

ORDINANCE No. 112840

COUNCIL BILL No. 105443

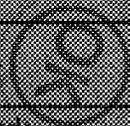
AN ORDINANCE relating to land use and zoning, amending Sections 23.42.040, 23.76.004, 23.76.006 and adding a new section 24.74.015 of the Seattle Municipal Code to authorize temporary use permits for the relocation of police and fire stations.

Law Department

by

*In Re:
Land
recom*

COMPTROLLER FILE No. _____

Introduced: MAR 31 1986	By: EXECUTIVE REQUEST
Referred: MAR 31 1986	To: <i>Land Use</i>
Referred:	To:
Referred:	To:
Reported: MAY 1 1986	Second Reading: MAY 19 1986
Third Reading: MAY 19 1986	Signed: MAY 19 1986
Presented to Mayor: MAY 20 1986	Approved: MAY 22 1986
Returned to City Clerk: MAY 23 1986	Published: 
Vetted by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D CHIEF MAY 20 1986

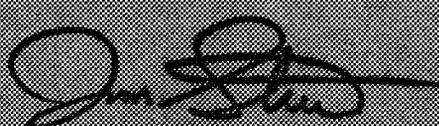
Vote

Department

In Re: CB 105443
Land Use Committee
recommends:

Pass as amended.

5/14/86

Vote of 

JF:ctb
3/27/86
ORD2.

ORDINANCE 112840

AN ORDINANCE relating to land use and zoning, amending Sections 23.42.040, 23.76.004, 23.76.006 and 24.74.015 of the Seattle Municipal Code to authorize temporary use permits for the relocation of police and fire stations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code is amended by adding thereto a new subsection D to read as follows:

23.42.040 Temporary Uses

* * *

D. Temporary Uses, Twelve Months or Less

A Master Use Permit, issued for a period of twelve months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection 23.42.040A. Such permits shall not be renewable.

Section 2. Exhibit A of Section 23.76.004 of the Seattle Municipal Code, as last amended by Ordinance 112522, is further amended to read as follows:

Exhibit 76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I (Non-Appealable)	TYPE II (Appealable to Hearing Examiner*)	TYPE III (Appealable to Council)
° Uses permitted outright	° Temporary uses, more than three weeks	° The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660.
° Temporary uses, three weeks or less	° Certain street uses ° Variances	

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS (cont.)

<u>TYPE I</u> (Non-Appealable)	<u>TYPE II</u> (Appealable to Hearing Examiner*)	<u>TYPE III</u> (Appealable to Council)
° Certain street uses	° Administrative conditional uses	
° Lot boundary adjustments	° Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)	
° Greenbelt preserve and restored preserve designations	° Short subdivisions	
° Modifications of features bonused under Title 24	° Special exceptions	
° Declarations of significance (EIS required)	° Design departure	
	° The following environmental determinations:	
° <u>Temporary uses, twelve months or less, for relocation of police and fire stations</u>	1. Declaration of nonsignificance (EIS not required)	
	2. Determination of final EIS adequacy	

COUNCIL LAND USE DECISIONS

<u>TYPE IV</u> (Quasi-Judicial)	<u>TYPE V</u> (Legislative)
° Subdivisions (Preliminary Plats)	° Land Use and Zoning Code text amendments
° Land Use and Zoning Map Amendments (Rezoning)	° Rezoning to implement new City policies
° Public project approvals	° Concept Approval for City facilities
° Major Institution Master Plans	° Major Institution Designations
° Council Conditional Uses	
° Downtown Planned Community Developments	
° Planned Unit Developments	

1 Section 3. Section 23.76.006 of the Seattle Municipal
2 Code as last amended by Ordinance 112522, is further amended
3 to read as follows:

4 23.76.006 Master Use Permits Required

5 * * *

6 B. The following decisions are Type 1 decisions which are
7 non-appealable:

8 1. Establishment or change of use for uses permitted
9 outright, ~~((and))~~ temporary uses for three weeks or less not
10 otherwise permitted in the zone, and temporary relocation of
11 police and fire stations for twelve months or less;

12 2. The following street use approvals associated with a
13 development proposal:

- 14 a. Curb cut for access to parking.
15 b. Concept approval of street improvements,
 such as additional on-street parking,
 street landscaping, curbs and gutters,
 street drainage, sidewalks, and paving.

16 3. Lot boundary adjustments;

17 4. Designation of greenbelt preserves and restored
18 preserves;

19 5. Modification of the following features bonused under
20 Title 24:

- 21 a. Plazas.
22 b. Shopping plazas.
 c. Arcades.
 d. Shopping arcades.
 e. Voluntary building setbacks; and

23 6. Declarations of Significance (determination that an
24 Environmental Impact Statement is required) for Master Use
25 Permits and for building, demolition, grading and other
26 construction permits (supplemental procedures for environ-
27 mental review are established in Chapter 25.05, SEPA Rules).
28

1 C. The following are Type II decisions, which are subject to
2 appeal to the Hearing Examiner (except shoreline decisions and
3 related environmental determinations which are appealable to
4 the Shorelines Hearing Board):

5 1. Establishment or change of use for temporary uses
6 more than three weeks not otherwise permitted in the zone;
7 except temporary relocation of police and fire stations for
8 twelve months or less;

9 2. Short subdivisions;

10 3. Variances, provided that variances sought as part of
11 a Type IV decision may be granted by the Council pursuant to
12 Section 23.76.036;

13 4. Special exceptions, provided that special exceptions
14 sought as part of a Type IV decision may be granted by the
15 Council pursuant to Section 23.76.036;

16 5. Design departures;

17 6. The following street use decisions:

- 18 a. Sidewalk cafes.
- 19 b. Structural building overhangs.
- 20 c. Areaways.

21 7. Administrative conditional uses, provided administra-
22 tive conditional uses sought as part of a Type IV decision may
23 be approved by the Council pursuant to Section 23.76.036.

24 8. The following shoreline decisions (supplemental
25 procedures for shoreline decisions are established in SMC
26 Sections 24.60.425 - 24.60.485):

- 27 a. Shoreline substantial development permits.
- 28 b. Shoreline variances.
- c. Shoreline conditional uses.

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9. The following environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Rules):

- a. Declarations of Nonsignificance (DNS's), including mitigated DNS's;
- b. Determination that a final Environmental Impact Statement (EIS) is adequate.

* * *

Section 4. Section 24.74.015 of the Seattle Municipal Code is hereby amended to read as follows:

24.74.015 Temporary Uses

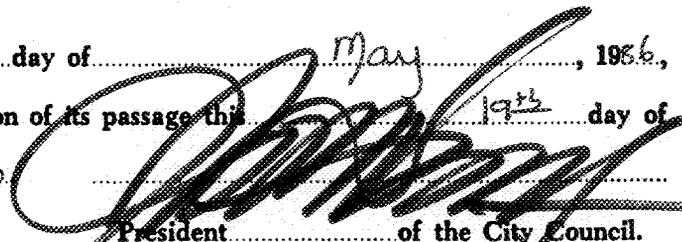
A. The Director may authorize a temporary use in any zone regulated by Title 24 for a period not to exceed three weeks if the use is not materially detrimental to the public welfare or injurious to property in the vicinity of the use and is in keeping with the spirit of purpose of the Zoning Ordinance (Title 24). The Director may impose conditions upon the use to ensure its compatibility with adjacent uses and structures or to mitigate adverse impacts of the use.

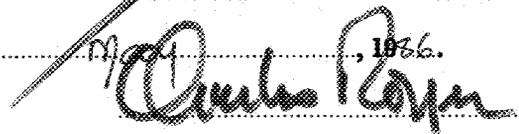
B. The temporary use of property for the relocation of police and stations in any zone, not involving the construction of any permanent structure, may be authorized by the Director by a revocable, nonrenewable permit for a period of not more than twelve months.

Section 5. Any act done pursuant to the authority of, but prior to the effective date of this ordinance is hereby ratified and confirmed.

(To be used for all Ordinances except Emergency.)

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 19th day of May, 1986,
and signed by me in open session in authentication of its passage this 19th day of
May, 1986. 
President of the City Council.

Approved by me this 22nd day of May, 1986.

Mayor.

Filed by me this 22nd day of May, 1986.

Attest: Howard J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published _____

By Theresa Dunbar
Deputy Clerk.

JF:ctb
3/27/86
ORD2.

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ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Sections 23.42.040, 23.76.004, 23.76.006 and adding a new section 24.74.017 of the Seattle Municipal Code to authorize temporary use permits for the relocation of police and fire stations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code is amended by adding thereto a new subsection D to read as follows:

23.42.040 Temporary Uses

* * *

D. Temporary Uses, Twelve Months or Less

A Master Use Permit, issued for a period of twelve months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection 23.42.040A. Such permits shall not be renewable.

Section 2. Exhibit A of Section 23.76.004 of the Seattle Municipal Code, as last amended by Ordinance 112522, is further amended to read as follows:

Exhibit 76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

<u>TYPE I</u> (Non-Appealable)	<u>TYPE II</u> (Appealable to Hearing Examiner*)	<u>TYPE III</u> (Appealable to Council)
° Uses permitted outright	° Temporary uses, more than three weeks	° The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660.
° Temporary uses, three weeks or less	° Certain street uses ° Variances	

City of Seattle

Executive Department-Office of Management and Budget

Gary Zarker, Director
Charles Royer, Mayor



March 27, 1986

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: Construction and Land Use

SUBJECT: An ordinance relating to land use and zoning, amending Sections 23.42.040, 23.76.004, and 23.76.006; and adding Section 24.74.017 of the Seattle Municipal (Land Use) Code, to authorize temporary use permits for the relocation of police and fire stations, for up to 12 months, without public notice and appeal.

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

Sincerely,

Charles Royer
Mayor

by

A handwritten signature in black ink, appearing to read "Jim Ritch".

JIM RITCH
Acting Budget Director

JR/bp/ea

Enclosure

cc: Director, DCLU

Your
Seattle

Department of Construction and Land Use

REC'D OMG MAR 26 1986



MEMORANDUM

DATE March 14, 1986

To Sam Smith, President, Seattle City Council

From Katy Chaney, Acting Director *KChaney*

Subject Land Use Text Amendment

Attached is a proposed text amendment to the City's Land Use and Zoning Codes. The amendment would allow temporary use permits for relocation of police and fire stations to be issued by DCLU for a period not to exceed twelve months. This permit would not be subject to public notice, and would not be renewable.

The Director's report and text amendment were reviewed by other City Departments. The majority of those Departments either agreed with the proposal or had no comment. The Land Use and Transportation Project (LUTP), however, objected to the twelve month period, maintaining that three to four months should be the maximum life of the permit.

If you have any questions about the amendment, please contact either Cheryl Waldman at 4509 or Rebecca Herzfeld at 2781.

CW:vg

Attachment

DIRECTOR'S REPORT

I. INTRODUCTION

The Department of Construction and Land Use (DCLU) proposes to amend Sections 23.42.40 and 23.76.06 of the City's Land Use Code and add Section 23.74.17 to the City's Zoning Code. The purpose of the amendment is to allow the Department to authorize temporary use permits for relocation of police and fire stations for a period of twelve months or less without public notice and appeal.

Title 23 of the Land Use Code requires an administrative review process with public notice and appeal periods for temporary use permits of more than three weeks. Title 24 allows temporary uses for up to six months as a special exception, also as an administrative review process. This process can be costly and time-consuming, typically requiring several hundred dollars and taking approximately ten to twelve weeks.

The proposed text amendment would allow twelve-month temporary use permits for the relocation of police and fire stations, without the administrative review process that is currently required. The temporary permits would not be renewable. This would allow DCLU to expedite temporary permits related to public projects such as the 1-2-3 Bonds for these public emergency response facilities. These bond-funded projects for remodeling and/or renovations of fire and police stations require that personnel be relocated to temporary quarters in the immediate vicinity. The amendment would also allow DCLU to respond quickly to unforeseen situations requiring temporary permits, such as earthquake or fire damage to a police station.

Police and fire stations provide life-saving and emergency services and deserve special permit processing considerations because of their humanitarian functions. Expediting temporary permits would allow these facilities to continue providing services to the public without the longer administrative process required by current code language.

The draft Director's Report was sent to appropriate City agencies for review and comment. The majority of those departments either favored the proposed Code amendment or had no comment. The Land Use and Transportation Project (LUTP), however, believes the proposed Code is too lenient. They recommend that the temporary permit be limited to three to four months without administrative review. The Department disagrees with this position, believing that twelve months is a reasonable period to complete renovations in the permanent facilities. No new permanent structures would be allowed at the site of the temporary facility.

II. PROPOSED ACTION

The Department of Construction and Land Use proposes the following wording be added to the Land Use Code:

Section 23.42.40

* * *

D. Temporary Uses, Twelve Months or Less

1. A Master Use Permit for the relocation of police and fire stations for a period of twelve months or less, which does not involve the construction of any permanent structure, may be authorized subject to the considerations stated in Section 23.42.40A. This permit shall not be renewable.

* * *

Section 23.76.04

* * *

Exhibit 76.04A
LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I
(Non-Appealable)

TYPE II
(Appealable to
Hearing Examiner*)

Type III
(Appealable to
Council)

- Uses permitted outright
- Temporary uses, three weeks or less
- Certain street uses
- Lot boundary adjustments
- Greenbelt preserve and restored preserve designations
- Modifications of features bonused under Title 24
- Declarations of significance (EIS required)
- Temporary uses, twelve months or less, for relocation of police and fire stations

NO CHANGES PROPOSED TO THESE PORTIONS OF EXHIBIT.

COUNCIL LAND USE DECISIONS

TYPE IV
(Quasi-Judicial)

TYPE V
(Legislative)

NO CHANGES PROPOSED TO THESE PORTIONS OF EXHIBIT.

Section 23.76.06 B

1. Establishment or change of use for uses permitted outright; ~~((and))~~ temporary uses for three weeks or less not otherwise permitted in the zone; and temporary relocation of police and fire stations for twelve months or less;

* * *

Section 23.76.06 C

1. Establishment or change of use for temporary uses more than three weeks not otherwise permitted in the zone; except temporary relocation of police and fire stations for twelve months or less;

* * *

Section 24.74.17

A temporary use of premises for the relocation of police and fire stations in any zone, not involving the construction of any permanent structure, may be authorized by the Director by a revocable, nonrenewable, permit for a period of not more than twelve months.

C-253-X

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. 112840

was published on May 29, 1986

V. Rain
Subscribed and sworn to before me on
May 29, 1986

W. Summers
Notary Public for the State of Washington,
residing in Seattle.

City of Seattle

ORDINANCE 11222

AN ORDINANCE relating to land use and zoning, amending Sections 23.42.040, 23.76.004, 23.76.006 and 24.74.015 of the Seattle Municipal Code to authorize temporary use permits for the relocation of police and fire stations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.040 of the Seattle Municipal Code is amended by adding thereto a new subsection D to read as follows:

23.42.040 Temporary Uses

* * *

D. Temporary Uses, Twelve Months or Less

A Master Use Permit, issued for a period of twelve months or less not involving the construction of any permanent structure, may be authorized subject to the conditions of subsection 23.42.040A. Such permits shall not be renewable.

Section 2. Exhibit A of Section 23.76.004 of the Seattle Municipal Code, as last amended by Ordinance 112522, is further amended to read as follows:

Exhibit 76.004A LAND USE DECISION FRAMEWORK

DIRECTOR'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I (Non-Appealable)	TYPE II (Appealable to Hearing Examiner*)	TYPE III (Appealable to Council)
* Uses permitted outright	* Temporary uses, more than three weeks	* The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660.
* Temporary uses, three weeks or less	* Certain street uses	
(Non-Appealable)	* Variances	(Appealable to Council)
* Certain street uses	* Administrative conditional uses	
* Lot boundary adjustments	* Shoreline decisions (*Appealable to Shorelines Hearing Board along with all related environmental appeals)	
* Greenbelt preserve and restored preserve designations	* Short subdivisions	
* Modifications of features bonused under Title 24	* Special exceptions	
* Declarations of significance (EIS required)	* Design departure	
* Temporary uses, twelve months or less, for relocation of police and fire stations	* The following environmental determinations: 1. Declaration of nonsignificance (EIS not required) 2. Determination of final EIS adequacy	

COUNCIL LAND USE DECISIONS

TYPE IV (Quasi-Judicial)	TYPE V (Legislative)
* Subdivisions (Preliminary Plats)	* Land Use and Zoning Code text amendments
* Land Use and Zoning Map Amendments (Rezoning)	* Rezones to implement new City policies
* Public project approvals	* Concept Approval for City facilities
* Major Institution Master Plans	* Major Institution Designations
* Council Conditional Uses	

* Downtown Planned Community Developments

* Planned Unit Developments

Section 3. Section 23.76.006 of the Seattle Municipal Code as last amended by Ordinance 112522, is further amended to read as follows:

23.76.006 Master Use Permits Required

* * *

B. The following decisions are Type I decisions which are non-appealable:

1. Establishment or change of use for uses permitted outright, (and) temporary uses for three weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve months or less;

2. The following street use approvals associated with a development proposal:

- Curb cut for access to parking.
- Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving.

3. Lot boundary adjustments;

4. Designation of greenbelt preserves and restored preserves;

5. Modification of the following features bonused under Title 24:

- Plazas.
- Shopping plazas.
- Arcades.
- Shopping arcades.
- Voluntary building setbacks; and

6. Declarations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, SEPA Rules).

C. The following are Type II decisions, which are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearing Board):

1. Establishment or change of use for temporary uses more than three weeks not otherwise permitted in the zone; except temporary relocation of police and fire stations for twelve months or less;

2. Short subdivisions;

3. Variances, provided that variances sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

4. Special exceptions, provided that special exceptions sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036;

5. Design departures;

6. The following street use decisions:

- Sidewalk cafes.
- Structural building overhangs.
- Arterials.

7. Administrative conditional uses, provided administrative conditional uses sought as part of a Type IV decision may be approved by the Council pursuant to Section 23.76.036.

8. The following shoreline decisions (supplemental procedures for shoreline decisions are established in SMC Sections 24.60.425 - 24.60.485):

- a. Shoreline substantial development permits.
- b. Shoreline variances.
- c. Shoreline conditional uses.

9. The following environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Rules):

- a. Declarations of Nonsignificance (DNS's), including mitigated DNS's;
- b. Determination that a Final Environmental Impact Statement (EIS) is adequate.

* * *

Section 4. Section 24.74.015 of the Seattle Municipal Code is hereby amended to read as follows:

24.74.015 Temporary Uses

A. The Director may authorize a temporary use in any zone regulated by Title 24 for a period not to exceed three weeks if the use is not materially detrimental to the public welfare or injurious to property in the vicinity of the use and is in keeping with the spirit of purpose of the Zoning Ordinance (Title 24). The Director may impose conditions upon the use to ensure its compatibility with adjacent uses and structures or to mitigate adverse impacts of the use.

B. The temporary use of property for the relocation of police and stations in any zone, not involving the construction of any permanent structures, may be authorized by the Director by a revocable, nonrenewable permit for a period of not more than twelve months.

Section 5. Any act done pursuant to the authority of, but prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 19th day of May, 1986, and signed by me in open session in authentication of its passage this 19th day of May, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 22nd day of May, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 22nd day of May, 1986.

Aner: MORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,
Deputy Clerk.

Publication ordered by MORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, May 29, 1986. (C-453-20)