

Ordinance No. 121276Council Bill No. 114656

AN ORDINANCE changing the name of the Department of Design, Construction and Land Use to the Department of Planning and Development; amending Seattle Municipal Code Chapter 3.06 to reflect this change and changing a fund name to reflect this change; amending Seattle Municipal Code Sections 23.60.908 and 23.84.008 to reflect this name change; updating other obsolete references throughout the Seattle Municipal Code; and authorizing the Code Reviser to make changes over time to all references elsewhere in the Seattle Municipal Code necessary to reflect the name change.

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

Date Introduced:	AUG 11 2003	
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	To: (committee)	Land Use Committee
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
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Date Passed Over Veto:	Veto Sustained:	

The City of Seattle

Council Bill/Ordinance

7/15/03 - Pass8-15-03 Pass

This file is complete and ready

Law Department

Law Dept. Review





ORDINANCE

121276

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Chapter 3.06 of the Seattle Municipal Code is redesignated "Department of Planning and Development," and section 3.06.010 is amended as follows:

**SMC 3.06.010 Department created.**

A. There is created a Department of ~~((Design, Construction and Land Use))~~ Planning and Development for the purpose of providing stewardship of the City's Comprehensive Plan, taking a lead role in overseeing and implementing the Comprehensive Plan, and administering City ordinances which regulate building construction, the use of land, and housing.

B. ~~((As of January 1, 1999 the Department of Construction and Land Use shall be known as the Department of Design, Construction and Land Use. As of the effective date of this ordinance, the Department of Design, Construction and Land Use shall be known as the Department of Planning and Development.~~

C. ~~((As of January 1, 1999))~~ As of the effective date of this ordinance, all references to "Construction and Land Use," "Design, Construction and Land Use", "Department of Construction and Land Use," "Department of Design, Construction and Land Use," "Director of Construction and Land Use," "Director of Design, Construction and Land Use," ~~((or))~~ the "Department of Construction and Land Use Fund," "Department of Design, Construction and Land Use Fund", and "DCLU" ~~((shall be))~~ are deemed to be references to "~~((Design, Construction and Land Use))~~ Planning and Development"; "Department of ~~((Design, Construction and Land Use))~~ Planning and Development"; "Director of ~~((Design, Construction~~



1 ~~and Land Use))~~ Planning and Development"; ((~~or~~)) the "Department of ((~~Design, Construction~~  
2 ~~and Land Use))~~ Planning and Development Fund", or "DPD", respectively, except where the  
3 historical reference to "Construction and Land Use," "Design, Construction and Land Use",  
4 "Department of Construction and Land Use," "Department of Design, Construction and Land  
5 Use," "Director of Construction and Land Use," "Director of Design, Construction and Land  
6 Use," ((~~or~~)) the "Department of Construction and Land Use Fund," "Department of Design,  
7 Construction and Land Use Fund", or "DCLU" is called for by context.

8 D. The City's Code Reviser is authorized to amend the Seattle Municipal Code over time  
9 as he or she deems appropriate in order to carry out ((~~this~~)) the name change authorized by this  
10 ordinance.

11 Section 2. Section 3.06.015 of the Seattle Municipal Code is amended as follows:

12 **SMC 3.06.015 Hours of operation.**

13 A. Except as set forth in subsection B of this section, the Applicant Services Center of  
14 the Department of ((~~Design, Construction and Land Use~~)) Planning and Development shall be  
15 open for transaction of business a total of at least forty-four (44) hours per week, between the  
16 hours of seven (7:00) a.m. and five-thirty (5:30) p.m., Mondays through Fridays. These hours  
17 may vary by day of the week.

18 B. In weeks containing one (1) or more days designated as holidays by RCW 1.16.050 or  
19 containing Martin Luther King, Jr.'s birthday holiday, the third Monday of January, the Applicant  
20 Services Center of the Department of ((~~Design, Construction and Land Use~~)) Planning and  
21 Development shall be closed on those days, but shall be open a total of at least forty-four (44)  
22 hours less the number of hours it would normally be open on the weekdays on which holidays  
23 fall in that week.

24 C. The Director of ((~~Design, Construction and Land Use~~)) Planning and Development  
25 shall establish and may revise from time to time the business hours of the Applicant Services  
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Center of the Department of (~~Design, Construction and Land Use~~) Planning and Development by rule promulgated in accordance with Chapter 3.02 of the Seattle Municipal Code.

Section 3. Section 3.06.020 of the Seattle Municipal Code is amended as follows:

**SMC 3.06.020 Director -- Appointment and removal.**

The Director of (~~Design, Construction and Land Use~~) Planning and Development shall be appointed by the Mayor and confirmed by a majority of the City Council subject to reappointment and reconfirmation every four (4) years; and the Mayor may at any time remove the Director of (~~Design, Construction and Land Use~~) Planning and Development upon filing a statement of reasons therefor with the City Council.

Section 4. Section 3.06.030 of the Seattle Municipal Code is amended as follows:

**SMC 3.06.030 Director -- Powers and duties.**

The Director of the Department of (~~Design, Construction and Land Use~~) Planning and Development, under direction of the Mayor, shall manage the Department of (~~Design, Construction and Land Use~~) Planning and Development, appoint, assign and dismiss all employees in conformance with the City's personnel ordinances and rules, and perform the following functions:

A. Enforcing building ordinances of the City, including but not limited to the provisions of the Building Code; the Electrical Code; the Mechanical Code; the Housing and Building Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance; the Condominium Conversion Ordinance; the Energy Code; the Stormwater, Grading and Drainage Control Ordinance; and appropriate regulations;

B. Processing applications for construction permits, for grading permits, for use permits, for zoning exceptions, for subdivisions and for other land use approvals, including those related to shorelines management, but excluding those related to historic preservation;

1 C. Stewarding, overseeing and implementing the City's Comprehensive Plan, including  
2 monitoring and proposing updates to the Comprehensive Plan, related plans associated with  
3 growth management and the shoreline master program as required or directed;

4 D. Preparing and maintaining and proposing updates of such sub-area land use plans as  
5 required or directed;

6 E. Conducting reviews of the effects of proposed projects on the environment, as  
7 contemplated in the State Environmental Policy Act and City ordinances;

8 F. Promoting the conservation of the City's housing stock;

9 G. Maintaining appropriate records regarding property, permits and structures;

10 H. Providing appropriate administrative and staff support to the Seattle Planning  
11 Commission and the Seattle Design Commission; provided, however, that a) the independence of  
12 the Planning Commission recommendations pursuant to Article XIV, Section 3 of the City  
13 Charter is preserved, b) that the Planning Commission is able to respond to requests and provide  
14 advice to the Mayor and/or Council at its discretion, and c) the Commission is able to participate  
15 in the selection of staff to support the Commission and have approval authority with respect to  
16 the selection and assignment of the principal staff person;

17 I. Discharging such other responsibilities as may be directed by ordinance.

18 The Director shall consult on all matters of structural strength and design with an assistant who is  
19 a licensed structural engineer or architect with at least five (5) years' experience in the practice of  
20 his/her profession, unless the Director possesses such qualifications. Moreover, the Director shall  
21 consult on all matters concerning compliance with design guidelines with a qualified architect or  
22 urban designer with at least five (5) years of experience in the practice of his/her profession,  
23 unless the Director possesses such qualifications.

24 Section 5. Section 3.06.040 of the Seattle Municipal Code is amended as follows:

25 **SMC 3.06.040 Director — Agreements, rules and regulations.**  
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1 The Director of (~~Design, Construction and Land Use~~) Planning and Development is  
2 authorized to enter into such agreements, including interdepartmental agreements, consistent  
3 with provisions of law and the City Charter, as he or she shall deem appropriate for carrying out  
4 the responsibilities, functions, and activities of the Department of (~~Design, Construction and~~  
5 ~~Land Use~~) Planning and Development and may establish such rules, procedures and regulations,  
6 consistent with this chapter and other ordinances, as may appear necessary and proper.

7 Section 6. Section 3.06.050 of the Seattle Municipal Code is amended as follows:

8 **SMC 3.06.050 Director — Fees and charges.**

9 The Director of (~~Design, Construction and Land Use~~) Planning and Development shall  
10 charge such fees for licenses, permits, inspections, reviews and other services and approvals as  
11 may be provided by ordinance.

12 Section 7. Section 3.06.055 of the Seattle Municipal Code is amended as follows:

13 **SMC 3.06.055 Restricted Set-Asides.**

14 A. The Director of Executive Administration shall create within the Department of  
15 (~~Design, Construction and Land Use~~) Planning and Development Fund a set-aside account  
16 funded from regulatory fees and other money allotted thereto, for the accumulation of set-asides  
17 for the following municipal purposes:

18 1. Staffing Stability -- to allow the Department of (~~Design, Construction and~~  
19 ~~Land Use~~) Planning and Development to retain trained staff during cyclical economic  
20 downturns so that the experience and abilities of that staff are available to customers when the  
21 economy again turns upward.

22 2. Technology -- to accumulate needed funding to assure that major technology  
23 systems of the Department of (~~Design, Construction and Land Use~~) Planning and Development  
24 can be upgraded or replaced when necessary.

25 3. Technology Currency -- to hold funds adequate to accomplish normal personal  
26 computer replacements for the Department of (~~Design, Construction and Land Use~~) Planning  
27  
28



1 and Development for a single year so that normal upgrades can occur even in the trough of an  
2 economic downturn.

3 4. Strategic Planning and Implementation -- to allow the Department of ((Design,  
4 ~~Construction and Land Use~~)) Planning and Development to plan ahead for continuous process  
5 improvements to better serve its customers, and to implement those plans, including staff training  
6 and equipment.

7 B. 1. Expenditures from the set-aside account shall be made only when expressly  
8 authorized by the City Council either by identification in the budget ordinance or other  
9 ordinance, or as set out in subsection B2 below with respect to the staffing stability set-aside.

10 2. The Director of Department of ((~~Design, Construction and Land Use~~))  
11 Planning and Development may, within the limits of that department's budgeted expenditure  
12 authority, draw on the appropriate subdivision of the staffing stability set-aside for the purpose  
13 established in subsection A1 to pay staffing costs associated with a particular regulatory revenue  
14 source, but only when doing so is consistent with the most recently adopted financial policies for  
15 the department. The Director shall provide sixty (60) days notice in advance to the chair of the  
16 City Council's Finance, Budget and Economic Development Committee, or its successor  
17 committee with responsibility for making recommendations on legislative matters relating to  
18 budget and financing of each proposed use of the staffing stability set-aside under authority of  
19 this subsection B2.

20 Section 8. Section 3.06.080 of the Seattle Municipal Code is amended as follows:

21 **SMC 3.06.080 Continuation of rules and regulations.**

22 All rules, regulations and procedures in effect as of ((~~December 31, 1998~~)) the effective  
23 date of this ordinance, with respect to the activities carried on by the Department of Design,  
24 Construction and Land Use shall continue to be in effect until they expire of their own terms or  
25 are superseded by new rules, procedures and regulations adopted in conformance with the  
26 Administrative Code or other applicable law.



Section 9. Subsections D and E in Section 6.82.020 of the Seattle Municipal Code are amended as follows:

**SMC 6.82.020 Definitions**

\* \* \*

D. "Department" means the Department of (~~Design, Construction and Land Use~~) Planning and Development.

E. "Director" means the Director of the Department of (~~Design, Construction and Land Use~~) Planning and Development or his/her duly authorized representative.

\* \* \*

Section 10. Subsections 'Department' and 'Director' in Section 6.230.030 of the Seattle Municipal Code are amended as follows:

**SMC 6.230.030 Definitions**

\* \* \*

"Department" means the Department of (~~Design, Construction and Land Use~~) Planning and Development.

"Director" means the Director of the Department of (~~Design, Construction and Land Use~~) Planning and Development and authorized representatives.

\* \* \*

Section 11. Subsection "Department" in Section 7.24.020 of the Seattle Municipal Code is amended as follows:

**SMC 7.24.020 Definitions.**

As used in this chapter:

"Department" means the Department of (~~Construction and Land Use (DCLU)~~) Planning and Development or its successor.

\* \* \*

Section 12. Subsection B in Section 10.52.010 of the Seattle Municipal Code is amended as follows:

**SMC 10.52.010 Definitions.**

\* \* \*

B. "Director" means the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development, or the Director's designee.

\* \* \*

Section 13. Subsection D in Section 15.02.042 of the Seattle Municipal Code is amended as follows:

**SMC 15.02.042 Definitions A through C**

\* \* \*

D. "Authorizing official" means the Director of Transportation, the Director of ~~((Construction and Land Use))~~ Planning and Development, the Superintendent of Parks and Recreation, or the Seattle Center Director, identified in Section 15.04.015, as the case may be.

\* \* \*

Section 14. Subsection B in Section 15.02.044 of the Seattle Municipal Code is amended as follows:

**SMC 15.02.044 Definitions D through M**

\* \* \*

B. "Director of Construction and Land Use" means the ~~((City))~~ Director of the Department of ~~((Construction and Land Use))~~ Planning and Development, and his or her authorized representatives.

\* \* \*

Section 15. Subsections A and C in Section 15.04.015 of the Seattle Municipal Code are amended as follows:

**SMC 15.04.015 Authorizing official.**

A. The Director of ~~((Construction and Land Use))~~ Planning and Development may authorize the construction of a curb cut, a sidewalk cafe, or a structural building overhang, or reconstruction of an areaway in a public place under the Master Use Permit procedures of Chapter 23.76, particularly Section 23.76.006 B6, or removal of trees and vegetation located in an environmentally critical area under Chapter 25.09. An authorization for construction in a park drive, boulevard, or area under the jurisdiction of the Superintendent of Parks and Recreation identified in Appendix I or shown on the map as Appendix II is dependent upon (a) a description of the encroachment or use in the application for the Master Use Permit or the accompanying materials; (b) its identification as park drive, boulevard, or property under the jurisdiction of the Superintendent of the area to be used; (c) the written concurrence of the Superintendent; (d) payment of applicable fees; and (e) if there is a modification, written concurrence of the Superintendent thereto. Continuation of such uses after completion of construction is subject to compliance with the terms and conditions of this title; inspection and administration by the Director of Transportation or the Superintendent, as the case may be; and payment of an annual fee, if applicable.

\* \* \*

C. The Director of Transportation has authority to issue use and occupation of, and administer this title for, all other public places and for uses other than those authorized to the Director of ((Construction and Land Use)) Planning and Development under Chapter 23.76. The Director of Transportation may delegate to the Director of the Seattle Center the administration of permits for streets within the Seattle Center, and to the Superintendent the administration of permits for sidewalks and planting strips adjacent to parks.

\* \* \*

Section 16. Subsection C4b in Section 15.32.300 of the Seattle Municipal Code is amended as follows:

### **SMC 15.32.300 Attachments to City-owned Poles**



\* \* \*

b. Class II attachment requests are subject to public notice and comment. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the Superintendent of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria in Seattle, the applicant shall apply to (~~DCLU~~) the Department of Planning and Development and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The (~~DCLU~~) recommendation of the Department of Planning and Development shall be advisory to the Superintendent:

Zone	Street Type	Zoning Height Limit	Pole Height Requested
SF, L-1, NC-1	Nonarterial	<40	<60
SF, L-1, NC-1	Arterial	<40	>60
L-2, L-3, L-4, NC-2	Either	<40	>60
NC-3, C, I, MI	Either	<40	>60

\* \* \*

Section 17. Subsection 5 in Section 21.16.030 of the Seattle Municipal Code is amended as follows:

**SMC 21.16.030 Definitions**

\* \* \*

5. "Director of Construction and Land Use" means the Director or employees of The City of Seattle Department of (~~Construction and Land Use~~) Planning and Development.

\* \* \*



Section 18. Subsection A in Section 22.204.050 of the Seattle Municipal Code is amended as follows:

**SMC 22.204.050 Definitions -- D.**

A. "Director" means the Director of the Department of ((Design, Construction and Land Use)) Planning and Development for the City of Seattle and/or the Director's designee.

\* \* \*

Section 19. Subsections A and C1p in 22.206.160 of the Seattle Municipal Code are amended as follows:

**SMC 22.206.160 Duties of Owners**

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises;
2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code;
3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3;
4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety or general welfare of the occupants or the public;
5. Remove vegetation and debris as required by SMC Section 10.52.030;
6. Lock or remove all doors and/or lids on furniture used for storage, appliances, and furnaces which are located outside an enclosed, locked building or structure;



1                   7. Maintain the building and equipment in compliance with the minimum  
2 standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except  
3 for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building;  
4 provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no  
5 rooms are rented to others;

6                   8. Affix and maintain the street number to the building in a conspicuous place  
7 over or near the principal street entrance or entrances or in some other conspicuous place. This  
8 provision shall not be construed to require numbers on either appurtenant buildings or other  
9 buildings or structures where the Director finds that the numbering is not appropriate. Numbers  
10 shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be  
11 no less than two (2) inches high;

12                   9. Maintain the building in compliance with the requirements of Section 104(d)  
13 of the Seattle Building Code;

14                   10. Comply with any emergency order issued by the Department of  
15 ~~((Construction and Land Use))~~ Planning and Development; and

16                   11. Furnish tenants with keys for the required locks on their respective housing  
17 units and building entrance doors.

18   \* \* \*

19                   p. A tenant, or with the consent of the tenant, his or her subtenant,  
20 sublessee, resident or guest, has engaged in criminal activity on the premises, or on the property  
21 or public right-of-way abutting the premises, and the owner has specified in the notice of  
22 termination the crime alleged to have been committed and the general facts supporting the  
23 allegation, and has assured that the Department of ~~((Design, Construction and Land Use))~~  
24 Planning and Development has recorded receipt of a copy of the notice of termination. For  
25 purposes of this subsection a person has "engaged in criminal activity" if he or she:  
26  
27  
28

i. Engages in drug-related activity that would constitute a violation of RCW Chapters 69.41, 69.50 or 69.52, or

ii. Engages in activity that is a crime under the laws of this state, but only if the activity substantially affects the health or safety of other tenants or the owner.

\* \* \*

Section 20. Subsection D in Section 22.210.030 of the Seattle Municipal Code is amended as follows:

**SMC 22.210.030 Definitions**

\* \* \*

D. "Director" means the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development, or the Director's designee.

\* \* \*

Section 21. Subsection A in Section 22.220.040 of the Seattle Municipal Code is amended as follows:

**SMC 22.220.040 Definitions.**

A. "Director" means the director of the Department of ~~((Construction and Land Use))~~ Planning and Development or the Director's designee.

\* \* \*

Section 22. Section 22.801.010 of the Seattle Municipal Code is amended as follows:

**SMC 22.801.010 General.**

For the purpose of this subtitle, the words listed in this chapter have the following meanings, unless the context clearly indicates otherwise. Terms relating to pollutants and to hazardous wastes, materials, and substances, where not defined in this subtitle, shall be as defined in Washington Administrative Code Chapters 173-303, 173-304 and 173-340, the Seattle Building Code or the Seattle Fire Code, including future amendments to those codes. Words used in the singular include the plural, and words used in the plural include the singular.

1 ((~~Effective July 5, 2000, all~~)) All references in the Seattle Municipal Code Chapters 22.800  
2 through 22.808 to "SPU" shall be deemed references to "Seattle Public Utilities". All references  
3 in the Seattle Municipal Code Chapters 22.800 through 22.808 to "Department of Construction  
4 and Land Use," "Department of Design, Construction and Land Use," "Director of Construction  
5 and Land Use," "Director of Design, Construction and Land Use," or ("Seattle Public  
6 Utilities")), "DCLU", shall be deemed references to ("DCLU," "DCLU," "Director of DCLU,"  
7 "Director of "DCLU" or "SPU," respectively") "Department of Planning and Development".  
8 "Director of Planning and Development" or "DPD". The City's code reviser is authorized to  
9 amend the Seattle Municipal Code Chapters 22.802 through 22.808 over time as he or she deems  
10 appropriate in order to carry out these changes.

11 Section 23. Subsection A in Section 22.900A.020 of the Seattle Municipal Code is  
12 amended as follows:

13 **22.900A.020 Purpose.**

14 A. It is the purpose of this subtitle to prescribe equitable fees and fee collection policies  
15 for all services provided by the Department of ((~~Design, Construction and Land Use~~)) Planning  
16 and Development, hereafter, "Department" or "DCLU" which are sufficient to support the  
17 permitting and permit inspection functions of the Department.

18 \* \* \*

19 Section 24. Subsection F in Section 22.903.020 of the Seattle Municipal Code is  
20 amended as follows:

21 **22.903.020 Definitions.**

22 \* \* \*

23 F. "Director" means the Director of the Seattle Department of ((~~Construction and Land~~  
24 ~~Use~~)) Planning and Development or the Director's designee.

25 \* \* \*

Section 25. Subsection B in Section 22.904.010 of the Seattle Municipal Code is amended as follows:

**SMC 22.904.010 Definitions.**

\* \* \*

B. "Certificate of completion" means the Director of the Department of ~~((Construction and Land Use's))~~ Planning and Development's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation report and plan, has complied with eviction notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.020, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

\* \* \*

Section 26. Subsection 'Director' in Section 23.60.908 of the Seattle Municipal Code is amended as follows:

**SMC 23.60.908 Definitions -- D.**

\* \* \*

"Director" means the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development of The City of Seattle.

\* \* \*

Section 27. Subsections 'Department' and 'Director' in Section 23.84.008 of the Seattle Municipal Code are amended as follows:

**SMC 23.84.008 "D"**

\* \* \*

"Department" means the Department of ~~((Construction and Land Use))~~ Planning and Development.

\* \* \*

"Director" means the Director of the Department of ~~((Construction and Land Use))~~  
Planning and Development, or the Director's designee.

\* \* \*

Section 28. Section 25.08.060 of the Seattle Municipal Code is amended as follows:

**SMC 25.08.060 Administrator.**

"Administrator" means the Director of the Department of ~~((Construction and Land Use))~~  
Planning and Development or his or her authorized representative, except that the Director of the  
~~((Seattle King County Department of))~~ Public Health-Seattle and King County or his or her  
authorized representative shall continue to be the "Administrator" of Subchapter VII Variances  
through December 31, 1993.

Section 29. Subsection 'Director' in Section 25.09.420 of the Seattle Municipal Code is  
amended as follows:

**SMC 25.09.420 Definitions.**

\* \* \*

"Director" means the Director of the Department of ~~((Construction and Land Use))~~  
Planning and Development or his or her designee.

\* \* \*

Section 30. Subsections 'Director' and 'Exceptional tree' in Section 25.11.020 of the  
Seattle Municipal Code are amended as follows:

**SMC 25.11.020 Definitions.**

\* \* \*

"Director" means the Director of the Department of ~~((Design, Construction and Land  
Use))~~ Planning and Development.

\* \* \*

"Exceptional tree" means a tree that because of its unique historical, ecological, or  
aesthetic value constitutes an important community resource, and is designated as such by the



Director according to standards and procedures promulgated by the Department of ~~((Design, Construction and Land Use))~~ Planning and Development.

\* \* \*

Section 31. Section 25.12.115 of the Seattle Municipal Code is amended as follows:

**SMC 25.12.115 ~~((Director of))~~ Construction and Land Use.**

All references in Seattle Municipal Code Chapter 25.12 to "Director of Construction and Land Use" and "Director of Design, Construction and Land Use" ~~((is))~~ are deemed references to the Director of the Department of ~~((Construction and Land Use))~~ Planning and Development of the City or such other official as may be designated from time to time to issue permits for construction, alteration, reconstruction, or demolition of improvements upon real property in the City.

Section 32. Subsections F and I in Section 25.20.010 of the Seattle Municipal Code are amended as follows:

**SMC 25.20.010 Definitions.**

\* \* \*

F. "Department or Director of Construction and Land Use" is the Department or Director of ~~((Construction and Land Use))~~ Planning and Development of the City of Seattle or such other official as may be designated from time to time to issue permits for construction or demolition of improvements upon real property in the City.

\* \* \*

I. "Significant change" is any change in external appearance, other than routine maintenance or repair in kind, not requiring a permit from the Director of ~~((Construction and Land Use))~~ Planning and Development, but for which a certificate of approval is expressly required by the Landmarks Board and by this chapter.

Section 33. Subsection E in Section 25.22.020 of the Seattle Municipal Code is amended as follows:



1 **SMC 25.22.020 Definitions**

2 \* \* \*

3 E. "Director" is the Director of the Department of ~~((Construction and Land Use))~~  
4 Planning and Development of the City or such other official as may be designated from time to  
5 time to issue permits for construction, alteration, reconstruction or demolition of improvements  
6 upon real property in the City.

7 \* \* \*

8 Section 34. Subsections B and C in Section 25.22.130 of the Seattle Municipal Code are  
9 amended as follows:

10 **SMC 25.22.130 Appeal to Hearing Examiner.**

11 \* \* \*

12 B. When the proposed action that is the subject of the certificate of approval is also the  
13 subject of one (1) or more related permit applications under review by the Department of  
14 ~~((Design, Construction and Land Use))~~ Planning and Development, then the appellant must also  
15 file notice of the appeal with the Department of ~~((Design, Construction and Land Use))~~ Planning  
16 and Development, and the appeal of the certificate of approval shall not be heard until all of the  
17 time periods for filing administrative appeals on the other permits have expired except that an  
18 appeal of a certificate of approval for the preliminary design or for subsequent design phases may  
19 proceed immediately according to Section 25.22.100 without being consolidated. If one (1) or  
20 more appeals are filed regarding the other permits, then the appeal of the certificate of approval  
21 shall be consolidated with them and shall be heard according to the same timelines established  
22 for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed  
23 independently according to the timelines set by the state for such appeals, and except that an  
24 appeal of a certificate of approval for a preliminary design or for a subsequent design phase may  
25 proceed according to Section 25.22.100 without being consolidated. If the related permit



1 decisions would not be appealable, then the appeal of the certificate of approval decision shall  
2 proceed immediately after it is filed.

3 C. The applicant for the certificate of approval may elect to have the appeal proceed  
4 immediately rather than postponed for consolidation with appeals of related permit applications,  
5 if the applicant agrees in writing that the Department of (~~Design, Construction and Land Use~~)  
6 Planning and Development may suspend its review of the related permits, and that the time  
7 period for review of those permits shall be suspended until the Hearing Examiner issues a  
8 decision on the appeal of the certificate of approval.

9 \* \* \*

10 Section 35. Subsections B and C in Section 25.24.080 of the Seattle Municipal Code are  
11 amended as follows:

12 **SMC 25.24.080 Appeal to Hearing Examiner.**

13 \* \* \*

14 B. When the proposed action that is the subject of the certificate of approval is also the  
15 subject of one (1) or more related permit applications under review by the Department of  
16 (~~Design, Construction and Land Use~~) Planning and Development, then the appellant must also  
17 file notice of the appeal with the Department of (~~Design, Construction and Land Use~~) Planning  
18 and Development, and the appeal of the certificate of approval shall not be heard until all of the  
19 time periods for filing administrative appeals on the other permits have expired except that an  
20 appeal of a certificate of approval for the preliminary design or for subsequent design phases may  
21 proceed immediately according to Section 25.24.060 without being consolidated. If one (1) or  
22 more appeals are filed regarding the other permits, then the appeal of the certificate of approval  
23 shall be consolidated with them and shall be heard according to the same timelines established  
24 for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed  
25 independently according to the timelines set by the state for such appeals and except that an  
26 appeal of a certificate of approval for a preliminary design or for a subsequent design phase may  
27  
28



1 proceed according to Section 25.24.060 without being consolidated. If the related permit  
2 decisions would not be appealable, then the appeal of the certificate of approval decision shall  
3 proceed immediately after it is filed.

4 C. The applicant for the certificate of approval may elect to have the appeal proceed  
5 immediately rather than postponed for consolidation with appeals of related permit applications,  
6 if the applicant agrees in writing that the Department of (~~Design, Construction and Land Use~~)  
7 Planning and Development may suspend its review of the related permits, and that the time  
8 period for review of those permits shall be suspended until the Hearing Examiner issues a  
9 decision on the appeal of the certificate of approval.

10 \* \* \*

11 Section 36. Subsection H in Section 25.28.230 of the Seattle Municipal Code is amended  
12 as follows:

13 **SMC 25.28.230 Definitions.**

14 \* \* \*

15 H. "Superintendent" means the Director of (~~Construction and Land Use~~) Planning and  
16 Development and shall also include any duly authorized representative of the Director.

17  
18 Section 37. In all ordinances passed prior to this ordinance, including both codified and  
19 uncodified ordinances, references to the "Department" or "Director of Construction and Land  
20 Use," "Design, Construction and Land Use" or "DCLU," shall be deemed references to the  
21 "Department" or "Director of Planning and Development" or "DPD," except when the historical  
22 reference to "Department" or "Director of Construction and Land Use," "Design Construction  
23 and Land Use" or "DCLU" is called for by context.

24  
25 Section 38. In the event any section or subsection of the Seattle Municipal Code  
26 authorized to be amended herein has heretofore been repealed, that earlier repeal shall be given  
27  
28



1 full effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or  
2 subsection.

3  
4 Section 39. In the event a subsequent ordinance refers to a position, office, or department  
5 name amended or authorized to be amended by this ordinance, it is the express intent of the City  
6 Council that that reference shall be deemed to mean the new name of the office, position, or  
7 department as set forth in this ordinance, and shall not be construed to resurrect the old name of  
8 the position, office, or department unless expressly provided by reference to this ordinance.

9  
10 Section 40. It is the express intent of the City Council that, in the event a subsequent  
11 ordinance refers to or amends a section or subsection of the Seattle Municipal Code authorized to  
12 be amended by this ordinance, but the later ordinance fails to account for the name change made  
13 by this ordinance, the later ordinance shall be deemed to refer to the new name of the department.

14  
15 Section 41. Severability. The several provisions of this ordinance are declared to be  
16 separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section,  
17 or portion of this ordinance, or the invalidity of the application thereof to any person or  
18 circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its  
19 application to other persons or circumstances.


20  
21 Section 42. Any act consistent with the authority and before the effective date of this  
22 ordinance is hereby ratified and confirmed.





1 Section 43. This ordinance shall take effect and be in force thirty (30) days from and  
2 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)  
3 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4  
5 Passed by the City Council the 15<sup>th</sup> day of September 2003, and signed by me in  
6 open session in authentication of its passage this 15<sup>th</sup> day of September 2003.  
7

8  
9   
10 President \_\_\_\_\_ of the City Council

11 Approved by me this 26<sup>th</sup> day of September, 2003.

12   
13 Gregory J. Nickels, Mayor

14 Filed by me this 26<sup>th</sup> day of Sept., 2003.

15   
16 City Clerk

17 (Seal)  
18  
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21  
22  
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28



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

June 9, 2003

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

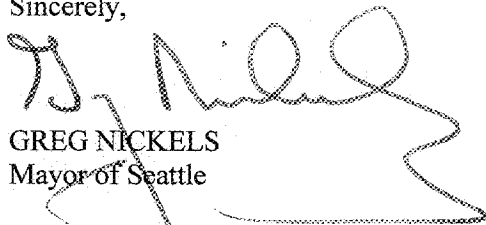
Dear Council President Steinbrueck:

The attached ordinance is proposed to change the name of the Department of Design, Construction and Land Use to the Department of Planning and Development. Making this change will reflect the expansion of the department's mission in 2002 with the addition of long-range planning staff and functions. The change also acknowledges the Council's interest in giving this long-range planning function a level of prominence commensurate with this important work.

The planning functions added to the department include the Director and staff for the Seattle Planning Commission, and long-range planning staff responsible for monitoring and amending the Comprehensive Plan, including the ten-year review of the plan due in 2004. Other planning functions at the department include Director and staff for the Seattle Design Commission, CityDesign, and the Code and Policy Development staff responsible for the review and revision of the Seattle Land Use Code and various environmental regulations.

Thank you for your consideration of this legislation. Should you have questions please contact Maureen Traxler at 233-3892.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
DCLU	Maureen Traxler 233-3892	Casey Doyle 684-8075

**Legislation Title:** AN ORDINANCE relating to the Department of Design, Construction and Land Use; changing the name of the Department of Design, Construction and Land Use to the Department of Planning and Development; amending Seattle Municipal Code Chapter 3.06 to reflect this change and changing a fund name to reflect this change; updating other obsolete references in the Seattle Municipal Code; and authorizing the Code Reviser to make changes over time to all references elsewhere in the Seattle Municipal Code necessary to carry out the name change.

- **Summary of the Legislation:** The legislation changes the name of the Department of Design, Construction and Land Use to the Department of Planning and Development.
- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*  
The purpose of the legislation is to give DCLU a name that reflects its expanded role in long-range planning.
- *Please check one of the following:*

X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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163726  
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

**Affidavit of Publication**

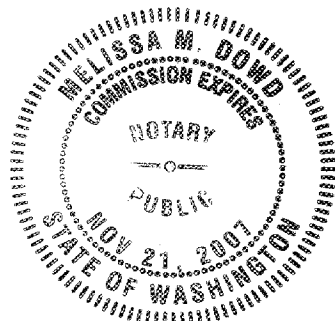
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published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

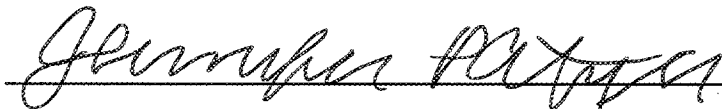
CT:121276 ORD IN FULL

was published on

10/3/2003

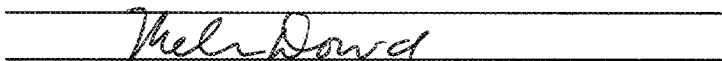


Affidavit of Publication



Subscribed and sworn to before me on

10/3/2003



Notary public for the State of Washington,  
residing in Seattle

# SMC 3.06.053 Restricted Set-Asides.

A. The Director of Executive Department of (Design, Construction and Land Use) Planning and Development shall create within the set-aside account funded from regulatory fees and other money allotted thereto, for the accumulation of set-asides for the following municipal purposes:

1. Staffing Stability — to allow the Department of (Design, Construction and Land Use) Planning and Development to retain trained staff during cyclical economic downturns so that the experience and abilities of that staff are available to customers when the economy again turns upward.

2. Technology — to accumulate needed funding to assure that major technology systems of the Department of (Design, Construction and Land Use) Planning and Development can be upgraded or replaced when necessary.

3. Technology Currency — to hold funds adequate to accomplish normal personal computer replacements for the Department of (Design, Construction and Land Use) Planning and Development for a single year so that normal upgrades can occur even in the trough of an economic downturn.

4. Strategic Planning and Implementation — to allow the Department of (Design, Construction and Land Use) Planning and Development to plan ahead for continuous process improvements to better serve its customers, and to implement those plans, including staff training and equipment.

B. 1. Expenditures from the set-asides account shall be made only when expressly authorized by the City Council either by ordinance, or as set out in subsection B2 below with respect to the staffing stability set-aside.

2. The Director of Department of (Design, Construction and Land Use) Planning and Development may, within the limits of staff, draw on the appropriate subdivision of the staffing stability set-aside for the purpose of revenue source, but only when doing so is consistent with the most recently adopted financial policies for the department. The Director shall provide sixty (60) days notice in advance to the chair of the City Council's Finance, Budget, and Economic Development Committee, or its successor committee with responsibility for making recommendations with on legislative matters relating to budget and financing of each proposed use of the staffing stability set-aside under authority of this sub-section B2.

Section 8. Section 3.06.050 of the Seattle Municipal Code is amended as follows:

## SMC 3.06.050 Continuation of rules and regulations.

All rules, regulations and procedures in effect as of (Design, Construction and Land Use) the effective date of this ordinance, with respect to the activities carried on by the Department of Design, Construction and Land Use shall continue to be in effect until they expire of their own terms or are superseded by new rules, regulations and regulations adopted in conformity with the Administrative Code or other applicable law.

Section 9. Subsections D and E in Section 3.02.020 of the Seattle Municipal Code are amended as follows:

## SMC 3.02.020 Definitions

D. "Department" means the Department of (Design, Construction and Land Use) Planning and Development.

E. "Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development or his or her duly authorized representative.

Section 10. Subsections "Department" and "Director" in Section 3.230.030 of the Seattle Municipal Code are amended as follows:

## SMC 3.230.030 Definitions

"Department" means the Department of (Design, Construction and Land Use) Planning and Development.

"Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development or his or her duly authorized representative.

Section 11. Subsection "Department" in Section 3.24.020 of the Seattle Municipal Code is amended as follows:

## 3.24.020 Definitions.

used in this chapter:

and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria (SMC 3.02.030) the Department of Planning and Development shall apply to the Department of Planning and Development and pay for an attachment with the application, fee, notice, timeline and permit. The (SMC 3.02.030) recommendation of the Department of Planning and Development shall be advisory to the Superintendent.

## Zone — Street Type — Zoning Height Limit — Pole Height Requested

SF, L-1, NC-1 — Nonarterial — <40 — >60  
SF, L-1, NC-1 — Arterial — <40 — >60  
L-2, L-3, L-4, NC-2 — Either — <40 — >60  
NC-3, C, I, MI — Either — <40 — >60

Section 17. Subsection 5 in Section 21.16.030 of the Seattle Municipal Code is amended as follows:

## SMC 21.16.030 Definitions

5. "Director of Construction and Land Use" means the Director or employee of the City of Seattle Department of (Design, Construction and Land Use) Planning and Development.

Section 18. Subsection A in Section 22.204.050 of the Seattle Municipal Code is amended as follows:

## SMC 22.204.050 Definitions — D.

A. "Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development for the City of Seattle and/or the Director's designee.

Section 19. Subsections A and C1p in Section 22.206.130 of the Seattle Municipal Code are amended as follows:

## SMC 22.206.130 Duties of Owners

A. It shall be the duty of all owners, regardless of any lease provision or other agreement that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant, to:

1. Remove all garbage, rubbish and other debris from the premises.

2. Secure any building which became vacant against unauthorized entry as required by Section 22.206.200 of this Code.

3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 3.

4. Remove from the building or the premises any article, substance or material inimical to the health, safety or general welfare of the occupants or the public, or cause deterioration of the building to such a health, safety or general welfare of the occupants or the public.

5. Remove vegetation and debris as required by SMC Section 10.52.050.

6. Lock or remove all doors and/or lids on furniture used for storage, appliances and furnaces which are located outside an enclosed, locked building or structure.

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.203.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in this subsection 7 shall not be construed to apply to owner-occupied dwelling units in which no rooms are rented to others.

8. Affix and maintain the street number to the building in a conspicuous place over or near the principal street entrance or entrances or in some other conspicuous place. This provision shall not be construed to require numbers on either appurtenant buildings or other buildings or structures where the Director finds that the numbering is not in contrast with the surface upon which they are placed. Figures shall be no less than two (2) inches high.

9. Maintain the building in compliance with the requirements of Section 104(d) of the Seattle Building Code.

10. Comply with any emergency order issued by the Department of (Design, Construction and Land Use) Planning and Development.

11. Furnish tenants with keys for the required locks on their respective units and buildings.

B. "Certificate of completion" means the Director of the Department of (Design, Construction and Land Use) Planning and Development's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.030, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

Section 26. Subsection "Director" in Section 23.50.906 of the Seattle Municipal Code is amended as follows:

## SMC 23.50.906 Definitions — D.

"Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development of The City of Seattle.

Section 27. Subsections "Department" and "Director" in Section 23.54.036 of the Seattle Municipal Code are amended as follows:

## SMC 23.54.036 "D"

"Department" means the Department of (Design, Construction and Land Use) Planning and Development.

"Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development, or the Director's designee.

Section 28. Section 25.08.030 of the Seattle Municipal Code is amended as follows:

## SMC 25.08.030 Administrator.

"Administrator" means the Director of the Department of (Design, Construction and Land Use) Planning and Development or his or her authorized representative, except that the Director of the (King County - Pierce County) Public Health - Seattle and King County shall continue to be the "Administrator" of Subchapter VII Variances through December 31, 1995.

Section 29. Subsection "Director" in Section 25.09.420 of the Seattle Municipal Code is amended as follows:

## SMC 25.09.420 Definitions.

"Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development or his or her designee.

Section 30. Subsections "Director" and "Exceptional tree" in Section 25.11.020 of the Seattle Municipal Code are amended as follows:

## SMC 25.11.020 Definitions.

"Director" means the Director of the Department of (Design, Construction and Land Use) Planning and Development.

"Exceptional tree" means a tree that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is designated as such by the Director according to standards and procedures promulgated by the Department of (Design, Construction and Land Use) Planning and Development.

Section 31. Section 25.12.115 of the Seattle Municipal Code is amended as follows:

## SMC 25.12.115 ((Director—off)) Construction and Land Use.

All references in Seattle Municipal Code Chapter 25.12 to "Director of Construction and Land Use" and "Director of Design, Construction and Land Use" are deemed to be references to the Director of the Department of (Design, Construction and Land Use) Planning and Development of the City or such other official as may be designated from time to time to issue permits for construction, alterations, reconstruction, or demolition of improvements upon real property in the City.

Section 32. Subsections F and I in Section 25.20.015 of the Seattle Municipal Code are amended as follows:

F. "Certificate of completion" means the Director of the Department of (Design, Construction and Land Use) Planning and Development's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.030, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

I. "Certificate of completion" means the Director of the Department of (Design, Construction and Land Use) Planning and Development's written notice to the mobile home park owner that the owner has satisfactorily complied with the provisions of an approved relocation notice requirements of RCW 59.20.080 and 59.21.030, complied with relocation assistance requirements of RCW 59.21.030, and, in the case of a change of use, complied with any additional conditions of the master use permit. The certificate of completion certifies the effective date of such change of use or closure of a mobile home park.

according to the timelines set by the state for certificate of approval for a preliminary design or for a subsequent design phase may proceed consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of (Design, Construction and Land Use) Planning and Development may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

Section 36. Subsection H in Section 25.28.230 of the Seattle Municipal Code is amended as follows:

## SMC 25.28.230 Definitions

H. "Superintendent" means the Director of (Design, Construction and Land Use) Planning and Development and shall also include any duly authorized representative of the Director.

Section 37. In all ordinances passed prior to this ordinance, including both codified and uncodified ordinances, references to the "Department" or "Director of Construction and Land Use" or "Design, Construction and Land Use" or "DCLU" shall be deemed references to the "Department" or "Director of Planning and Development" or "DPD" except when the historical reference to "Department" or "Director of Construction and Land Use" or "Design, Construction and Land Use" or "DCLU" is called for by context.

Section 38. In the event any section or subsection of the Seattle Municipal Code authorized to be amended herein has heretofore been repealed, that earlier repeal shall be given full effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

Section 39. In the event a subsequent ordinance refers to a position, office, or department name amended or authorized to be amended by this ordinance, it is the express intent of the City Council that that reference shall be deemed to mean the new name of the office, position, or department as set forth in this ordinance, and shall not be construed to resurrect the old name of the position, office, or department unless expressly provided by reference to this ordinance.

Section 40. It is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code authorized to be amended by this ordinance, but the change made by this ordinance, the later ordinance shall be deemed to refer to the new name of the department.

Section 41. Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance or of its application to other persons or circumstances.

Section 42. Any act consistent with the authority and before the effective date of this ordinance is hereby ratified and confirmed.

Section 43. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as if passed by the City Council Section 1.04.020.

Passed by the City Council the 15th day of September, 2003, and signed by me in open session in authentication of its passage this 15th day of September, 2003.

PETER STEINBRUECK,  
President of the City Council.

Approved by me this 26th day of September, 2003.

GREGORY J. NICKELS,  
Mayor.

Filed by me this 26th day of September, 2003.

(Seal) JUDITH PIPPIN,  
City Clerk.