

Ordinance No. 12112

Council Bill No. 114453

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to land use and zoning, amending Sections 23.76.026 and 23.76.028, repealing Section 23.76.032 of the Seattle Municipal Code and adopting a new Section 23.76.032 to modify requirements related to vesting and expiration and renewal of Type I and II Master Use Permits.

CF No. \_\_\_\_\_

Date introduced:	JAN 21 2003	
Date 1st Referred:	To: (committee)	
JAN 21 2003	Land Use Committee	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
4-7-03	6-0	
Date Presented to Mayor:	Date Approved:	
4-7-03	4/17/03	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/>
4/17/03	6 pp	F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Phased Over Veto:	Veto Sustained:	

4/1/03 - Pass as  
4-7-03 Passed  
(Excluded)

This file is complete and ready

Law Department  
Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by:

*[Signature]*  
Councilmember

ng

**Committee Action:**

(6/1/03)

4/1/03 - Pass as Amended 1-0 (UN)

4-7-03 Passed 6-0

(Excused: Melvin, Pogalen, Steinboeck)

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

Committee:

\_\_\_\_\_

(initial/date)

*Memorandum  
Approved 11/05  
Formally  
put to  
electronic  
copy loaded  
attached to Ordinance Report*

*Law Department*

Law Dept. Review

OMP  
Review

City Clerk  
Review

Electronic  
Copy Loaded

Indexed

ORDINANCE 121112

AN ORDINANCE relating to land use and zoning, amending Sections 23.76.026 and 23.76.028, repealing Section 23.76.032 of the Seattle Municipal Code and adopting a new Section 23.76.032 to modify requirements related to vesting and expiration and renewal of Type I and II Master Use Permits.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is hereby amended as follows:

**23.76.026 Vesting of development rights.**

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions.

Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date: ~~((a fully complete building permit application, meeting the requirements of Section 106 of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available.~~

~~An application for a building permit submitted for part of a building or structure shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is for a highrise structure regulated under Section 403 of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the exterior shell of the building.))~~





1           D.     In no case may a Master Use Permit be issued beyond eighteen (18) months from  
2 the date the project is approved for issuance.

3           Section 3. Section 23.76.032 of the Seattle Municipal Code, which Section was last  
4 amended by Ordinance 118794, is hereby repealed.

5           Section 4. A new Section 23.76.032 of the Seattle Municipal Code is adopted to read as  
6 follows:  
7

8 **23.76.032 Expiration and renewal of Type I and II Master Use Permits.**

9           A.     Expiration.

10           1.     An issued Type I or II Master Use Permit shall expire three (3) years from  
11 the date a permit is approved for issuance as described in Section 23.76.028, except as follows:  
12

13           a.     Expiration of a Master Use Permit with a shoreline component  
14 shall be governed by WAC 173-27-090.

15           b.     Expiration of a variance component of a Master Use Permit shall  
16 be governed by the following:  
17

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

22                   (2)    Variances granted as separate Master Use Permits pursuant  
23 to Section 23.76.004 G shall expire three (3) years from the date the permit is approved for  
24 issuance as described in Section 23.76.028 or on the effective date of any text amendment  
25 making more stringent the development standard from which the variance was granted,  
26 whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the  
27  
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1 variance's expiration date shall be extended until the expiration date established for the use  
2 approval.

3 c. The time during which pendency of litigation related to the Master  
4 Use Permit or the property subject to the permit made it reasonable not to submit an application  
5 for a building permit, or to establish a use where a building permit is not required, shall not be  
6 included in the three (3) year term of the Master Use Permit.  
7

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

10 (1) For the first phase, three (3) years from the date the permit  
11 is approved for issuance;  
12

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

15 2. At the end of the three (3) year term, Master Use Permits shall expire  
16 unless:  
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18 a. A building permit is issued before the end of the three (3) year  
19 term, or an application for a building permit is: (1) submitted at least sixty (60) days before the  
20 end of the three (3) year term; (2) made sufficiently complete to meet the requirements of Section  
21 106 of the Seattle Building Code before the end of the three (3) year term; and (3) subsequently  
22 issued. In such cases, the Master Use Permit shall be extended for the same term as the building  
23 permit is issued. For highrise structures regulated under Section 403 of the Seattle Building  
24 Code, the building permit application may be a partial one, provided that it includes the complete  
25 structural frame of the building, and schematic plans for the exterior shell of the building; or  
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1                   b.     For projects that do not require a building permit, the use has been  
2 established prior to the expiration date of the Master Use Permit and is not terminated by  
3 abandonment or otherwise. In such cases the Master Use Permit shall not expire; or

4                   c.     The Master Use Permit is renewed pursuant to subsection B; or

5                   d.     A Major Phased Development component is part of the Master Use  
6 Permit, in which case subsection A1d shall apply.  
7

8           B.     Renewal.

9                   1.     The Director shall renew issued Master Use Permits for projects that are in  
10 conformance with applicable regulations, including land use and environmentally critical areas  
11 regulations, and SEPA policies in effect at the time renewal is sought. Master Use Permit  
12 renewal is for a period of two (2) years. A Master Use Permit shall not be renewed beyond a  
13 period of five (5) years from the original date the permit is approved for issuance, except for  
14 second and subsequent phases of a Master Use Permit with a major phased development (MPD)  
15 component, for which this subsection B does not apply. The Director shall not renew issued  
16 Master Use Permits for projects that are not in conformance with applicable regulations,  
17 including land use and environmentally critical areas regulations, or SEPA policies in effect at  
18 the time renewal is sought, except for second and subsequent phases of an approved Master Use  
19 Permit with a Major Phased Development component for which this subsection B does not apply.  
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22                   2.     If an application for a building permit is (1) submitted at least sixty (60) days  
23 before the end of the two (2) year term of renewal; (2) made sufficiently complete to meet the  
24 requirements of Section 106 of the Seattle Building Code; and (3) subsequently issued, the  
25 Master Use Permit shall be extended for the life of the building permit. For highrise structures  
26 regulated under Section 403 of the Seattle Building Code, the building permit application may be  
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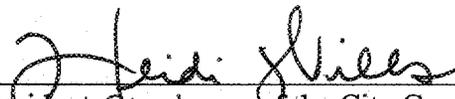
1 a partial one, provided that it includes the complete structural frame of the building, and  
2 schematic plans for the exterior shell of the building.

3 Section 5. Applicants for Master Use Permits that have been issued prior to the  
4 effective date of this ordinance may elect in writing to be subject to the provisions of this  
5 ordinance, provided the term of the Master Use Permit shall not extend beyond five (5) years  
6 from the original date the permit is approved for issuance.  
7

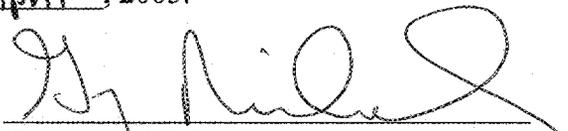
8 Section 6. The provisions of this ordinance are declared to be separate and severable.  
9 The invalidity of any particular provision shall not affect the validity of any other provision.  
10

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

14 Passed by the City Council the 7<sup>th</sup> day of April, 2003, and signed by me in open  
15 session in authentication of its passage this 7<sup>th</sup> day of April, 2003.  
16

17   
18 Heidi Stiles  
19 President ~~pro tem~~ of the City Council

20 Approved by me this 17<sup>th</sup> day of April, 2003.

21   
22 Gregory J. Nickels, Mayor

23 Filed by me this 17<sup>th</sup> day of April, 2003.

24   
25 Judith E. Pippin  
26 City Clerk

27 (Seal)  
28



## DIRECTOR'S REPORT AND RECOMMENDATION EXPIRATION OF MASTER USE PERMITS

### INTRODUCTION

The Department of Design, Construction and Land Use (DCLU) proposes Land Use Code Amendments that would allow additional flexibility for keeping a permit alive while not extending the current five year lifespan. This report compares the current Master Use Permit (MUP) expiration process and DCLU's proposal for a simpler more flexible process. While the proposal was developed with recessionary conditions in mind, in the spirit of simplifying permit processes, DCLU is recommending these amendments for general application.

The proposal would reduce the number of steps in the process by eliminating yearly Master Use Permit (MUP) renewals, while maintaining the potential five (5) year lifespan of a MUP. In general, vesting dates would be unchanged: publication of a MUP decision, or a completed building permit application would vest a project to regulations in place at that time. The applicant would be required, at a point no later than four years after approval of the MUP decision, to have a building permit application accepted by the department and issued before the five year life of the MUP has expired.

### BACKGROUND: CURRENT MUP PROCESS

*(See the chart at the end of the report summarizing the Current Process).*

Master Use Permits vest to applicable land use codes and ordinances in effect at the time that the decision is published and the MUP is considered "ready to issue." This MUP approval is for 18 months beginning on the day following the end of the appeal period or on the fourth day following the Hearing Examiner's decision. At the end of the 18 months, a MUP approval will expire whether or not the permit has been issued<sup>1</sup>.

Once the MUP is issued there are two ways to extend the life of the MUP approval beyond the initial 18 months:

- 1) a complete building permit application must be submitted at least 60 days prior to the initial 18 month MUP expiration date, or
- 2) a request for renewal must be filed within the initial 18 months.

Annual renewals for MUP's are granted provided that the project still complies with the codes and ordinances in effect at the time the renewal is filed. An hourly fee is collected for the review of land use renewals. MUP renewals are issued for a period of one year

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<sup>1</sup> A MUP is approved by the publication of the Director's Decision. A MUP is issued when all conditions of approval are met, outstanding fees are paid, and the applicant physically picks up the permit at DCLU.



from the date that the renewal is approved, to a maximum of 5 years from the "ready to issue" or vesting date.

An exception to this vesting is the process for Design Review where the project vests at the time of the Early Design Guidance (EDG) complete application, provided that application submittal dates are met by the applicant as follows:

- 1) complete MUP application submittal within 90 days of the EDG meeting; and
- 2) complete building permit application submittal within 120 days (6 months) of the "ready to issue" date.

### **ANALYSIS OF PROPOSED PROCESS**

*(See the second chart for the proposed process).*

DCLU is proposing a process whereby the annual review and renewal steps of the current MUP process are eliminated. The current lifespan of a MUP would remain the same at five years from the approval, or "ready to issue date." Identical to the current process, a MUP would be ready to issue at the end of the appeal process, and would have 18 months to be issued. Once issued however, the MUP would generally be valid for a total of 5 years from the "ready to issue" date without the need for annual renewal. This means no additional review of the Master Use Permit for compliance with any changes to the Land Use Codes or ordinances would be performed when the building permit is sought. A complete building permit must be accepted by the Department no later than one year before the end of the 5 year period. From that point on, the life of the MUP would run concurrent with the building permit.

Changes proposed for special types of Master Use Permits are as follows:

- the first phase of a Major Phased Development would be five years (rather than two); and
- a MUP with a Design Review component would also be five years (changed from 120 days).

The new process would allow more flexibility for the applicant and simplify permit tracking for the City. Without annual renewals, the applicant would forgo the expense and process associated with MUP renewal, and gain predictability. The applicant would have assurances that no project revisions would be necessary, once the Master Use Permit is issued. Additionally, design review projects would keep their vesting to the EDG application provided the application submittal dates are met. Thus, applicants would have additional time to adjust project funding and prepare construction documents for building permits without loss of vesting with the MUP decision issuance.

The current MUP renewal process has distinct disadvantages for the applicant during economic slowdowns. If the applicant has a fiscal interest in delaying the construction of

a project, s/he must incur an annual renewal fee and process to retain MUP approval. Even the most minor changes to the Land Use Code or other ordinances during this time may impact the project design and cause revision of the project with additional costs and modification of vested development rights. Depending on the nature of the intervening code amendment, it is possible that a project would need to be revised at each renewal during the 5 years, a cumbersome and expensive process for the applicant.

DCLU issues about 325 MUPs per year. Of those, only about 16 projects a year are renewed. Generally, the MUPs that were subject to the renewal process were not linked to building permits, which would vest the projects and make them subject to Building Code provisions for permit expiration and extension. This number may increase in uncertain economic times, as project applicants wait for changes in economic circumstances. We do not anticipate that the lifespan of most MUPs would change under the proposal, even during difficult economic times. Although, the flexibility afforded by the proposal would benefit project applicants in need, regardless of the state of the economy.

Under current processes, MUP renewal establishes a point in time when a permitted project, for which no building permit has been applied for or issued, must be in compliance with applicable code requirements in order to remain active. This may be particularly difficult if Code requirements have changed to become more restrictive. This provision was important in the early to mid 1980s when the City was undergoing extensive changes in land use policy and zoning. At the time, the entire code was being rewritten and the entire City was remapped with new zoning designations. In order to ensure that new development, permitted under substantially more permissive prior zoning, was in conformance with new land use regulations, the current renewal process was adopted.

Once the vesting "rush" of this turbulent time in the evolution of Seattle's zoning was past, greater order returned to the system of land use regulation. While amendments to the Land Use Code are not infrequent, they are generally not widely applicable, nor do they fundamentally transform the nature of development permitted in a given area. When significant amendments are contemplated, rules governing the vesting of development rights and expiration of permit approvals can be considered in light of the nature of the changes envisioned and amended accordingly. Special vesting and permit expiration rules have been developed over time to address design review approvals, major institution development, development within station areas subject to new requirements to support light rail transit investments, and others.

Allowing development rights approved under a MUP application to run with the property for four years before a completed building permit application is submitted, ensures that the financial commitment a property owner has made to a project, that in many cases had undergone substantial community scrutiny under programs such as design review and SEPA, is recognized by the City and honored for a reasonable time. Requiring a permit holder to return on an annual basis for permit renewal places strains on both the applicant



and the City. The applicant must ensure that his or her financial commitment is preserved where minor amendments to the Code may result in the need to revise a project, and possibly subject it to another lengthy review process.

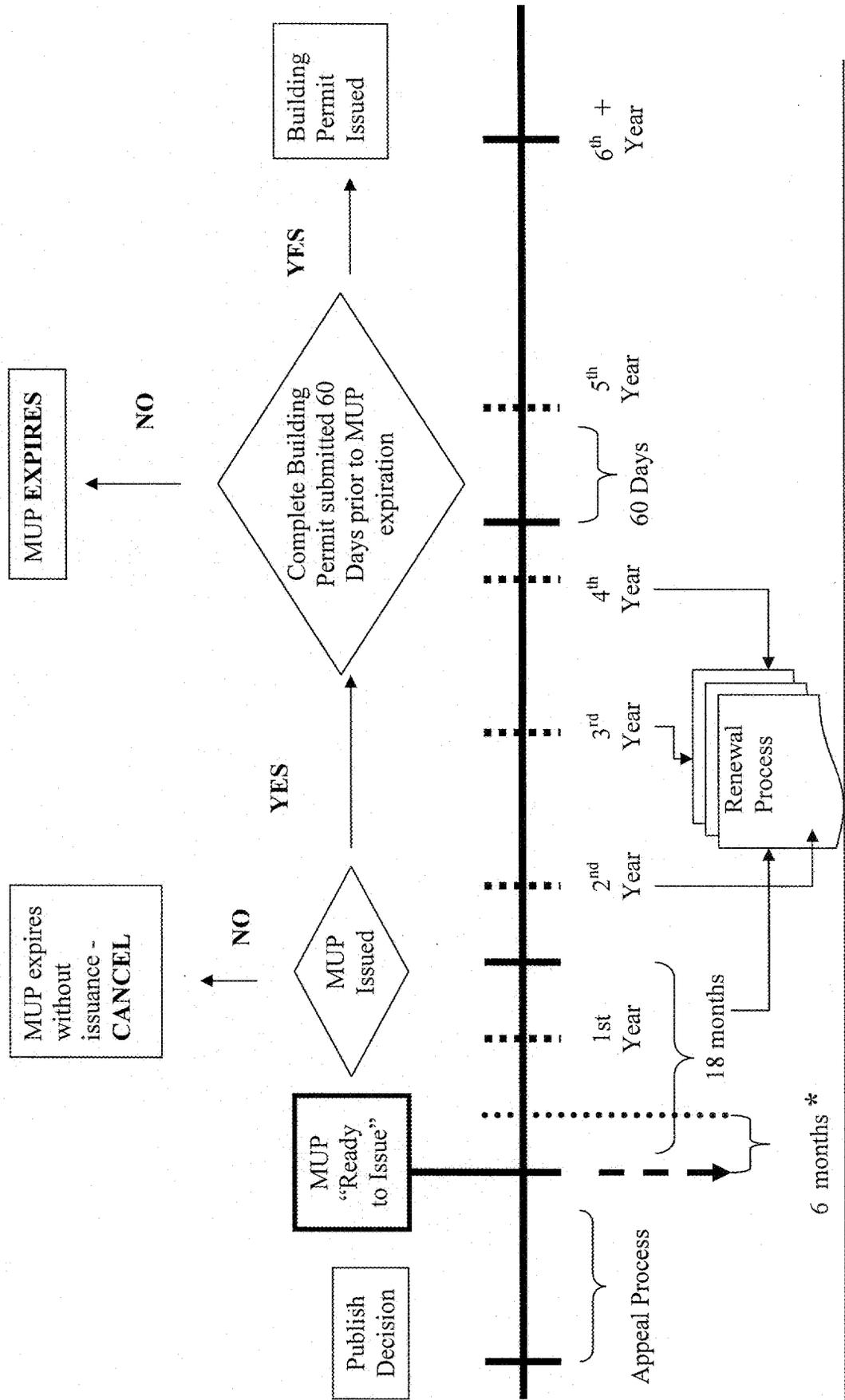
**RECOMMENDATION**

The attached ordinance is a response to an identified inefficiency of the process related to expiration and renewal of Master Use Permits. The proposed process would lead to simplification of the permit tracking, which would be a benefit to developers and the City. The new process would create flexibility for the applicant, and the City retains the ability to consider the appropriate vesting points for projects at the time any large scale zoning changes are contemplated.

DCLU recommends approval of the attached ordinance.



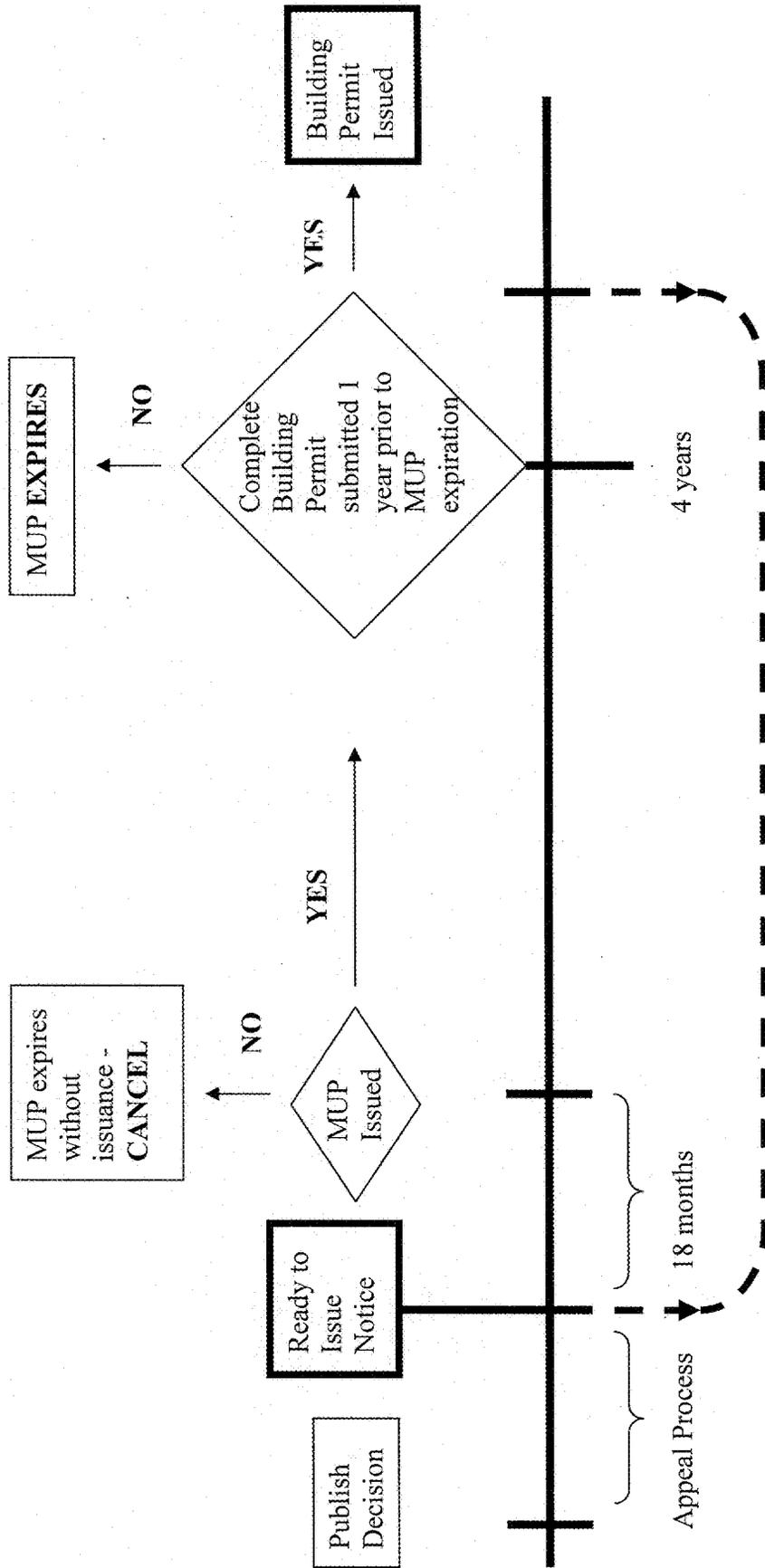
## Current Process for MUP Expiration



\* To maintain Early Design Guidance vesting, complete building permit must be submitted within 6 months



## Proposed Process for MUP Expiration



5 YEARS





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

August 13, 2002

Honorable Peter Steinbrueck  
President  
Seattle City Council  
Municipal Building, 11<sup>th</sup> Floor

Dear Council President Steinbrueck:

The attached ordinance is one component of my efforts to streamline and simply the City of Seattle's permitting process. Both the Seattle Business Climate Coalition report and my Economic Opportunity Task Force identified the need to reduce regulatory barriers for development, especially in this time of an economic downturn. On July 30th, I announced my actions steps to implement the Economic Opportunity Task Force's recommendations. The following legislation amends the Municipal Code to streamline the Master Use Permit (MUP) process.

The amendments eliminate annual permit renewals of MUPs to reduce the number of procedural steps. The current overall five year lifespan of a MUP is retained. The amendments would no longer require the annual renewal of a MUP that exposes the applicant to potential changes in zoning during its five year term. The annual renewal typically does not result in substantive changes to most proposed projects and only serves to add uncertainty and time to the development process. This proposal balances reasonable predictability for property owners and developers with the overall public interest embodied in our codes.

Thank you for your consideration of this legislation. Should you have questions please contact Mike Podowski at 386-1988.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", with a stylized flourish at the end.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



**ORDINANCE** \_\_\_\_\_

1  
2  
3 AN ORDINANCE relating to land use and zoning, amending Sections 23.76.026 and 23.76.028,  
4 repealing Section 23.76.032 of the Seattle Municipal Code and adopting a new Section  
5 23.76.032 to modify requirements related to vesting and expiration and renewal of Type I  
6 and II Master Use Permits.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7 Section 1. Section 23.76.026 of the Seattle Municipal Code, which Section was last  
8 amended by Ordinance 119728, is hereby amended as follows:

9 **23.76.026 Vesting of development rights.**

10 A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions.  
11 Applications for all Master Use Permit components except subdivisions and short subdivisions  
12 shall be considered under the Land Use Code and other land use control ordinances in effect on  
13 the date: ~~((a fully complete building permit application, meeting the requirements of Section 106  
14 of the Seattle Building Code, is filed. Until a complete building permit application is filed, such  
15 Master Use Permit applications shall be reviewed subject to any zoning or other land use control  
16 ordinances that become effective prior to the date that notice of the Director's decision on the  
17 application is published, if the decision can be appealed to the Hearing Examiner, or prior to the  
18 date of the Director's decision if no Hearing Examiner appeal is available.  
19 An application for a building permit submitted for part of a building or structure shall be  
20 considered a complete building permit application for the purpose of this section only if the  
21 partial building permit application is for a highrise structure regulated under Section 403 of the  
22 Seattle Building Code, and it includes the complete structural frame of the building or structure  
23 and schematic plans for the exterior shell of the building.))~~



1           D.     In no case shall a Master Use Permit be issued beyond eighteen (18) months from  
2 the date the permit is approved for issuance.

3           Section 3. Section 23.76.032 of the Seattle Municipal Code, which Section was last  
4 amended by Ordinance 118794, is hereby repealed.

5           Section 4. A new Section 23.76.032 of the Seattle Municipal Code is adopted to read as  
6 follows:

7  
8 **23.76.032 Expiration of Type I and II Master Use Permits.**

9           A.     A Type I or II Master Use Permit shall expire five (5) years from the date a permit  
10 is approved for issuance as described in Section 23.76.028, except as follows:

11                   1.     Expiration of a Master Use Permit with a shoreline component shall be  
12 governed by WAC 173-27-090.

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

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

19                           b.     Variances granted as separate Master Use Permits pursuant to  
20 Section 23.76.004 G shall expire five (5) years from the date the permit is approved for issuance  
21 as described in Section 23.76.028 or on the effective date of any text amendment making more  
22 stringent the development standard from which the variance was granted, whichever is sooner. If  
23 a Master Use Permit to establish the use is granted within this period, the variance's expiration  
24 date shall be extended until the expiration date established for the use approval.  
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1           3.     The time during which pendency of litigation related to the Master Use  
2 Permit or the property subject to the permit made it reasonable not to submit an application for a  
3 building permit, or to establish a use where a building permit is not required, shall not be  
4 included in the five (5) year term of the Master Use Permit.

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

7                   a.     For the first phase, five (5) years from the date the permit is  
8 approved for issuance;

9                   b.     For subsequent phases, expiration shall be determined at the time  
10 of permit issuance.

11           B.     At the end of the five (5) year term, Master Use Permits shall expire unless:

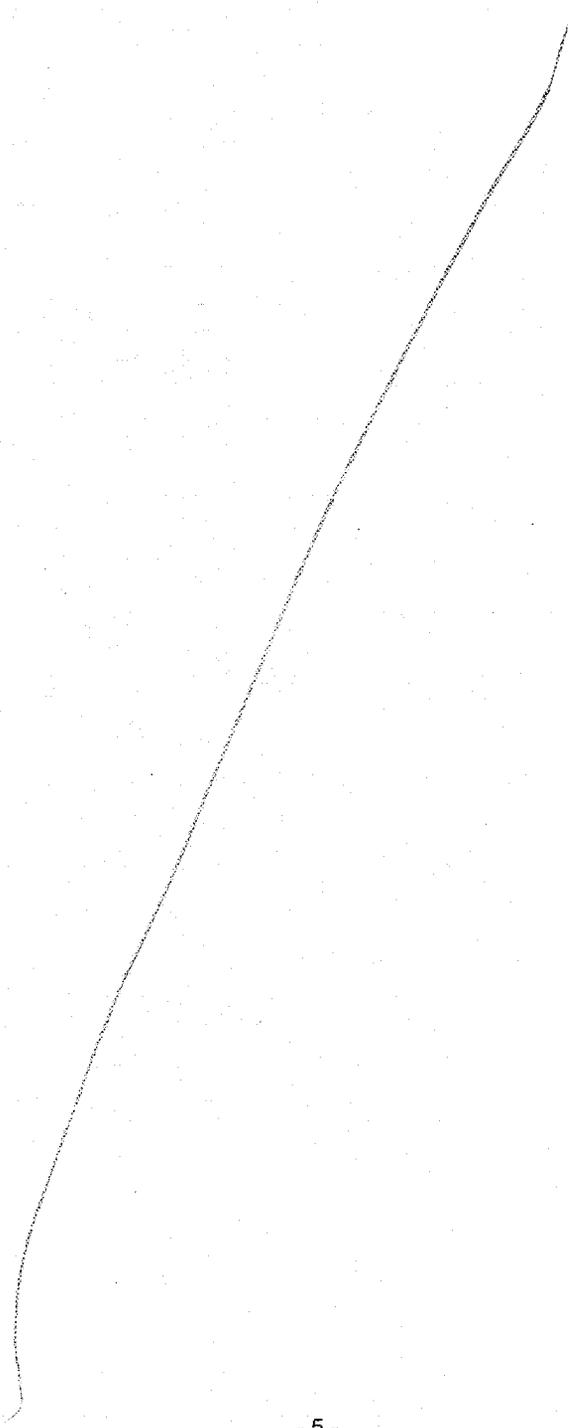
12                   1.     A building permit is issued before the end of the five (5) year term, or an  
13 application for a building permit is: (1) submitted at least one (1) year before the end of the five  
14 (5) year term or 120 days after the effective date of the ordinance adopting this Section,  
15 whichever is later; (2) made sufficiently complete to meet the requirements of Section 106 of the  
16 Seattle Building Code before the end of the five (5) year term; and (3) subsequently issued. In  
17 such cases, the Master Use Permit shall be extended for the same term as the building permit is  
18 issued. For highrise structures regulated under Section 403 of the Seattle Building Code, the  
19 building permit application may be a partial one, provided that it includes the complete structural  
20 frame of the building, and schematic plans for the exterior shell of the building; or

21                   2.     For projects that do not require a building permit, the use has been  
22 established prior to the expiration date of the Master Use Permit and is not terminated by  
23 abandonment or otherwise. In such cases the Master Use Permit shall not expire; or  
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- 3. The Master Use Permit is extended pursuant to subsection C; or
- 4. A Major Phased Development component is part of the Master Use Permit, in which case subsection A5 shall apply.



1 C. When a building permit has been issued and the conditions for renewal in Section  
2 106.9.2 of the Seattle Building Code are met, the Master Use Permit shall be automatically  
3 extended for the life of the building permit.

4 Section 5. The provisions of this ordinance are declared to be separate and severable.  
5 The invalidity of any particular provision shall not affect the validity of any other provision.

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

9 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2002, and signed by me in  
10 open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2002.

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13 \_\_\_\_\_  
14 President \_\_\_\_\_ of the City Council

15 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2002.

16  
17 \_\_\_\_\_  
18 Gregory J. Nickels, Mayor

19 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2002.

20 \_\_\_\_\_  
21 City Clerk

22 (Seal)  
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1           D.    In no case may a Master Use Permit be issued beyond eighteen (18) months from  
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2 approval.

3 c. The time during which pendency of litigation related to the Master  
4 Use Permit or the property subject to the permit made it reasonable not to submit an application  
5 for a building permit, or to establish a use where a building permit is not required, shall not be  
6 included in the three (3) year term of the Master Use Permit.  
7

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

10 (1) For the first phase, three (3) years from the date the permit  
11 is approved for issuance;

12 (2) For subsequent phases, expiration shall be determined at  
13 the time of permit issuance.  
14

15 2. At the end of the three (3) year term, Master Use Permits shall expire  
16 unless:

17 a. A building permit is issued before the end of the three (3) year  
18 term, or an application for a building permit is: (1) submitted at least sixty (60) days before the  
19 end of the three (3) year term; (2) made sufficiently complete to meet the requirements of Section  
20 106 of the Seattle Building Code before the end of the three (3) year term; and (3) subsequently  
21 issued. In such cases, the Master Use Permit shall be extended for the same term as the building  
22 permit is issued. For highrise structures regulated under Section 403 of the Seattle Building  
23 Code, the building permit application may be a partial one, provided that it includes the complete  
24 structural frame of the building, and schematic plans for the exterior shell of the building; or  
25  
26  
27  
28

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

4                   c.       The Master Use Permit is renewed pursuant to subsection B; or

5                   d.       A Major Phased Development component is part of the Master Use  
6 Permit, in which case subsection A1d shall apply.  
7

8           B.     Renewal.

9                   1.     The Director shall renew issued Master Use Permits for projects that are in  
10 conformance with applicable regulations, including land use and environmentally critical areas  
11 regulations, and SEPA policies in effect at the time renewal is sought. Master Use Permit  
12 renewal is for a period of two (2) years. A Master Use Permit shall not be renewed beyond a  
13 period of five (5) years from the original date the permit is approved for issuance, except for  
14 second and subsequent phases of a Master Use Permit with a major phased development (MPD)  
15 component, for which this subsection B does not apply. The Director shall not renew issued  
16 Master Use Permits for projects that are not in conformance with applicable regulations,  
17 including land use and environmentally critical areas regulations, or SEPA policies in effect at  
18 the time renewal is sought, except for second and subsequent phases of an approved Master Use  
19 Permit with a Major Phased Development component for which this subsection B does not apply.  
20  
21

22                   2.     If an application for a building permit is (1) submitted at least sixty (60) days  
23 before the end of the two (2) year term of renewal; (2) made sufficiently complete to meet the  
24 requirements of Section 106 of the Seattle Building Code; and (3) subsequently issued, the  
25 Master Use Permit shall be extended for the life of the building permit. For highrise structures  
26 regulated under Section 403 of the Seattle Building Code, the building permit application may be  
27  
28

1 a partial one, provided that it includes the complete structural frame of the building, and  
2 schematic plans for the exterior shell of the building.

3 Section 5. Applicants for Master Use Permits that have been issued prior to the  
4 effective date of this ordinance may elect in writing to be subject to the provisions of this  
5 ordinance, provided the term of the Master Use Permit shall not extend beyond five (5) years  
6 from the original date the permit is approved for issuance.  
7

8 Section 6. The provisions of this ordinance are declared to be separate and severable.  
9 The invalidity of any particular provision shall not affect the validity of any other provision.  
10

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

14 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2003, and signed by me in open  
15 session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2003.  
16

17  
18 \_\_\_\_\_  
President \_\_\_\_\_ of the City Council

19 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2003.  
20

21 \_\_\_\_\_  
22 Gregory J. Nickels, Mayor

23 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2003.  
24

25 \_\_\_\_\_  
City Clerk

26 (Seal)  
27  
28

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STATE OF WASHINGTON – KING COUNTY

--SS.

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157570  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

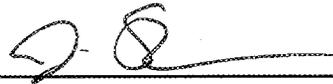
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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 121112

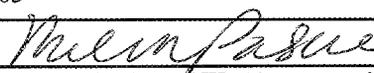
was published on

4/24/2003



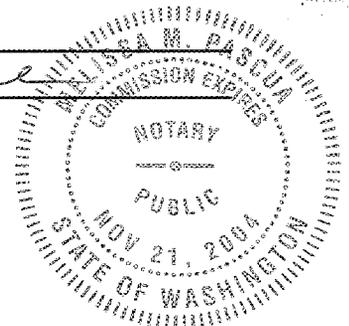
Subscribed and sworn to before me on

4/24/2003



Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication



# State of Washington, King County

## City of Seattle

### ORDINANCE 121112

AN ORDINANCE relating to land use and zoning, amending Sections 23.76.026 and 23.76.028, repealing Section 23.76.032 of the Seattle Municipal Code and adopting a new Section 23.76.032 to modify requirements related to vesting and expiration and renewal of Type I and II Master Use Permits.

#### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.76.026 of the Seattle Municipal Code, which Section was last amended by Ordinance 119728, is hereby amended as follows:

#### 23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date (a) a fully complete building permit application, meeting the requirements of Section 106 of the Seattle Building Code is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be returned subject to any zoning or other land use control ordinance that becomes effective prior to the date that notice of the Director's decision on the application is published. If the decision can be appealed to the Hearing Examiner, or the Director's decision if no Hearing Examiner appeal is available, an application for a building permit submitted for part of a building project shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is filed with the building permit application under Section 106 of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the interior of all of the building.)

1. Notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or the Director's decision if no Hearing Examiner appeal is available; or

2. A fully complete building permit application, meeting the requirements of Section 106 of the Seattle Building Code, is filed.

\*\*\*

#### C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the design review, early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within ninety (90) days of the date of the early design guidance public meeting. (This section shall become inoperative if a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is filed within one hundred (100) days of the date the Master Use Permit is approved for issuance.)

\*\*\*

Section 2. Section 23.76.028 of the Seattle Municipal Code, which Section was last