes and clarifications shall be shown on two
23 sets of plans which shall be submitted to and approved by the building official, accompanied by fees
24 specified in the Permit Fee Ordinance prior to occupancy. These substitutions and changes shall conform
25 to the requirements of this building code and other pertinent laws and ordinances.

26 **106.5.4 Cancellation of Permit Application.** An application shall be deemed abandoned and void if a
27 permit is not issued after a period of sixty days from the date of written notice of approval for issuance or if
28 complete corrections are not received after a period of sixty days from the date of written notification of
29 required corrections for compliance with this code; provided that the building official may extend the
30 period for issuance or submission of corrections if it is determined that there are good reasons for the delay,
31 which are satisfactory to the building official, or if a different schedule is agreed upon in writing before the
32 end of the sixty day period. A request for the extension must be submitted in writing before the end of the
33 sixty day period. If the permit application is canceled, the site may be inspected to verify that no work has
34 taken place. The application and any accompanying plans and specifications shall be destroyed. If the
35 application is being reviewed concurrently with a Master Use Permit application, and it is for a project
36 vested to prior Land use Code or Zoning Ordinance provisions, and the project does not conform with the
37 codes in effect while it is being reviewed for Master Use Permit approval, cancellation of the building
38 permit application under the provisions of this section shall cause the concurrent cancellation of the Master
39 Use Permit application.

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Seattle
Department of Construction and Land Use



R. F. Krochalis, Director
Norman B. Rich, Mayor

MEMORANDUM

TO: City Council President Jan Drago
Via Tom Tierney, Director, Office of Management and Planning

FROM: Rick Krochalis *RK*

DATE: May 29, 1996

SUBJECT: Proposed Amendments to Regulatory Reform Legislation

Attached for your consideration is an ordinance which corrects errors and omissions in the regulatory reform legislation (Ordinance 118012) adopted in February, 1996, to implement Engrossed Substitute House Bill (ESHB) 1724. A public hearing before the Parks & Public Grounds Committee has been scheduled for the proposed ordinance on Wednesday, June 12, 1996. Because these amendments are administrative, no environmental review of the ordinance was required.

The proposed ordinance corrects the comment period for shoreline permits in the Land Use Code, which was unintentionally changed by Ordinance 118012. The correct comment period, as required by state law, is 30 days, not 14 days with a possible 14 day extension. While we are waiting for the adoption of the proposed ordinance, DCLU is following state law for shoreline permits.

In addition, the proposed legislation amends the Landmarks Preservation Ordinance and provisions for Special Review Districts to establish a preliminary design approval process as part of the Certificate of Approval process. This proposal gives more flexibility for applicants, and provides an opportunity for early guidance from the Landmarks and Special Review Boards. This provision was inadvertently omitted from Ordinance 118012.

The ordinance also clarifies four procedural areas. The first is that Ordinance 118012 stated that when there is an appeal of a Certificate of Approval (C of A), the appeal should be consolidated with any appeal hearings on related permits. The proposed legislation clarifies that the C of A appeal should also be consolidated with any predecision hearing that is required.

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The second clarification deals with the notice of a Director's recommendation on a proposed subdivision. The Land Use Code now sets a notice period of 15 days for the Hearing Examiner's hearing, and the availability of the Director's report and environmental determination. The proposed ordinance would increase the notice period to 30 days, to give people more time to request Hearing Examiner reconsideration of the Director's recommendation.

The third clarification is for City projects, when a City department other than DCLU is the lead agency for purposes of environmental review (SEPA). Under state law, there can only be one open record appeal per project. For City projects, there is the opportunity to appeal a SEPA determination made by the department proposing the project, and later, if the project requires a variance or other appealable decision from DCLU, there is another possible appeal. The proposed ordinance would add provisions allowing for a single consolidated hearing for all types of appeals, as required by state law, such as the hearing that the Hearing Examiner holds for the City Council on a Type IV land use decision.

The fourth clarification addresses what the term "complete application" means for purposes of keeping a Master Use Permit (MUP) active. MUPs are good for 18 months, and may be renewed for up to five years if the project still meets all code provisions. To keep a MUP alive which is vested to code provisions that have been changed, a "complete building permit" application must be made at least two months before the MUP expires (16 months into the life of the permit). With the adoption of legislation implementing 1724, the term "complete application" has taken on a new meaning, as the point at which the 120 day time limit for permit processing begins. The proposed legislation codifies how DCLU has implemented 1724, by stating that for purposes of keeping a MUP alive, a building permit application, which is complete enough to begin DCLU's review process, must be made at least two months before the MUP expires. Before the MUP actually expires, DCLU must determine that the application is complete for the purposes of starting the time clock. This allows an applicant time to respond to any DCLU corrections found during the process of screening the plans for completeness.

No significant fiscal impacts are anticipated as a result of the approval of the proposed amendments. We are looking forward to working with the Council on the adoption of the ordinance. If you have any questions about the proposed legislation, please call Ken Davis of my staff at 233-3884.

Attachment

cc: Councilmember Sue Donaldson
Pat Schneider, Law Department
Geri Hendrickson, City Council Staff
Ken Davis, DCLU

Karen Gordon, DON
Margaret Klockars, Law Department
Rebecca Herzfeld, DCLU
John Skelton, DCLU

RFK:rh
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5/29/96

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**NOTICE OF TEXT AMENDMENT
AND CITY COUNCIL PUBLIC HEARING**

TEXT AMENDMENT

The City Council Parks and Public Grounds Committee is considering amendments to the City's Land Use Code, Landmark Preservation Ordinance and the State Environmental Policy Act (SEPA) Ordinance to correct errors and omissions in the regulatory reform legislation adopted by Council earlier this year (Ordinance 118012).

PUBLIC HEARING

The City Council will hold a public hearing on the proposed amendments on Wednesday, June 12, 1996, at 2:00 p.m. in the City Council Chamber, 11th Floor of the Municipal Building, 600 Fourth Avenue in downtown Seattle. For those who wish to testify, a sign-up sheet will be provided outside the Council Chamber one half-hour before the start of the public hearing. Questions about the public hearing may be addressed to Paula Hoff, Councilmember Sue Donaldson's office, by calling 684-8806.

The City Council Chamber is accessible. Accommodations for people with disabilities are available upon request. Call 684-8888, TDD 233-0025.

WRITTEN COMMENTS

Written comments may be submitted to arrive no later than June 11, 1996 to:

Councilmember Sue Donaldson
1101 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

INFORMATION AVAILABLE

On May 15, 1996, copies of the draft legislation will be available for public review at DCLU's Master Use Permit Information Center, Room 200, Dexter Horton Building, 710 Second Avenue. The Master Use Permit Information Center is open 8:00 a.m. to 5:00 p.m. on Monday, Wednesday, Thursday, and Friday; and 10:00 a.m. to 5:00 p.m. on Tuesday. Please contact Ken Davis at 233-3884, if you have any questions about the proposed legislation.

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INFORMATION AVAILABLE

Contact the DCLU Code Implementation and Interpretation Section, 710 Second Avenue - Suite 200, 684-8278 for questions or to make arrangements for viewing the file. The Code Implementation and Interpretation Section is open 8:00 a.m. to 5:00 p.m. on Monday, Wednesday, Thursday, Friday and 10:00 a.m. to 5:00 p.m. on Tuesday.

HOW TO COMMENT

Written comments on these questions may be submitted to DCLU at any time prior to **May 24, 1996**. Comments should be sent to:

Department of Construction and Land Use
Attn: Molly Hurley
710 2nd Avenue, Suite 200
Seattle, Washington 98104-1703

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**Pre-Application, Pre-design and
Preconstruction Conferences with DCLU**

continued from page 1

the Permits and Plans Division by phone, describing the specific code issues, so that it can be determined if a meeting is warranted. There is no charge for a pre-design/code interpretation conference; more information is available in the DCLU publication, Client Assistance Memo #318 - Building Code Pre-design/Code Interpretation Conferences, available at the Permit Center, 720 Second Avenue.

While the above mentioned pre-application conferences are generally voluntary, there are also certain mandatory conferences required, such as for highrise structures and buildings with an atrium (please refer to Client Assistance Memo #313 - Required Pre-design Conferences for Highrise Structures and Buildings With an Atrium).

Preconstruction Conferences

In addition, preconstruction conferences are required between DCLU inspection staff and members of the project development team for any building project which is located in an Environmentally Critical Area, or when there are unusual or complex inspection or occupancy requirements. Such a pre-construction conference is generally held at the site, and the purpose is to review construction mitigation requirements, erosion control methods, special inspection requirements, off-site improvement requirements and special construction conditions imposed through environmental review. More information is available in Client Assistance Memo #334 - Preconstruction Conferences, also available at the Permit Center, 720 Second Avenue.

**City Council Approves
Adult Cabaret Moratorium Extension**

The City Council recently approved Ordinance #118102 which extends the current moratorium on establishment of new adult cabaret uses in Seattle through June 30, 1997. Copies of this ordinance may be obtained at the City Clerk's Office, Seattle Municipal Building, Room 104, 600 Fourth Avenue, or by calling 684-8344.

For additional information about the moratorium extension, please contact **Martha Lester**, City Council Central Staff, at **684-8149**. Please contact **Ken Davis**, DCLU, at **233-3884** concerning development of possible Land Use Code amendments to address this issue.

**City Council Public Hearing on
Regulatory Reform Correction Ordinance**

The City Council Parks and Public Grounds Committee is considering amendments to the City's Land Use Code, Landmark Preservation Ordinance, State Environmental Policy Act (SEPA) Ordinance, and Building Code to correct errors and omissions in the regulatory reform legislation adopted by Council earlier this year (Ordinance #118012).

A public hearing on the proposed amendments will be held on Wednesday, June 12, 1996, at 2:00 p.m. in the City Council Chamber, 11th Floor of the Municipal Building, 600 Fourth Avenue in downtown Seattle. For those who wish to testify, a sign-up sheet will be provided outside the Council Chamber one half-hour before the hearing commences. The City Council Chamber is accessible. Accommodations for people with disabilities are available upon request by calling **684-8888; TDD 233-0025**.

Copies of the draft legislation are available for public review at DCLU's Master Use Permit Information Center, Room 200, Dexter Horton Building, 710 Second Avenue. The Master Use Permit Information Center is open 8:00 a.m. to 5 p.m. on Monday, Wednesday, Thursday, and Friday; and 10:00 a.m. to 5 p.m. on Tuesday.

Written comments, to arrive no later than June 11, 1996, may be submitted to:

Councilmember Sue Donaldson
1101 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

Questions about the public hearing may be addressed to **Paula Hoff**, Councilmember Sue Donaldson's office, by calling **684-8806**. Please contact **Ken Davis**, DCLU, at **233-3884** if you have any questions about the proposed legislation.

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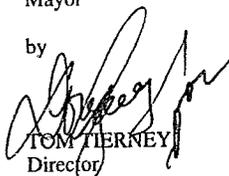


After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Elma Borbe/Doug Carey at 684-8080.

Sincerely,

Norman B. Rice
Mayor

by



TOM TIERNEY
Director

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Enclosure

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PARKS, PUBLIC GROUNDS AND RECREATION COMMITTEE

Wednesday, June 12, 1996

2:00 p.m.

Member: Sue Donaldson, Chair
John Manning, Vice Chair
Martha Choe, Member
Tom Weeks Alternate

Staff: Kym Allen, Legislative Assistant
Paula Hoff, Legislative Assistant
Telephone: 684-8806
After Hours Message Line: 684-8888
sue.donaldson@ci.seattle.wa.us

The Council's Chambers and offices are physically accessible; print and communications access provided on request. Call 684-8888 (TDD: 233-0025) for further information.

		RECOMMENDED ACTION
1.	Chair's Report.	
2.	C.B.	PUBLIC HEARING POSSIBLE DISCUSSION & VOTE
	Further implementing and clarifying the effects of Chapter 347 of the Laws of 1995 and correcting errors and omissions in prior implementation; relating to land use and zoning, environmental protection, historic preservation, and building and construction; amending Sections 23.66.030 and 25.05.680 of the Seattle Municipal Code to conform to the limitation in RCW 36.70B to only one open record hearing and to correct an error; amending Sections 23.66.030, 25.16.080, 25.20.080, and 25.22.100 to add a provision for preliminary design approval in special review and landmark districts; amending Section 25.16.100 to correct an unintended effect on process caused by a prior amendment, Sections 25.12.120 and 25.12.450 to delete a superfluous term, Section 25.12.210 to delete the Hearing Examiner from the definition of "party of record" and Section 25.12.680 to correct an omission in application requirements; amending Sections 23.66.030, 25.12.690, 25.20.080 and 25.22.100 to clarify permit submittal requirements; amending Section 23.66.318 to codify an exemption from the time limits of Chapter 36.70B RCW and to clarify the finality of a decision of the Director of the Department of Neighborhoods; amending Section 23.76.012 to correct an error in the comment period for shoreline applications; amending Section 23.76.024 to provide for 30 day notice of availability of the Director's report and to correct an omission; amending Section 23.76.032 to make the term of all components of a Master Use Permit with a shoreline component coterminous, to clarify the requirements for extending the term of a Master Use Permit by submittal of a complete building permit application, and to make the standards for renewal of a Master Use Permit parallel to those for a related building permit; amending Section 23.76.056 to clarify that Type IV land use decisions should contain information helpful to identification of parties under RCW 36.70C.040; amending Section 23.88.020 to clarify that interpretations are administrative remedies to be exhausted; amending Section 106 of the Seattle Building Code to bring permit processing times into conformance with Chapter 36.70B RCW; and stating Council intent as to the applicability of the code amendments made by prior Ordinance 118012.	
3.	C.B.	PUBLIC HEARING POSSIBLE DISCUSSION & VOTE
	Further implementing and clarifying the effects of Chapter 347 of the Laws of 1995 and correcting errors and omissions in prior implementation; relating to land use and zoning, environmental protection, historic preservation, and building and construction; amending sections in Chapters 23.66, 23.76, 23.88, 25.05, 25.12, 25.16, 25.20 and 25.22; amending Section 106 of the Seattle Building Code, and stating Council intent as to the applicability of the code amendments made in prior Ordinance 118012.	
4.	C.B. 111265	DISCUSSION & VOTE
	Relating to the Seattle Center; designating the Seattle Center and the area within one thousand feet of the perimeter of the Seattle Center as a drug-free zone pursuant to RCW 69.50.435; and adding a new Section 17.04.060 to the Seattle Municipal Code.	
5.	RES.	DISCUSSION & VOTE
	Authorizing the Superintendent of Parks and Recreation to submit a package of Seattle Local Projects to Metropolitan King County to be included in the proposed county-wide Recreation and Conservation Bond issue, and identifying projects to be further refined for submittal as Partnership Projects to Metropolitan King County when the Bond Measure passes.	

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RECOMMENDED ACTION

CONSENT AGENDA - DO PASS

- 6. C.B. 111266 Relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to proceed with the construction of the Miller Community Center; and making an appropriation from the Capital Facilities Project Bond Fund therefor; all upon a three-quarters vote of the City Council. VOTE
- 7. C.B. 111272 Relating to The Seattle Aquarium of the Department of Parks and Recreation, accepting a \$31,157 grant from the Puget Sound Water Quality Authority's Public Involvement and Education (PIE) grant program, authorizing execution of a subsequent grant agreement with the PSWQ for financial assistance to sustain and expand operation of the Puget Sound or Wheels Program, increasing the expenditure allowances in the Department's 1996 Budget; and making a reimbursable appropriation from the Park Fund, all by a three-fourths vote of the City Council. VOTE
- 8. C.B. 111273 Relating to the Seattle Department of Parks and Recreation, authorizing acceptance of a \$75,000 grant from the Boeing Junior Mariners program to help renovate the ballfield at Judkins Park. VOTE
- 9. RES. 29368 Relating to the Seattle Department of Parks and Recreation authorizing grant applications to the State of Washington's Department of Natural Resources (DNR) for financial assistance for improvements at Alki Beach Trail, South Lake Union Park and Day Street Park and development of the "Sound To Mountains" exhibit at the Seattle Aquarium. VOTE
- 10. RES. 29369 Relating to the Seattle Department of Parks and Recreation and the Seattle Engineering Department authorizing grant applications to the State of Washington's Interagency Committee for Outdoor Recreation for financial assistance for park land acquisition at Figeon Point Park and Smith Cove; for park improvements at Garfield Ballfield, The Last Open Space In Lake City and Fairview-Olmsted Park; and for land acquisition for portions of the South Ship Canal Trail. VOTE

* EXECUTIVE SESSION *

- 11. Sand Point Real Estate Transaction. BRIEFING
- 12. Authorizing the Mayor or his designee to execute a lease for property at the Sand Point Naval Base. DISCUSSION & VOTE

SD/tv

LEGISLATIVE DEPARTMENT
SEATTLE CITY COUNCIL
600 - 4th AVENUE, 11th FLOOR
SEATTLE, WA 98104-1876

ADDRESS CORRECTION REQUESTED

BULK RATE
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SPONSORSHIP

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Joey Maddon

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

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City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Turner, Director

May 31, 1996

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT: Construction and Land Use

SUBJECT: AN ORDINANCE further implementing and clarifying the effects of Chapter 347 of the Laws of 1995 and correcting errors and omissions in prior implementation; relating to land use and zoning, environmental protection, historic preservation, and building and construction; amending Sections 23.66.030 and 25.05.680 of the Seattle Municipal Code to conform to the limitation in RCW 36.70B to only one open record hearing and to correct an error; amending Sections 23.66.030, 25.16.080, 25.20.080, and 25.22.100 to add a provision for preliminary design approval in special review and landmark districts; amending Section 25.16.100 to correct an unintended effect on process caused by a prior amendment, Sections 25.12.120 and 25.12.430 to delete a superfluous term, Section 25.12.210 to delete the Hearing Examiner from the definition of "party of record" and Section 25.12.680 to correct an omission in application requirements; amending Sections 23.66.030, 25.12.690, 25.20.080 and 25.22.100 to clarify permit submittal requirements; amending Section 23.66.318 to codify an exemption from the time limits of Chapter 36.70B RCW and to clarify the finality of a decision of the Director of the Department of Neighborhoods; amending Section 23.76.012 to correct an error in the comment period for shoreline applications; amending Section 23.76.024 to provide for 30 day notice of availability of the Director's report and to correct an omission; amending Section 23.76.032 to make the term of all components of a Master Use Permit with a shoreline component coterminous, to clarify the requirements for extending the term of a Master Use Permit by submittal of a complete building permit application, and to make the standards for renewal of a Master Use Permit parallel to those for a related building permit; amending Section 23.66.056 to clarify that Type IV land use decisions should contain information helpful to identification of parties under RCW 36.70C.040; amending Section 23.88.020 to clarify that interpretations are administrative remedies to be exhausted; amending Section 106 of the Seattle Building Code to bring permit processing times into conformance with Chapter 36.70B RCW; and stating Council intent as to the applicability of the code amendments made by prior Ordinance 118012.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

96-171


6/4/96
OK MK

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