

Ordinance No. 120857

Council Bill No. 114179

The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to land use, zoning and construction; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code (Title 23, Land Use Code) and Section 106.6 of the Seattle Building Code, Chapter 22.100 of the Seattle Municipal Code to establish time periods for decisions on project permit applications as required by RCW 36.70B.080.

CF No. _____

7/16 3-0 as an
7-22-02 Pass

Date Introduced: <u>5-13-02</u>	
Date 1st Referred: <u>5-13-02</u>	To: (committee) <u>Land Use</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>7-22-02</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor: <u>7-23-02</u>	Date Approved: <u>7/23/02</u>
Date Returned to City Clerk: <u>7/31/02</u>	Date Published: <u>7/31/02</u>
Date Vetoes 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:

John A
Councilmember

Committee Action:

(6)
Mo 3-0 as amended (Y: W, MP, RC)
7-22-02 Passed 9-0

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

(initials)

Law Department

Law Dept. Review

OMP
Review

(V)
City Clerk
Review

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ORDINANCE 120157

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4 **AN ORDINANCE** relating to land use, zoning and construction; amending Sections
5 23.76.005 and 23.76.010 of the Seattle Municipal Code (Title 23, Land Use Code)
6 and Section 106.6 of the Seattle Building Code, Chapter 22.100 of the Seattle
7 Municipal Code to establish time periods for decisions on project permit applications
8 as required by RCW 36.70B.080.
9

10 **WHEREAS**, the City of Seattle is required to comply with changes to RCW 36.70B.080
11 (ESHB 1458) requiring local government action on permit applications not to exceed
12 one hundred twenty days; and
13

14 **WHEREAS**, provisions of RCW 36.70B.140 allow local jurisdictions to exclude certain
15 types of project permits from the permit review process contemplated by RCW
16 36.70B.060 through 36.70B.080; and
17

18 **WHEREAS**, the Council determines that certain Type II Council Land Use actions present
19 special circumstances that warrant exclusion from the time limits of RCW
20 36.70B.080, and pursuant to the authority of RCW 36.70B.140, applications for
21 Environmentally Critical Area Exceptions are excluded from such time limits; and
22

23 **WHEREAS**, the Council does so because the unique review process for Environmentally
24 Critical Area Exceptions entails an additional legal and economic analysis for
25 reasonable use of property that historically has substantially extended the review
26 time for Environmentally Critical Areas Exception proposals beyond the one
27 hundred twenty day limit;
28

29 **NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS**
30 **FOLLOWS:**
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32
33 **Section 1.** Subsections A and C of Section 23.76.005 of the Seattle Municipal Code,
34 which section was last amended by Ordinance 120157, are amended as follows:
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36



1 of subsection A of this section for the period of the remand. The Hearing Examiner or the
2 Council shall set a reasonable period for the remand after consideration of the nature and
3 complexity of the issues, and, when practicable, after consultation with the parties about the
4 reasonableness of the remand period.

5 Type V Council land use decisions are legislative decisions to which
6 subsection A of this section does not apply.

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8 * * *

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11 **Section 2.** Subsection D of Section 23.76.010, which section was last amended by
12 Ordinance 119904, is amended as follows:

13
14 **23.76.010 Application for Master Use Permits.**

15
16 * * *

17
18 D. All applications shall contain the submittal information required by the
19 applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use;
20 SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for
21 Environmentally Critical Areas, SMC Chapter 25.12, Landmarks Preservation; SMC
22 Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City
23 Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter
24 25.24, Pike Place Market Historical District; and other codes as determined applicable by
25 the Director. All shoreline substantial development, conditional use or variance applications
26 shall also include applicable submittal information as specified in WAC 173-27-180. The
27 following information shall also be required as further specified in the Director's Rule on
28 Application Submittal Guidelines, unless the Director indicates in writing that specific
29 information is not necessary for a particular application:

30 1. Property information including, but not limited to, address, legal
31 description, Assessor's Parcel number, and project description;

32 2. A signed statement of financial responsibility from the applicant
33 acknowledging financial responsibility for all applicable permit fees. If the application is
34 made, in whole or in part, on behalf of the property's owner, lessee, and/or contract
35 purchaser, then the statement of financial responsibility must also include a signed statement
36 of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all
37 applicable permit fees;

38 3. Scale drawings with all dimensions shown that include, but are not
39 limited to, the following information:

40 a. Existing site conditions showing adjacent streets (by name),
41 alleys or other adjacent public property, existing street uses, such as street trees and



1 sidewalk displays, buildings and structures, open space and landscape, access driveways and
2 parking areas,

- 3 b. Elevations and sections of the proposed new features,
- 4 c. Floor plans showing the proposed new features,
- 5 d. Drainage plan,
- 6 e. Landscape plan,
- 7 f. Right-of-way information showing any work proposed in the
8 public right-of-way,
- 9 g. Identification on the site plan of all easements, deed restrictions,
10 or other encumbrances restricting the use of the property, if applicable,
- 11 h. Parking layout and vehicular access,
- 12 i. Vicinity map,
- 13 j. Topographic map, and
- 14 k. Open space plan;

15 4. A statement whether the site includes or is adjacent to a nominated or
16 designated City of Seattle landmark, or has been listed as eligible for landmark status by the
17 state or federal governments, or is within a City of Seattle landmark or special review
18 district. If the site includes a nominated or designated City of Seattle landmark, or is within
19 a City of Seattle landmark or special review district, then the applicant must provide a copy
20 of any application for any required certificate of approval that has been filed with the
21 Department of Neighborhoods. If the site does not include a landmark and is not within a
22 landmark or special review district, then the applicant must provide the following
23 information:

- 24 a. Date the buildings on the site were constructed,
- 25 b. Name of the architect(s) or builder(s), and
- 26 c. For any building fifty (50) or more years old, clear exterior
27 photos of all elevations of the building;

28 5. For all transmitting antennas, the applicant shall submit a signed copy of
29 the Applicant's Statement of Federal Communications Commission (FCC) Compliance. If
30 the transmitting antenna requires Seattle-King County Public Health Department review, the
31 applicant must also submit a letter from the Public Health Department certifying that the
32 facility does not exceed radiofrequency radiation levels allowed by the FCC;

33 6. Confirmation that any required notification sign has been installed
34 according to the Director's specifications;

35 7. Information including technical reports, drawings, models or text,
36 necessary to evaluate the development proposal, project site and potential environmental
37 affects related to the following:

- 38 a. Soils and geology,
- 39 b. Grading,
- 40 c. Drainage,
- 41 d. Construction impacts,
- 42 e. Air quality,
- 43 f. Water quality,



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- g. Water discharge,
- h. View impairment,
- i. Energy consumption,
- j. Animal habitat impacts,
- k. Plant ecology, botany and vegetation,
- l. Noise,
- m. Release and disposal of toxic and hazardous materials,
- n. Soil contamination,
- o. Dredging,
- p. Land use,
- q. Housing,
- r. Light and glare,
- s. Shadow,
- t. Aesthetics,
- u. Use and demand on recreation facilities,
- v. Vehicular traffic and circulation,
- w. Parking,
- x. Pedestrian circulation,
- y. Circulation and movement of goods,
- z. Traffic hazard, ((and))
- aa. Demand on public service and utilities, and
- bb. Identification of all development departures requested through the design review process.

* * *

Section 3. Subsection 106.6.1 of Section 106.6 of the 1997 Seattle Building Code, as last amended by Ordinance 120157, 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



1 necessary. An application shall be deemed to be complete if the building official does not
2 notify the applicant in writing by the deadlines in this section that the application is
3 incomplete.

4 The Director and all other pertinent City agencies shall approve, condition or deny
5 the application within ~~((180))~~ 120 days of notification that the application is complete. In
6 determining the number of days that have elapsed since the notification that the application
7 is complete, the following shall apply: ~~((periods shall be excluded:~~

8 ~~1. Any))~~ All periods during which the applicant has been requested by the City to
9 correct plans, perform required studies, or provide additional requested information, until
10 the determination that the request has been satisfied shall be excluded;

11 ~~((2. Any extension of time mutually agreed upon by t))~~ The building official and the
12 applicant may agree on extensions of time.

13 ~~((3.))~~ If the application is substantially revised by the applicant, the 120-day time
14 period shall start from the date at which the revised application is determined to be
15 complete.

16 If the building official finds that the work as described in an application for permit
17 and the plans, specifications, and other data filed therewith substantially conforms to the
18 requirements of this code and other pertinent laws and Ordinances and that the fees specified
19 in the Fee Subtitle have been paid, he/she shall issue a permit therefore to the applicant who
20 becomes the permit holder or authorized agent.

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

30 2. After approval of a Master Use Permit as required by the Land Use Code, a
31 permit for excavation may be issued.
32



1 The building official may condition a permit where he/she determines that risks
2 associated with development, construction, ownership, and occupation in areas of the city,
3 including, but not limited to potential slide areas, can be reduced to an acceptable level. The
4 building official may deny such permit where he/she determines that the risks cannot be
5 reduced to an acceptable level.
6

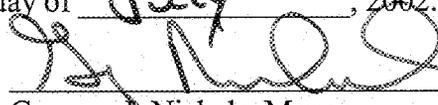
7
8 **Section 4.** The provisions of this ordinance are declared to be separate and
9 severable. The invalidity of any particular provision shall not affect the validity of any other
10 provision.

11 **Section 5.** This ordinance shall take effect and be in force thirty (30) days from and
12 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
13 (10) days after presentation, it shall take effect as provided by Municipal Code Section
14 1.04.020.

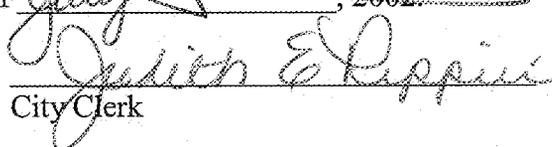
15 Passed by the City Council the 22nd day of July, 2002, and signed by me
16 in open session in authentication of its passage this 22nd day of July, 2002.

17
18 
19 _____
20 President _____ of the City Council

21
22 Approved by me this 31 day of July, 2002.

23 
24 _____
25 Gregory J. Nickels, Mayor

26
27 Filed by me this 31st day of July, 2002.

28 
29 _____
30 City Clerk

31
32
33
34
35 (SEAL)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

May 6, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

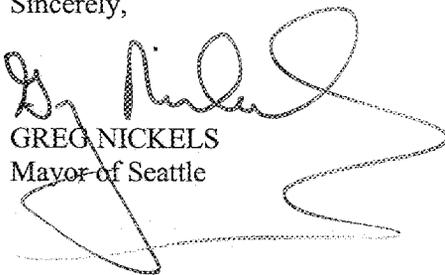
Dear Council President Steinbrueck:

I am transmitting the attached ordinance for Council consideration.

This legislation is being submitted by the Department of Design Construction and Land Use to establish a 120 day time period for decisions on project permit applications. State law, which establishes the 120 day time limit, allows local jurisdictions to exclude certain types of permits from the requirement. This ordinance, therefore, excludes Environmentally Critical Area Exception proposals from complying with the 120 limit as the required review and analysis for these permits has historically taken more than 120 days to complete.

Thank you for your consideration of this legislation. Should you have questions please contact Judy Barbour in the Law Department at 684-8251.

Sincerely,



GREG NICKELS
Mayor of Seattle



Seattle City Council

PUBLIC HEARING COMMENT FORM

COMMENTS ARE PUBLIC RECORD

PERMIT TIME PERIODS

Date JULY 16, 2002

Hearing Title C.B. 114179

Committee LAND USE

Location CHAMBER

PLEASE WRITE AS LEGIBLY AS POSSIBLE!

NAME	AFFILIATION	ADDRESS	ZIP	PHONE	E-MAIL
<u>MATTHEW A. BY</u>	<u>SEATTLE 4th DIST COMM City Council</u>	<u>1409 NE 58th</u>	<u>98105</u>		<u>MAFARM@IL.COM</u>

Please use other side for your comments, if necessary.

ORDINANCE _____

AN ORDINANCE relating to land use, zoning and construction; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code (Title 23, Land Use Code) and Section 106.6 of the Seattle Building Code, Chapter 22.100 of the Seattle Municipal Code to establish time periods for decisions on project permit applications as required by RCW 36.70B.080.

WHEREAS, the City of Seattle is required to comply with changes to RCW 36.70B.080 (ESHB 1458) requiring local government action on permit applications not to exceed one hundred twenty days; and

WHEREAS, provisions of RCW 36.70B.140 allow local jurisdictions to exclude certain types of project permits from the permit review process contemplated by RCW 36.70B.060 through 36.70B.080; and

WHEREAS, the Council determines that certain Type II Council Land Use actions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.080, and pursuant to the authority of RCW 36.70B.140, applications for Environmentally Critical Area Exceptions are excluded from such time limits; and

WHEREAS, the Council does so because the unique review process for Environmentally Critical Area Exceptions entails an additional legal and economic analysis for reasonable use of property that historically has substantially extended the review time for Environmentally Critical Areas Exception proposals beyond the one hundred twenty day limit;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections A and C of Section 23.76.005 of the Seattle Municipal Code, which section was last amended by Ordinance 120157, are amended as follows:



1 **23.76.005 Time for decisions.**

2 A. Except as otherwise provided in this section or otherwise agreed to by the
3 applicant, land use decisions on applications (~~filed on or after July 1, 2000~~) shall be made
4 within one hundred (~~eight (180))~~ twenty (120) days after the applicant has been notified
5 that the application is complete. In determining, the number of days that have elapsed after
6 the notification that the application is complete, the following periods shall be excluded:

- 7 1. (~~Any~~) All periods of time during which the applicant has been
8 requested by the Director to correct plans, perform required studies, or provide additional
9 required information, until the determination that the request has been satisfied;
10 2. Any extension of time mutually agreed upon by (~~DCLU~~) the
11 Director and the applicant;
12 3. For projects which an environmental impact statement (EIS) has been
13 required, the EIS process time period; and
14 4. Any time period for filing an appeal of the land use decision to the
15 Hearing Examiner, and the time period to consider and decide the appeal.
16

17 * * *

18
19 C. Exclusions Pursuant to RCW 36.70B.140(1).

- 20 1. Type II decisions.
21 There shall be no time limit for an application for an Exception from
22 the Regulations for Environmentally Critical Areas.
23 2. Type III decisions.
24 a. (~~DCLU~~) The Director shall issue its recommendation within
25 one hundred (~~eighty (180))~~ twenty (120) days as that time is calculated pursuant to
26 subsection A of this section; and
27 b. The Hearing Examiner shall issue his or her decision within
28 ninety (90) days of issuance of the (~~DCLU~~) the Director's recommendation.
29 (~~2~~)3. Type IV decisions.
30 a. There shall be no time limit for decisions on Major Institution
31 master plans.
32 b. All other Type IV Council land use decisions and any
33 associated Type II decisions listed in Section 23.76.006 C2, except for the exclusion listed in
34 subsection C1 of this section, shall be made within the following time periods:
35 (1) (~~DCLU~~) The Director shall issue its recommendation
36 within one hundred (~~eighty (180))~~ twenty (120) days as that time period is calculated
37 pursuant to subsection A of this section;
38 (2) The Hearing Examiner shall issue his or her decision
39 within ninety (90) days of issuance of the (~~DCLU~~) the Director's recommendation; and
40 (3) The Council shall issue its decision within ninety (90)
41 days of the Hearing Examiner recommendation.
42 (~~3~~)4. Any application for a land use decision that the Hearing Examiner or
43 Council remands for further information or analysis shall be excluded from the time periods

1 of subsection A of this section for the period of the remand. The Hearing Examiner or the
2 Council shall set a reasonable period for the remand after consideration of the nature and
3 complexity of the issues, and, when practicable, after consultation with the parties about the
4 reasonableness of the remand period.

5 Type V Council land use decisions are legislative decisions to which
6 subsection A of this section does not apply.

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8 * * *

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10
11 **Section 2.** Subsection D of Section 23.76.010, which section was last amended by
12 Ordinance 119904, is amended as follows:

13
14 **23.76.010 Application for Master Use Permits.**

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16 * * *

17
18 D. All applications shall contain the submittal information required by the
19 applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use;
20 SMC Chapter 25.05, SEPA Policies and Procedures; SMC Chapter 25.09, Regulations for
21 Environmentally Critical Areas, SMC Chapter 25.12, Landmarks Preservation; SMC
22 Chapter 25.16, Ballard Avenue Landmark District; SMC Chapter 25.20, Columbia City
23 Landmark District; SMC Chapter 25.22, Harvard-Belmont Landmark District; SMC Chapter
24 25.24, Pike Place Market Historical District; and other codes as determined applicable by
25 the Director. All shoreline substantial development, conditional use or variance applications
26 shall also include applicable submittal information as specified in WAC 173-27-180. The
27 following information shall also be required as further specified in the Director's Rule on
28 Application Submittal Guidelines, unless the Director indicates in writing that specific
29 information is not necessary for a particular application:

- 30 1. Property information including, but not limited to, address, legal
31 description, Assessor's Parcel number, and project description;
- 32 2. A signed statement of financial responsibility from the applicant
33 acknowledging financial responsibility for all applicable permit fees. If the application is
34 made, in whole or in part, on behalf of the property's owner, lessee, and/or contract
35 purchaser, then the statement of financial responsibility must also include a signed statement
36 of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all
37 applicable permit fees;
- 38 3. Scale drawings with all dimensions shown that include, but are not
39 limited to, the following information:
- 40 a. Existing site conditions showing adjacent streets (by name),
41 alleys or other adjacent public property, existing street uses, such as street trees and



1 sidewalk displays, buildings and structures, open space and landscape, access driveways and
2 parking areas,

- 3 b. Elevations and sections of the proposed new features,
4 c. Floor plans showing the proposed new features,
5 d. Drainage plan,
6 e. Landscape plan,
7 f. Right-of-way information showing any work proposed in the
8 public right-of-way,
9 g. Identification on the site plan of all easements, deed restrictions,
10 or other encumbrances restricting the use of the property, if applicable,
11 h. Parking layout and vehicular access,
12 i. Vicinity map,
13 j. Topographic map, and
14 k. Open space plan;

15 4. A statement whether the site includes or is adjacent to a nominated or
16 designated City of Seattle landmark, or has been listed as eligible for landmark status by the
17 state or federal governments, or is within a City of Seattle landmark or special review
18 district. If the site includes a nominated or designated City of Seattle landmark, or is within
19 a City of Seattle landmark or special review district, then the applicant must provide a copy
20 of any application for any required certificate of approval that has been filed with the
21 Department of Neighborhoods. If the site does not include a landmark and is not within a
22 landmark or special review district, then the applicant must provide the following
23 information:

- 24 a. Date the buildings on the site were constructed,
25 b. Name of the architect(s) or builder(s), and
26 c. For any building fifty (50) or more years old, clear exterior
27 photos of all elevations of the building;

28 5. For all transmitting antennas, the applicant shall submit a signed copy of
29 the Applicant's Statement of Federal Communications Commission (FCC) Compliance. If
30 the transmitting antenna requires Seattle-King County Public Health Department review, the
31 applicant must also submit a letter from the Public Health Department certifying that the
32 facility does not exceed radiofrequency radiation levels allowed by the FCC;

33 6. Confirmation that any required notification sign has been installed
34 according to the Director's specifications;

35 7. Information including technical reports, drawings, models or text,
36 necessary to evaluate the development proposal, project site and potential environmental
37 affects related to the following:

- 38 a. Soils and geology,
39 b. Grading,
40 c. Drainage,
41 d. Construction impacts,
42 e. Air quality,
43 f. Water quality,



- g. Water discharge,
- h. View impairment,
- i. Energy consumption,
- j. Animal habitat impacts,
- k. Plant ecology, botany and vegetation,
- l. Noise,
- m. Release and disposal of toxic and hazardous materials,
- n. Soil contamination,
- o. Dredging,
- p. Land use,
- q. Housing,
- r. Light and glare,
- s. Shadow,
- t. Aesthetics,
- u. Use and demand on recreation facilities,
- v. Vehicular traffic and circulation,
- w. Parking,
- x. Pedestrian circulation,
- y. Circulation and movement of goods,
- z. Traffic hazard, ~~((and))~~
- aa. Demand on public service and utilities; and
- bb. Identification of all design review departures.

* * *

Section 3. Subsection 106.6.1 of Section 106.6 of the 1997 Seattle Building Code, as last amended by Ordinance 120157, 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



1 notify the applicant in writing by the deadlines in this section that the application is
2 incomplete.

3 The Director and all other pertinent City agencies shall approve, condition or deny
4 the application within ~~((180))~~ 120 days of notification that the application is complete. In
5 determining the number of days that have elapsed since the notification that the application
6 is complete, the following shall apply: ~~((periods shall be excluded;~~

7 ~~1. Any))~~ All periods during which the applicant has been requested by the City to
8 correct plans, perform required studies, or provide additional requested information, until
9 the determination that the request has been satisfied shall be excluded;

10 ~~((2. Any extension of time mutually agreed upon by t))~~ The building official and the
11 applicant may agree on extensions of time.

12 ~~((3.))~~ If the application is substantially revised by the applicant, the 120-day time
13 period shall start from the date at which the revised application is determined to be
14 complete.

15 If the building official finds that the work as described in an application for permit
16 and the plans, specifications, and other data filed therewith substantially conforms to the
17 requirements of this code and other pertinent laws and Ordinances and that the fees specified
18 in the Fee Subtitle have been paid, he/she shall issue a permit therefore to the applicant who
19 becomes the permit holder or authorized agent.

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

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



1 The building official may condition a permit where he/she determines that risks
2 associated with development, construction, ownership, and occupation in areas of the city,
3 including, but not limited to potential slide areas, can be reduced to an acceptable level. The
4 building official may deny such permit where he/she determines that the risks cannot be
5 reduced to an acceptable level.
6

7
8 **Section 4.** The provisions of this ordinance are declared to be separate and
9 severable. The invalidity of any particular provision shall not affect the validity of any other
10 provision.

11 **Section 5.** This ordinance shall take effect and be in force thirty (30) days from and
12 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
13 (10) days after presentation, it shall take effect as provided by Municipal Code Section
14 1.04.020.

15 Passed by the City Council the _____ day of _____, 2002, and signed by me
16 in open session in authentication of its passage this _____ day of _____,
17 2002.
18

19 _____
20 President of the City Council

21
22 Approved by me this _____ day of _____, 2002.
23

24 _____
25 Gregory J. Nickels, Mayor
26

27 Filed by me this _____ day of _____, 2002.
28

29 _____
30 City Clerk
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33
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35

(SEAL)



STATE OF WASHINGTON – KING COUNTY

--SS.

148346
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

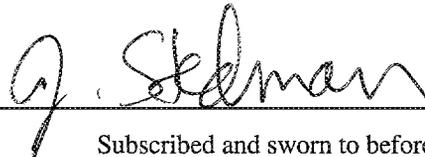
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:ORDINANCE 120857

was published on

8/9/2002



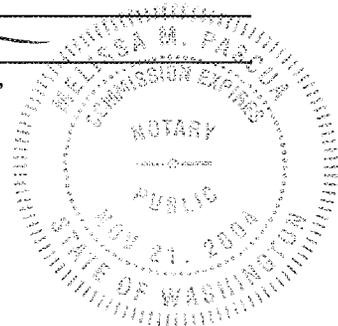
Subscribed and sworn to before me on

8/9/2002



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, K

City of Seattle

ORDINANCE 120857

AN ORDINANCE relating to land use, zoning and construction, amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code (Title 23, Land Use Code) and Section 106.6 of the Seattle Building Code, Chapter 22.100 of the Seattle Municipal Code to establish time periods for decisions on project permit applications as required by RCW 36.70B.080.

WHEREAS, the City of Seattle is required to comply with changes to RCW 36.70B.080 (ESHB 1458) requiring local government action on permit applications not to exceed one hundred twenty days; and

WHEREAS, provisions of RCW 36.70B.140 allow local jurisdictions to exclude certain types of project permits from the permit review process contemplated by RCW 36.70B.060 through 36.70B.080; and

WHEREAS, the Council determines that certain Type II Council Land Use actions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.080, and pursuant to the authority of RCW 36.70B.140, applications for Environmentally Critical Area Exceptions are excluded from such time limits; and

WHEREAS, the Council does so because the unique review process for Environmentally Critical Area Exceptions entails an additional legal and economic analysis for reasonable use of property that historically has substantially extended the review time for Environmentally Critical Area Exception proposals beyond the one hundred twenty day limit;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1, Subsections A and C of Section 23.76.005 of the Seattle Municipal Code, which section was last amended by Ordinance 120157, are amended as follows:

23.76.005 Time for decisions.

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications filed ~~on or after July 1, 2008~~ shall be made within one hundred ~~eighty (180)~~ twenty (120) days after the applicant has been notified that the application is complete. In determining the number of days that have elapsed after the notification that the application is complete, the following periods shall be excluded:

1. ~~Any~~ All periods of time during which the applicant has been requested by the Director to correct plans, perform required studies, or provide additional required information, until the determination that the request has been satisfied;

2. Any extension of time mutually agreed upon by ~~the~~ the Director and the applicant;

3. For projects which an environmental impact statement (EIS) has been required, the EIS process time period; and

4. Any time period for filing an appeal of the land use decisions to the Hearing Examiner, and the time period to consider and decide the appeal.

C. Exclusions Pursuant to RCW 36.70B.140(1).

1. Type II decisions.

There shall be no time limit for an application for an exception from the regulations for Environmentally Critical Areas, SMC Chapter 25.09.

2. Type III decisions.

a. ~~DCM~~ The Director shall issue its recommendation within a business day of

approval that has been filed with the Department of Neighborhoods. If the site does not include a landmark and is not within a landmark or special review district, the applicant must provide the following information:

a. Date the buildings on the site were constructed;

b. Name of the architect(s) or builder(s), and

c. For any building fifty (50) or more years old, clear exterior photos of all elevations of the building;

5. For all transmitting antennas, the applicant shall submit a signed copy of the Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the transmitting antenna requires Seattle-King County Public Health Department review, the applicant must also submit a letter from the Public Health Department certifying that the facility does not exceed radiofrequency radiation levels allowed by the FCC;

6. Confirmation that any required notification sign has been installed according to the Director's specifications;

7. Information including technical reports, drawings, models or text, necessary to evaluate the development proposal, project site and potential environmental affects related to the following:

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; ~~and~~

aa. Demand on public service and utilities; and

bb. Identification of all development departures requested through the design review process.

Section 3, Subsection 106.6.1 of Section 106.6 of the 1997 Seattle Building Code, as last amended by Ordinance 120157, is amended as follows:

106.6.1 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

STATE OF WASHINGTON - KING COUNTY

---SS.

148346
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

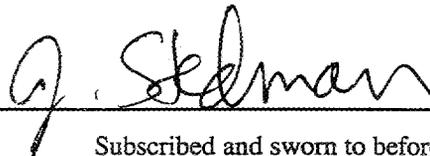
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

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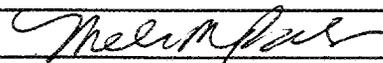
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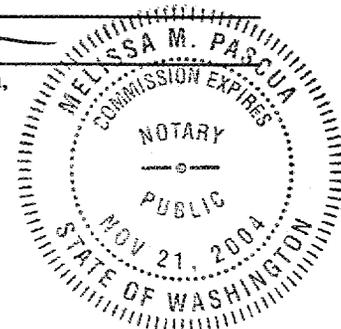
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1. ~~Any~~ All periods of time during which the applicant has been requested by the Director to correct plans, perform required studies, or provide additional required information, until the determination that the request has been satisfied;

2. Any extension of time mutually agreed upon by ~~DCL~~ the Director and the applicant;

3. For projects which an environmental impact statement (EIS) has been required, the EIS process time period; and

4. Any time period for filing an appeal of the land use decisions to the Hearing Examiner, and the time period to consider and decide the appeal.

C. Exclusions Pursuant to RCW 36.70B.140(1).

1. Type II decisions.

There shall be no time limit for an application for an exception from the regulations for Environmentally Critical Areas, SMC Chapter 25.09.

2. Type III decisions.

a. ~~DCL~~ The Director shall issue its recommendation within one hundred ~~eighty~~ twenty (120) days as that time ~~period~~ ~~is~~ ~~not~~ ~~to~~ ~~be~~ ~~extended~~ ~~by~~ ~~the~~ ~~Director~~ ~~and~~ ~~the~~ ~~applicant~~ ~~and~~ ~~the~~ ~~City~~ ~~of~~ ~~Seattle~~ ~~and~~ ~~the~~ ~~State~~ ~~of~~ ~~Washington~~ ~~and~~ ~~the~~ ~~United~~ ~~States~~ ~~of~~ ~~America~~ ~~and~~ ~~the~~ ~~World~~ ~~Community~~ ~~and~~ ~~the~~ ~~International~~ ~~Community~~ ~~and~~ ~~the~~ ~~United~~ ~~Nations~~ ~~and~~ ~~the~~ ~~United~~ ~~States~~ ~~of~~ ~~America~~ ~~and~~ ~~the~~ ~~World~~ ~~Community~~ ~~and~~ ~~the~~ ~~International~~ ~~Community~~ ~~and~~ ~~the~~ ~~United~~ ~~Nations~~ ~~and~~ ~~the~~ ~~United~~ ~~States~~ ~~of~~ ~~America~~ ~~and~~ ~~the~~ ~~World~~ ~~Community~~ ~~and~~ ~~the~~ ~~International~~ ~~Community~~ ~~and~~ ~~the~~ ~~United~~ ~~Nations~~ ~~and~~ ~~the~~ ~~United~~ ~~States~~ ~~of~~ ~~America~~ ~~and~~ ~~the~~ ~~World~~ ~~Community~~ ~~and~~ ~~the~~ 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