

88.0.55

Ordinance No. 109754

AN ORDINANCE relating to the Department of Construction and Land Use; amending Sections 7, 8, 9, 13, 14, 16-A and 49 of the Street Use Ordinance (96047) (Sections 15.04.010-15.04.030, 15.04.070, 15.04.080, 15.06.050, 15.16.010-15.16.080, Seattle Municipal Code), Sections 2, 3-B, 4, and 4-A of the Scenic Route Sign Ordinance (90138) (Sections 24.80.020, 24.80.070-24.80.110, Seattle Municipal Code), Sections 1, 2 and 3 of the Driveway Permit Ordinance (95776) (Sections 15.74.010-15.74.030, Seattle Municipal Code), Sections 7, 8 and 9 of the Subdivision Ordinance (105636) (Sections 24.98.070-24.98.090, Seattle Municipal Code), Sections 13, 16, 19, 20 and 24 of the SEPA Ordinance (105735) (Sections 25.04.130, 25.04.160, 25.04.180-25.04.210, Seattle Municipal Code), Sections 26 and 34 of the Grading and Drainage Control Ordinance (108080) (Sections 22.804.150, 22.804.230, Seattle Municipal Code), Section 302 of the Building Code (108508) (Seattle Municipal Code), and Section 4927 of the Seattle Building Code Supplement (as adopted by Section 1 of Ordinance 108508 (Section 22.100.010, Seattle Municipal Code)) to reflect the consolidation of application, notice and appeal procedures for certain land use decisions accomplished by adoption of Ordinance 109438 establishing the Master Use Permit process, the transfer of certain functions of the Hearing Examiner and the Director of Engineering to the Director of Construction and Land Use, the change in title of the Superintendent of Buildings to Director of Construction and Land Use and of the City Engineer to Director of Engineering, to conform the SEPA Ordinance notice and draft EIS public hearing requirements to the Master Use Permit Ordinance, and repealing Section 4 of Ordinance 95776 (Section 15.74.040, Seattle Municipal Code).

COMPTROLLER _____
FILE NUMBER _____

Council Bill No. 102127

INTROUCED:	BY:
REFERRED:	URBAN DEVELOPMENT AND HOUSING
REFERRED:	
REFERRED:	
REPORTED:	SECOND READING: MAR 09 1981
THIRD READING:	SIGNED: MAR 09 1981
PRESERVED:	APPROVED: MAR 18 1981
REF. BY CITY CLERK:	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

3/3/81-UD: H-PASS

Unanimous Vote

YES NO

SEE BACK COVER

LAW DEPARTMENT

Ord. 110951-

Amends SMC 15.04.070 (Ord. 90047) to conform the section to Title 23 (Land Use Code), & to restore language inadvertently omitted when 90047 was amended by 109754.

ORDINANCE 109754

1
2 AN ORDINANCE relating to the Department of Construction and
3 Land Use; amending Sections 7, 8, 9, 13, 14, 16-A and
4 49 of the Street Use Ordinance (90047) (Sections 15.04-
5 .010-15.04.030, 15.04.070, 15.04.080, 15.06.050, 15.16-
6 .010-15.16.080, Seattle Municipal Code), Sections 2, 3-B,
7 4, and 4-A of the Scenic Route Sign Ordinance (90138)
8 (Sections 24.80.020, 24.80.070-24.80.110, Seattle
9 Municipal Code), Sections 1, 2 and 3 of the Driveway
10 Permit Ordinance (95776) (Sections 15.74.010-15.74.030,
11 Seattle Municipal Code), Sections 7, 8 and 9 of the
12 Subdivision Ordinance (105636) (Sections 24.98.070-
13 24.98.090, Seattle Municipal Code), Sections 13, 16, 19,
14 20 and 20A of the SEPA Ordinance (105735) (Sections
15 25.04.130, 25.04.160, 25.04.190-25.04.210, Seattle
16 Municipal Code), Sections 26 and 34 of the Grading and
17 Drainage Control Ordinance (108080) (Sections 22.804.150,
18 22.804.230, Seattle Municipal Code), Section 302 of the
19 Building Code (108508) (Section 22.106.020, Seattle
20 Municipal Code), and Section 4927 of the Seattle Building
21 Code Supplement (as adopted by Section 1 of Ordinance
22 108508 (Section 22.100.010, Seattle Municipal Code)) to
23 reflect the consolidation of application, notice and
24 appeal procedures for certain land use decisions accomplished
25 by adoption of Ordinance 109438 establishing the Master
26 Use Permit process, the transfer of certain functions
27 of the Hearing Examiner and the Director of Engineering
28 to the Director of Construction and Land Use, the
change in title of the Superintendent of Buildings to
Director of Construction and Land Use and of the City
Engineer to Director of Engineering, to conform the
SEPA Ordinance notice and draft EIS public hearing
requirements to the Master Use Permit Ordinance, and
repealing Section 4 of Ordinance 95776 (Section 15.74.040,
Seattle Municipal Code).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Sections 7 and 8 of the Street Use Ordinance
(90047), Seattle Municipal Code Sections 15.04.010 and
15.04.020, are hereby amended as follows:

Section 7. (15.04.010) LEGAL USE OF STREETS. It shall
be unlawful for anyone to use any public place, for private
purposes, without a written permit from the Board of Public
Works of The City of Seattle (~~se te do~~) or the Director of
Construction and Land Use, and without complying with all
the provisions of this ordinance in relation thereto;
provided that nothing herein contained shall apply to street
maintenance work performed by the City, street or sewer
installation and improvement work authorized by ordinance,

1 or street improvement work authorized by ordinance, or
2 street improvement projects under contract with the City.

3 Section 8. (15.04.020) APPLICATION FOR PERMIT. Except
4 for those street use approvals which must be requested from
5 the Director of Construction and Land Use in accordance with
6 the applicable provisions of the Master Use Permit Ordinance
7 (109438), applications for permits provided for by this
8 ordinance ((Application for permits herein provided for))
9 shall be filed with the ((City Engineer)) Director of
10 Engineering, upon a form supplied by him. Such applications
11 shall be directed to the Board of Public Works, and shall
12 contain: (1) an accurate description of the public place or
13 portion thereof desired to be used as herein specified, (2)
14 the use desired to be made of such public place by the
15 applicant, (3) the plans and specifications for any utility
16 or structure desired to be constructed, erected or maintained
17 by the applicant in or on a public place, and (4) where it
18 is desired to construct ((an areaway, or)) a fuel opening,
19 sidewalk elevator or door, a certificate from the ((City
20 Engineer)) Director of Engineering, showing the applicant to
21 be the record owner of the premises abutting and in connection
22 with which such ((areaway,)) fuel opening, sidewalk elevator
23 or door is to be constructed.

24 Section 2. Section 9 of the Street Use Ordinance
25 (90047), Code Section 15.04.030, as last amended by Ordinance
26 91749, is further amended as follows:

27 Section 9. (15.04.030) PROCESSING OF APPLICATIONS.
28 The ((City Engineer)) Director of Engineering shall examine
each application submitted to him for his review or approval
to determine if it complies with the provisions of this
ordinance relating thereto. The ((City Engineer)) Director

1 of Engineering or the Director of Construction and Land Use,
2 according to the type of permit for which application has
3 been made, may inspect the premises which are desired to be
4 used in order to ascertain any facts which may aid in determining
5 whether a permit shall be granted. ((and)) The Director of
6 Engineering shall endorse his findings on such application
7 and transmit the same to the Board of Public Works.

8 Any application for a permit to construct, erect or
9 maintain any awning, marquee, sign, ((areaway)) or any
10 structure in a public place, shall be transmitted by the
11 ((City Engineer)) Director of Engineering to the ((Superintendent
12 of Buildings)) Director of Construction and Land Use, who
13 shall ascertain if the plans and specifications conform to
14 the regulations pertaining to safety, material and design of
15 the Seattle Building Code. The ((Superintendent of Buildings))
16 Director of Construction and Land Use shall then endorse his
17 findings on the application and transmit the same to the
18 Director of Engineering.

19 If the Board of Public Works, in regular session, finds
20 that the application presented to it for approval conforms
21 to the requirements of this ordinance pertaining thereto,
22 and also that the proposed use of such public place will not
23 unduly interfere with the rights of the public, said Board
24 may approve thereof, and, if approved, shall fix the time
25 for which the permit may be granted and shall direct the
26 ((City Engineer)) Director of Engineering to issue a permit,
27 upon the applicant's compliance as herein specified with the
28 provisions of this ordinance relative to indemnity.

Section 3. Section 13 of the Street Use Ordinance
(90047), Code Section 15.04.070, as last amended by Ordinance
101351, is further amended as follows:

1 Section 13. (15.04.070) REVOCATION OF PERMITS. All
2 street or sidewalk use authorizations approved (~~permits~~
3 ~~granted~~) under the provisions of this ordinance or the
4 Master Use Permit Ordinance (109438) shall vest no permanent
5 right, and (~~shall be issued and~~) may in any case be revoked
6 by the Board of Public Works upon thirty (~~30~~) days'
7 notice; or without notice, in case any such use or occupation
8 shall become dangerous or any structure or obstruction
9 permitted shall become insecure or unsafe, or shall not be
10 constructed, maintained or used in accordance with the
11 provisions of this ordinance.

11 Section 4. Section 14 of the Street Use Ordinance
12 (90047), Code Section 15.04.080, as last amended by Ordinance
13 91749, is further amended as follows:

14 Section 14. (15.04.080) ISSUANCE OF PERMITS. Upon
15 approval by the (~~City Engineer~~) Director of Engineering
16 of an application for the use or occupation of a public
17 place, except where applications require the approval of the
18 Board of Public Works, as per resolution of the Board of
19 Public Works, and except where final approval of the application
20 is issued by the Director of Construction and Land Use, the
21 (~~City Engineer~~) Director of Engineering shall issue a
22 permit therefor. The original permit shall remain in the
23 custody of the (~~City Engineer~~) Director of Engineering
24 and a carbon copy shall be given to the grantee.

24 Section 5. Section 16-A of the Street Use Ordinance
25 (90047), Code Section 15.06.050, as added by Ordinance
26 101744, is hereby amended as follows:

26 Section 16-A. (15.06.050) PARKING CURB SETBACKS.
27 Parking curb setbacks may be allowed by the (~~Board of~~
28 ~~Public Works~~) Director of Construction and Land Use on the

1 basis of demonstrated need by the applicant therefor upon
2 the following terms and conditions:

3 1. In residential areas, space for tree planting
4 shall be reserved whenever desirable, unless existing trees
5 in the area supply the need.

6 2. In commercial or business zoned areas, tree planting
7 space shall be reserved whenever desirable, depending on the
8 need for arterial traffic, utilities in the area, on-street
9 parking and street lighting standards placement.

10 3. Where certain streets have been designated as
11 entrances to the City, and sufficient street width is secured
12 for such purposes, a given dimension from the property line
13 to the curb shall be maintained so that trees may be included
14 as part of ((said)) the entrances.

15 Section 6. Section 49 of the Street Use Ordinance
16 (90047), Code Sections 15.16.010 through 15.16.080, as added
17 by Ordinance 99674, is hereby amended as follows:

18 Section 49. SIDEWALK CAFES.

19 A. (15.16.010) Permit Required for Sidewalk Cafe. It
20 shall be unlawful to operate a sidewalk cafe without a
21 written permit to do so from the ((Board of Public Works))
22 Director of Construction and Land Use, as hereinafter provided.

23 B. (15.16.020) Application. In addition to the
24 information required by Section 8 of Ordinance 90047 an
25 application for a sidewalk cafe permit shall state the
26 anticipated periods of use during the year, and the proposed
27 hours of daily use, including Saturdays, Sundays, and holidays;
28 and whether any liquor, as defined in RCW 66.04.010(6), will
be sold or consumed in the area to be covered by the permit.

C. (15.16.030) Notice. ((The applicant shall
mail or serve notice stating the nature of the application;

1 the sidewalk area sought to be used, and the date, time
2 and place at which the Board of Public Works will consider
3 such application at least ten days prior thereto, upon
4 the owners, building managers and street level tenants
5 of the properties that abut on the street segment that
6 contains the sidewalk area to be used and that lie within
7 the nearest intersections or depend upon such street
8 segment for access, and shall file with the City Engineer
9 a copy of the notice mailed and a list of the persons
10 to whom it was sent. The City Engineer shall prepare
11 and post notices containing the aforesaid information
12 upon any utility poles or other prominent place in the
13 immediate vicinity, and at the nearest intersection,
14 and shall deliver to the applicant a public notice, which
15 shall be posted in a window or on the building exterior
16 of the adjacent property.) The Director of Construction
17 and Land Use shall provide notice of receipt of an application
18 for a sidewalk cafe permit and of his decision to grant,
19 deny, or condition the permit in accordance with the notice
20 provisions of the Master Use Permit Ordinance (109438).

19 D. (15.16.040) Terms and Conditions. In the event
20 and to the extent that the ((Board of Public Works))
21 Director of Construction and Land Use determines that:

- 22 1. The applicant is the owner or occupant of the
23 adjacent property and operates a cafe or restaurant thereon;
- 24 2. The proposed sidewalk cafe use would not
25 unduly and unreasonably impair passage to and fro by the
26 public on the sidewalk for which the permit is sought; and
- 27 3. The proposed sidewalk cafe area is included
28 within a food-service establishment permit issued pursuant
to Seattle City Code Chapter 13.20, or the Seattle-King

1 County Director of Public Health, or his representative, has
2 otherwise authorized such use of the area, a permit for use
3 of sidewalk cafe purposes may be issued upon such terms and
4 conditions as said ((Beard)) Director may deem appropriate
5 including, but not limited to: restrictions as to the
6 number and placement of tables and chairs and as to the
7 hours and dates of use; a requirement that the area be
8 cleared when not in use as a sidewalk cafe, or upon the
9 order of the Director of Engineering or other appropriate
10 City officer such as the Chief of Police or Fire Chief or
11 their authorized representatives, and that the permittees
12 shall maintain the sidewalk in a clean and safe condition
13 for pedestrian travel; a requirement that the applicant
14 clear the sidewalk as may be necessary to accommodate
15 deliveries to adjacent or other nearby properties; regulations
16 upon lighting and illumination of the sidewalk cafe; and a
17 surety bond in accordance with the provisions of this ordinance;
18 provided that unless expressly authorized by the City no
19 pavement shall be broken, no sidewalk surface disturbed, and
20 that no fixture of any kind shall be installed in or on
21 sidewalk area in connection with a sidewalk cafe.

22 E. (15.16.050) Liquor. Liquor, as defined in RCW
23 66.04.010(16), as now existing or hereinafter amended, may
24 be used and sold at a sidewalk cafe when authorized in both
25 the use permit and provided for herein and by permit of the
26 Washington State Liquor Control Board, and not otherwise.

27 F. (15.16.060) Insurance. An applicant for a permit
28 for a sidewalk cafe shall, prior to issuance of such a
permit, provide and maintain in full force and effect while
the permit is in effect, public liability insurance in an
amount specified by the Board of Public Works sufficient to

1 cover potential claims for bodily injury, death, or disability
2 and for property damage, which may arise from or be related
3 to the use of sidewalk area for sidewalk cafe purposes,
4 naming the City of Seattle as an additional insured.

5 G. (15.16.070) Indemnity. The applicant for a sidewalk
6 cafe permit shall execute and deliver to the City upon a
7 form supplied by the ((City Engineer)) Director of Engineering
8 an agreement in writing and acknowledged by the applicant,
9 forever to hold and save the City free and harmless from any
10 and all claims, actions or damages of every kind and description
11 which may accrue to, or be suffered by, any persons by
12 reason of or related to the operation of such sidewalk cafe.

13 In addition such agreement shall contain a provision that
14 the permit is wholly of a temporary nature, that it vests no
15 permanent right whatsoever that upon thirty days' notice,
16 posted on the premises, or by publication in the official
17 newspaper of the City of Seattle, or without such notice, in
18 case the permitted use shall become dangerous or unsafe, or
19 shall not be operated in accordance with the provisions of
20 this ordinance, the same may be revoked and the sidewalk
21 cafe furniture ordered removed. Every such agreement, after
22 it has been received in his office and numbered, and after
23 the same has been recorded, shall be retained by said City
24 Comptroller and City Clerk in the files and records of his
25 office.

26 H. (15.16.080) Compliance-Sidewalk Condition. The
27 applicant shall comply with the terms and conditions of the
28 sidewalk cafe permit issued, and shall maintain the sidewalk
in a clean and safe condition for pedestrian travel, and
shall immediately clear the sidewalk area when ordered to do
so by the ((City Engineer)) Director of Engineering or other

1 appropriate City officer such as the Chief of Police or Fire
2 Chief or their authorized representatives.

3 Section 7. Section 2 of Ordinance 90138 relating to
4 signs adjacent to certain freeways, expressways, parkways
5 and scenic routes, Code Section 24.80.020, as last amended
6 by Ordinance 97025 is further amended as follows:

7 Section 2. (24.80.020) DEFINITIONS. The following
8 words and terms used in this chapter, in addition to their
9 ordinary meaning, shall mean and include the following:

10 (1) "Abandoned business sign" means any business sign
11 which is located on property which becomes vacant or unoccupied
12 for a period of ninety days or more, or which was erected
13 for an occupant or business unrelated to the present occupant
14 or business, or which pertains to a time, event or purpose
15 which no longer obtains.

16 (2) "Advertising sign" means any sign, structure or
17 device that is intended for advertising purposes, or on
18 which letters, figures or pictorial matter are displayed, or
19 are intended to be displayed, for advertising purposes,
20 except a business sign or real estate sign.

21 (3) (Reserved.) ("Beard," or "Board of Adjustment"
22 means the Board of Adjustment of The City of Seattle
23 as established under Section 26.1 of the Zoning Ordinance.)

24 (4) "Business sign" means a sign, structure or device
25 identifying the premises upon which it is located, or an
26 occupant of the premises, or relating to goods or services
27 manufactured, produced or available on the premises.

28 (5) "Control of access" means the condition where the
right of owners or occupants of abutting land or other
persons to access, light, air or view in connection with a
public street is fully or partially controlled by public
authority.

1 (6) "Control of access, full" means the condition
2 where the authority to control access is exercised to give
3 preference to through traffic by providing access connections
4 with selected public streets only and by prohibiting crossings
5 at grade and direct driveway connections.

6 (7) "Control of access, partial" means the condition
7 where the authority to control access is exercised to give
8 preference to through traffic to a degree that, in addition
9 to access connections with selected public streets, there
10 may be some crossings at grade and some direct connections.

11 (8) "Double-faced sign" means a sign which has two
12 display surfaces in approximately parallel planes backed
13 against each other or against the same background, one face
14 of which is designed to be seen from one direction and the
15 other from the opposite direction.

16 (9) "Entrance ramp" means any public road or turning
17 roadway including acceleration lanes by which traffic enters
18 the main traveled way of a limited access facility from the
19 general street system; such designation applying to that
20 portion of the roadway along which there is full control of
21 access.

22 (10) "Erect" means to place, construct, build, install,
23 raise, attach, relocate, substantially alter, enlarge,
24 suspend, post, paint, maintain or display; but not to repair,
25 clean or change the message on the surface of a sign face
26 designed for use with changeable copy.

27 (11) "Exit ramp" means any public road or turning
28 roadway including deceleration lanes by which traffic leaves
the main traveled way of a freeway to reach the general
street system within the city; such designation applying to
that portion of the roadway along which there is full
control of access.

1 (12) "Expressway" means a divided arterial street for
2 through traffic with full or partial control of access and
3 generally with grade separations at intersections.

4 (13) "Face of a building" means the elevation of a
5 building as measured on flat projection from any side,
6 excluding the roof and excluding any chimney, stack, structure
7 or mechanical equipment on the roof.

8 (14) "Flashing or moving sign" means any sign which has
9 any actual or apparent flashing or moving, rotating or
10 revolving parts actuated by electric, electronic, kinetic or
11 mechanical devices or by wind currents and shall include but
12 not be limited to banners, pennants, flags, balloons, ribbons,
13 streamers, spinners, strings of light bulbs, and signs which
change or appear to change color or light intensity.

14 (15) "Freestanding sign" means any business sign standing
15 on the ground with or without support braces and not attached
16 to any building.

17 (16) "Freeway" means an expressway with full control of
18 access.

19 (17) "Landscaped section" means a section of the right-
20 of-way of a freeway, expressway, parkway or scenic route, at
21 least one side of which is improved by the planting, for
22 other than the sole purpose of soil erosion control, of
23 ornamental trees, shrubs, lawn or other vegetation, or at
24 least one side of which is endowed by nature with native
trees and shrubs that are reasonably maintained, and which
has been so designated by this chapter.

25 (18) "Multifaced sign" means any sign which has two or
26 more display surfaces and is not a double-faced sign as
27 defined in this section.

28 (19) "Nonconforming sign" means a lawfully erected sign
in existence on the effective date of the ordinance codified

1 in this chapter or at the time of any amendments thereto,
2 and which thereafter would be prohibited by the provisions
3 of this chapter.

4 (20) "Parkway" means a thoroughfare located within a
5 park, or including a park-like development and designated as
6 a "parkway."

7 (21) "Real estate sign" means a sign advertising for
8 sale or rent the premises upon which it is located.

9 (22) "Scenic route" means those streets designated by
10 ordinance as scenic routes.

11 (23) "Scenic view section" means a section of the
12 traveled way of a freeway, expressway, parkway, or scenic
13 route the daily traffic along which includes a large number
14 of motorists entering, passing through or leaving the city
15 and from which there is a view of scenic beauty or historical
16 significance, or of an array of urban features or natural
17 prospects, or of a public park, or of lakes, bays, mountains,
18 the harbor or the city skyline, and which has been so designated
19 by this chapter.

20 (24) "Sign" means any medium including its structure
21 and component parts which is used or is intended to be used
22 out of doors to attract attention to the subject matter for
23 advertising, identification or informative purposes.

24 (25) "Sign variance" means a modification of the regulations
25 of this chapter authorized by the ((Beard)) Director of
26 Construction and Land Use where, owing to special circumstances
27 and conditions pertaining to a sign, a less literal interpretation
28 or strict application of the provisions and requirements of
this chapter would be justifiable under certain criteria
established by this chapter.

(26) "Traveled way" means the paved portion of a freeway,
expressway, parkway and their entrance or exit ramps, or

1 scenic route, exclusive of shoulders, used for the movement
2 of vehicles.

3 (27) "Visible" means capable of being seen (whether or
4 not legible) without visual aid by persons of normal visual
5 acuity.

6 Section 8. Section 3-B of Ordinance 90138 relating to
7 signs adjacent to certain freeways, expressways, parkways
8 and scenic routes, Code Section 24.80.070, as last amended
9 by Ordinance 106001 is further amended as follows:

10 Section 3-B (24.80.070) (Sign Variances.)

11 3-B.1 Upon written application and payment of a filing
12 fee (~~of \$75.00~~) as described in the Permit Fee Ordinance,
13 the (~~Hearing Examiner~~) Director of Construction and Land
14 Use (herein "Director") is authorized to issue sign variances
15 in the following instances, but only when the issuance of
16 such sign variance is within the intent and purposes of this
17 ordinance and will not be contrary to the public interest,
18 detrimental to the public welfare or safety, injurious to
19 property in the vicinity, and will not make difficult the
20 viewing and comprehending by motorists and pedestrians of
21 official or nonconforming signs, or increase the density of
22 signs along a designated landscaped and/or scenic view
23 section to an extent tending to constitute a hazard to
24 traffic safety or a detriment to the appearance of the
25 neighborhood, or impinge upon a view of scenic interest:

26 (a) Business signs composed of letters, numbers
27 or designs individually painted or mounted directly on a
28 building and measured by totalling the areas contained in
the least rectangle enclosing all portions of each letter,
number or design.

(b) Business signs on a building which extend not
more than 12 feet in height above the face of the building,

1 provided that the maximum permitted area of such signs,
2 except for oil company service station signs, shall be
3 reduced by 50 percent.

4 (c) Time, temperature and/or stock index recording
5 devices as part of a business sign.

6 (d) Business signs on a building face of 5,000
7 square feet or more the area of which exceeds 250 square
8 feet but which in no case exceeds 5 percent of the face of
9 the building.

10 (e) Free standing business signs on the same
11 premises with business signs on the face of a building and
12 not subject to being added together and limited to the area
13 permitted on the face of the building as provided in Section
14 3-A, where such free standing signs are more than 100 feet
15 from the face of the building and from each other, or where
16 the business engaged in is outdoor merchandising and the
17 grounds of the premises are more significant to the business
18 than any structures on the premises.

19 (f) Business signs of such increased height as
20 may be necessary to provide reasonable identification to a
21 business whose existing signs are obscured by subsequent
22 construction, landscaping or natural vegetation.

23 (g) Business signs of such increased area as may
24 be necessary to incorporate such sign as an architectural
25 element of a building.

26 (h) Existing nonconforming advertising or business
27 signs visible from but not primarily oriented to the traveled
28 way of a designated landscaped and/or scenic view section.

(i) New advertising signs or business signs which
do not conform to the provisions of this ordinance which are
to be erected at an elevation significantly lower than the

1 grade of the traveled way of a designated landscaped and/or
2 scenic view section and visible therefrom, but to be primarily
3 oriented to a roadway other than such designated section.

4 3-B.2 No sign variance shall be authorized for signs
5 which flash or move, except for time, temperature and stock
6 index recording devices. The ((Hearing Examiner)) Director
7 may attach such conditions regarding the location, character,
8 color and other features of the sign as the ((Hearing
9 Examiner)) Director may deem necessary in the public interest
10 to carry out the intent and purposes of this ordinance.

11 Sign variances authorized by the ((Hearing Examiner))
12 Director shall become void after the expiration of ((one))
13 two years if no building permit has been issued in accordance
14 with the plans for which such variance was authorized. Any
15 sign variance granted under this ordinance may be revoked by
16 order of the ((Hearing Examiner)) Director when it is shown
17 by satisfactory proof that:

18 (a) the application for the sign variance contained
19 any material misrepresentation of fact, or

20 (b) the special conditions and circumstances
21 originally justifying the granting of a sign variance have
22 changed or terminated in which case the sign shall be considered
23 nonconforming. It shall be unlawful for the owner or lessee
24 of the sign or the owner or operator of the premises upon
25 which said sign is located to fail to remove such sign
26 within 30 days after revocation of the sign variance, except
27 where the sign becomes nonconforming.

28 Section 9. Section 4 of Ordinance 90138 relating to
signs adjacent to certain freeways, expressways, parkways
and scenic routes, Code Sections 24.80.080 through 24.80.100,
as last amended by Ordinance 109125, is further amended to
read as follows:

1 Section 4. (Nonconforming, Dilapidated and Abandoned
2 Signs.)

3 4.1 (24.80.080) All nonconforming signs shall either
4 be made to conform with the provisions of this ordinance or
5 be removed within three (~~(+3)~~) years of the date such signs
6 became or become nonconforming, and it shall be unlawful for
7 the owner or lessee of such sign or the owner or operator of
8 the premises upon which such sign is located to fail to
9 remove such sign after said period of time has expired. The
10 (~~(Hearing Examiner)~~) Director, upon written application
11 therefor and payment of a filing fee (~~(of Seventy-five~~
12 ~~Dollars (\$75.00))~~) as described in the Permit Fee Ordinance,
13 may extend the time for removal of such nonconforming signs
14 for a period not to exceed an additional seven (~~(+7)~~)
15 years upon finding that:

16 (a) The extension of time will not be unduly
17 detrimental to the intent and purposes of this ordinance as
18 set forth in Section 1 hereof, and

19 (b) There is a substantial unamortized investment
20 in the sign made prior to the effective date of any ordinance
21 which would prohibit the erection of such sign, or

22 (c) Construction or related activity on the
23 proposed highways, or the Pike Plaza Redevelopment Project
24 designated in Section 2-A, or other proposed redevelopment
25 projects along the east side of the Alaskan Freeway from
26 Union Street to South Connecticut Street, is not scheduled
27 to begin for six (6) or more months, provided that in such
28 case the time extension shall not exceed the actual or
anticipatd delay.

 4.2 (24.80.090) No nonconforming sign shall be in any
manner altered, reconstructed or moved without being made to

1 comply in all respects with the provisions of this ordinance,
2 provided that nothing herein shall prohibit the normal
3 maintenance or repair of any nonconforming sign where no
4 major structural alterations are made, nor the painting or
5 repainting of the face thereof, nor the changing of the
6 message on the surface of the sign face on signs designed
7 for changeable copy. The cost of such maintenance, repair,
8 painting or message changing shall not be cause for a request
9 for an additional period of time to recover such costs. All
10 business and advertising signs shall be maintained in a
11 safe, presentable condition, including replacement of defective
12 parts, painting, repainting, cleaning and other acts required
13 to maintain the sign. All abandoned business signs shall be
removed.

14 4.3 (24.80.100) From time to time, the Director of
15 Construction and Land Use shall cause to be mailed to the
16 owners of property upon which abandoned signs or signs in
17 need of repair are located, notice of the existence of such
18 sign, its noncompliance with the provisions of this ordinance
19 and the time within which the sign must be repaired or
20 removed. At least sixty (~~60~~) days before the termination
21 of the period of time allowed for removal of nonconforming
22 signs, the Director of Construction and Land Use shall cause
23 to be mailed to the owners of property upon which a nonconforming
24 sign is located notice of the existence of such sign and the
25 time within which the sign must be made to conform or be
26 removed. The mailing of such notice shall constitute a
27 convenience to the owner, and the failure to give such
28 notice or to receive the same shall in no way impair the
enforcement of this ordinance. It shall be unlawful for the
owner or lessee of such sign or the owner or operator of the

1 premises upon which such sign is located to fail to repair,
2 conform or remove such sign within sixty (~~(+60)~~) days after
3 such notification.

4 Section 10. Section 4-A of Ordinance 90138 relating to
5 signs adjacent to certain freeways, expressways, parkways
6 and scenic routes, Code Section 24.80.110, as added by
7 Ordinance 103382, is hereby amended as follows:

8 Section 4-A (24.80.110) (Procedures.)

9 Applications for sign variances, petitions to revoke
10 sign variances, and time extensions for nonconforming signs
11 shall be filed with the Director of (~~(Community Development,~~
12 ~~who shall prepare a written report thereon which shall~~
13 ~~include the recommendations or comments of any affected~~
14 ~~departments of the city or of other governmental agencies~~
15 ~~having an interest in the application)) Construction and
16 Land Use. ((The application and report shall be transmitted
17 to the Hearing Examiner and be made available to the
18 public on request not less than seven (~~7~~) days prior
19 to the hearing or other action. Notices, hearings and
20 decisions of the Hearing Examiner shall be accomplished
21 as provided in Section 28-42 of the Zoning Ordinance
22 (~~86300~~), and the Director or any party affected by the
23 decision of the Hearing Examiner may file an appeal in
24 writing with the Board of Adjustment within a period
25 extending to 5:00 p.m. of the seventeenth (~~17th~~) day
26 following the date of the decision, stating explicit
27 exceptions and objections to the Hearing Examiner's decision
28 as provided in Sections 28-5 et seq. of the Zoning Ordinance.))
Notices, public comment periods and procedures for appeal of
the Director's decision on such applications shall be
accomplished in the manner provided for master use permit~~

1 applications by the applicable provisions of the Master Use
2 Permit Ordinance (109438).

3 Section 11. Sections 1, 2 and 3 of Ordinance 95776,
4 relating to and regulating driveway access to public streets
5 serving as approaches to and exits from limited access
6 highways, Code Sections 15.74.010 through 15.74.030, are
7 hereby amended as follows:

8 Section 1. (15.74.010) It shall be unlawful for
9 anyone to construct, reconstruct, repair, alter or maintain
10 any driveway providing direct vehicular access to a public
11 street which serves as an approach to or exit from a limited
12 access highway facility where all or any portion of the
13 driveway or proposed driveway lies between the proximate
14 margin of the limited access highway facility and a line
15 projected at right angles to the centerline of said public
16 street from a point thereon which is 400 feet distant,
17 measured along said centerline, from the proximate margin of
18 the limited access highway facility without first obtaining
19 a permit from the ((~~Board of Public Works~~)) Director of
20 Construction and Land Use (herein "Director") so to do as
21 hereinafter provided.

22 Section 2. (15.74.020) Applications for the driveway
23 permit contemplated in Section 1 hereof shall be made to the
24 ((~~Board of Public Works on forms prescribed by said Board,~~
25 ~~which~~)) Director, who shall refer the application to the
26 ((~~City Engineer~~)) Director of Engineering for his report and
27 recommendation as to the potential effect of the use of the
28 proposed driveway upon the safe and efficient flow of traffic
and shall issue the permit contemplated in Section 1 only
upon a determination that the design, standard of construction,
operational use, location or number of locations of the

1 proposed driveway or driveways will not unreasonably interfere
2 with the safe and efficient flow of vehicular and pedestrian
3 traffic upon the adjoining streets and sidewalks, giving
4 particular consideration to the effect upon traffic flowing
5 to and from the proximate limited access highway facility,
6 provided that such permit shall be issued in those instances
7 in which a determination is made that the denial thereof
8 would totally deprive the property to be served of vehicular
9 access. The ((Board of Public Works)) Director may attach
10 such conditions to any permit issued hereunder as may be
11 reasonably required under the particular circumstances for
12 the protection of the public safety.

13 Section 3. (15.74.030) Where the safe and efficient
14 flow of vehicular and pedestrian traffic require, and upon
15 the recommendation of the ((City Engineer)) Director of
16 Engineering, the Board of Public Works may revoke any permit
17 issued hereunder or order the alteration of a driveway for
18 which a permit has been issued. The notice of alteration
19 shall be in writing, be served upon the permittee, or his
20 successor, and shall require compliance within 180 days of
21 said notice.

22 Section 12. Repeal. Section 4 of Ordinance 95776,
23 Code Section 15.74.040, relating to appeals from denial or
24 revocation of driveway permits, is hereby repealed.

25 Section 13. Sections 7, 8 and 9 of the Subdivision
26 Ordinance (105636), Code Sections 24.98.070 through 24.98.090,
27 are hereby amended as follows:

28 Section 7. (24.98.070) SHORT SUBDIVISION PROCEDURE -
NOTICE. ((Within seven (7) days following receipt of an
application for a short subdivision, the)) The Administrator
shall give notice of an application for a short subdivision

1 pursuant to the notice provisions of the Master Use Permit
2 Ordinance (109438). ((by the posting of placards at
3 conspicuous places on the boundaries of the subject property
4 or within 300 feet thereof. Said placards shall include
5 sufficient description to locate the subject property
6 and a statement to the effect that any person submitting
7 a written request to the Administrator within fourteen
8 days of the date of posting shall be entitled to a copy
9 of the Administrator's action on the application.))

10 Section 8. (24.98.080) SHORT PLAT PROCEDURE - ADMINISTRATIVE
11 DETERMINATIONS - APPROVAL AND FILING. The Administrator
12 shall after conferring with appropriate officials, determine
13 whether:

- 13 (1) The proposed lots conform to the Comprehensive
14 Plan and Zoning Ordinance provisions;
- 15 (2) the proposed lots are served with adequate means
16 of access for vehicles, utilities, fire protection,
17 drainage, water supply and means of sanitary
18 sewerage disposal;
- 19 (3) the public use and interest will be served by
20 permitting the proposed division of land.

21 If the Administrator determines that the requirements
22 of this section are met, or may be met upon compliance with
23 specified conditions, he shall inform the applicant in
24 writing of his decision to approve the application and the
25 conditions of his approval, if any, and may return the
26 proposed short plat to the applicant for modification or
27 correction. When the Administrator has determined that 1)
28 the short plat contains the certificates and statements of
approval required by State law and this Ordinance, and 2)
the short plat and all legal descriptions are technically

1 correct, the short plat shall, after expiration of the
2 appeal period (~~specified~~) referenced in Section 9 of this
3 Ordinance, be filed for record with the County Auditor. No
4 short plat or short subdivision granted approval by the
5 Administrator after July 1, 1974 shall be deemed to have
6 final approval until so filed.

7 If the short subdivision contains a proposed dedication,
8 the Administrator shall refer the matter to the ((City
9 Engineer)) Director of Engineering for report and recommendation.
10 The Administrator shall then transmit the proposed short
11 plat to the Council together with his recommendation, and
12 the recommendation of the ((City Engineer)) Director of
13 Engineering. In the event of Council approval by ordinance,
14 the Administrator shall file said short plat with the County
15 Auditor and deliver one copy to the ((City Engineer))
16 Director of Engineering.

17 ((Short plats shall be approved, disapproved or
18 returned to the applicant within thirty (30) days from
19 the date of filing thereof, unless the applicant consents
20 to an extension of such time period, or unless such short
21 plat is required to be approved by ordinance.))

22 Section 9. (24.98.090) SHORT SUBDIVISION PROCEDURE -
23 APPEAL TO CITY HEARING EXAMINER. Any person aggrieved by
24 the decision of the Administrator to approve or disapprove a
25 proposed short subdivision may appeal the decision to the
26 City Hearing Examiner ((within fifteen (15) days following
27 issuance of the decision)) pursuant to the appeal provisions
28 of the Master Use Permit Ordinance (109438). ((Appeal
shall be made in writing, with a copy to the Administrator,
and shall state explicit exceptions and objections to
the Administrator's decision. The Examiner, following

1 a public hearing thereon, shall consider the matter DE
2 NOV0 and may affirm or reverse the Administrator's decision
3 or may remand the application to the Administrator for
4 reconsideration based upon information presented at the hearing.

5 Notice of the time, place, and purpose of the hearing
6 shall be posted and mailed to all parties of record not
7 less than ten (10) days prior to the date set by the
8 Examiner for a hearing.)

9 Section 14. Sections 13, 16, 19, 20 and 20A of the SEPA
10 Ordinance (105735), Code Sections 25.04.130, 25.04.160,
11 25.04.190, 25.04.200 and 25.04.210, as last amended by
12 Ordinance 107501, are further amended as follows:

13 Section 13. (25.04.130) Public Awareness Final
14 Declarations of Non-Significance (DNS). Notice of Final
15 Declarations of Non-Significance shall be provided as follows:

16 (1) The SEPA Public Information Center shall maintain
17 a "Final Declaration of Non-Significance Register" which
18 shall contain a listing of all final DNSs. The register
19 shall be maintained and used in accordance with the provisions
20 of Section 17 of this Ordinance.

21 (2) The information in the register or update thereof,
22 along with notice of the right to appeal a final DNS in
23 accordance with Section 20 of this ordinance shall be published
24 once every week in the City official newspaper ((and once every
25 week in another daily newspaper of general circulation in the
26 City)). In addition, notice of a final DNS and notice of
27 the right to appeal a final DNS in accordance with Section
28 20 of this ordinance, shall be submitted in a timely manner
to at least one community newspaper with distribution in the
area impacted by the proposal for which the final DNS was
adopted, and shall be posted in a conspicuous place in the
Department of Construction and Land Use.

1 Section 16. (25.04.160) Public Awareness of Draft and
2 Final EIS.

3 (1) Upon publication, the draft and the final EIS
4 shall be filed by the responsible official with the City's
5 SEPA Public Information Center.

6 (2) Notice of the draft EIS (~~and the procedures for~~
7 ~~requesting a public hearing~~) shall be published in the
8 City official newspaper (~~and in another daily newspaper~~
9 ~~of general circulation in the City~~). Notice of a final
10 EIS and the procedures for appeal pursuant to Section 20 of
11 this ordinance shall be similarly published. In addition,
12 such notices shall be submitted in a timely manner to at
13 least one community newspaper with distribution in the area
14 impacted by the proposal for which the EIS was prepared.
15 Notice shall be mailed to those organizations and individuals
16 who make written request therefor, and shall be posted in
17 a conspicuous place in the Department of Construction and
18 Land Use.

19 (3) A public hearing shall be held on every draft EIS
20 not less than twenty-one days following publication of
21 notice of the draft's availability. Notice of the public
22 hearing shall be given at the same time and in the same
23 manner as provided for a draft EIS in subsection (2) of
24 this section.

25 Section 19. (25.04.190) Substantive Authority to
26 Condition or Deny Proposals.

27 (1) Under SEPA, the City and its Departments have, and
28 shall exercise where appropriate, the authority to deny or
reasonably condition any proposal so as to mitigate or
prevent adverse environmental impacts.

(2) Any proposal may be reasonably conditioned on
environmental grounds only on the basis of the adverse

1 environmental impacts on the elements of the environment
2 defined in WAC 197-10-444 or Section 15 of this ordinance
3 and identified in the environmental documents prepared
4 pursuant to SEPA.

5 (3) Any proposal may be denied where significant
6 adverse impacts have been identified in the environmental
7 documents prepared pursuant to SEPA which cannot be substantially
8 mitigated or prevented by the imposition of reasonable
9 conditions; PROVIDED that a proposal may not be denied
10 solely on the basis of environmental impacts on the additional
11 elements of the environment defined in Section 15 of this
12 ordinance. The merits of the proposal shall be weighed
13 against the adverse environmental impacts.

14 (4) After September 20, 1978, the conditioning or
15 denial of any proposal pursuant to SEPA shall also be based
16 on policies developed and adopted pursuant to RCW 43.21C.060.

17 (5) In the event a proposal is denied or conditioned,
18 the decision-maker shall state in writing the reasons for
19 the decision, identifying the specific adverse environmental
20 impacts and, after September 20, 1978, the policies upon
21 which the decision is based. A copy of the statement of
22 reasons and the decision shall be filed in the SEPA Public
23 Information Center.

24 (6) Compliance with this section shall be an additional
25 ground for or issue in appeals of decisions otherwise provided
26 by City ordinance (~~(e.g., Section 25.40 of the Zoning~~
27 ~~Ordinance which provides for the appeal of a use permit~~
28 ~~and building permit renewal)); PROVIDED that for proposals~~
involving more than one action, such issue may be raised
only with regard to the first decision which weighed the
environmental impacts of the total proposal.

Section 20. (25.04.200) Appeal to the Hearing Examiner.

1 (1) The following City decisions shall be subject to
2 appeal to the Hearing Examiner by any interested person:

3 (a) Threshold determination, except when made in
4 connection with an application for a master use
5 permit and subject to appeal under Ordinance 109438.

6 On appeal of a threshold determination, a party
7 may also challenge the preliminary determinations.

8 (b) Adequacy of the final EIS((7)) as filed in the SEPA
9 Public Information Center, except when prepared in
10 connection with an application for a master use
11 permit and subject to appeal under Ordinance 109438.

12 Notice of all decisions described in this subsection
13 shall be filed promptly by the responsible official
14 in the City's SEPA Public Information Center.

15 (2) An appeal shall be commenced by the filing of a
16 notice of appeal with the Office of the Hearing Examiner no
17 later than the ((~~fifteenth~~ ~~(15th)~~)) fourteenth day following
18 the filing of the decision in the SEPA Public Information
19 Center or publication of the decision in the City official
20 newspaper, whichever is later. The notice of appeal shall
21 set forth in a clear and concise manner the alleged errors
22 in the decision. Upon timely notice of appeal the Hearing
23 Examiner shall set a date for hearing and send notice to the
24 parties.

25 (3) ((~~4~~)) Appeals shall be considered de novo and
26 limited to the issues cited in the notice of appeal. The
27 determination appealed from shall be accorded substantial
28 weight and the burden of establishing the contrary shall be
upon the appealing party. The Hearing Examiner shall have
authority to affirm or reverse the administrative decisions
below, to remand cases to the appropriate Department with
directions for further proceedings, and to grant other

1 appropriate relief in the circumstances. Within (~~fifteen~~
2 ~~+15~~) fourteen days after the hearing, the Hearing Examiner
3 shall file and transmit to the parties written findings of
4 fact, conclusions of law, and a decision.

5 (4) (~~+5~~) The Hearing Examiner is authorized to
6 promulgate rules and procedures to implement the provisions
7 of this Section 20. The rules shall be promulgated pursuant
8 to Ordinance 102228.

9 Section 20A. (25.04.210) Appeal to the City Council.

10 (1) Any decision of the Hearing Examiner, or of any
11 other authorized official or body which reviews compliance
12 with Section 19 of this ordinance, shall be subject to
13 appeal to the City Council.

14 (2) An appeal pursuant to subsection 20A(1) may be
15 filed only by a party to the hearing before the Hearing
16 Examiner or other authorized official or body. The appeal
17 shall be filed with the City Clerk no later than the (~~fifteenth~~
18 ~~+15th~~) fourteenth day after the date the decision appealed
19 from is filed with the SEPA Public Information Center.

20 (3) The City Council's review on appeal shall be
21 limited to the issue of compliance with Section 19 of this
22 ordinance. Such review shall be based solely upon the
23 record from the hearing below; PROVIDED however, that the
24 City Council or the appropriate City Council committee may
25 allow oral or written arguments.

26 (4) The determination appealed from shall be accorded
27 substantial weight and the burden of establishing the contrary
28 shall be upon the appealing party. The City Council may
affirm or reverse the administrative decisions below, remand
cases to the appropriate Department with directions for
further proceedings, or grant other appropriate relief in
the circumstances. The City Council shall file and transmit

1 to the parties written findings of fact, conclusions of law,
2 and a decision.

3 (5) The City Council is authorized to promulgate,
4 pursuant to the Administrative Code (Ordinance 102228),
5 rules to implement the provisions of this Section 20A.

6 Section 15. Sections 26 and 34 of the Grading and
7 Drainage Control Ordinance (108080), Code Sections 22.804.150
8 and 22.804.230, are hereby amended as follows:

9 Section 26. (22.804.150) Notice of grading permit
10 applications involving more than 500 yards shall be given
11 pursuant to the Master Use Permit Ordinance (109438) and
12 shall include a large sign on the property concerned. ((On
13 receipt of any application for a grading permit involving
14 more than five hundred cubic yards, the Superintendent shall
15 cause four copies of a notice to be posted prominently on
16 the property concerned and within three hundred feet of
17 the property in a public place. The notice shall include a
18 description of the work proposed and a statement that any
19 person desiring to present relevant information or views to
20 the Superintendent may do so not later than fourteen days
21 from the date of posting or a later date as specified by
22 the Superintendent.))

23 Section 34. (22.804.230) APPEAL OF GRADING VIOLATION.
24 In addition to the right of appeal provided under Section
25 ((25-40 of the Comprehensive Zoning Ordinance (86300,
26 as amended))) 10 of the Master Use Permit Ordinance (109438),
27 relating to appeal of master use permits, ((the issuance
28 of use permits and Section 20 of Ordinance 105735, relating
to appeals as to environmental compliance,)) the following
grading violation appeal procedure is provided:

- a. Any person subject to any notice of grading violation of the Superintendent under this Ordinance,

1 other than an emergency order issued under Section
2 39, shall have the right to appeal to the Hearing
3 Examiner.

4 b. In order for an appeal to be perfected, the
5 following provisions must be followed. The appeal
6 must:

- 7 (1) be filed with the Hearing Examiner not later
8 than the 30th day following service of the
9 notice of grading violation;
10 (2) be in writing and state in a clear and concise
11 manner the specific exceptions and objections
12 to the notice of grading violation;
13 (3) contain a brief statement setting forth the
14 legal interest of each of the appellants in
15 the fill, premises, land or portion thereof,
16 involved in the notice of grading violation;
17 (4) contain a brief statement of the remedy
18 sought, and the reasons why it is claimed the
19 protested notice of grading violation should
20 be reversed, modified, or otherwise set
21 aside; and
22 (5) contain the signatures of all the parties
23 named as appellants, and their mailing
24 addresses.

25 c. The Hearing Examiner shall set a date for hearing
26 the appeal in a timely manner and shall provide no
27 less than 20 days written notice to the parties.

28 d. The appeal hearing shall be conducted pursuant to
the contested case provisions of the Administrative
Code (Ordinance 102228, as amended). The Hearing
Examiner is authorized to promulgate procedural

1 rules for the appeal hearing pursuant to the
2 Administrative Code.

3 e. The appeal hearing shall be a new or de novo hear-
4 ing. Substantial weight shall be given to the
5 notice of grading violation and the burden of
6 establishing the contrary shall be upon the
7 appealing party.

8 f. The Hearing Examiner shall have the authority to
9 affirm, modify or reverse, or remand the notice of
10 grading violation, or grant other appropriate
11 relief. The Hearing Examiner shall summarily
12 dismiss an appeal which is determined to be without
13 merit on its face, frivolous, or brought merely to
14 secure a delay.

15 g. Within 14 days after the hearing, a written decision
16 containing findings of fact and conclusions shall
17 be transmitted to the parties. The notice of
18 grading violation as amended by the Hearing Examiner
19 becomes the final order of the Superintendent
20 which shall be filed with the Department of Records
21 and Elections of King County.

22 Section 16. Section 302 of the Building Code (108508),
23 Code Section 22.106.020, is hereby amended as follows:

24 BUILDING PERMITS

25 Sec. 302. (22.106.020) (a) Issuance. 1. General.
26 The application, plans and specifications filed by an applicant
27 for a permit shall be checked by the Building Official or
28 his/her designee unless plans are inadequate as determined
by the Building Official. Such plans may be reviewed by
other departments of the City to check compliance with the
laws and ordinances under their jurisdiction. If the Building

1 Official is satisfied that the work, as described in an
2 application for permit and in the plans filed, is substantially
3 complete, satisfies the requirements of this Code, and
4 conforms with other pertinent laws and ordinances, and that
5 the fee specified in the Permit Fee Ordinance has been paid,
6 a permit shall be issued to the applicant for the work
7 described; provided further that as to structures extending
8 over navigable water beyond the high water mark and requiring
9 approval by the United States Army Corps of Engineers, the
10 Building Official shall issue a building permit only if the
11 applicant presents a permit evidencing approval by the
12 United States Army Corps of Engineers.

12 EXCEPTIONS: 1. The Building Official may issue a
13 permit after payment of the required fee for the
14 construction of part of a building or structure
15 before complete plans for the whole building or
16 structure have been submitted or approved, provided
17 that the proposed project complies with the State
18 Environmental Policy Act as implemented by Ordinance
19 as now or hereafter amended and the Zoning Ordinance;
20 and provided further that adequate information and
21 plans have been filed and checked to assure compliance
22 with all pertinent requirements of this and other
23 pertinent codes.

24 2. After approval of a Use Permit as
25 required by the Zoning Code, a permit for excavation
26 may be issued on request following payment of the
27 required fee.

28 2. Compliance with Approved Plans and Permit. When
the Building Official issues a permit, he shall endorse the
permit in writing and endorse in writing or stamp the plans
"APPROVED." Such approved plans and permit shall not be

1 changed, modified or altered without authorization from the
2 Building Official, and all work shall be done in accordance
3 with the approved plans and permit except as the Building
4 Official may require during field inspection to correct
5 errors or omissions.

6 3. Amendments to the Permit. When substitutions and
7 changes are made during construction, approval shall be
8 secured prior to execution. Substitutions, changes and
9 clarifications shall be shown on two sets of plans which
10 shall be submitted to and approved by the Building Official,
11 accompanied by redesign fees, prior to occupancy.

12 4. Cancellation of permit application. If a permit is
13 not issued after a period of six months from the date of
14 approval for issuance or date of notification of required
15 corrections, the applicant shall be notified in writing that
16 the permit application will be cancelled after another
17 month. After that time, the site shall be inspected to
18 verify that no work has taken place. The application shall
19 be cancelled and it and any accompanying plans and specifications
20 destroyed and the portion of the fee paid forfeited, or, if
21 a written request is received, returned to the applicant.
22 Upon written request of the applicant, the Building Official
23 may extend the life of the permit application for a period
24 not to exceed six months, with no extensions possible;
25 except that applications may be further extended by the
26 Building Official where permit issuance is delayed by
27 litigation, appeals or similar problems.

28 (b) Retention of Plans. One set of approved plans,
which may be on microfilm, shall be retained by the Building
Official and one set of approved plans shall be returned to
the applicant, which set shall be kept on such building or

1 work site at all times during which the work authorized
2 hereby is in progress for use by the building inspector.

3 (c) Validity. The issuance or granting of a permit or
4 approval of plans shall not be construed to be a permit for,
5 or an approval of, any violation of any of the provisions of
6 this Code. No permit presuming to give authority to violate
7 or cancel the provisions of this Code shall be valid, except
8 insofar as the work or use which it authorizes is lawful.

9 The issuance of a permit based upon plans shall not
10 prevent the Building Official from thereafter requiring the
11 correction of errors in said plans or from preventing building
12 operations being carried on thereunder when in violation of
13 this Code or of any other ordinance of the City.

14 The issuance of a building permit shall not prevent the
15 Building Official from requiring correction of conditions
16 found to be in violation of this Code or any other ordinance
17 of the City, nor shall the period of time for which any such
18 permit is issued be construed to extend or otherwise affect
19 any period of time for compliance specified in any notice or
20 order issued by the Building Official or other administrative
21 authority requiring the correction of any such conditions.

22 (d) Expiration. Permits and renewed permits shall
23 expire one (1) year from the date of issue except as otherwise
24 noted on the permit. Permits for major construction projects
25 that require more than one year to complete may be issued
26 for a length of time that provides reasonable time to complete
27 the work, not to exceed three years. Where conditions
28 require, the Building Official may, as he/she deems necessary,
issue non-renewable permits which shall expire within a
period less than one (1) year from date of issue.

Permits may be renewed and renewed permits may be

1 further renewed by the Building Official upon application
2 within the thirty (30) day period immediately preceding the
3 date of expiration thereof, provided that the work permitted
4 has been started and is progressing at a rate approved by
5 the Building Official. Permits may also be renewed where
6 commencement or completion of the work is delayed by litigation,
7 appeals, strikes or other causes beyond the permittee's
8 control. Progress justifying renewal of a permit shall
9 include but not be limited to the arranging of financing,
10 selection of contractors and subcontractors, securing other
11 necessary permits and licenses, site preparation such as
12 demolition, clearing and excavation, soils investigation,
13 and work done to overcome unusual construction difficulties.

14 A new permit shall be applied for where the permit has
15 expired.

16 ((A determination by the Building Official to renew
17 or not to renew a permit shall be subject to review by
18 the Hearing Examiner in accordance with the procedure
19 provided in Section 25-40 through 25-46 of the Zoning
20 Ordinance (86300) when there has been a change in that
21 ordinance or other applicable law which would prohibit
22 the issuance of the renewed permit as a new permit.))

23 (e) Suspension or Revocation. The Building Official
24 shall, by written order, suspend or revoke a permit issued
25 under the provisions of this Code whenever the permit is
26 issued in error or on the basis of incorrect information
27 supplied, or in violation of any ordinance or regulation or
28 any provisions of this Code. ((The Building Official
may also suspend a permit in whole or in part and stop
work pursuant to said permit whenever an appeal from
the action of the Building Official issuing or renewing

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said permit has been filed pursuant to Section 25-40 of the Zoning Ordinance (86300) or pursuant to this or other ordinances relating to the issuance of renewal of a permit.)

Section 17. Section 4927 of the Seattle Building Code Supplement (as adopted by Section 1 of Ordinance 108508, Code Section 22.100.010) is hereby amended as follows:

Section 4927. (22.100.010) Variances. Variances from provisions of Section 4919 (Prohibited Signs), Section 4923 (On-Premise Signs), Section 4924 (Off-Premise Signs), Section 4925 (Other Requirements) and Section 4926 (Non-Conforming Signs) may be authorized by the ((Hearing Examiner)) Building Official in accordance with the standards for variances in Article 28 of the Zoning Ordinance (86300).

Section 18. This ordinance shall take effect on April 30, 1981.

PASSED by the City Council the 9th day of March, 1981, and signed by me in open session in authentication of its passage this 9th day of March, 1981.

[Signature]
President of the City Council

Approved by me this 18 day of March, 1981.

[Signature]
Mayor

Filed by me this 18 day of March, 1981.

ATTEST: [Signature]
City Comptroller and City Clerk

By: [Signature]
Deputy

(SEAL)

Published _____

Your City, Seattle

Executive Department-Office of Management and Budget

John Saven, Director
Charles Royer, Mayor



The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

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

REQUESTING
DEPARTMENT: Department of Construction and Land Use

SUBJECT:

An Ordinance relating to the Department of Construction and Land Use; amending Sections 7, 8, 9, 13, 14, 16-A and 49 of the Street Use Ordinance (90047) (Sections 15.04-.010-15.04.030, 15.04.070, 15.04.080, 15.06.050, 15.16.010-15.16.080, Seattle Municipal Code), Sections 2, 3-B, 4, and 4-A of the Scenic Route Sign Ordinance (90138) (Sections 24.80.020, 24.80.070-24.80.110, Seattle Municipal Code), Sections 1, 2 and 3 of the Driveway Permit Ordinance (95776) (Sections 15.74.010-15.74.030, Seattle Municipal Code), Sections 7, 8, and 9 of the Subdivision Ordinance (105636) (Sections 24.98.070-24.98.090, Seattle Municipal Code), Sections 13, 16, 19, 20, and 20A of the SEPA Ordinance (105735) (Sections 25.04.130, 25.04.160, 25.04.190-25.04.210, Seattle Municipal Code), Sections 26 and 34 of the Grading and Drainage Control Ordinance (108080) (Sections 22.804.150, 22.804.230, Seattle Municipal Code), Section 302 of the Building Code (108508) (Section 22.106.020, Seattle Municipal Code), and Section 4927 of the Seattle Building Code Supplement (as adopted by Section 1 of Ordinance 108508 (Section 22.100.010, Seattle Municipal Code)) to reflect the consolidation of application, notice and appeal procedures for certain land use decisions accomplished by adoption of Ordinance 109438 establishing the Master Use Permit process, the transfer of certain functions of the Hearing Examiner and the Director of Engineering to the Director of Construction and Land Use, the change in title of the Superintendent of Buildings Director of Construction and Land Use and of the City Engineer to Director of Engineering, to conform the SEPA Ordinance notice and draft EIS public hearing requirements to the Master Use Permit Ordinance, and repealing Section 4 of Ordinance 95776 (Section 15.74.040, Seattle Municipal Code).

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

After reviewing this request and drafting appropriate legislation:

(X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.

An equal employment opportunity - affirmative action employer

Douglas Jewett
February 25, 1981
Page Two

() Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By



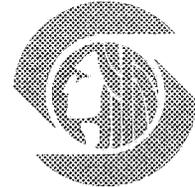
John Saven
Budget Director

JS/sl/pa

Enclosure

cc: Department of Construction and Land Use

Seattle
Department of Construction and Land Use



William J. Justen, P.E., Director
Charles Royer, Mayor

REC'D OMB FEB 24 1981

February 24, 1981

802020

The Honorable Paul Kraabel
Seattle City Council
City of Seattle

VIA: Office of Management & Budget

Dear Councilmember Kraabel:

Transmitted herewith are proposed amendments to the Municipal Code necessary to implement the procedural reform legislated by the Seattle City Council with the adoption of the Master Use Permit Ordinance. A hearing on these amendments before the Council's Urban Development and Housing Committee has been set for March 3 after 10:30 a.m.

These amendments reflect the consolidation of application, notice and appeal procedures for certain land use decisions accomplished by the adoption of Ordinance 109438 establishing the Master Use Permit process, and the transfer of certain functions of the Hearing Examiner and the Director of Engineering to the Director of Construction and Land Use.

The amendments further revise Seattle's SEPA legislation to extend the Master Use Permit notice and hearing procedure to all SEPA proposals as appropriate, to avoid unnecessary complexities in the SEPA legislation. An analysis of these additional provisions is attached.

Additional amendments are proposed strictly to bring the code into conformance with the legislation enacted by the Council and to clarify existing provisions.

Sincerely,

WILLIAM J. JUSTEN, P.E.
Director

KH:pms

Attachments

COMPARISON OF PROCEDURAL PROVISIONS

PROCEDURE

ADOPTED MUP ORDINANCE

EXISTING SEPA ORDINANCE

PROPOSED SEPA ORDINANCE

1. Notice of Application	Section 6(4): Release to media and organizations Large Sign ²	Section 6(4): Published, official newspaper ³ Release to media and organizations Limited mailed notice ⁴ Posting, DCLU ⁵	Section 13(2): Published, official newspaper ⁶ Published, general newspaper ⁶ Release to community newspaper	Section 13(2): Published, official newspaper⁶ Published, general newspaper⁶ Release to community newspaper	Section 13(2): Published, official newspaper Release to community newspaper Post DCLU <u>Add</u>
2. Notice of Threshold Determination	Section 11: Applies to DNS only Published, official newspaper ⁷ Release to media and organizations Limited mailed notice ⁴ Posting, DCLU ⁵	Section 11: Applies to DNS only Published, official newspaper Mailed, 300 feet ⁷ Release to media and organizations Limited mailed notice Posting, DCLU	Section 16(2): Published, official newspaper Published, general newspaper Release to community newspaper Limited mailed notice	Section 16(2): Published, official newspaper Published, general newspaper Release to community newspaper Limited mailed notice	Section 16(2): Published, official newspaper Release to community newspaper Limited mailed notice Posting, DCLU <u>Add</u>
3. Notice of Draft EIS	Section 7: Published, official newspaper Mailed, 300 feet ⁷ Release to media and organizations Limited mailed notice Posting, DCLU	Section 7: Published, official newspaper Mailed, 300 feet ⁷ Release to media and organizations Limited mailed notice Posting, DCLU	Section 16(2): Published, official newspaper Published, general newspaper Release to community newspaper Limited mailed notice	Section 16(2): Published, official newspaper Published, general newspaper Release to community newspaper Limited mailed notice	Section 16(2): Published, official newspaper Release to community newspaper Limited mailed notice Posting, DCLU <u>Add</u>
4. Notice of Final EIS	Section 11: Published, official newspaper Release to media and organizations Limited mailed notice Posting, DCLU	Section 11: Published, official newspaper Release to media and organizations Limited mailed notice Posting, DCLU	Section 19(5): Filed in SEPA Information Center	Section 19(5): Filed in SEPA Information Center	Section 19(5): Filed in SEPA Information Center
5. Notice of Substantive Decisions	Section 11: Published, official newspaper Release to media and organizations Limited mailed notice Posting, DCLU	Section 11: Published, official newspaper Release to media and organizations Limited mailed notice Posting, DCLU	Section 20(1)(a) Threshold Determination - DS & DNS Adequacy of EIS Conditioning of proposal	Section 20(1)(a) Threshold Determination - DS & DNS Adequacy of EIS Conditioning of proposal	Section 20(1)(a) Threshold Determination - DS & DNS DNS only for Master Use Permit Adequacy of EIS Conditioning of proposal <u>Add</u>
Basis for Appeal	Sections 10 and 16: Threshold Determination - DNS only Adequacy of EIS Conditioning of permit	Sections 10 and 16: Threshold Determination - DNS only Adequacy of EIS Conditioning of permit	Section 20(2): Filed in SEPA Information Center	Section 20(2): Filed in SEPA Information Center	Section 20(2): Filed in SEPA Information Center or publication in official newspaper <u>Change</u>
7. Administrative Appeal Period	Section 13: 14 days following publication in official newspaper	Section 13: 14 days following publication in official newspaper	Section 20(2): 15 days following filing SEPA Information Center	Section 20(2): 15 days following filing SEPA Information Center	Section 20(2): 14 days following filing in SEPA Information Center or publication in official newspaper <u>Change</u>

COMPARISON OF PROCEDURAL PROVISIONS
Page 2

<u>PROCEDURE</u>	<u>MUP ORDINANCE</u>	<u>EXISTING SEPA ORDINANCE</u>	<u>PROPOSED SEPA ORDINANCE</u>
8. Notice of Public Hearing on Draft EIS	Section 7: Required, no sooner than 21 days before hearing	Section 16(2): Not required, notice of DEIS must contain procedures for requesting hearing	Section 16(3): Required, not less than 21 days before hearing
9. Notice of Appeal Hearing	Section 15: Release to media and organizations limited mailed notice	Section 20(2): Limited mailed notice	Section 20(2): Limited mailed notice
10. Appeal Decision	Section 18: 14 days from hearing	Section 20(4): 15 days from hearing	Section 20(3): 14 days from hearing <u>Change</u>
11. Notice of Appeal Decision	Section 18: Limited mailed notice	Section 20(4): Limited mailed notice	Section 20(3): Limited mailed notice

FOOTNOTES

- 1 "Release" is sent to community newspapers, public libraries, and to any individual or organization subscribing.
- 2 A large sign must be placed on the project site prior to processing the Threshold Determination.
- 3 "Official newspaper" signifies the newspaper designated for publishing City procedures (currently the Daily Journal of Commerce).
- 4 Mailed notice will be sent to the applicant, parties of record, and individuals who request in writing to be given notice.
- 5 Notice will be posted at the Department of Construction and Land Use in the Municipal Building.
- 6 "General newspaper" signifies a City-wide newspaper of general circulation (usually the Post-Intelligencer).
- 7 "Mailed, 300 feet" is notice mailed to owners and residents within 300 feet of the boundaries of the subject property.

The City of Seattle--Legislative Department

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1

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on

URBAN DEVELOPMENT AND HOUSING

MAR 9 1981

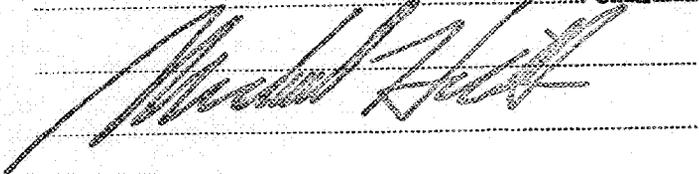
to which was referred

C.B. 102127

Relating to the Department of Construction and Land Use; amending Sections 7, 8, 9, 13, 14, 16-A and 49 of the Street Use Ordinance (90047) (Sections 15.04.101-15.04.070, 15.04.080, 15.06.050, 15.16.010-15.16.080, Seattle Municipal Code), Sections 2, 3-B, 4, and 4-A of the Scenic Route Sign Ordinance (90138) Sections 24.80.020, 24.80.070-24.80-.110, Seattle Municipal Code), Sections 7, 8 and 9 of the Subdivision Ordinance (105636) Sections 24.98-.070-24.98.090, Seattle Municipal Code), Sections 13, 16, 19, 20 and 20A of the SEPA Ordinance (105735) (Sections 25.04.130, 25.04.160, 25.04.190-25.04.210, Seattle Municipal Code), Sections 26 and 34 of the Grading and Drainage Control Ordinance (108080) (Sections 22.804.150, 22.804.230, Seattle Municipal Code), Section 302 of the building Code (108508) (Section 22.106.020, Seattle Municipal Code), and Section 4927 of the Seattle Building Code Supplement (as adopted by Section 1 of Ordinance

Chairman

Chairman



Committee

Committee

The City of Seattle--Legislative Department

page
2

MR. PRESIDENT:

Date Reported
and Adopted

MAR 9 1981

Your Committee on ?

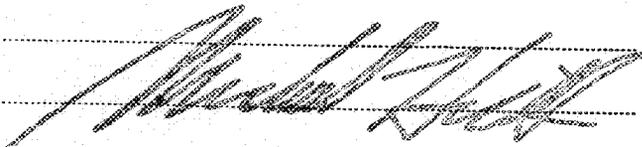
to which was referred

108508 (Section 22.100.101, Seattle Municipal Code) to reflect the consolidation of application, notice and appeal procedures for certain land use decisions accomplished by adoption of Ordinance 109438 establishing the Master Use Permit process, the transfer of certain functions of the Hearing Examiner and the Director of Engineering to the Director of Construction and Land Use, the change in title of the Superintendent of Buildings to Director of Constructoin and Land Use and of the City Engineer to Director of Engineering, to conform the SEPA Ordinance notice and draft EIS public hearing requirements to the Master Use Permit Ordinance, and repealing Section 4 of Ordinance 95776 (Section 15.74.040, Seattle Municipal Code).

recommends that the same do pass.

Chairman

Chairman



Committee

Committee

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

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

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

Ordinance No. 109754

was published on March 21, 1981

P. Blair
Subscribed and sworn to before me on

March 21, 1981

J. Mahalyo
Notary Public for the State of Washington,
residing in Seattle.

ORDINANCE INDEX

AN ORDINANCE relating to the Department of Construction and Land Use; amending Sections 7, 8, 9, 10, 11, 12, 13, 14, 15-A and 16 of the Street Use Ordinance (90047) (Sections 15.04.010-15.04.030, 15.04.070, 15.04.080, 15.04.090, 15.04.100-15.04.110, Seattle Municipal Code), Sections 1, 3-B, 4, and 4-A of the Scenic Route Sign Ordinance (90114) (Sections 24.80.020, 24.80.070-24.80.120, Seattle Municipal Code), Sections 1, 7 and 9 of the Driveway Permit Ordinance (95776) (Sections 15.74.010-15.74.030, Seattle Municipal Code), Sections 7, 8 and 9 of the Subdivision Ordinance (109416) (Sections 24.98.070-24.98.090, Seattle Municipal Code), Sections 13, 18, 19, 20 and 20A of the SEPA Ordinance (105735) (Sections 25.04.110, 25.04.160, 25.04.190-25.04.210, Seattle Municipal Code), Sections 26 and 34 of the Grading and Drainage Control Ordinance (108900) (Sections 22.804.150, 22.804.230, Seattle Municipal Code), Section 302 of the Building Code (134508) (Section 22.106.020, Seattle Municipal Code), and Section 4927 of the Seattle Building Code Supplement (as adopted by Section 1 of Ordinance 108508 (Section 22.106.010, Seattle Municipal Code)) to reflect the consolidation of application, notice and appeal procedures for certain land use decisions accomplished by adoption of Ordinance 109438 establishing the Master Use Permit process, the transfer of certain functions of the Hearing Examiner and the Director of Engineering to the Director of Construction and Land Use, the change in title of the Superintendent of Buildings to Director of Construction and Land Use and of the City Engineer to Director of Engineering, to conform the SEPA Ordinance notice and draft EIS public hearing requirements to the Master Use Permit Ordinance, and repealing Section 4 of Ordinance 95776 (Section 15.74.040, Seattle Municipal Code).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Sections 7 and 8 of the Street Use Ordinance (90047), Seattle Municipal Code Sections 15.04.010 and 15.04.020, are hereby amended as follows:

Section 7. (15.04.010) LEGAL USE OF STREETS. It shall be unlawful for anyone to use any public place, for private purposes, without a written permit from the Board of Public Works of the City of Seattle (see to do) or the Director of Construction and Land Use, and without complying with all the provisions of this ordinance in relation thereto; provided that nothing herein contained shall apply to street maintenance work performed by the City, street or sewer installation and improvement work authorized by ordinance, or street improvement work authorized by ordinance, or street improvement projects under contract with the City.

Section 8. (15.04.020) APPLICATION FOR PERMIT. Except for those street use approvals which must be requested from the Director of Construction and Land Use in accordance with the applicable provisions of the Master Use Permit Ordinance (109438), applications for permits provided for by this ordinance (Application for permits herein provided for) shall be filed with the ((City Engineer)) Director of Engineering, upon a form supplied by him. Such applications shall be directed to the Board of Public Works, and shall contain: (1) an accurate description of the public place or portion thereof desired to be used as herein specified, (2) the use desired to be made of such public place by the applicant, (3) the plans and specifications for any utility or structure desired to be constructed, erected or maintained by the applicant in or on a public place, and (4) where it is desired to construct ((an awesway, or)) a fuel opening, sidewalk elevator or door, a certificate from the ((City Engineer)) Director of Engineering, showing the applicant to be the record owner of the premises abutting and in connection with which such ((awesway,)) fuel opening, sidewalk elevator or door is to be constructed.

Section 9. Section 9 of the Street Use Ordinance (90047), Code Section 15.04.030, as last amended by Ordinance 91749, is further amended as follows:

Section 9. (15.04.030) PROCESSING OF APPLICATIONS. The ((City Engineer)) Director of Engineering shall examine each application submitted to him for his review or approval to determine if it complies with the provisions of this ordinance relating thereto. The ((City Engineer)) Director of Engineering or the Director of Construction and Land Use, according to the type of permit for which application has been made, may inspect the premises which are desired to be used in order to ascertain any facts which may aid in determining whether a permit shall be granted. ((and)) The Director of Engineering shall endorse his findings on such application and transmit the same to the Board of Public Works.

Any application for a permit to construct, erect or

structure in a public place, shall be transmitted by the ((City Engineer)) Director of Engineering to the ((Superintendent of Buildings)) Director of Construction and Land Use, who shall ascertain if the plans and specifications conform to the regulations pertaining to safety, material and design of the Seattle Building Code. The ((Superintendent of Buildings)) Director of Construction and Land Use shall then endorse his findings on the application and transmit the same to the Director of Engineering.

If the Board of Public Works, in regular session, finds that the application presented to it for approval conforms to the requirements of this ordinance pertaining thereto, and also that the proposed use of such public place will not unduly interfere with the rights of the public, said Board may approve thereof, and, if approved, shall fix the time for which the permit may be granted and shall direct the ((City Engineer)) Director of Engineering to issue a permit, upon the applicant's compliance as herein specified with the provisions of this ordinance relative to indemnity.

Section 3. Section 13 of the Street Use Ordinance (90047), Code Section 15.04.070, as last amended by Ordinance 101351, is further amended as follows:

Section 13. (15.04.070) REVOCATION OF PERMITS. All street or sidewalk use authorizations approved ((permits granted)) under the provisions of this ordinance or the Master Use Permit Ordinance (109438) shall vest no permanent right, and ((shall be issued and)) may in any case be revoked by the Board of Public Works upon thirty ((40)) days' notice; or without notice, in case any such use or occupation shall become dangerous or any structure or obstruction permitted shall become insecure or unsafe, or shall not be constructed, maintained or used in accordance with the provisions of this ordinance.

Section 4. Section 14 of the Street Use Ordinance (90047), Code Section 15.04.080, as last amended by Ordinance 91749, is further amended as follows:

Section 14. (15.04.080) ISSUANCE OF PERMITS. Upon approval by the ((City Engineer)) Director of Engineering of an application for the use or occupation of a public place, except where applications require the approval of the Board of Public Works, as per resolution of the Board of Public Works, and except where final approval of the application is issued by the Director of Construction and Land Use, the ((City Engineer)) Director of Engineering shall issue a permit therefor. The original permit shall remain in the custody of the ((City Engineer)) Director of Engineering and a carbon copy shall be given to the grantee.

Section 5. Section 16-A of the Street Use Ordinance (90047), Code Section 15.06.050, as added by Ordinance 101744, is hereby amended as follows:

Section 16-A. (15.06.050) PARKING CURB SETBACKS. Parking curb setbacks may be allowed by the ((Board of Public Works)) Director of Construction and Land Use on the basis of demonstrated need by the applicant therefor upon the following terms and conditions:

1. In residential areas, space for tree planting shall be reserved whenever desirable, unless existing trees in the area supply the need.
2. In commercial or business zoned areas, tree planting space shall be reserved whenever desirable, depending on the need for arterial traffic, utilities in the area, on-street parking and street lighting standards placement.
3. Where certain streets have been designated as entrances to the City, and sufficient street width is secured for such purposes, given dimension from the property line to the curb shall be maintained so that trees may be included as part of ((said)) the entrances.

Section 6. Section 43 of the Street Use Ordinance (90047), Code Sections 15.14.010 through 15.14.020, as added

by Ordinance 38674, is hereby amended as follows:

Section 49. SIDEWALK CAFES.

A. (15.16.010) Permit Required for Sidewalk Cafe. It shall be unlawful to operate a sidewalk cafe without a written permit to do so from the ((Board of Public Works)) Director of Construction and Land Use, as hereinafter provided.

B. (15.16.020) Application. In addition to the information required by Section 2 of Ordinance 38047 an application for a sidewalk cafe permit shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor, as defined in RCW 56.04.010(6), will be sold or consumed in the area to be covered by the permit.

C. (15.16.030) Notice. ((The applicant shall mail or serve notice stating the nature of the application; the sidewalk area sought to be used; and the date, time and place at which the Board of Public Works will consider such application at least ten days prior thereto upon the owner, building managers and street level tenants of the properties that abut on the street segment that contains the sidewalk area to be used and that lie within the nearest intersections or depend upon such street segment for access; and shall file with the City Engineer a copy of the notice mailed and a list of the persons to whom it was sent. The City Engineer shall prepare and post notices containing the aforesaid information upon any utility poles or other prominent place in the immediate vicinity; and at the nearest intersection; and shall deliver to the applicant a public notice, which shall be posted in a window or on the building exterior of the adjacent property.)) The Director of Construction and Land Use shall provide notice of receipt of an application for a sidewalk cafe permit and of his decision to grant, deny, or condition the permit in accordance with the notice provisions of the Master Use Permit Ordinance (199438).

D. (15.16.040) Terms and Conditions. In the event and to the extent that the ((Board of Public Works)) Director of Construction and Land Use determines that:

1. The applicant is the owner or occupant of the adjacent property and operates a cafe or restaurant thereon;

2. The proposed sidewalk cafe use would not unduly and unreasonably impair passage to and fro by the public on the sidewalk for which the permit is sought; and

3. The proposed sidewalk cafe area is included within a food-service establishment permit issued pursuant to Seattle City Code Chapter 11.70, or the Seattle-King County Director of Public Health, or his representative, has otherwise authorized such use of the area, a permit for use of sidewalk cafe purposes may be issued upon such terms and conditions as said ((Board)) Director may deem appropriate including, but not limited to: restrictions as to the number and placement of tables and chairs and as to the hours and dates of use; a requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the Director of Engineering or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives, and that the permittees shall maintain the sidewalk in a clean and safe condition for pedestrian travel; a requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to adjacent or other nearby properties; regulations upon lighting and illumination of the sidewalk cafe; and a surety bond in accordance with the provisions of this ordinance; provided that unless expressly authorized by the City no pavement shall be broken, no sidewalk surface disturbed, and that no fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe.

E. (15.16.050) Liquor. Liquor, as defined in RCW 56.04.010(6), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both

the use permit and provided for herein and by permit of the Washington State Liquor Control Board, and not otherwise.

F. (15.16.060) Insurance. An applicant for a permit for a sidewalk cafe shall, prior to issuance of such a permit, provide and maintain in full force and effect while

the permit is in effect, public liability insurance in an amount specified by the Board of Public Works sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk area for sidewalk cafe purposes, naming the City of Seattle as an additional insured.

G. (15.16.070) Indemnity. The applicant for a sidewalk cafe permit shall execute and deliver to the City upon a form supplied by the ((City Engineer)) Director of Engineering an agreement in writing and acknowledged by the applicant, forever to hold and save the City free and harmless from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk cafe. In addition such agreement shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever that upon thirty days' notice, posted on the premises, or by publication in the official newspaper of the City of Seattle, or without such notice, in case the permitted use shall become dangerous or unsafe, or shall not be operated in accordance with the provisions of this ordinance, the same may be revoked and the sidewalk cafe furniture ordered removed. Every such agreement, after it has been received in his office and numbered, and after the same has been recorded, shall be retained by said City Comptroller and City Clerk in the files and records of his office.

H. (15.16.080) Compliance-Sidewalk Condition. The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, and shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the ((City Engineer)) Director of Engineering or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives.

Section 7. Section 2 of Ordinance 38138 relating to signs adjacent to certain freeways, expressways, parkways and scenic routes, Code Section 24.60.020, as last amended by Ordinance 37025 is further amended as follows:

Section 2. (24.60.020) DEFINITIONS. The following words and terms used in this chapter, in addition to their ordinary meaning, shall mean and include the following:

(1) "Abandoned business sign" means any business sign which is located on property which becomes vacant or unoccupied for a period of ninety days or more, or which was erected for an occupant or business unrelated to the present occupant or business, or which pertains to a time, event or purpose which no longer obtains.

(2) "Advertising sign" means any sign, structure or device that is intended for advertising purposes, or on which letters, figures or pictorial matter are displayed, or are intended to be displayed, for advertising purposes, except a business sign or real estate sign.

(3) Reserved. ((Board, or Board of Adjustment)) means the Board of Adjustment of the City of Seattle as established under Section 26.1 of the zoning Ordinance.))

(4) "Business sign" means a sign, structure or device identifying the premises upon which it is located, or an occupant of the premises, or relating to goods or services manufactured, produced or available on the premises.

(5) "Control of access" means the condition where the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with a

public street is fully or partially constructed by public authority.

(5) "Control of access, full" means the condition where the authority to control access is exercised to give preference to through traffic by providing access connections with selected public streets only and by prohibiting crossings at grade and direct driveway connections.

(7) "Control of access, partial" means the condition where the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public streets, there may be some crossings at grade and some direct connections.

(8) "Double-faced sign" means a sign which has two display surfaces in approximately parallel planes backed against each other or against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction.

(9) "Entrance ramp" means any public road or turning roadway including acceleration lanes by which traffic enters the main traveled way of a limited access facility from the general street system; such designation applying to that portion of the roadway along which there is full control of access.

(10) "Erect" means to place, construct, build, install, raise, attach, relocate, substantially alter, enlarge, suspend, post, paint, maintain or display; but not to repair, clean or change the message on the surface of a sign face designed for use with changeable copy.

(11) "Exit ramp" means any public road or turning roadway including deceleration lanes by which traffic leaves the main traveled way of a freeway to reach the general street system within the city; such designation applying to that portion of the roadway along which there is full control of access.

(12) "Expressway" means a divided arterial street for through traffic with full or partial control of access and generally with grade separations at intersections.

(13) "Face of a building" means the elevation of a building as measured on flat projection from any side, excluding the roof and excluding any chimney, stack, structure or mechanical equipment on the roof.

(14) "Flashing or moving sign" means any sign which has any actual or apparent flashing or moving, rotating or revolving parts actuated by electric, electronic, kinetic or mechanical devices or by wind currents and shall include but not be limited to banners, pennants, flags, balloons, ribbons, streamers, spinners, strings of light bulbs, and signs which change or appear to change color or light intensity.

(15) "Freestanding sign" means any business sign standing on the ground with or without support braces and not attached to any building.

(16) "Freeway" means an expressway with full control of access.

(17) "Landscaped section" means a section of the right-of-way of a freeway, expressway, parkway or scenic route, at least one side of which is improved by the planting, for other than the sole purpose of soil erosion control, of ornamental trees, shrubs, lawn or other vegetation, or at least one side of which is endowed by nature with native trees and shrubs that are reasonably maintained, and which has been so designated by this chapter.

(18) "Multifaced sign" means any sign which has two or more display surfaces and is not a double-faced sign as defined in this section.

(19) "Nonconforming sign" means a lawfully erected sign in existence on the effective date of the ordinance codified in this chapter or at the time of any amendments thereto, and which thereafter would be prohibited by the provisions of this chapter.

(20) "Parkway" means a thoroughfare located within a

part, or including a part-like development and designated as a "parkway."

(21) "Real estate sign" means a sign advertising for sale or rent the premises upon which it is located.

(22) "Scenic route" means those streets designated by ordinance as scenic routes.

(23) "Scenic view section" means a section of the traveled way of a freeway, expressway, parkway, or scenic route the daily traffic along which includes a large number of motorists entering, passing through or leaving the city and from which there is a view of scenic beauty or historical significance, or of an array of urban features or natural prospects, or of a public park, or of lakes, bays, mountains, the harbor or the city skyline, and which has been so designated by this chapter.

(24) "Sign" means any medium including its structure and component parts which is used or is intended to be used out of doors to attract attention to the subject matter for advertising, identification or informative purposes.

(25) "Sign variance" means a modification of the regulations of this chapter authorized by the (Hear) Director of Construction and Land Use where, owing to special circumstances and conditions pertaining to a sign, a less literal interpretation or strict application of the provisions and requirements of this chapter would be justifiable under certain criteria established by this chapter.

(26) "Traveled way" means the paved portion of a freeway, expressway, parkway and their entrance or exit ramps, or scenic routes, exclusive of shoulders, used for the movement of vehicles.

(27) "Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity.

Section 5. Section 3-B of Ordinance #8138 relating to signs adjacent to certain freeways, expressways, parkways and scenic routes, Code Section 24.80.070, as last amended by Ordinance 186001 is further amended as follows:

Section 3-B (24.80.070) (Sign Variances.)

3-B.1 Upon written application and payment of a filing fee ((# \$75.00)) as described in the Permit Fee Ordinance, the ((Hearing Examiner)) Director of Construction and Land Use (herein "Director") is authorized to issue sign variances in the following instances, but only when the issuance of such sign variance is within the intent and purposes of this ordinance and will not be contrary to the public interest, detrimental to the public welfare or safety, injurious to property in the vicinity, and will not make difficult the viewing and comprehending by motorists and pedestrians of official or nonconforming signs, or increase the density of signs along a designated landscaped and/or scenic view section to an extent tending to constitute a hazard to traffic safety or a detriment to the appearance of the neighborhood, or impinge upon a view of scenic interest:

(a) Business signs composed of letters, numbers or designs individually painted or mounted directly on a building and measured by totalling the areas contained in the least rectangle enclosing all portions of each letter, number or design.

(b) Business signs on a building which extend not more than 12 feet in height above the face of the building, provided that the maximum permitted area of such signs, except for oil company service station signs, shall be reduced by 50 percent.

(c) Time, temperature and/or stock index recording devices as part of a business sign.

(d) Business signs on a building face of 5,000 square feet or more the area of which exceeds 250 square feet but which in no case exceeds 5 percent of the face of the building.

(e) Free standing business signs on the same premises with business signs on the face of a building and

not subject to being added together and lifted to the area permitted on the face of the building as provided in Section 3-A, where such free standing signs are more than 100 feet from the face of the building and from each other, or where the business engaged in is outdoor merchandising and the grounds of the premises are more significant to the business than any structures on the premises.

(F) Business signs of such increased height as may be necessary to provide reasonable identification to a business whose existing signs are obscured by subsequent construction, landscaping or natural vegetation.

(ORDINANCE 109734 - Continued on Page 1, Column B)

(ORDINANCE 109734 - Continued from Page 4)

(g) Business signs of such increased area as may be necessary to incorporate such sign as an architectural element of a building.

(h) Existing nonconforming advertising or business signs visible from but not primarily oriented to the traveled way of a designated landscaped and/or scenic view section.

(i) New advertising signs or business signs which do not conform to the provisions of this ordinance which are to be erected at an elevation significantly lower than the grade of the traveled way of a designated landscaped and/or scenic view section and visible therefrom, but to be primarily oriented to a roadway other than such designated section.

3-B.2 No sign variance shall be authorized for signs which flash or move, except for time, temperature and stock index recording devices. The ((Hearing Examiner)) Director may attach such conditions regarding the location, character, color and other features of the sign as the ((Hearing Examiner)) Director may deem necessary in the public interest to carry out the intent and purposes of this ordinance.

Sign variances authorized by the ((Hearing Examiner)) Director shall become void after the expiration of ((one)) two years if no building permit has been issued in accordance with the plans for which such variance was authorized. Any sign variance granted under this ordinance may be revoked by order of the ((Hearing Examiner)) Director when it is shown by satisfactory proof that:

- (a) the application for the sign variance contained any material misrepresentation of fact, or
- (b) the special conditions and circumstances originally justifying the granting of a sign variance have changed or terminated in which case the sign shall be considered nonconforming. It shall be unlawful for the owner or lessee of the sign or the owner or operator of the premises upon which said sign is located to fail to remove such sign within 30 days after revocation of the sign variance, except where the sign becomes nonconforming.

Section 9. Section 4 of Ordinance 90138 relating to signs adjacent to certain freeways, expressways, parkways and scenic routes, Code Sections 24.80.080 through 24.80.100, as last amended by Ordinance 109125, is further amended to read as follows:

Section 4. (Nonconforming, Dilapidated and Abandoned Signs.)

4.1 (24.80.090) All nonconforming signs shall either be made to conform with the provisions of this ordinance or be removed within three ((4)) years of the date such signs became or become nonconforming, and it shall be unlawful for the owner or lessee of such sign or the owner or operator of the premises upon which such sign is located to fail to remove such sign after said period of time has expired. The ((Hearing Examiner)) Director, upon written application therefor and payment of a filing fee ((of seventy-five Dollars (\$75.00))) as described in the Permit Fee Ordinance, may extend the time for removal of such nonconforming signs for a period not to exceed an additional seven ((4)) years upon finding that:

Section 3. (1.74.030) Where the safe and efficient flow of vehicular and pedestrian traffic require, and upon the recommendation of the ((City Engineer)) Director of Engineering, the Board of Public Works may revoke any permit issued hereunder or order the alteration of a driveway for which a permit has been issued. The notice of alteration shall be in writing, be served upon the permittee, or his successor, and shall require compliance within 180 days of said notice.

Section 12. Repeal. Section 4 of Ordinance 95776, Code Section 15.74.040, relating to appeals from denial or revocation of driveway permits, is hereby repealed.

Section 13. Sections 7, 8 and 9 of the Subdivision Ordinance (105636), Code Sections 24.92.070 through 24.92.090, are hereby amended as follows:

Section 7. (24.92.070) SHORT SUBDIVISION PROCEDURE - NOTICE. ((Within seven (7) days following receipt of an application for a short subdivision, the)) The Administrator shall give notice of an application for a short subdivision pursuant to the notice provisions of the Master Use Permit Ordinance (109438). ((by the posting of placards at conspicuous places on the boundaries of the subject property or within 300 feet thereof. Said placards shall include sufficient description to locate the subject property and a statement to the effect that any person submitting a written request to the Administrator within fourteen days of the date of posting shall be entitled to a copy of the Administrator's action on the application.))

Section 8. (24.92.080) SHORT PLAT PROCEDURE - ADMINISTRATIVE DETERMINATIONS - APPROVAL AND FILING. The Administrator shall after conferring with appropriate officials, determine whether:

- (1) The proposed lots conform to the Comprehensive Plan and Zoning Ordinance provisions;
- (2) the proposed lots are served with adequate means of access for vehicles, utilities, fire protection, drainage, water supply and means of sanitary sewerage disposal;
 - (a) The extension of time will not be unduly detrimental to the intent and purposes of this ordinance as set forth in Section 1 hereof, and
 - (b) There is a substantial unamortized investment in the sign made prior to the effective date of any ordinance which would prohibit the erection of such sign, or
 - (c) Construction or related activity on the proposed highways, or the Pike Plaza Redevelopment Project designated in Section 2-A, or other proposed redevelopment projects along the east side of the Alaskan Freeway from Union Street to South Connecticut Street, is not scheduled to begin for six (6) or more months, provided that in such case the time extension shall not exceed the actual or anticipated delay.

4.2 (24.80.090) No nonconforming sign shall be in any manner altered, reconstructed or moved without being made to comply in all respects with the provisions of this ordinance, provided that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign where no major structural alterations are made, nor the painting or repainting of the face thereof, nor the changing of the message on the surface of the sign face on signs designed for changeable copy. The cost of such maintenance, repair, painting or message changing shall not be cause for a request for an additional period of time to recover such costs. All business and advertising signs shall be maintained in a safe, presentable condition, including replacement of defective parts, painting, repainting, cleaning and other acts required to maintain the sign. All abandoned business signs shall be removed.

signs adjacent to certain freeways, expressways, parkways and scenic routes, Code Section 24.80.118, as amended by Ordinance 103382, is hereby amended as follows:

Section 4-A (24.80.118) (Procedures.)

Applications for sign variances, petitions to revoke sign variances, and time extensions for nonconforming signs shall be filed with the Director of ((Community Development, who shall prepare a written report thereon which shall include the recommendations or comments of any affected departments of the city or of other governmental agencies having an interest in the application)) Construction and Land Use. ((The application and report shall be transmitted to the Hearing Examiner and be made available to the public on request not less than seven (7) days prior to the hearing or other action. Notices, hearings and decisions of the Hearing Examiner shall be accomplished as provided in Section 28-42 of the Zoning Ordinance (196399), and the Director or any party affected by the decision of the Hearing Examiner may file an appeal in writing with the Board of Adjustment within a period extending to 5:00 p.m. of the seventeenth (17th) day following the date of the decision, stating explicit exceptions and objections to the Hearing Examiner's decision as provided in Sections 28-5 et seq. of the Zoning Ordinance.)) Notices, public comment periods and procedures for appeal of the Director's decision on such applications shall be accomplished in the manner provided for master use permit applications by the applicable provisions of the Master Use Permit Ordinance (109438).

Section 11. Sections 1, 2 and 3 of Ordinance 95776, relating to and regulating driveway access to public streets serving as approaches to and exits from limited access highways, Code Sections 15.74.018 through 15.74.030, are hereby amended as follows:

Section 1. (15.74.018) It shall be unlawful for anyone to construct, reconstruct, repair, alter or maintain any driveway providing direct vehicular access to a public street which serves as an approach to or exit from a limited access highway facility where all or any portion of the driveway or proposed driveway lies between the proximate margin of the limited access highway facility and a line projected at right angles to the centerline of said public street from a point thereon which is 400 feet distant, measured along said centerline, from the proximate margin of the limited access highway facility without first obtaining a permit from the ((Board of Public Works)) Director of Construction and Land Use (herein "Director") so to do as hereinafter provided.

Section 2. (15.74.020) Applications for the driveway permit contemplated in Section 1 hereof shall be made to the ((Board of Public Works on forms prescribed by said Board, which)) Director, who shall refer the application to the ((City Engineer)) Director of Engineering for his report and recommendation as to the potential effect of the use of the proposed driveway upon the safe and efficient flow of traffic and shall issue the permit contemplated in Section 1 only upon a determination that the design, standard of construction, operational use, location or number of locations of the proposed driveway or driveways will not unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and from the proximate limited access highway facility, provided that such permit shall be issued in those instances in which a determination is made that the denial thereof would totally deprive the property to be served of vehicular access. The ((Board of Public Works)) Director may attach such conditions to any permit issued hereunder as may be reasonably required under the particular circumstances for the protection of the public safety.

(3) the public use and interest will be served by permit the proposed division of land.

If the Administrator determines that the requirements of this section are met, or may be met upon compliance with specified conditions, he shall inform the applicant in writing of his decision to approve the application and the conditions of his approval, if any, and may return the proposed short plat to the applicant for modification or correction. When the Administrator has determined that 1) the short plat contains the certificates and statements of approval required by State law and this Ordinance, and 2) the short plat and all legal descriptions are technically correct, the short plat shall, after expiration of the appeal period ((specified)) referenced in Section 9 of this Ordinance, be filed for record with the County Auditor. No short plat or short subdivision granted approval by the Administrator after July 1, 1974 shall be deemed to have final approval until so filed.

If the short subdivision contains a proposed dedication, the Administrator shall refer the matter to the ((City Engineer)) Director of Engineering for report and recommendation. The Administrator shall then transmit the proposed short plat to the Council together with his recommendation, and the recommendation of the ((City Engineer)) Director of Engineering. In the event of Council approval by ordinance, the Administrator shall file said short plat with the County Auditor and deliver one copy to the ((City Engineer)) Director of Engineering.

((Short plats shall be approved, disapproved or returned to the applicant within thirty (30) days from the date of filing thereof, unless the applicant consents to an extension of such time period, or unless such short plat is required to be approved by ordinance.))

Section 9. (24.38.030) SHORT SUBDIVISION PROCEDURES - APPEAL TO CITY HEARING EXAMINER. Any person aggrieved by the decision of the Administrator to approve or disapprove a proposed short subdivision may appeal the decision to the City Hearing Examiner ((within fifteen (15) days following issuance of the decision.)) pursuant to the appeal provisions of the Master Use Permit Ordinance (109438). ((Appeal shall be made in writing, with a copy to the Administrator, and shall state explicit exceptions and objections to the Administrator's decision. The Examiner, following a public hearing thereon, shall consider the matter DE NOVO and may affirm or reverse the Administrator's decision or may remand the application to the Administrator for reconsideration based upon information presented at the hearing.

Notice of the time, place, and purpose of the hearing shall be posted and mailed to all parties of record not less than ten (10) days prior to the date set by the Examiner for a hearing.))

Section 14. Sections 13, 16, 19, 20 and 20A of the SEPA Ordinance (105735), Code Sections 25.04.130, 25.04.160, 25.04.190, 25.04.200 and 25.04.210, as last amended by Ordinance 107501, are further amended as follows:

Section 13. (25.04.130) Public Awareness Final Declarations of Non-Significance (DNS). Notice of Final Declarations of Non-Significance shall be provided as follows:

(1) The SEPA Public Information Center shall maintain a "Final Declaration of Non-Significance Register" which shall contain a listing of all final DNSs. The register shall be maintained and used in accordance with the provisions of Section 17 of this Ordinance.

(2) The information in the register or update thereof, along with notice of the right to appeal a final DNS in accordance with Section 20 of this ordinance shall be published once every week in the City official newspaper ((and once every week in another daily newspaper of general circulation in the City)). In addition, notice of a final DNS and notice of the right to appeal a final DNS in accordance with Section

20 of this ordinance, shall be submitted in a timely manner to at least one community newspaper with a circulation in the area impacted by the proposal for which the final DNS was adopted, and shall be posted in a conspicuous place in the Department of Construction and Land Use.

Section 16. (25.04.160) Public Awareness of Draft and Final EIS.

(1) Upon publication, the draft and the final EIS shall be filed by the responsible official with the City's SEPA Public Information Center.

(2) Notice of the draft EIS (and the procedures for requesting a public hearing) shall be published in the City official newspaper (and in another daily newspaper of general circulation in the City). Notice of a final EIS and the procedures for appeal pursuant to Section 20 of this ordinance shall be similarly published. In addition, such notices shall be submitted in a timely manner to at least one community newspaper with distribution in the area impacted by the proposal for which the EIS was prepared. Notice shall be mailed to those organizations and individuals who make written request therefor, and shall be posted in a conspicuous place in the Department of Construction and Land Use.

(3) A public hearing shall be held on every draft EIS not less than twenty-one days following publication of notice of the draft's availability. Notice of the public hearing shall be given at the same time and in the same manner as provided for a draft EIS in subsection (2) of this section.

Section 19. (25.04.190) Substantive Authority to Condition or Deny Proposals.

(1) Under SEPA, the City and its Departments have, and shall exercise where appropriate, the authority to deny or reasonably condition any proposal so as to mitigate or prevent adverse environmental impacts.

(2) Any proposal may be reasonably conditioned on environmental grounds only on the basis of the adverse environmental impacts on the elements of the environment defined in WAC 197-10-444 or Section 15 of this ordinance and identified in the environmental documents prepared pursuant to SEPA.

(3) Any proposal may be denied where significant adverse impacts have been identified in the environmental documents prepared pursuant to SEPA which cannot be substantially mitigated or prevented by the imposition of reasonable conditions; PROVIDED that a proposal may not be denied solely on the basis of environmental impacts on the additional elements of the environment defined in Section 15 of this ordinance. The merits of the proposal shall be weighed against the adverse environmental impacts.

(4) After September 20, 1978, the conditioning or denial of any proposal pursuant to SEPA shall also be based on policies developed and adopted pursuant to RCW 43.21C.060.

(5) In the event a proposal is denied or conditioned, the decision-maker shall state in writing the reasons for the decision, identifying the specific adverse environmental impacts and, after September 20, 1978, the policies upon which the decision is based. A copy of the statement of reasons and the decision shall be filed in the SEPA Public Information Center.

(6) Compliance with this section shall be an additional ground for or issue in appeals of decisions otherwise provided by City ordinance ((43.21C.060, Section 25.40 of the zoning Ordinance which provides for the appeal of a use permit and building permit renewal)); PROVIDED that for proposals involving more than one action, such issue may be raised only with regard to the first decision which weighed the environmental impacts of the total proposal.

4.) (24.40.100) From time to time, the Director of Construction and Land Use shall cause to be mailed to the owners of property upon which abandoned signs or signs in need of repair are located, notice of the existence of such sign, its noncompliance with the provisions of this ordinance and the time within which the sign must be repaired or removed. At least sixty ((45+)) days before the termination of the period of time allowed for removal of nonconforming signs, the Director of Construction and Land Use shall cause to be mailed to the owners of property upon which a nonconforming sign is located notice of the existence of such sign and the time within which the sign must be made to conform or be removed. The mailing of such notice shall constitute a convenience to the owner, and the failure to give such notice or to receive the same shall in no way impair the enforcement of this ordinance. It shall be unlawful for the owner or lessee of such sign or the owner or operator of the premises upon which such sign is located to fail to repair, conform or remove such sign within sixty ((45+)) days after such notification.

Section 18. Section 4-A of Ordinance 33138 relating to Section 20. (25.04.200) Appeal to the Hearing Examiner.

(1) The following City decisions shall be subject to appeal to the Hearing Examiner by any interested person:

(a) Threshold determination, except when made in connection with an application for a master use permit and subject to appeal under Ordinance 109438. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

(b) Adequacy of the final EIS((7)) as filed in the SEPA Public Information Center, except when prepared in connection with an application for a master use permit and subject to appeal under Ordinance 109438. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

(2) An appeal shall be commenced by the filing of a notice of appeal with the Office of the Hearing Examiner no later than the ((fifteenth (15th))) fourteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later. The notice of appeal shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties.

(3) ((4+)) Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate Department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within ((fifteen (15+))) fourteen days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

(4) ((45+)) The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this Section 20. The rules shall be promulgated pursuant to Ordinance 102228.

Section 20A. (25.04.210) Appeal to the City Council.

(1) Any decision of the Hearing Examiner, or of any other authorized official or body which reviews compliance with Section 19 of this ordinance, shall be subject to appeal to the City Council.

(2) An appeal pursuant to subsection 20A(1) may be filed only by a party to the hearing before the Hearing Examiner or other authorized official or body. The appeal

shall be filed with the City Clerk no later than the ~~(fourteenth)~~ (fifteenth) day after the date of decision appealed from is filed with the SFA Public Information Center.

(3) The City Council's review on appeal shall be limited to the issue of compliance with Section 19 of this ordinance. Such review shall be based solely upon the record from the hearing below; PROVIDED however, that the City Council or the appropriate City Council committee may allow oral or written arguments.

(4) The determination appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate Department with directions for further proceedings, or grant other appropriate relief in the circumstances. The City Council shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

(5) The City Council is authorized to promulgate, pursuant to the Administrative Code (Ordinance 102228), rules to implement the provisions of this Section 20A.

Section 15. Sections 26 and 34 of the Grading and Drainage Control Ordinance (108080), Code Sections 22.804.150 and 22.804.230, are hereby amended as follows:

Section 26. (22.804.150) Notice of grading permit applications involving more than 500 yards shall be given pursuant to the Master Use Permit Ordinance (109438) and
(ORDINANCE 108734 -- Continued on Page 6, Column 1)

(ORDINANCE 108734 -- Continued from Page 5)
shall include a large sign on the property concerned. ((the receipt of any application for a grading permit involving more than five hundred cubic yards, the Superintendent shall cause four copies of a notice to be posted prominently on the property concerned and within three hundred feet of the property in a public place. The notice shall include a description of the work proposed and a statement that any person desiring to present relevant information or views to the Superintendent may do so not later than fourteen days from the date of posting or a later date as specified by the Superintendent.))

Section 34. (22.804.230) APPEAL OF GRADING VIOLATION. In addition to the right of appeal provided under Section ((25.40 of the Comprehensive Zoning Ordinance (46300, as amended)) 10 of the Master Use Permit Ordinance (109438), relating to appeal of master use permits, ((the issuance of use permits and Section 28 of Ordinance 108735, relating to appeals as to environmental compliance)) the following grading violation appeal procedure is provided:

- a. Any person subject to any notice of grading violation of the Superintendent under this Ordinance, other than an emergency order issued under Section 39, shall have the right to appeal to the Hearing Examiner.
- b. In order for an appeal to be perfected, the following provisions must be followed. The appeal must:
 - (1) be filed with the Hearing Examiner not later than the 30th day following service of the notice of grading violation;
 - (2) be in writing and state in a clear and concise manner the specific exceptions and objections to the notice of grading violation;
 - (3) contain a brief statement setting forth the legal interest of each of the appellants in the fill, premises, land or portion thereof, involved in the notice of grading violation;
 - (4) contain a brief statement of the remedy sought, and the reasons why it is claimed the proposed notice of grading violation should be reversed, modified, or otherwise set aside; and

(5) contain the signatures of all the parties and as appellants, and their mailing addresses.

- c. The Hearing Examiner shall set a date for hearing the appeal in a timely manner and shall provide no less than 20 days written notice to the parties.
- d. The appeal hearing shall be conducted pursuant to the contested case provisions of the Administrative Code (Ordinance 102224, as amended). The Hearing Examiner is authorized to promulgate procedural rules for the appeal hearing pursuant to the Administrative Code.
- e. The appeal hearing shall be a new or de novo hearing. Substantial weight shall be given to the notice of grading violation and the burden of establishing the contrary shall be upon the appealing party.
- f. The Hearing Examiner shall have the authority to affirm, modify or reverse, or remand the notice of grading violation, or grant other appropriate relief. The Hearing Examiner shall summarily dismiss an appeal which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.
- g. Within 14 days after the hearing, a written decision containing findings of fact and conclusions shall be transmitted to the parties. The notice of grading violation as amended by the Hearing Examiner becomes the final order of the Superintendent which shall be filed with the Department of Records and Elections of King County.

Section 16. Section 302 of the Building Code (108508), Code Section 22.106.020, is hereby amended as follows:
BUILDING PERMITS

Sec. 302. (22.106.020) (a) Issuance. 1. General. The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official or his/her designee unless plans are inadequate as determined by the Building Official. Such plans may be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work, as described in an application for permit and in the plans filed, is substantially complete, satisfies the requirements of this Code, and conforms with other pertinent laws and ordinances, and that the fee specified in the Permit Fee Ordinance has been paid, a permit shall be issued to the applicant for the work described; provided further that as to structures extending over navigable water beyond the high water mark and requiring approval by the United States Army Corps of Engineers, the Building Official shall issue a building permit only if the applicant presents a permit evidencing approval by the United States Army Corps of Engineers.

EXCEPTIONS: 1. The Building Official may issue a permit after payment of the required fee for the construction of part of a building or structure before complete plans for the whole building or structure have been submitted or approved, provided that the proposed project complies with the State Environmental Policy Act as implemented by Ordinance as now or hereafter amended and the Zoning Ordinance; and provided further that adequate information and plans have been filed and checked to assure compliance with all pertinent requirements of this and other pertinent codes.

2. After approval of a Use Permit as

required by the Zoning Code, a permit for excavation may be issued on request following payment of the required fee.

2. Compliance with Approved Plans and Permit. When the Building Official issues a permit, he shall endorse the permit in writing and endorse in writing or stamp the plans "APPROVED." Such approved plans and permit shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans and permit except as the Building Official may require during field inspection to correct errors or omissions.

3. Amendments to the Permit. When substitutions and changes are made during construction, approval shall be secured prior to execution. Substitutions, changes and clarifications shall be shown on two sets of plans which shall be submitted to and approved by the Building Official, accompanied by redesign fees, prior to occupancy.

4. Cancellation of permit application. If a permit is not issued after a period of six months from the date of approval for issuance or date of notification of required corrections, the applicant shall be notified in writing that the permit application will be cancelled after another month. After that time, the site shall be inspected to verify that no work has taken place. The application shall be cancelled and it and any accompanying plans and specifications destroyed and the portion of the fee paid forfeited, or, if a written request is received, returned to the applicant. Upon written request of the applicant, the Building Official may extend the life of the permit application for a period not to exceed six months, with no extensions possible; except that applications may be further extended by the Building Official where permit issuance is delayed by litigation, appeals or similar problems.

(b) Retention of Plans. One set of approved plans, which may be on microfilm, shall be retained by the Building Official and one set of approved plans shall be returned to the applicant, which set shall be kept on such building or work site at all times during which the work authorized hereby is in progress for use by the building inspector.

(c) Validity. The issuance or granting of a permit or approval of plans shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code. No permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans shall not prevent the Building Official from thereafter requiring the correction of errors in said plans or from preventing building operations being carried on thereunder when in violation of this Code or of any other ordinance of the City.

The issuance of a building permit shall not prevent the Building Official from requiring correction of conditions found to be in violation of this Code or any other ordinance of the City, nor shall the period of time for which any such permit is issued be construed to extend or otherwise affect any period of time for compliance specified in any notice or order issued by the Building Official or other administrative authority requiring the correction of any such conditions.

(d) Expiration. Permits and renewed permits shall expire one (1) year from the date of issue except as otherwise noted on the permit. Permits for major construction projects that require more than one year to complete may be issued for a length of time that provides reasonable time to complete the work, not to exceed three years. Where conditions require, the Building Official may, as he/she deems necessary, issue non-renewable permits which shall expire within a period less than one (1) year from date of issue.

Permits may be renewed and renewed permits may be further renewed by the Building Official upon application within the thirty (30) day period immediately preceding the

date of expiration thereof, provided that the work permitted has been started and is progressing at a rate approved by the Building Official. Permits may also be renewed where commencement or completion of the work is delayed by litigation, appeals, strikes or other causes beyond the permittee's control. Progress justifying renewal of a permit shall include but not be limited to the arranging of financing, selection of contractors and subcontractors, securing other necessary permits and licenses, site preparation such as demolition, clearing and excavation, soils investigation, and work done to overcome unusual construction difficulties.

A new permit shall be applied for where the permit has expired.

((A determination by the Building Official to renew or not to renew a permit shall be subject to review by the Hearing Examiner in accordance with the procedure provided in Section 25-40 through 25-46 of the Zoning Ordinance (86300) when there has been a change in that ordinance or other applicable law which would prohibit the issuance of the renewed permit as a new permit.))

(e) Suspension or Revocation. The Building Official shall, by written order, suspend or revoke a permit issued under the provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any provisions of this Code. ((The Building Official may also suspend a permit in whole or in part and stop work pursuant to said permit whenever an appeal from the action of the Building Official issuing or renewing said permit has been filed pursuant to Section 25-40 of the Zoning Ordinance (86300) or pursuant to this or other ordinances relating to the issuance or renewal of a permit.))

Section 17. Section 4927 of the Seattle Building Code Supplement (as adopted by Section 1 of Ordinance 108508, Code Section 22.100.010) is hereby amended as follows:

Section 4927. (22.100.010) Variances. Variances from provisions of Section 4913 (Prohibited Signs), Section 4923 (On-Premise Signs), Section 4924 (Off-Premise Signs), Section 4925 (Other Requirements) and Section 4926 (Non-Conforming Signs) may be authorized by the ((Hearing Examiner)) Building Official in accordance with the standards for variances in Article 28 of the Zoning Ordinance (86300).

Section 18. This ordinance shall take effect on April 30, 1981.

PASSED by the City Council the 9th day of March 1981, and signed by me in open session in authentication of its passage this 9th day of March 1981.

Charles Koper
President of the City Council
Approved by me this 18 day of March 1981.
Charles Koper
Mayor

Filed by me this 18 day of March 1981.
ATTEST:
Tim Hill
City Comptroller and City Clerk
By: *Frances Dumbauld*
Deputy

(SEAL)
Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of Official Publication in the Daily Journal of Commerce, Seattle, March 31, 1981. (C-718)