

Ordinance No. 12.0157

Council Bill No. 113452

The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning; historic preservation, fire and life safety hazards, and building and construction, amending Sections 22.600.025, 23.66.030, 23.66.115, 23.66.318, 23.76.005, 23.76.015, 23.76.016, 23.76.052, 25.12.375, 25.12.740, 25.12.740, 25.12.835, 25.16.110, 25.16.115, 25.20.110, 25.20.115, 25.22.130, 25.22.135, 25.24.080, 25.24.085, and Section 106.6 of the Seattle Building Code, Chapter 22.100 of the Seattle Municipal Code, to delete obsolete references to Chapter 36.70B, RCW and RCW 36.70B.090 and to establish time periods for decisions on project permit applications as required by RCW 36.70B.080.

11/7/00 Amended
11-13-00 Pa

CF No. _____

Date Introduced:	<u>10-23-00</u>	
Date 1st Referred:	To: (committee)	<u>Landlord/Tenant & Land Use Committee</u>
Date Re- Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>11-13-00</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>11-14-00</u>	<u>11-20-00</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
<u>11-21-00</u>	<u>Full 11 pag</u>	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

[Signature]

NICASTRO

Councilmember

Committee Action:

11/7/00 Amended - Pass as Amended 2-0 UN,MP

11-13-00 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Department

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Law Dept. Review

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ORDINANCE 120157

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6 **AN ORDINANCE** relating to land use and zoning; historic preservation, fire and life safety
7 hazards, and building and construction, amending Sections 22.600.025, 23.66.030,
8 23.66.115, 23.66.318, 23.76.005, 23.76.015, 23.76.016, 23.76.052, 25.12.375,
9 25.12.740, 25.12.740, 25.12.835, 25.16.110, 25.16.115, 25.20.110, 25.20.115, 25.22.130,
10 25.22.135, 25.24.080, 25.24.085, and Section 106.6 of the Seattle Building Code, Chapter
11 22.100 of the Seattle Municipal Code, to delete obsolete references to Chapter 36.70B, RCW
12 and RCW 36.70B.090 and to establish time periods for decisions on project permit
13 applications as required by RCW 36.70B.080.
14

15
16 **Section 1.** Section 22.600.025 of the Seattle Municipal Code, which section was
17 adopted by Ordinance 1191124, is amended as follows:
18

19 **22.600.025 Exclusion pursuant to RCW 36.70B.140(2).**
20

21 The special circumstances presented by the fire and life safety hazards regulated by this code
22 warrant a review process different from that provided in Section 23.76.005 of the Seattle
23 Municipal Code, RCW 36.70B.060 through (~~36.70B.090~~) 36.70B.080 and 36.70B.110
24 through 36.70B.130, and therefore the processing and review of any applications for permits
25 required pursuant to the provisions of this chapter are excluded from the requirements of
26 Section 23.76.005 of the Seattle Municipal Code, RCW 36.70B.060 through (~~36.70B.090~~)
27 36.70B.080 and 36.70B.110 through 36.70B.130. Applications for permits required pursuant
28 to this chapter will be processed and reviewed according to the provisions of this code and
29 applicable Fire Department regulations.
30

31
32 **Section 2.** Subsection E of Section 23.66.030 of the Seattle Municipal Code, which
33 section was last amended by Ordinance 119121, is further amended as follows:
34

35 **23.66.030 Certificates of Approval – Application, review, and appeals.**
36

37 **E. Appeal to Hearing Examiner.**

38 1. Any interested person may appeal the decision of the Department of
39 Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen
40 (14) days of the Department of Neighborhoods Director's decision. When the proposed action
41 that is the subject of the certificate of approval is also the subject of one (1) or more related
42 permit applications under review by the Department of Construction and Land Use, then the
43 appellant must also file notice of the appeal with the Director of the Department of
44 Construction and Land Use, and the appeal of the certificate of approval shall not be heard until
45 all of the time periods for filing administrative appeals on the other permits or any
46 environmental determinations have expired, except that an appeal of a certificate of approval

1 for the preliminary design or for subsequent design phases may proceed immediately without
2 being consolidated. 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 if one (1) or more
4 appeals are filed regarding the other permits or environmental determinations, the appeal of the
5 certificate of approval shall be consolidated with them and shall be heard according to the same
6 timelines established for the other appeals or predecision hearing, except that appeals to the
7 State Shoreline Hearings Board shall proceed independently according to the timelines set by
8 the state for such appeals, and except that an appeal of a certificate of approval for a
9 preliminary design or for a subsequent design phase may proceed without being consolidated.

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

13 3. The applicant for the certificate of approval, not involving approval of
14 preliminary and subsequent design phases also may elect to have the appeal proceed
15 immediately rather than be postponed for consolidation with appeals of related permit
16 applications or with a predecision hearing, if the applicant agrees in writing that the time period
17 for review of those permits or approvals shall be suspended until the Hearing Examiner issues a
18 decision on the appeal of the certificate of approval.

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

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

28 6. The Hearing Examiner shall issue a decision not later than ninety (90) days
29 after the last of any appeals of related permit decisions is filed provided that, when an appeal of
30 a certificate of approval is consolidated with a predecision hearing, the Hearing Examiner shall
31 issue the decision on the certificate of approval with the recommendation to the City Council
32 on a Type IV Council land use decision, or, if the applicant chooses to proceed immediately
33 with the appeal of the certificate of approval, as provided in subsection E3, then not later than
34 ninety (90) days from the filing of that appeal. ~~((Pursuant to RCW 36.70B.090, t))~~ The time
35 period to consider and decide the appeal of a certificate of approval shall be exempt from the
36 deadlines for review and decision on both the certificate of approval and any related permit
37 applications or approvals.

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

42 * * *

1 B. The time limits established by subsection A of this section do not apply if a permit
2 application:

- 3 1. Requires an amendment to the comprehensive plan or the Land Use Code; or
4 2. Requires the siting of an essential public facility; or
5 3. Is substantially revised by the applicant, in which case the time period shall
6 start from the date at which the revised project application is determined to be complete.

7
8 ((B))C. Exclusions pursuant to RCW 36.70B.140(1).

9 1. Type III decisions.

10 a. DCLU shall issue its recommendation within one hundred ((twenty))
11 eighty((120)) (180) days as that time is calculated pursuant to ((RCW 36.70B.090))
12 subsection A of this section; and

13 b. The Hearing Examiner shall issue his or her decision within ninety
14 (90) days of issuance of the DCLU recommendation.

15 2. Type IV decisions.

16 a. There shall be no time limit for decisions on Major Institution Master
17 Plans.

18 b. All other Type IV Council land use decisions and any associated
19 Type II decisions listed in Section 23.76.006 C2 shall be made within the following time
20 periods:

21 (1) DCLU shall issue its recommendation within one hundred
22 ((twenty)) eighty ((120)) (180) days as that time period is calculated pursuant to ((RCW
23 36.70B.090)) subsection A of this section;

24 (2) The Hearing Examiner shall issue his or her decision within
25 ninety (90) days of issuance of the DCLU recommendation; and

26 (3) The Council shall issue its decision within ninety (90) days
27 of the Hearing Examiner recommendation.

28 3. Any application for a land use decision that the Hearing Examiner or
29 Council remands for further information or analysis shall be excluded from the time periods of
30 ((RCW 36.70B.090)) subsection A of this section for the period of the remand. The Hearing
31 Examiner or the Council shall set a reasonable period for the remand after consideration of the
32 nature and complexity of the issues, and, when practicable, after consultation with the parties
33 about the reasonableness of the remand period.

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36 ((E))D. Type V council land use decisions are legislative decisions to which ((RCW
37 36.70B.090)) subsection A of this section does not apply.

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39
40 **Section 6.** Subsection B of Section 23.76.015 of the Seattle Municipal Code, which
41 section was adopted by Ordinance 118012, is amended as follows:

42
43 **23.76.015 Public meetings.**

44
45 B. The Director may combine a public meeting on a project application with any other
46 public meetings that may be held on the project by another local, state, regional, federal or

1 other agency provided that the meeting is held within The City of Seattle. If requested by an
2 applicant, a joint meeting shall be held, provided that the joint meeting can be held within the
3 time periods specified in ((~~RCW 36.70B.090~~)) SMC Section 23.76.005, or the applicant
4 agrees in writing to additional time, if needed, to combine the meeting.
5
6

7 **Section 7.** Subsection B of Section 23.76.016 of the Seattle Municipal Code, which
8 section was adopted by Ordinance 118012, is amended as follows:
9

10 **23.76.016 Public hearings.**

11
12
13 B. The Director may combine a public hearing on a project application with any other
14 public hearings that may be held on the project by another local, state, regional, federal or other
15 agency provided that the hearing is held within The City of Seattle. If requested by an
16 applicant, a joint hearing shall be held, provided that the joint hearing can be held within the
17 time periods specified in ((~~RCW 36.70B.090~~)) SMC Section 23.76.005, or the applicant
18 agrees in writing to additional time, if needed, to combine the hearing.
19
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21 **Section 8.** Subsection B of Section 23.76.024 of the Seattle Municipal Code, which
22 section was last amended by Ordinance 119239, is further amended as follows:
23

24 **23.76.024 Hearing Examiner open record hearing and decision for subdivisions.**

25
26 B. The Hearing Examiner may combine a public hearing on a project application with
27 any other public hearings that may be held on the project by another local, state, regional,
28 federal or other agency provided that the hearing is held within The City of Seattle. If requested
29 by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within
30 the time periods specified in ((~~RCW 36.70B.090~~)) SMC Section 23.76.005, or the applicant
31 agrees in writing to additional time, if needed, to combine the hearing.
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36 **Section 9.** Subsection B of Section 23.76.052 of the Seattle Municipal Code, which
37 section was last amended by Ordinance 119096, is further amended as follows:
38

39 **23.76.052 Hearing Examiner open record predecision hearing and recommendation.**

40
41 B. The Hearing Examiner may combine a public hearing on a project application with
42 any other public hearings that may be held on the project by another local, state, regional,
43 federal or other agency provided that the hearing is held within The City of Seattle. If requested
44 by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within
45 the time periods specified in ((~~RCW 36.70B.090~~)) SMC Section 23.76.005, or the applicant
46 agrees in writing to additional time, if needed, to combine the hearing.

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5 **Section 10.** Section 25.12.375 of the Seattle Municipal Cod, which section was
6 adopted by Ordinance 118012, is amended as follows:
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8 **SMC 25.12.375 Exemption from permit timelines.**
9

10 Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from
11 nomination through the City Council's decision whether to enact a designating ordinance,
12 including any review of the Board's decisions by the Hearing Examiner or the City Council,
13 from the time limits and the other provisions of RCW 36.70B.060 through ~~((36.70B.090))~~
14 36.70B.080 and the provisions of 36.70B.110 through 36.70B.130.
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17 **Section 11.** Subsection D of Section 25.12.740 of the Seattle Municipal Code, which
18 section was last amended by Ordinance 119121, is further amended as follows:
19

20 **SMC 25.12.740 Appeal to Hearing Examiner.**
21

22 D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the
23 last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed
24 immediately with the appeal of the certificate of approval, as provided in subsection C, then not
25 later than ninety (90) days from the filing of that appeal. ~~((Pursuant to RCW 36.70B.090, t))~~
26 The time period to consider and decide the appeal of a certificate of approval shall be exempt
27 from the deadlines for review and decision on both the certificate of approval and any related
28 permit applications.
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31 **Section 12.** Subsection E of Section 25.12.835 of the Seattle Municipal Code, which
32 section was last amended by Ordinance 118012, is further amended as follows:
33

34 **25.12.835 Demolition.**
35

36 E. In making the determinations required under this section the Director of the
37 Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer.
38 The Director should consider all relevant information and should communicate with whomever
39 the Director believes can provide useful information or expertise. The Director shall
40 communicate his or her decision to the applicant in writing within fifteen (15) days of receiving
41 the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's
42 decision is exempt from the time limits and other requirements of RCW 36.70B.060 through
43 RCW ~~((36.70B.090))~~ 36.70B.080, and the requirements of RCW 36.70B.110 through RCW
44 36.70B.130.
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46

* * *

Section 22. Subsection 106.6.1 of Section 106.6 of the 1997 Seattle Building Code, adopted by Ordinance 119079, is amended as follows:

106.6 Permit Issuance.

106.6.1 General. The application, plans, specifications and other data filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of the City to 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 days of application if additional information is required and what additional information is required before the application will be complete. 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))~~ 180 days~~((as that time period is calculated pursuant to RCW 36.70B.090))~~ of notification that the application is complete. In determining the number of days that have elapsed since the notification that the application is complete, the following periods shall be excluded:

1. Any period during which the applicant has been requested to correct plans, perform required studies, or provide additional requested information, until the determination that the request has been satisfied;

2. Any extension of time mutually agreed upon by the building official and the applicant.

3. If the application is substantially revised by the applicant, the time period shall start from the date at which the revised application is determined to be complete.

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 code and other pertinent laws and ordinances and that the fees specified in the Fee Subtitle 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 a part of a building or structure before complete plans have been submitted or approved, provided that the proposed project complies with the State Environmental Policy Act as adopted by the City (Chapter 25.05 Seattle Municipal Code) and as amended and the Land Use Code, as amended; and provided further that adequate information and plans have been filed and checked to assure compliance with all pertinent requirements of this and other pertinent codes. The holder of such a permit shall proceed at his/her own risk without the assurance that the permit for the entire building or structure will be granted.

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



City of Seattle

Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Margaret Pageler, City Council President,
Via Margaret Klockars, Law Department

FROM: 
Rick Krochalis, Director

DATE: October 5, 2000

SUBJECT: Proposed Land Use Code Amendments Related to the Maximum
Time Allowed for the DCLU Director to Complete Land Use
Decisions.

Transmittal

With this memorandum we are transmitting, for City Council consideration, proposed legislation amending the Land Use Code to reestablish time limits for DCLU Land Use Decisions.

Proposed Amendment

Both the Building Code and the Land Use Code set time limits for Land Use Decisions by referencing RCW 36.70B.090.

RCW 36.70B.090 **Notice of final decision--Time limits--Exceptions** states that a local government planning under RCW 36.70A.040 shall issue its notice of final decision on a project permit application within one hundred twenty days after the local government notifies the applicant that the application is complete, as provided in RCW 36.70B.070.

On June 30, 2000, RCW 36.70B.090 expired, leaving DCLU without any codified requirement for completing Land Use Decisions. RCW 36.70B.080, effective July 1, 2000, requires that time limits be established. This creates potential liability for DCLU, as the court may determine that DCLU is not in compliance due to the lack of an established time limit.

The proposed amendment would allow the City to comply with RCW 36.70B.080, by incorporating a time limit in both the Building Code and the Land Use Code for permit decisions.



The proposed amendment will redefine the Director's time requirement for completion of Land Use Decisions. The allowable time for such a decision will be changed from a maximum of 120 days to 180 days. In addition, time periods, such as when an applicant has been requested to correct plans, will not count towards the 180-day requirement. The amendment is not substantive.

I want to make it clear that our goals and performance for processing requests will still reflect our ability to review and issue most permits within the more timely goals set by City Council a number of years ago.

Financial Impact

The proposed will not result in operational financial impacts for DCLU.

Public Hearing/SEPA

Due to the procedural nature of this amendment, environmental review is not required. A public hearing is scheduled before Council's Landlord/Tenant and Land Use Committee on November 7, 2000.

If you have any questions about the proposed legislation, please call Diane Sugimura at 233-3882 or via email at diane.sugimura@ci.seattle.wa.us.



ORDINANCE _____

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6 **AN ORDINANCE** relating to land use and zoning; historic preservation, fire and life safety
7 hazards, and building and construction, amending Sections 22.600.025, 23.66.030,
8 23.66.115, 23.66.318, 23.76.005, 23.76.015, 23.76.016, 23.76.052, 25.12.375,
9 25.12.740, 25.12.740, 25.12.835, 25.16.110, 25.16.115, 25.20.110, 25.20.115, 25.22.130,
10 25.22.135, 25.24.080, 25.24.085, and Section 106.6 of the Seattle Building Code, Chapter
11 22.100 of the Seattle Municipal Code, to delete obsolete references to Chapter 36.70B, RCW
12 and RCW 36.70B.090 and to establish time periods for decisions on project permit
13 applications as required by RCW 36.70B.080.
14
15

16 **Section 1.** Section 22.600.025 of the Seattle Municipal Code, which section was
17 adopted by Ordinance 1191124, is amended as follows:
18

19 **22.600.025 Exclusion pursuant to RCW 36.70B.140(2).**
20

21 The special circumstances presented by the fire and life safety hazards regulated by this code
22 warrant a review process different from that provided in Section 23.76.005 of the Seattle
23 Municipal Code, RCW 36.70B.060 through (~~36.70B.090~~) 36.70B.080 and 36.70B.110
24 through 36.70B.130, and therefore the processing and review of any applications for permits
25 required pursuant to the provisions of this chapter are excluded from the requirements of
26 Section 23.76.005 of the Seattle Municipal Code, RCW 36.70B.060 through (~~36.70B.090~~)
27 36.70B.080 and 36.70B.110 through 36.70B.130. Applications for permits required pursuant
28 to this chapter will be processed and reviewed according to the provisions of this code and
29 applicable Fire Department regulations.
30
31

32 **Section 2.** Subsection E of Section 23.66.030 of the Seattle Municipal Code, which
33 section was last amended by Ordinance 119121, is further amended as follows:
34

35 **23.66.030 Certificates of Approval – Application, review, and appeals.**
36

37 **E. Appeal to Hearing Examiner.**

38 1. Any interested person may appeal the decision of the Department of
39 Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen
40 (14) days of the Department of Neighborhoods Director's decision. When the proposed action
41 that is the subject of the certificate of approval is also the subject of one (1) or more related
42 permit applications under review by the Department of Construction and Land Use, then the
43 appellant must also file notice of the appeal with the Director of the Department of
44 Construction and Land Use, and the appeal of the certificate of approval shall not be heard until
45 all of the time periods for filing administrative appeals on the other permits or any
46 environmental determinations have expired, except that an appeal of a certificate of approval



1 for the preliminary design or for subsequent design phases may proceed immediately without
2 being consolidated. 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 if one (1) or more
4 appeals are filed regarding the other permits or environmental determinations, the appeal of the
5 certificate of approval shall be consolidated with them and shall be heard according to the same
6 timelines established for the other appeals or predecision hearing, except that appeals to the
7 State Shoreline Hearings Board shall proceed independently according to the timelines set by
8 the state for such appeals, and except that an appeal of a certificate of approval for a
9 preliminary design or for a subsequent design phase may proceed without being consolidated.

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

13 3. The applicant for the certificate of approval, not involving approval of
14 preliminary and subsequent design phases also may elect to have the appeal proceed
15 immediately rather than be postponed for consolidation with appeals of related permit
16 applications or with a predecision hearing, if the applicant agrees in writing that the time period
17 for review of those permits or approvals shall be suspended until the Hearing Examiner issues a
18 decision on the appeal of the certificate of approval.

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

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

28 6. The Hearing Examiner shall issue a decision not later than ninety (90) days
29 after the last of any appeals of related permit decisions is filed provided that, when an appeal of
30 a certificate of approval is consolidated with a predecision hearing, the Hearing Examiner shall
31 issue the decision on the certificate of approval with the recommendation to the City Council
32 on a Type IV Council land use decision, or, if the applicant chooses to proceed immediately
33 with the appeal of the certificate of approval, as provided in subsection E3, then not later than
34 ninety (90) days from the filing of that appeal. ((Pursuant to RCW 36.70B.090, t)) The time
35 period to consider and decide the appeal of a certificate of approval shall be exempt from the
36 deadlines for review and decision on both the certificate of approval and any related permit
37 applications or approvals.

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

42 * * *



- 1 2. Requires the siting of an essential public facility; or
2 3. Is substantially revised by the applicant, in which case the time period shall
3 start from the date at which the revised project application is determined to be complete.
4

5 ((B))C. Exclusions pursuant to RCW 36.70B140(1).

6
7 1. Type III decisions.

8 a. DCLU shall issue its recommendation within one hundred ((twenty))
9 eighty((120)) (180) days as that time is calculated pursuant to ((RCW 36.70B.090))
10 subsection A of this section; and

11 b. The Hearing Examiner shall issue his or her decision within ninety
12 (90) days of issuance of the DCLU recommendation.

13 2. Type IV decisions.

14 a. There shall be no time limit for decisions on Major Institution Master
15 Plans.

16 b. All other Type IV Council land use decisions and any associated
17 Type II decisions listed in Section 23.76.006 C2 shall be made within the following time
18 periods:

19 (1) DCLU shall issue its recommendation within one hundred
20 ((twenty)) eighty ((120)) (180) days as that time period is calculated pursuant to ((RCW
21 36.70B.090)) subsection A of this section;

22 (2) The Hearing Examiner shall issue his or her decision within
23 ninety (90) days of issuance of the DCLU recommendation; and

24 (3) The Council shall issue its decision within ninety (90) days
25 of the Hearing Examiner recommendation.

26 3. Any application for a land use decision that the Hearing Examiner or
27 Council remands for further information or analysis shall be excluded from the time periods of
28 ((RCW 36.70B.090)) subsection A of this section for the period of the remand. The Hearing
29 Examiner or the Council shall set a reasonable period for the remand after consideration of the
30 nature and complexity of the issues, and, when practicable, after consultation with the parties
31 about the reasonableness of the remand period.

32
33 ((C))D. Type V council land use decisions are legislative decisions to which ((RCW
34 36.70B.090)) subsection A of this section does not apply.

35
36
37 **Section 6.** Subsection B of Section 23.76.015 of the Seattle Municipal Code, which
38 section was adopted by Ordinance 118012, is amended as follows:

39
40 **23.76.015 Public meetings.**

41
42 B. The Director may combine a public meeting on a project application with any other
43 public meetings that may be held on the project by another local, state, regional, federal or
44 other agency provided that the meeting is held within The City of Seattle. If requested by an
45 applicant, a joint meeting shall be held, provided that the joint meeting can be held within the



1 time periods specified in ((RCW 36.70B.090)) SMC Section 23.76.005, or the applicant
2 agrees in writing to additional time, if needed, to combine the meeting.
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5 **Section 7.** Subsection B of Section 23.76.016 of the Seattle Municipal Code, which
6 section was adopted by Ordinance 118012, is amended as follows:
7

8 **23.76.016 Public hearings.**
9

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11 B. The Director may combine a public hearing on a project application with any other
12 public hearings that may be held on the project by another local, state, regional, federal or other
13 agency provided that the hearing is held within The City of Seattle. If requested by an
14 applicant, a joint hearing shall be held, provided that the joint hearing can be held within the
15 time periods specified in ((RCW 36.70B.090)) SMC Section 23.76.005, or the applicant
16 agrees in writing to additional time, if needed, to combine the hearing.
17
18

19 **Section 8.** Subsection B of Section 23.76.024 of the Seattle Municipal Code, which
20 section was last amended by Ordinance 119239, is further amended as follows:
21

22 **23.76.024 Hearing Examiner open record hearing and decision for subdivisions.**
23

24 B. The Hearing Examiner may combine a public hearing on a project application with
25 any other public hearings that may be held on the project by another local, state, regional,
26 federal or other agency provided that the hearing is held within The City of Seattle. If requested
27 by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within
28 the time periods specified in ((RCW 36.70B.090)) SMC Section 23.76.005, or the applicant
29 agrees in writing to additional time, if needed, to combine the hearing.
30

31 * * *

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33
34 **Section 9.** Subsection B of Section 23.76.052 of the Seattle Municipal Code, which
35 section was last amended by Ordinance 119096, is further amended as follows:
36

37 **23.76.052 Hearing Examiner open record predecision hearing and recommendation.**
38

39 B. The Hearing Examiner may combine a public hearing on a project application with
40 any other public hearings that may be held on the project by another local, state, regional,
41 federal or other agency provided that the hearing is held within The City of Seattle. If requested
42 by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within
43 the time periods specified in ((RCW 36.70B.090)) SMC Section 23.76.005, or the applicant
44 agrees in writing to additional time, if needed, to combine the hearing.
45

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2
3 **Section 10.** Section 25.12.375 of the Seattle Municipal Cod, which section was
4 adopted by Ordinance 118012, is amended as follows:
5

6 **SMC 25.12.375 Exemption from permit timelines.**
7

8 Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from
9 nomination through the City Council's decision whether to enact a designating ordinance,
10 including any review of the Board's decisions by the Hearing Examiner or the City Council,
11 from the time limits and the other provisions of RCW 36.70B.060 through ~~((36.70B.090))~~
12 36.70B.080 and the provisions of 36.70B.110 through 36.70B.130.
13
14

15 **Section 11.** Subsection D of Section 25.12.740 of the Seattle Municipal Code, which
16 section was last amended by Ordinance 119121, is further amended as follows:
17

18 **SMC 25.12.740 Appeal to Hearing Examiner.**
19

20 D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the
21 last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed
22 immediately with the appeal of the certificate of approval, as provided in subsection C, then not
23 later than ninety (90) days from the filing of that appeal. ~~((Pursuant to RCW 36.70B.090, t))~~
24 The time period to consider and decide the appeal of a certificate of approval shall be exempt
25 from the deadlines for review and decision on both the certificate of approval and any related
26 permit applications.
27
28

29 **Section 12.** Subsection E of Section 25.12.835 of the Seattle Municipal Code, which
30 section was last amended by Ordinance 118012, is further amended as follows:
31

32 **25.12.835 Demolition.**
33

34 E. In making the determinations required under this section the Director of the
35 Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer.
36 The Director should consider all relevant information and should communicate with whomever
37 the Director believes can provide useful information or expertise. The Director shall
38 communicate his or her decision to the applicant in writing within fifteen (15) days of receiving
39 the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's
40 decision is exempt from the time limits and other requirements of RCW 36.70B.060 through
41 RCW ~~((36.70B.090))~~ 36.70B.080, and the requirements of RCW 36.70B.110 through RCW
42 36.70B.130.
43
44

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1
2 **25.20.110 Appeal to the Hearing Examiner**
3

4 D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the
5 last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed
6 immediately with the appeal of the certificate of approval, as provided in subsection C, then not
7 later than ninety (90) days from the filing of that appeal. ((Pursuant to RCW 36.70B.090,
8 t))The time period to consider and decide the appeal of a certificate of approval shall be exempt
9 from the deadlines for review and decision on both the certificate of approval and any related
10 permit applications.

11 * * *

12
13 **Section 17.** Subsection C of Section 25.20.115 of the Seattle Municipal Code, which
14 section was adopted by Ordinance 118012, is amended as follows:

15
16 **25.20.115 Requests for interpretation.**
17

18 C. If the requested interpretation relates to a certificate of approval ((that is subject to
19 the deadlines set by RCW 36.70B)) for which an application has been filed, then the request
20 for an interpretation cannot be made any later than fourteen (14) days after the application for
21 the certificate of approval was submitted. Provided, however, that a request for an
22 interpretation may be sought by the applicant at a later time if the applicant agrees in writing to
23 suspend the time frames for review of the certificate of approval, and the time frames
24 applicable to any related permits that are under review, until the interpretation is issued.
25

26 * * *

27
28 **Section 18.** Subsection E of Section 25.22.130 of the Seattle Municipal Code, which
29 section was last amended by Ordinance 119121, is further amended as follows:
30

31
32 **25.20.110 Appeal to the Hearing Examiner**
33

34 E. The Hearing Examiner shall issue a decision not later than ninety (90) days
35 after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to
36 proceed immediately with the appeal of the certificate of approval, as provided in subsection C,
37 then not later than ninety (90) days from the filing of that appeal. ((Pursuant to RCW
38 36.70B.090, t))The time period to consider and decide the appeal of a certificate of approval
39 shall be exempt from the deadlines for review and decision on both the certificate of approval
40 and any related permit applications.
41

42 * * *

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2
3 **Section 22.** Subsection 106.6.1 of Section 106.6 of the 1997 Seattle Building Code,
4 adopted by Ordinance 119079, is amended as follows:

5
6 **106.6 Permit Issuance.**

7
8 **106.6.1 General.** The application, plans, specifications and other data filed by an
9 applicant for permit shall be reviewed by the building official. Such plans may be reviewed by
10 other departments of the City to check compliance with the laws and ordinances under their
11 jurisdiction. The building official shall mail notice to or otherwise notify the applicant within
12 twenty-eight days of application if additional information is required and what additional
13 information is required before the application will be complete. Within fourteen days of
14 receiving the additional information, the building official shall notify the applicant in writing
15 whether the application is now complete or what additional information is necessary. An
16 application shall be deemed to be complete if the building official does not notify the applicant
17 in writing by the deadlines in this section that the application is incomplete. The Director shall
18 approve, condition or deny the application within ~~((120))~~ 180 days ~~((as that time period is~~
19 ~~calculated pursuant to RCW 36.70B.090))~~ of notification that the application is complete. In
20 determining the number of days that have elapsed since the notification that the application is
21 complete, the following periods shall be excluded:

22 1. Any period during which the applicant has been requested to correct plans, perform
23 required studies, or provide additional requested information, until the determination that the
24 request has been satisfied;

25 2. Any extension of time mutually agreed upon by the building official and the
26 applicant.

27 3. If the application is substantially revised by the applicant, the time period shall start
28 from the date at which the revised application is determined to be complete.

29
30 If the building official finds that the work as described in an application for permit and the
31 plans, specifications and other data filed therewith substantially conforms to the requirements
32 of this code and other pertinent laws and ordinances and that the fees specified in the Fee
33 Subtitle have been paid, he/she shall issue a permit therefor to the applicant who becomes the
34 permit holder or authorized agent.

35 **EXCEPTIONS:** 1. The building official may issue a permit for the construction
36 of a part of a building or structure before complete plans have been submitted or approved,
37 provided that the proposed project complies with the State Environmental Policy Act as
38 adopted by the City (Chapter 25.05 Seattle Municipal Code) and as amended and the Land Use
39 Code, as amended; and provided further that adequate information and plans have been filed
40 and checked to assure compliance with all pertinent requirements of this and other pertinent
41 codes. The holder of such a permit shall proceed at his/her own risk without the assurance that
42 the permit for the entire building or structure will be granted.

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

45 The building official may condition a permit where he/she determines that risks
46 associated with development, construction, ownership and occupation in areas of the city,

1 including, but not limited to potential slide areas, can be reduced to an acceptable level. The
2 building official may deny such permit where he/she determines that the risks cannot be
3 reduced to an acceptable level.
4

5 * * *

6
7
8 **Section 23.** This ordinance shall take effect and be in force thirty (30) days from and
9 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
10 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
11

12 Passed by the City Council the _____ day of _____, 2000, and signed by me in
13 open session in authentication of its passage this _____ day of _____, 2000.
14

15
16
17 _____
18 President _____ of the City Council
19

20 Approved by me this _____ day of _____, 2000.
21

22
23 _____
24 Mayor
25

26
27 Filed by me this _____ day of _____, 2000.
28

29
30 _____
31 City Clerk
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33 (Seal)
34
35
36
37



STATE OF WASHINGTON - KING COUNTY

125019
City of Seattle, Clerk's Office

—ss.

No. FULL ORD

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120157 ORDINANCE

was published on

11/30/00

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

H. Patterson

Subscribed and sworn to before me on

12/01/00

Clerk Weisgerber

Notary Public for the State of Washington,
residing in Seattle

