ORDINANCE No. 118012

COUNCIL BILL No. 111107 1 of 2

AN ORDINANCE relating to land use and zoning, environmental protection, historic preservation, building and construction, and street and sidewalk use; implementing the requirements of Chapter 347 of the Laws of 1995, in particular the requirements for local project review codified in Chapter 36.70B RCW, and exempting certain regulatory actions from the time limits and procedures specified by Chapter 36.70B RCW; amending Seattle Municipal Code Chapter 22.901E, amending numerous chapters of Title 23 of the Seattle Municipal Code, and amending Seattle Municipal Code Chapters 25.05 and 25.12

COMPTROLLER FILE No.

Introduced: JAN 29 1996	By: DONALDSON
Referred: JAN 29 1996	To: COMMITTEE OF WHOLE
Referred:	To:
Referred:	To:
Reported: FEB 12 1996	Second Reading: FEB 12 1996
Third Reading: FEB 12 1996	Signed: FEB 12 1996
Presented to Mayor: FEB 13 1996	Approved: FEB 20 1996
Returned to City Clerk: FEB 21 1996	Published: full
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

1 of 2

The City o

Honorable President:

Your Committee on

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report that we have considered the s

full Co

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

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was referred the within Council Bill No.
hat we have considered the same and respectfully recommend that the same:

Full Council vote 9-0

Committee Chair

KD
2/12/96
V3b

ORDINANCE 118012

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Table 6 of Section 22.901E.010 of the Seattle Municipal Code, Land Use Fees, which was last amended by Ordinance 117908, is amended as follows:

KD
2/12/96
V3b

Table 6

LAND USE FEES

Type	Permit Fee	Project Review Fee
MASTER USE PERMIT APPROVALS		
1. Administrative conditional uses (ACUs)	Base Fee x 3	Base Fee x 10
2. Design review[1]	None	$1,300.00
3. Environmental reviews (SEPA)[2] (including projects with more than one addressed site)		
DNSs, mitigated DNSs, other lead agency project review	Base Fee x 3	Hourly (10-hour deposit)
DSs and EISs		
Regular value	Base Fee x 3.	Per Table 7 (50% at scoping; balance prior to DEIS publication)
Valuation not reflective of conditions	Base Fee x 3	Hourly (10-hour deposit)
EIS addenda/SEIS	Base Fee x 3	Hourly (10-hour deposit)
EIS prepared by consultant	None	In addition to fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including addenda and SEIS work.
PEIS Latecomers fees		Reserved
4. Lot boundary adjustment	Base Fee x 3	Base Fee x 2
5. Open space remainder lots and surplus State property	Base Fee x 3	Base Fee x 2
6. Plan shoreline permit		See Council approvals
7. School use and school development advisory committee reviews	Base Fee x 3	Hourly (10-hour deposit)
8. Shoreline Permits		
Substantial development permits	Base Fee x 3	Per Table 8 (including portions outside shoreline)
Variances[3] and conditional uses	Base Fee x 3	Base Fee x 10
Renewals	Base Fee X 1.5	
Revisions (not due to required conditions)	Base Fee x 2	Hourly (2-hour deposit)
9. Short Subdivisions		
Less than 5 lots	Base Fee x 3	Base Fee x 10
5 or more lots	Base Fee x 3	Base Fee x 10 plus Base Fee x 2 for each lot
10. Sidewalk cafés	Base Fee x 3	Base Fee x 5

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Table 6, CONTINUED
LAND USE FEES

Type	Permit Fee	Project Review Fee
11. Special exceptions	Base Fee x 3	Base Fee x 10
12. Structural building overhangs and areaways	Base Fee x 3	Base Fee x 5
13. Temporary Uses >3 weeks	Base Fee x 3	Base Fee x 10
14. Variances[3]	Base Fee x 3	Base Fee x 10
COUNCIL APPROVALS		
1. Concept approvals (*e.g.*, planned community/ residential development, public projects, City facilities, plan shoreline developments, other general development plans)	Base Fee x 3	Hourly (10-hour deposit)
2. Council conditional uses	Base Fee x 3	Hourly (10-hour deposit)
3. Full subdivisions	Base Fee x 3	Hourly (10-hour deposit)
4. Major Institution[4]		
Master Plans	Base Fee x 3	Per Table 9
Designation	Base Fee x 3	Hourly (10-hour deposit)
5. Zoning map changes and rezones	Base Fee x 3	Hourly (10-hour deposit)
MISCELLANEOUS REVIEWS, RESEARCH, & SERVICES		
1. Accessory Dwelling Unit Notification Fee	None.	$150.00
2. Certificate of Land Use	None	Base Fee x 1
3. Concurrency	(Reserved)	
4. Curbcuts[5]	None	$55.00 each commercial $26.00 each residential
5. Development potential analysis	None.	Hourly (1-hour deposit)
6. Greenbelt preserves	None	Hourly (1-hour deposit)
7. House Barge License	None	Base Fee x 3
8. House Barge License Renewal	None	Base Fee x 1.5
9. Interpretation s[6]		
Interpretations ((~~Land Use Code and legal building site~~))	Base Fee x 1((2))	Hourly up to a 5-hour maximum (5-hour deposit)
Interpretations requested after publication of Director's Report	None	Hourly up to an 8-hour maximum (8-hour deposit)
Major Institution Master Plan	Base Fee x 1((3))	Hourly (5-hour deposit)
10. Legal building site and rebuild letters	None	Base fee x 1

Table 6, CONTINUED LAND USE FEES			
Type		Permit Fee	Project Review Fee
11.	Neighborhood Planning	(Reserved)	
12.	Notice (additional) ((6)) 2		
	Land Use information bulletin and reposting large sign or placards	None	Base Fee x 1.5
	Land Use information bulletin plus mailed notice	None	Base Fee x 2.5
13.	Preapplication Conference ((7)) 8	None	Base Fee x 1.5
14.	Public benefit feature review	Base Fee x 2	Hourly (5-hour deposit)
15.	Records research	None.	Hourly (1-hour deposit)
16.	Renewals other than Shorelines	Base Fee X 1.5	
17.	Revisions other than Shorelines	Base Fee X 1.5	Hourly (2 hour deposit)
18.	Single-family access	None.	Hourly (1-hour deposit)
19.	Soils analyses with M.U.P.		
	Projects less than $1,000,000	None	Base Fee x 1
	Projects greater than $1,000,000 with EISs	None	Base Fee x 4
	Projects greater than $1,000,000, all others	None	Base Fee x 2
20.	Special accommodation	Base Fee x 2	Base Fee x 2

Notes to Table 6:

1. Design Review shall be collected as follows: 50% upon application for predesign process and 50% upon Master Use Permit application.

2 Fees for Declaration of Non-Significance (DNS) and a Mitigated Declaration of Non-Significance (MDNS) shall be collected by the Director of the Department of Neighborhoods for projects that include City of Seattle landmarks and projects located within a special review or landmark district. Fees collected shall be deposited in the General Fund, provided that DCLU shall assess and receive the permit fee.

3. A fee for one variance shall be charged for all variances associated with a project.

4. The portion of the fee based on floor area shall be collected at publication of the Draft Master Plan and EIS. The SEPA fee for Major Institution Master Plans (MIMPs) shall be based on the greater of 75% of value of the projects proposed in the maximum development alternative, or 100% of the value of the projects in the preferred alternative which are planned to be started within five (5) years of MIMP approval, according to Table 9.

5. Curbcut fees are charged only when a separate curbcut permit is applied for, not when the curbcut is part of a development permit application.

6. The fees for Interpretations of SMC Chapters 25.12, 25.16, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.

((6.))7. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

((7.))8. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon City datum((.));

14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;

15. Evidence of ownership or authorization from the property owner to make the application;

16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees.

17. Drainage plan;

18. Landscape plan; and

19. Identification of any adjacent property within three hundred feet (300') of the proposed subdivision that is owned or controlled by the applicant.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of ((~~S~~))subchapter((s)) V ((~~and VI~~)).

Section 4. Section 23.22.026 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is repealed.

Section 5. Section 23.22.052 of the Seattle Municipal Code, which was last amended by Ordinance 115568, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner ((~~Council~~)) determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10') wide parallel to and bordering the high water mark.

E. If the Hearing Examiner ((~~Council~~)) concludes that the public interest will be served, the Hearing Examiner ((~~Council~~)) may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner ((~~Council~~)) may impose other conditions as ((~~it~~)) he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. Section 23.22.054 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.054 Public use and interest.

The Hearing Examiner ((~~Council~~)) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing

Examiner ((~~It~~)) shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner ((~~it~~)) finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner ((~~Council~~)) may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner ((~~Council~~)) shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 7. Section 23.22.064 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.064 Filing with Director of Engineering.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this C((~~c~~))hapter, shall be filed with the Director of Engineering within five (5) ((~~three (3)~~)) years of the date of preliminary plat approval. ((~~As required by RCW 58.17.140, an applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.~~))

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this Chapter.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and ((~~S~~))subchapter((~~s~~)) V ((~~and VI~~));

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.06~~8~~((~~6~~));

5. A guarantee deposit in an amount established by the Director of Engineering sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.

Section 8. Section 23.22.070 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.070 Director's action on final plat.

The Director of Engineering shall refer the final plat to the Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the ((~~Council~~)) Hearing Examiner, and to the standards established by RCW Chapter 58.17 and this ((~~c~~))Chapter. The Director shall within ten (10) days furnish the Director of Engineering with a report regarding the conformance of the plat. The Director of Engineering shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this ((~~c~~))Chapter;

B. That tile insurance report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

C. That the facilities and improvements required to be provided by the subdivider have been completed or alternatively, that the subdivider will provide a bond in a form approved by the City Attorney and in an amount commensurate with the cost of improvements remaining to be completed, conditioned upon the construction and installation of improvements within a fixed time set by the Council, not to exceed two (2) years after final approval of the plat;

D. That the map is technically correct and accurate as certified by the registered land surveyor responsible for the plat.

Section 9. Section 23.22.072 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.072 Submission of final plat to Council.

A. Pursuant to the requirements of RCW 58.17.150, the Director of Engineering shall not modify the conditions or requirements ((~~recommendations~~)) made in the ((~~Council~~)) approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of Engineering determine that the requirements of this subtitle are met, the Director of Engineering shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this C((~~c~~))hapter, and shall forward a complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this Chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Council together with the determination of the Directors, upon written request of the subdivider.

Section 10. Section 23.22.074 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.074 Council determination of final plat.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

B. The Council shall approve by ordinance, ((~~or~~)) disapprove, or return the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Engineering shall transmit the original plat to the King County Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Director of Engineering.

C. ((~~As required by RCW 58.17.170, a~~)) A subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision.

Section 11. Section 23.22.078 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.078 Resubmission.

A. Any final plat disapproved by the Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the five (5) ((~~three (3)~~)) year period after the date of approval of the preliminary plat as provided in 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

Section 2. Section 23.22.016 of the Seattle Municipal Code, which was last amended by Ordinance 117432, is amended as follows:

23.22.016 Application.

A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Director.

B. Following the review, the subdivider shall submit an application to the Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat and four (4) copies of preliminary plans for streets and other improvements. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of or planned unit or planned residential development upon the property to be subdivided.

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. In event of a conflict, the procedures contained in this subchapter control.

((~~D. A preliminary plat shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of the time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time required for environmental review.~~))

Section 3. Section 23.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.020 Content of preliminary plat application.

A. Every preliminary plat application shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;

2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;

6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

Section 12. Subsection A of Section 23.24.010 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.24.010 Filing of application.

A. Any person seeking to divide or redivide land situated within the City into nine (9) or fewer lots for the purpose of sale or lease, transfer or ownership, development or financing shall submit an application for approval of a short subdivision to the Director together with an application fee as established in the Permit Fee ((~~Ordinance~~)) Subtitle, Chapters 22.90((~~0~~))1A - T. The application is subject to procedur((~~e~~))al requirements, established in Chapter 23.76, the Master Use Permit Process. ((~~Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.~~))

Section 13. Section 23.41.004 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in all Downtown zones.

5. ((~~4.~~)) Design review is optional for all new multifamily and commercial structures not otherwise subject to this C((~~e~~))hapter, in all multifamily, ((~~and~~)) commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this ((~~e~~))Chapter:

1. All new structures described in subsections A1-3, that abut or are directly across a street or alley from any lot zoned single family;

2. As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3.

3. As of October 15, 1995 - All new structures as described in subsections A1-3.

4. Beginning April 1, 1996 - All new structures as described in subsection A4.

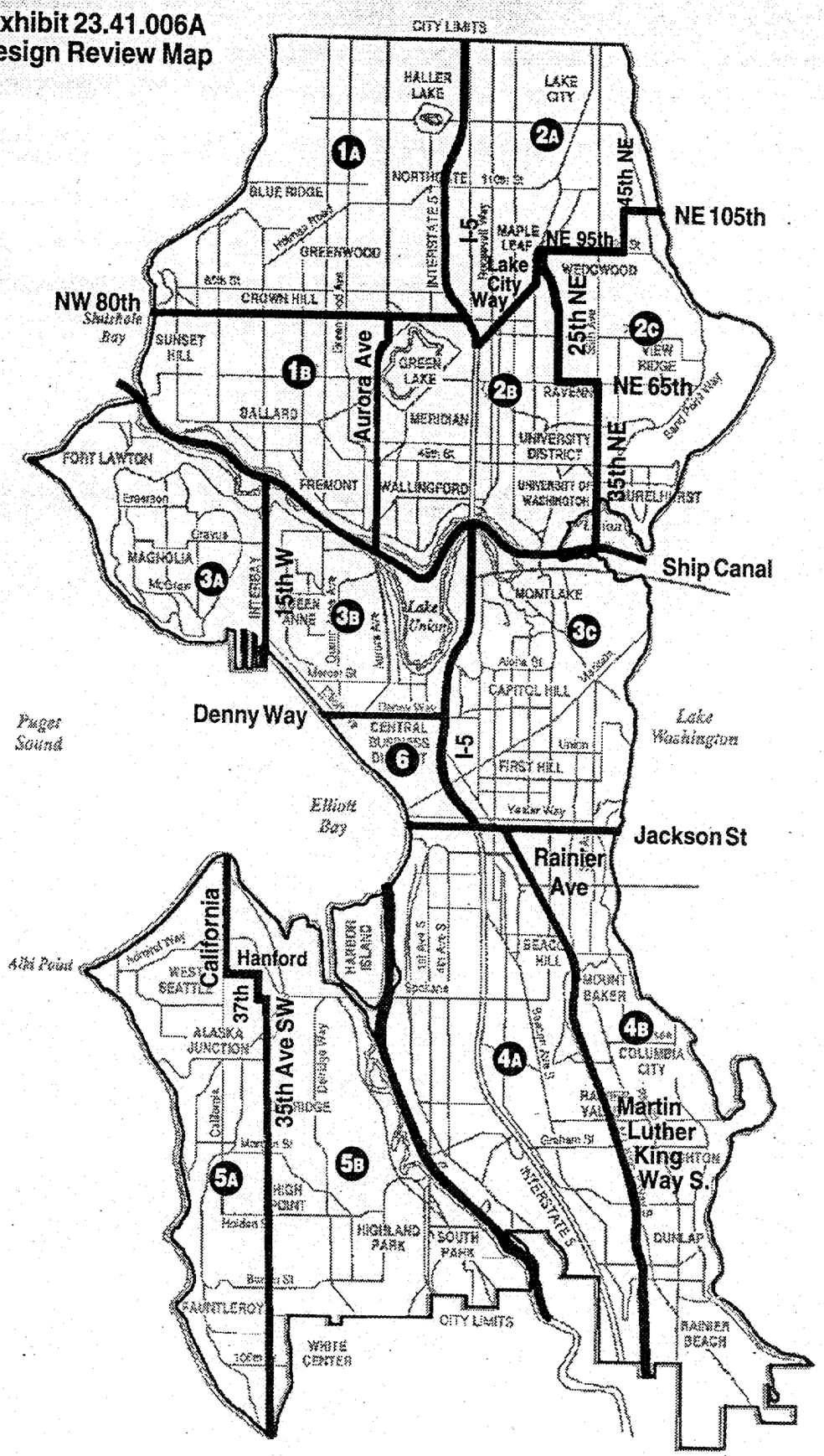
C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this ((~~c~~))Chapter.

Section 14. Section 23.41.006 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into six (6) ((~~five (5)~~)) geographic areas, five (5) of which shall be ((~~and~~)) further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006A.

Exhibit 23.41.006A
Design Review Map



Design Review Board Areas

Section 15. Subsections B and C of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 117075, are amended as follows:

23.41.008 Design Review Board.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.

a. Members shall reside in Seattle; and

b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

2. Design Review Board Composition.

a. The Design Review Board shall be composed of seven (7) ((~~six (6)~~)) members representing development-related fields, seven (7) ((~~six (6)~~)) members representing general residential community interests, and seven (7) ((~~six (6)~~)) members representing the design professions, of whom three (3) members of each group of seven (7) ((~~six (6)~~)) shall be appointed by the City Council and four (4) ((~~three (3)~~)) members by the Mayor, and all members to be confirmed by the City Council; and

b. The Design Review Board shall also include one (1) member representing local residential community interests and one (1) member representing local business interests from area six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.

C. Design Review Board Assignment.

1. Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:

a. At-large members representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) ((~~five (5)~~)) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) ((~~five (5)~~)) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,

b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member representing local residential community interests and one member representing local business interests.

c. Three Design Review Board members shall be a quorum.

2. The five (5) Design Review Board members assigned to each project as described in subsection C1 shall be known collectively as the Design Review Board. All members of the Design Review Board shall be voting members.

3. In the event that, in one of the six (6) ((~~five (5)~~)) geographic areas, more projects are undergoing simultaneous design review than the Design Review Board members assigned to that area can review in a timely manner, the unassigned at-large Design Review Board members described in subsection C1a may serve. If an individual at-large member is unable to serve, the Director may appoint a member of the unassigned at-large Design Review Board to serve in his or her absence, provided that each at-large interest group is represented by one member. In addition, a Design Review Board may review projects outside of its designated geographic subarea to expedite review, provided that the local community representative and local business representative shall review development only within their subarea.

((~~4. In the event that a Design Review Board member is unable to serve, substitutions for the three at-large interest groups may be made as described in subsection C3.~~))

Section 16. Section 23.41.010 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.010 Design Review Guidelines.

The adopted Citywide design guidelines provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Interim Downtown Design Guidelines" apply. Neighborhoods may develop design guidelines specific to a neighborhood's individual character. Neighborhood design guidelines may amend or supersede the Citywide design guidelines or the "Interim Downtown Design Guidelines" and shall provide the basis for design review decisions in that neighborhood, to the extent provided by the City Council in adopting the neighborhood design guidelines.

Section 17. Subsection B of Section 23.41.012 of the Seattle Municipal Code, as last amended by Ordinance 117943, is amended as follows:

23.41.012 Development standard departures.

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. Design, location and access to parking requirements;

5. Open space requirements;

6. Lot coverage limits;

7. Screening and landscaping requirements;

8. Standards for the location and design of nonresidential uses in mixed-use buildings((.)); and

9. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty per cent (20%) of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone;

b. The proposed structure must be compatible with the general development potential anticipated within the zone;

c. The additional height must not substantially interfere with views from up-slope properties((.)); and

d. No more than one project on one site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height.

10. Downtown street facade requirements;

11. Downtown upper-level development standards; and

12. Downtown maximum wall dimensions.

Section 18. Subsections B and C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.49.037 Public parks and planned community developments in Downtown Office Core 1.

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Section 22.90((~~0.240~~))1E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

((~~4. PCD Application. Following receipt of the report the potential applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.~~))

4. ((~~5.~~)) Development Guidelines and Project Review. ((~~Following receipt of the PCD application~~)) T((~~t~~))he Director, in consultation with the Superintendent and the Citizen's Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date ((~~a complete PCD application~~)) the report described in subsection B3b is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. ((~~6.~~)) PCD ((~~Revised~~)) Application. Following approval of development guidelines by the Director, the applicant may ((~~revise the PCD~~)) submit an application ((~~or have the Director issue the Director's Report based upon the original PCD application. If the applicant does not submit a revised application or ask the Director to make the report within one hundred twenty (120) days from the date the development guidelines are approved, the PCD application shall be canceled.~~)) for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. ((~~7.~~)) Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the

PCD application as provided for Type IV Council land use decisions in Chapter 23.76 ((~~in Sections 23.76.036 through 23.76.060~~)).

7. ((~~8.~~)) Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (1/2) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. ((~~9.~~)) Exceptions to Development Standards. Development standards of this ((~~e~~))Chapter may be varied or waived through the PCD process, except that the review criteria of subsection B((~~8~~))7 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

C. Vested Projects. A holder of a permit for a project which is vested to an earlier code on the effective date of the ordinance codified in this section, may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

1. Floor Area. If the holder of a permit for such a vested project applies for PCD approval, the proposed PCD is entitled to the floor area which was vested, provided

that if the floor area was attributable in part to the provision of housing or human services public benefit features, then those features must be included as part of the approval of the proposed PCD. If those features are not included, the floor area shall be reduced accordingly.

2. Credit for Impact Mitigation. To the extent a vested project has provided mitigation for an impact which also would have been attributable to the proposed PCD, the provided mitigation shall be credited against mitigation for the corresponding impact of the PCD.

3. Annual Limits on Downtown Office Development. If a project which is vested for purposes of this subsection is thereby not subject to the annual limits on downtown office development prescribed by SM((~~D~~))C Section 23.49.011 the proposed PCD which replaces the vested project is not subject to those limits.

4. Tolling and Expiration of Vested Permit.

a. If the holder of a vested permit wishes to apply for approval of a PCD under this section, the running of the expiration period for the vested permit shall be tolled from the date the notice of intent to apply for PCD approval is received by the Director, until the date the City Council makes a final decision to approve or deny the PCD application, or until the earlier date of PCD withdrawal or cancellation as described below. Tolling shall also terminate if the holder fails to submit an application for PCD approval within sixty (60) days of the date the parks report prescribed by of Section 23.49.037 B3 is provided to the holder.

b. Within thirty (30) days of the date the Director establishes guidelines pursuant to subsection B((~~5~~))4 of Section 23.49.037, the applicant shall elect to proceed with the PCD application or withdraw the application. If the applicant fails to elect within thirty days (30) days, the vested right shall expire on the thirty-first day and the PCD application shall be canceled. The applicant may withdraw the PCD application any time prior to the expiration of the thirty (30) day period. If the application is withdrawn, the running of the expiration period for the vested permit shall resume at the time of withdrawal.

c. If the PCD applicant elects to proceed with the PCD application, the permit for the vested project may not be used unless:

((~~i.~~))(1) The PCD is denied by the City Council; or

((~~ii.~~))(2) The PCD is approved with conditions additional to those recommended by the Director's guidelines under subsection B((5))4 of this section, which significantly increase the cost of the park to the applicant relative to the cost estimate contained in the Director's guidelines, or which significantly change the location or footprint of buildings from those contained in the guidelines;

((~~iii.~~))(3) The PCD is denied as a result of a lawsuit

If the vested project is resumed as a result of the denial or conditioning under paragraphs i through iii, the running of the expiration period for the vested permit shall resume at the date of the Council decision or final decision by a court, including an appellate court, whichever occurs later.

d. The PCD approval shall expire as provided in SMC Section 23.76.060. If the holder proceeds under the vested permit, the permit shall expire as provided in the applicable code, subject to the tolling authorized by this section.

Section 18A. A new Section 23.66.018 is hereby added to the Seattle Municipal Code as follows:

23.66.018 Director of the Department of Neighborhoods.

As used in this Chapter, "Department of Neighborhoods Director" and "Director of the Department of Neighborhoods" means the Director of the department or the Director's designee.

Section 19. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 116744, is amended as follows:

23.66.030 Certificates of approval - Application, review and appeals.

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of ((~~the Permit Fee Ordinance,~~)) SMC Chapter 22.90((~~0~~))1T.

C. Application.

1. An application for a certificate of approval ((~~may~~)) shall be filed with the ((~~special review board staff in~~)) Director of the Department of Neighborhoods. ((~~or with the Director or the Director of Engineering as part of a permit application.~~)) When a permit application is filed with the Director or with the Director of Engineering for work requiring a certificate of approval, ((~~he or she shall refer the application to the Department of Neighborhoods Director, and the application shall be considered an application for a certificate of approval.~~)) the permit application shall not be determined to be complete until the applicant has submitted an application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes that will be made to the building or the site;

(2) Any effect that the work would have on the public right-of-way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The Director of the Department of Neighborhoods shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director of the Department of Neighborhoods shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director of the Department of Neighborhoods does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the Director of the Department of Neighborhoods or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

((~~2.~~)) 5. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded.

D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of ((~~receipt of an application for~~)) a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be

provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this ((e))Chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff~~.~~ , except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~The Department of Neighborhoods Director may extend this thirty (30) day period for cause, and shall advise the board and the applicant in writing of the length of time of the extension.~~))

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals.

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

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

4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capricious.

((~~2~~))5. If evidence is presented to the Hearing Examiner that was not presented to the ((~~b~~))Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

((~~3~~))6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply with this ((~~e~~))Chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. ((~~Certificates of approval shall expire one (1) year from the date of issuance unless the Department of Neighborhoods Director determines that extenuating circumstances justify extension of the expiration date.~~)) A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 20. New subsections C and D are hereby added to Section 23.66.115, last amended by Ordinance 116744, of the Seattle Municipal Code as follows:

23.66.115 Demolition Approval.

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090 and the requirements of RCW 36.70B.110 through section .130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

Section 20A. Section 23.66.132 of the Seattle Municipal Code, adopted by Ordinance 112134, is amended as follows:

City facilities and public projects which do not meet use and development standards may be permitted by the Council pursuant to Chapter 23.((~~80~~))76 of this Land Use Code.

Section 21. Section 23.66.316 of the Seattle Municipal Code, last amended by Ordinance 116744, is further amended as follows:

23.66.316 ((~~Special Review Board recommendation~~)) Decision on certificate of approval.

The Board shall review all applications for use or development within the International District which require a certificate of approval. The Board's review shall be conducted according to the procedures and timelines set forth in section 23.66.030D2 of this Land Use Code. The Board shall make a written recommendation((~~s~~)) based upon the extent to which the proposal((~~s are~~)) is consistent with the goals and objectives of the International Special Review District and the use and development standards of this ((~~e~~))Chapter. The Department of Neighborhoods Director shall make and issue a decision according to the procedures and timelines set forth in section 23.66.030D of this Land Use Code.((~~, within fifteen (15) days of receiving the Board's recommendation, issue or deny a certificate of approval or issue a certificate of approval with conditions.~~))

Section 22. Section 23.76.002 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.002 Purpose.

The purpose of this ((~~e~~))Chapter is to establish standard procedures for land use decisions made by The City of Seattle. The procedures are designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in the application submittal process, and minimize delays and expense in appeals of land use decisions. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process, integrate the environmental review process with the procedures for review of land use decisions, and provide for the consolidation of appeals for all land use decisions.

Section 23. Subsections A, B and F of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended and a new subsection G is added as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5)

different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004 A.

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I
Director's Decision
(((~~Nonappealable~~)))
(No Administrative Appeal)

- Compliance with development standards
- Uses permitted outright
- Temporary uses, four weeks or less
- Certain street uses
- Lot boundary adjustments
- ((~~• Greenbelt preserve designations~~))
- Modifications of features bonused under Title 24
- ((~~Declarations~~)) Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements
- Special accommodation
- Reasonable accommodation
- Minor amendment to a Major Phased Development Permit

TYPE II
Director's Decision
(Appealable to Hearing Examiner*)

- Temporary uses, more than four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. ((~~Declaration~~)) Determination of nonsignificance (EIS not required)
  2. Determination of final EIS adequacy
  3. Determinations of significance based solely on historic and cultural preservation
  4. A decision by the Director to approve, condition or deny a project based on SEPA Policies
- Major Phased Development

TYPE III
Hearing Examiner's Decision
(((~~Appealable to Council~~)))
(No Administrative Appeal)

- Subdivisions (Preliminary Plats)
- ((~~• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.~~))

COUNCIL LAND USE DECISIONS

TYPE IV
(Quasi-Judicial)

- ((~~• Subdivisions (Preliminary Plats)~~))
- Land use ((~~and zoning~~)) map amendments (Rezones)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments
- ((~~• Planned Unit Developments~~))

TYPE V
(Legislative)

- Land Use ((~~and Zoning~~)) Code text amendments
- Rezones to implement new City policies
- Concept approval for City facilities
- Major institution designations

B. Type I((,)) and II ((~~and III~~)) decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are nonappealable decisions made by the Director which require the exercise of little or no discretion. **Type II** decisions are discretionary decisions made by the Director which are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in Section 23.76.006 C 2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. ((~~**Type III** decisions are discretionary decisions made by the Director which are appealable to the Hearing Examiner and may be further appealed to the Council.~~)) **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal.

((~~F. Master Use Permits requiring only Type I decisions are categorically exempt from the State Environmental Policy Act (SEPA) and do not require environmental review. All Master Use Permits requiring environmental review include both a Type II SEPA decision (Environmental Impact Statement or Declaration of Nonsignificance and a Type III SEPA decision determination of compliance with SEPA policies). For these projects, SEPA review procedures established in SMC Chapter 25.05, SEPA Policies and Procedures, are supplemental to the procedures set forth in this chapter.~~))

E. Shoreline appeals and appeals of related SEPA determinations shall be filed with the State Shoreline Hearings Board within twenty-one (21) days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.

G. An applicant for a permit or permits requiring more than one decision contained in the Land Use Decision Framework listed in Section 23.76.004 may either:

1. Use the integrated and consolidated process established in this Chapter;

2. If the application includes a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, file a separate Master Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and use the integrated and consolidated process established in this Chapter for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

Section 24. A new Section 23.76.005 of the Seattle Municipal Code, is added as follows:

23.76.005 Time for Decisions

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications filed on or after April 1, 1996 shall be made within the time limits set forth in RCW 36.70B.090.

B. Exclusions pursuant to RCW 36.70B.140 (1).

1. Type III decisions.

a. DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090; and

b. The Hearing Examiner shall issue his or her decision within ninety (90) days of issuance of the DCLU recommendation.

2. Type IV decisions.

a. There shall be no time limit for decisions on Major Institution Master Plans.

b. All other Type IV Council land use decisions and any associated Type II decisions listed in Section 23.76.006 C 2 shall be made within the following time periods:

(1) DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090;

(2) The Hearing Examiner shall issue his or her recommendation within ninety (90) days of issuance of the DCLU recommendation; and

(3) The Council shall issue its decision within ninety (90) days of the issuance of the Hearing Examiner recommendation.

3. Any application for a land use decision that the Hearing Examiner or Council remands for further information or analysis shall be excluded from the time periods of RCW 36.70B.090 for the period of remand. The Hearing Examiner or Council shall set a reasonable period for the remand after consideration of the nature and complexity of the issues and, when practicable, after consultation with the parties about the reasonableness of the remand period.

C. Type V Council land use decisions are legislative decisions to which RCW 36.70B.090 does not apply.

Section 25. Subsections B, C and D of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended as follows:

23.76.006 Master Use Permits required.

B. The following decisions are Type I ((~~decisions which are nonappealable~~)):

1. Determination that a proposal complies with development standards;

((~~1.~~)) 2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) 3. The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

((~~3.~~)) 4. Lot boundary adjustments;

((~~4. Designation of greenbelt preserves;~~))

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

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations ((~~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 Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042 D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015; ((~~and~~))

10. Reasonable accommodation; and

11. Minor amendment to Major Phased Development Permit.

C. The following are Type II decisions((~~,~~)):

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):

a. Determination of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, ((~~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.~~)) a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, except temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) b. Short subdivisions;

((~~3.~~)) c. 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.~~)) d. 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.~~)) e. Design review;

((~~6.~~)) f. The following street use decisions:

((~~a.~~)) (1) Sidewalk cafes,

((~~b.~~)) (2) Structural building overhangs,

((~~c.~~)) (3) Areaways;

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

((~~8.~~)) h. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

((~~a.~~)) (1) Shoreline substantial development permits,

((~~b.~~)) (2) Shoreline variances,

((~~c.~~)) (3) 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 Policies and Procedures):~~

~~a. Declarations of Nonsignificance (DNSs), including mitigated DNSs,~~

~~b. Determination that a final Environmental Impact Statement (EIS) is adequate;~~))

((~~10.~~)) i. Northgate General Development Plan;

((~~11.~~)) j. Major Phased Development.

D. The following ((~~is a Type III~~)) decision, including any integrated decision to approve, condition or deny based on SEPA policies, is a Type III decision made by the Hearing Examiner ((~~, which is subject to appeal to the Hearing Examiner and may be further appealed to the Council: The decision to approve, condition or deny any Master Use Permit (other than for shoreline decisions) based on the City's SEPA policies pursuant to SMC Section 25.05.660; provided, that for projects subject to design review a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy, SMC Section 25.05.675 G, shall be a Type II decision.~~)): Subdivisions (Preliminary Plats).

Section 26. Subsection A of Section 23.76.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, is amended as follows:

23.76.008 Preapplication conferences.

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in ((~~SMC~~)) Chapters 22.90((~~0~~))1A - T, Permit Fee((~~s~~)) Subtitle((~~, of the Seattle Municipal Code~~)).

Section 27. Subsections A, C, D, E, F, and G of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.010 Applications for Master Use Permits.

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City agency, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in ((~~SMC~~)) Chapters 22.90((~~0~~))1A - T, Permit Fee((~~s~~)) Subtitle.

((~~D. All Master Use Permit decisions necessary for a project shall be included in the same application; provided that, at the applicant's discretion, a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project.~~))

D. ((~~E.~~)) All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas((~~.~~)), SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

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

2. Evidence of ownership or authorization from the property owner to make the application;

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

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

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

displays, buildings and structures, open space and landscape, access driveways and parking areas;

b. Elevations and sections of the proposed new features;

c. Floor plans showing the proposed new features;

d. Drainage plan;

e. Landscape plan;

f. Right-of-way information showing any work proposed in the public right-of-way;

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

h. Parking lay-out and vehicular access;

i. Vicinity map;

j. Topographic map; and

k. Open space plan.

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

a. Date the buildings on the site were constructed;

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

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; and

aa. Demand on public service and utilities.

((~~The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.~~))

E. ((~~F.~~)) Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A

determination that the application is complete is not a determination that the application is vested. ((~~For all Master Use Permit applications, the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of the application if additional information is required to commence application review.~~))

2. A Master Use Permit application is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time the application is determined complete or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095, RCW 58.17.033, and SMC 23.76.026.

F. ((~~G.~~)) ~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within sixty (60) days of a written request for it; provided that the Director may extend the period for such submission if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a M((~~m~~))aster U((~~u~~))se P((~~p~~))ermit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Master Use Permit application under the provisions of this subsection shall cause the concurrent cancellation of the building permit application.

Section 28. Subsections A, B, C and D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, are amended as follows:

23.76.012 Notice of application.

A. Notice ((~~Required~~)). When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days after a determination of completeness. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project shall be sent notice. No notice or public comment period shall be required for Type I decisions.

B. Types of Notice Required.

1. For projects subject to design review or environmental review, the applicant shall post a large sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The large sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall remain posted until final City action on the application has been completed.

a. In the case of submerged land, the large sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical ((~~sensitive~~)) area, are exempt from the large sign requirement.

c. As an alternative to the large sign requirement, the Director shall post ten (10) placards within three hundred feet (300') of the site and at the closest street intersections when one (1) or more of the following conditions exist:

((~~i.~~)) (1) The project site is over five (5) acres;

((~~ii.~~)) (2) The applicant is not the property owner, and the property owner does not consent to the proposal;

((~~iii.~~)) (3) The site is subject to physical characteristics such as steep slopes or is located such that the large sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both a large sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) large sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects which are categorically exempt from environmental review, the Director shall post four (4) placards on or near the site.

3. For all projects requiring notice of application, the Director shall provide notice by ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. For projects subject to the large sign requirement, notice in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release shall be published after certification is received by the department that the large sign has been posted.

4. In addition, for variances, administrative conditional uses, temporary uses for more than four (4) ((~~three (3)~~)) weeks, shoreline variances and shoreline conditional uses, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review shall be provided to all persons establishing themselves as parties of record by attending the pre-design public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one (1) community newspaper in the area affected by the subdivision.

C. Contents of Notice.

1. The City's official notice of application shall be the notice placed in the General Mailed Release, which shall include ((~~identify~~)) the following required elements as specified in RCW 36.70B.110:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;

c. The identification of other permits not included in the application to the extent known by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, request on extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, place, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations; and

h. Any other information determined appropriate by the Director.

2. All other additional forms of notice, including, but not limited to signs, placards and mailed notice, shall include the following information: the project description, ((~~nature and~~)) location of the project, date of application, location where the complete application file may be reviewed, and ((~~shall include~~)) a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large signs.

D. Comment Period. The Director shall provide a fourteen (14) ((~~fifteen (15)~~)) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) ((~~to thirty (30)~~)) days if a written request for extension is submitted within the initial fourteen (14) ((~~fifteen (15)~~)) day comment period ((~~; provided further, that the comment period shall be thirty (30) days for applications requiring shoreline decisions~~)). The comment period shall begin on the date notice is published in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) of the next business day. Any comments reviewed after the end of the official comment period may be considered if material to review yet to be conducted.

Section 29. Section 23.76.014 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.014 Notice of scoping and draft EIS.

When a Determination ((~~Declaration~~)) of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.

2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice to those organizations and individuals who have submitted a written request for it;

e. Posting in the Department; and

f. Filing with the SEPA Public Information Center.

3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.

B. Draft EIS's.

1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:

a. General M((~~m~~))ailed R((~~r~~))elease;

b. Publication in the City official newspaper;

c. Submission of the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;

e. Posting notice in the Department; and

f. Filing with the SEPA Public Information Center.

2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.

3. The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.

Section 30. A new Section 23.76.015 of the Seattle Municipal Code is hereby added as follows:

23.76.015 Public meetings.

A. Type II and III Decisions. The Director may hold a public meeting on Master Use Permit applications requiring Type II or III decisions when:

1. The meeting is otherwise provided for in th((~~e~~))is Title;

2. The proposed development is of broad public significance;

3. Fifty (50) or more persons file a written request for a meeting not later than the fourteenth (14th) day after notice of the application is provided; or

4. The proposed development will require a shoreline conditional use or a shoreline variance ((~~from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations~~)).

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency provided that the meeting is held within the City of Seattle. If requested by an applicant, a joint meeting shall be held, provided that the joint meeting can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the meeting.

Section 31. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.016 Public hearings.

A. Draft EIS. As required by Chapter 25.05, SEPA Policies and Procedures, a public hearing shall be held by the Director on all draft EIS's for which the Department is the Lead Agency. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project.

((~~B. Type II and III Decisions. The Director may hold a public hearing on Master Use Permit applications requiring Type II and/or III decisions when:~~

~~1. The proposed development is of broad public significance; or~~

~~2. Fifty (50) or more persons file a written request for a hearing not later than the fifteenth day after notice of the application is posted or the thirtieth day following the date of the second publication of notice of the application for a shoreline substantial development; or~~

~~3. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000.00); or~~

~~4. The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.~~))

((~~C. Combined Hearings. The Director may hold a combined public hearing on a Draft EIS and a Master Use Permit application. If a combined hearing is held, notice shall be given by the Director at least twenty (20) days prior to the hearing.~~))

B. The Director may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

Section 32. Section 23.76.019 of the Seattle Municipal Code, adopted by Ordinance 117430, is amended as follows:

23.76.019 Time required for preparation of an EIS ((~~Turnaround time for decisions~~)).

The time required to prepare an environmental impact statement associated with a Master Use Permit application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Master Use Permits the Director shall publish the decision to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 33. Subsections A and C of Section 23.76.020 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, are amended as follows:

23.76.020 Director's decisions.

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a ((~~Master Use Permit~~)) Type II decision based on the applicant's compliance with the City's SEPA Policies pursuant to SMC Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code which are in effect at the time the Director issues a decision. If an EIS is required, the application shall be subject to only those SEPA Policies in effect when the Draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II ((~~and III~~)). The Director shall provide notice of all Type II ((~~and III~~)) decisions as follows:

a. A list of all ((~~appealable Master Use Permit~~)) Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease. Notice shall also be mailed to ((~~each~~)) the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNS's shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology and the State Attorney General.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal((~~,~~)) and shall describe the appropriate appeal procedure((~~, and shall indicate that any requests for Land Use Code interpretation as provided by SMC Section 23.88.020 must be submitted within the appeal period~~)).

Section 34. Subsections A and C of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, are amended as follows:

23.76.022 Administrative appeals.

A. Appealable Decisions.

1. Type I decisions as listed in SMC Section 23.76.006 B are not subject to appeal.

2. All Type II ((~~and Type III~~)) decisions as listed in SMC Section 23.76.006 C ((~~and D~~)) shall be subject to an administrative open record appeal as described in this Section.

C. Hearing Examiner Appeal Procedures.

1. Consolidated Appeals. All appeals of Type II Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.

2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.

3. Filing of Appeals.

a. Appeals shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the decision; provided, that when a fifteen (15) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall clearly identify each component of a Type II Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

c. The Hearing Examiner shall not accept any request for an interpretation included in the appeal unless it complies with the requirements of 23.88.020C3c.

4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release.

6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II ((~~and III~~)) decisions as required in this ((~~e~~))Chapter, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts and any requests for an interpretation included in the appeal or consolidated appeal pursuant to subsection 23.88.020C3..

7. Standard of Review. The Director's decisions made on a Type II Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.

8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information ((~~regarding Council appeal procedures, if any, and~~)) regarding judicial review. To the extent such information is available to the Hearing Examiner, the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless((~~:~~

~~a.~~ ~~T~~))the Hearing Examiner((~~'s decision specifically states that the Hearing Examiner~~)) retains jurisdiction((~~;~~

~~b. The decision is appealed to the Council pursuant to Seattle Municipal Code Section 23.76.024;~~)) or

((~~c.~~)) the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced ((~~A person with standing to file a land use petition in King County Superior Court files such a petition~~)) within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040 ((~~Section 705 of Chapter 347 of the Laws of 1995, provided that, if an appeal pursuant to Section 23.76.024 is submitted to the Council, the period for requesting judicial review of the Hearing Examiner's decision shall not begin until the Council issues its final decision on the appeal~~)).

Section 35. A new Section 23.76.023 of the Seattle Municipal Code is hereby adopted as follows:

23.76.023 Report and recommendation of the Director on subdivisions.

A. The Director shall prepare a written report on subdivision applications. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC 23.22, its consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City's SEPA policies and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS; and

5. The Director's recommendation to approve, approve with conditions, or deny the application.

B. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

C. The Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least thirty (30) ((~~fifteen (15)~~)) days prior to the Hearing Examiner's public hearing described in Section 23.76.024.

Section 36. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 117789, is amended as follows:

23.76.024 ((~~Appeals to Council.~~

~~A. Appealable Decisions. Only Type III decisions as listed in SMC Section 23.76.006 D (SEPA appeals) may be appealed to the Council, according to the procedures and criteria set forth in this section.~~

~~B. Right to Appeal. Appeals may be initiated by any party to the Hearing Examiner hearing.~~

~~C. Time Limits on Appeals. Appeals shall be filed with the City Clerk no later than fifteen (15) days after the decision is filed with the SEPA Public Information Center. The City Clerk shall transmit appeals to the Council and shall notify the Director and the Hearing Examiner of the appeal.~~

~~D. Content of Appeal. Appeals shall be in writing and shall cite specific alleged errors in the facts or conclusions and issues meeting the criteria for Council review of an appeal, as described in subsection G below.~~

~~E. Council Acceptance of an Appeal. The Council shall accept for review those appeals which meet the criteria of subsection G.~~

~~F. Notice. Notice of appeals shall be mailed to all parties of record not less than seven (7) days prior to the date of the public meeting to consider the appeal.~~

~~G. Procedures on Appeal.~~

~~1. For projects subject to design review the decision of the Hearing Examiner on SEPA height, bulk and scale issues shall be final and not subject to further appeal to the Council. On appeal on issues other than height, bulk and scale, the Council's review of SEPA conditioning of a project subject to design review shall be limited to the unsupplemented record established before the Hearing Examiner; provided that members of the committee or of the full Council may make site visits. The committee may allow written argument but shall not hear oral argument.~~

~~2. For projects not subject to design review, the Council's review shall be based on the record from the Hearing Examiner's hearing, provided that the Council may allow oral or written arguments and may permit the record to be supplemented; and, provided further, that members of the committee or of the full Council may make site visits.~~

~~H. Scope of Review. Council review shall be limited to the following issues related to compliance with the City's substantive SEPA Policies pursuant to SMC Section 25.05.660:~~

~~1. Issues of Council intent with respect to interpretation of the substantive SEPA Policies;~~

~~2. Issues raised concerning the sufficiency and the appropriateness of the mitigation imposed; and~~

~~3. The appropriateness of denial of a project based on the substantive SEPA Policies.~~

~~I. Standard of Review for Type III Appeals. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~J. Council Action. The Council may affirm, modify or reverse the Hearing Examiner's decision, remand cases to the Hearing Examiner or the appropriate department with directions for further proceedings, or grant other appropriate relief. If the Council reverses or modifies the Hearing Examiner's decision, the Council shall enter findings and/or conclusions into the record to support the decision.~~

~~K. Judicial Review. A Type III decision by the Council shall be final and conclusive unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~

~~L. Notice of Decision. The written decision of the Council shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record.~~

~~M. Interlocutory Review.~~

~~1. The Council shall accept review of Hearing Examiner interlocutory orders and decisions pending final resolution of an appeal when:~~

~~a. Appeal to the Council of the Hearing Examiner's final decision on the issue is permitted by ordinance; and~~

~~b. The Hearing Examiner certifies the issue for Council review.~~

~~2. The Hearing Examiner shall certify for interlocutory review only those issues which meet the following criteria:~~

~~a. Because of ambiguity in language, the meaning to be given a Council resolution or ordinance cannot readily be determined without knowing the intent of the Council when it adopted the resolution or ordinance; and~~

~~b. The issue results in disagreement between the Director and the Hearing Examiner as to interpretation of Council intent; and~~

~~c. The review involves an issue not previously decided by the Council; and~~

~~d. The issue to be reviewed is of general applicability and its resolution will affect a class of permit applicants; and~~

~~e. Early resolution of the issue will substantially reduce the expenditure of time or money by the City and/or other interested parties.~~))

Hearing Examiner open record hearing and decision for subdivisions.

A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's procedural environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement) and other Type II decisions.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that shall be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. Notice

The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

1. General Mailed Release;

2. Publication in the City official newspaper and in at least one community newspaper in the area affected by the proposal;

3. Mailed notice and written notice mailed to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024; and

b. All owners of real property located within three hundred feet (300') of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Posting in the Department.

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's procedural environmental determination and other Type II decisions. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) calendar day following publication of notice of the Director's report, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) the next business day. The request or appeal shall be accompanied by payment of any filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

E. Notice of Appeals and Requests for Further Consideration. The Hearing Examiner promptly shall mail notice of the filing of all requests for further consideration and appeals to all parties of record and to those requesting notice.

F. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

G. Written Comments. Written comments on the proposed subdivision and the Director's report and recommendation may be sent to the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Hearing.

1. The Hearing Examiner shall limit the evidence, comments, and argument at the combined hearing to those issues that are fairly raised in any written request for further consideration or appeal, as clarified at any pre-hearing conference, and that are relevant to

a. The compliance of the proposed subdivision with the procedures and standards of this Chapter and SMC Chapter 23.22;

b. The appropriateness of any mitigation or denial pursuant to the City's SEPA policies; and

c. The correctness of the Director's procedural environmental determination and other Type II decisions. Appeals of the Director's decisions shall be considered de novo, but the Director's determination shall be given substantial weight.

2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner may either close the record after the hearing or leave it open to a specified date to receive additional testimony, exhibits, or written argument.

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. On any appeal, the Hearing Examiner may affirm, reverse, remand, or modify the Director's decision. These decisions shall be in writing, include findings and conclusions, and be issued within ten (10) working days of the close of the record, unless a longer period is agreed to among the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review not appealable to the Shorelines Hearings Board must be commenced within

twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to the applicant, to the Director, to the Director of the Seattle Engineering Department, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy.

Section 37. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 117598, is amended as follows:

23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application, meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available.

An application for a building permit submitted for part of a building or structure shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is for a highrise structure regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the exterior shell of the building.

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, as defined in Section 23.84.036 "S," shall be considered under the Land Use Code and other land use control ordinances in effect ((~~on the land~~)) when a fully complete Master Use Permit application for such approval which satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, as provided in Section 23.41.004.B, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the Design Review Pre-Design Process is submitted to the Director, provided that such Master Use Permit application is filed within ninety (90) days of the date of the first design review pre-design public meeting. This vested right shall terminate unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

Section 38. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.028 Type I and II Master Use Permit issuance.

A. When a Type I or II Master Use Permit is approved for issuance, the applicant shall be so notified. Type I Master Use Permits ((~~which are not subject to appeal~~)) shall be approved for issuance at the time of the Director's decision that the application conforms to all applicable laws (Section 23.76.020). A Type II Master Use Permit ((~~which includes appealable decisions~~)) may ((~~shall~~)) be approved for issuance on the day following expiration of the applicable appeal period or, if appealed, on the fourth (4th) ((~~sixth~~)) day following a final appeal decision to grant or conditionally grant the permit. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

B. When a Master Use Permit is approved for issuance according to subsection A, and a condition of approval requires revisions of the Master Use Permit plans, the revised documents shall be submitted within sixty (60) days of the date the permit is approved for issuance((~~, or the permit shall be deemed abandoned and void and shall be revoked~~)). The Director may extend the period for submittal of the revised documents if it is determined that there are good reasons for the delay which are satisfactory to the Director, or if a different schedule is agreed upon ((~~in writing before the end of the sixty (60) day period. A request for the extension must be submitted in writing before the end of the sixty (60) day period~~)).

C. Once a Master Use Permit is approved for issuance according to subsection A, and any required revisions have been submitted and approved according to subsection B, the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60) days of notice that the permit is ready to be issued. Failure to pick up the permit within sixty (60) days may ((~~will~~)) result in a written notice of intent to cancel. If the Master Use Permit is not picked up within thirty (30) days from the date of written notice of intent to cancel, the approval shall be revoked and the Master Use Permit application shall be canceled. When a Master Use Permit is for a project vested to prior Land Use Code provisions because of an associated building permit application, and the project does not conform with the codes in effect at the time it is ready to issue, then no notice that the Master Use Permit is ready to issue shall be given until the building permit associated with the project is also ready to issue.

Section 39. Section 23.76.030 of the Seattle Municipal Code, last amended by Ordinance 113079, is hereby repealed.

Section 40. Subsection A of Section 23.66.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, is amended as follows:

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

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of the shoreline component of a Master Use Permit shall be governed by WAC 173-14-060.

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

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

((~~ii.~~)) (2) Variances granted as separate Master Use Permits pursuant to Section 23.76.010 D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:

((~~i.~~)) (1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or

((~~ii.~~)) (2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

((–)) (a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

((–)) (b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

((–)) (c) On the date that it is not chosen to receive an office allocation in the next competition; or

((–)) (d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

((~~iii.~~)) (3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

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

((~~i.~~)) (1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

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

g. Master Use Permits with a Design Review Component are subject to Section 23.76.026.C.2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026.C.2, such Master Use Permit shall expire one hundred and twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit

meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

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

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit is issued and construction is substantially underway and progressing at a satisfactory rate, as evidenced by the applicant's demonstrating to the Director's satisfaction that a construction step is ready for an inspection required by Section 108.5 ((~~305(e)~~)) of the Seattle Building Code Supplement prior to the expiration of a Master Use Permit, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

Section 41. Subsection A of Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council ((~~L~~))land ((~~U~~))use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and ((~~along with~~)) any associated Type II decisions listed in Section 23.76.006 C 2 ((~~variances, special exceptions and administrative conditional uses~~)):

((~~1. Subdivision preliminary plats, including replats requiring subdivision approval (supplemental procedures for preliminary plats are established in SMC Chapter 23.22);~~))

1. ((~~2.~~)) Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City to implement new land use policies adopted by ordinance, and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) major institutions pursuant to Section 23.69.023;

2. ((~~3.~~)) Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. ((~~4.~~)) Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

4. ((~~5.~~)) Council conditional uses; and

5. ((~~6.~~)) Downtown planned community developments.

Section 42. Section 23.76.038 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.038 Pre-application conferences.

Prior to official filing with the Director of an application for a Type IV decision, the applicant may request or the Director may require a pre-application conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Pre-application conferences may be subject to fees as established in SMC Chapters 22.90((~~θ~~))1A - T, Permit Fee((~~s~~)) Subtitle.

Section 43. Subsections B, C, D, E and F of Section 23.76.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.040 Applications for Council land use decisions.

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. The Director shall promptly transmit applications for Council land use decisions to the City Clerk for filing with the Council.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapters 22.901A - T, Permit Fee((~~s~~)) Subtitle.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures, ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

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

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses and Downtown Planned Community Developments;

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

owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees.

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

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas;

b. Elevations and sections of the proposed new features;

c. Floor plans showing the proposed new features;

d. Drainage plan;

e. Landscape plan;

f. Right-of-way information showing any work proposed in the public right-of-way;

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

h. Parking lay-out and vehicular access;

i. Vicinity map;

j. Topographic map; and

k. Open space plan.

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

a. Date the buildings on the site were constructed;

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

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; and

aa. Demand on public service and utilities.

E. Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen

(14) days of receiving the additional information, the Director shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested. ((~~For all applications, the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of the application if additional information is required to commence application review.~~))

2. An application for a Council land use decision is complete for purposes of this Section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications are undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or if substantial changes in the permit application are proposed. A determination under this Section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095 and SMC 23.76.026.

F. ((~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required information or data within thirty (30) days of a written request for it; provided that the Director may extend the period for submission of the information if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a Council land use application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Council land use application under the provision of this subsection shall cause the concurrent cancellation of the building permit application.

Section 44. Subsection A of Section 23.76.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.76.046 Public meetings and hearings.

A. Preliminary Council Meeting ((~~Hearing~~)) on City Facilities Requiring Council Approval. When a City agency proposing a new City facility or expansion of an existing City facility determines that an EIS is required for the project, the Council shall hold an early public meeting ((~~hearing~~)) to determine the need for and functions of the proposed facility, identify the source of funding, and establish site selection criteria. The meeting ((~~hearing~~)) shall be held as part of the scoping process as required by SMC Chapter 25.05, SEPA Policies and Procedures.

Section 45. Section 23.76.049 of the Seattle Municipal Code, as adopted by Ordinance 117430, is amended as follows:

23.76.049 Time required for preparation of an EIS. ((~~Turnaround times for recommendations~~)).

The time required to prepare an environmental impact statement associated with a Council land use decision shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued

by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Type IV applications the Director shall publish the recommendation to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 46. Subsections A and C of Section 23.76.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.050 Report of the Director.

A. The Director shall prepare a written report on applications for Type IV and V decisions and any associated ((~~variances, special exceptions and administrative conditional uses~~)) Type II Master Use Permits listed in Section 23.76.006 C 2, provided that in the case of a text amendment sponsored by a member of the City Council, the Director shall prepare a written report only if such report is requested by a member of the City Council.

The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens ((~~in response to any notice of application~~));

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City SEPA policies ((~~, as referenced in SMC Section 25.05.660,~~)) and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS;

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. For Type IV Decisions, the Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least twenty-one (21) ((~~thirty (30)~~)) days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

Section 47. Section 23.76.052 of the Seattle Municipal Code, as adopted by Ordinance 112522, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

A. General - Consolidation With Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council, on all applications for Type IV (quasi-judicial) Council land use decisions and any associated variances, special exceptions and administrative conditional uses. At the same hearing, the Hearing Examiner shall also hear any appeals of the Director's ((~~environmental determination~~)) Type II decisions and any interpretations.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearing that may be held on the project by another local, state, regional, federal or other agency. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW

36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. ((~~B.~~)) Notice ((~~of Hearing~~)).

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) ((~~thirty (30)~~)) days prior to the hearing by:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. At least four (4) placards posted at places visible to the public, including street intersections, within three hundred feet (300') of the boundaries of the project. For hearings on Major Institution Master Plans, a minimum of ten (10) placards shall be posted;

e. Mailed notice; and

f. Posting in the Department((~~; and~~)).

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

((~~3. For preliminary plats, the Director shall provide additional notice as follows:~~

~~a. If the owner of the property to be subdivided owns another parcel or parcels of real property lying adjacent to the property to be subdivided, mailed notice shall be provided to all owners of real property located within three hundred feet (300') of any portion of the boundaries of the adjacently located parcel(s) owned by the subdivider.~~

~~b. Notice shall be published not less than thirty (30) days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property proposed to be subdivided is located; and~~

~~c. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024 shall be notified.~~))

3. ((~~4.~~)) The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

D. ((~~C.~~)) Appeal of Environmental Determination. Any person significantly interested in or affected by the Type IV decision under consideration may appeal the Director's procedural environmental determination subject to the following provisions:

1. Filing of Appeals. Appeals shall be submitted in writing to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the determination, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05.340, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of the notice of the determination ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall state specific objections to the environmental determination and the relief sought. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code Section 3.02.125, Hearing E((e))xaminer filing fees. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

2. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

3. Notice of Appeal. Notice of filing of the appeal and of the date of the consolidated hearing on the appeal and the Type IV land use decision recommendation shall be promptly mailed by the Hearing Examiner to parties of record and those requesting notice.

4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain only those issues cited in the written appeal which relate to compliance with the procedures for Type IV decisions as required in this ((e))Chapter and the adequacy of the environmental documentation upon which the determination was made.

5. Standard of Review. The Director's environmental determination shall be given substantial weight.

E. ((~~D.~~)) Conduct of Hearing. The Hearing Examiner at the public hearing will accept evidence and comments regarding:

1. The Director's report, including an evaluation of the project based on applicable City ordinances and ((~~polices~~))policies and the Director's recommendation to approve, approve with conditions, or deny the application; and

2. Specific issues related to the Director's environmental determination, if appealed.

F. ((~~E.~~)) The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument, or exhibits.

G. ((~~F.~~)) Written Comments. Written comments on the application for a Type IV land use decision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. ((~~G.~~)) Recommendation. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, the Hearing Examiner shall submit a recommendation to the Council by filing it together with the record with the City Clerk within fifteen (15) days after the close of the hearing record ((~~, provided, that the Hearing Examiner shall submit a recommendation on an application for subdivision preliminary plat approval within ten (10) days from the close of the record and,~~)) provided ((~~further~~)), that the Hearing Examiner's report on a ((~~m~~))Major Institution Master Plan shall be submitted within

thirty (30) days. The recommendation to approve, approve with conditions, or deny an application shall be based on the written findings and conclusions.

I. ((~~H.~~)) Environmental Appeal Decision. If the Director's environmental determination is appealed, the Hearing Examiner shall affirm, reverse, remand or modify the Director's determination that an EIS is not required (DNS) or that an EIS is adequate, based on written findings and conclusions. The Director shall be bound by the terms and conditions of the Hearing Examiner's decision. If the environmental determination is remanded, the Hearing Examiner shall also remand the Director's recommendation for reconsideration. The Hearing Examiner's decision on a DNS or EIS adequacy appeal shall not be subject to Council appeal. The time period for requesting judicial review of the environmental determination shall not commence until the Council has completed action on the Type IV decision for which the DNS or EIS was issued.

J. ((~~I.~~)) Distribution of Decision and Recommendation. On the same date that the Hearing Examiner files a recommendation with the City Clerk, copies of the recommendation and environmental appeal decision, if any, shall be mailed by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy in a timely manner. Notice of the Hearing Examiner's recommendation to the Council shall include instructions for requesting the Council to further consider the recommendation on the Type IV decision.

K. ((~~J.~~)) File to Council. The City Clerk shall file the recommendation and record with the original application and transmit the same to the Council.

Section 48. Subsections B, D and E of Section 23.76.054 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.054 Council consideration of Hearing Examiner recommendation.

B. Requests for further consideration shall be filed with the Council by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following the date of issuance ((~~mailing~~)) of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five p.m. (5:00 p.m.) on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

D. ((~~If there is no request for further consideration,~~)) Council action shall be based on the record established by the Hearing Examiner; provided, however, that if a request for further consideration includes a request to supplement the record, the Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. ((~~, except as provided for subdivisions in Chapter 23.22.~~)) The Council may remand an application for a Type IV land use decision only when the Council has voted to supplement the record and the Council determines that it is necessary for the Director or the Hearing Examiner to receive the new evidence and reconsider the application in light of it. The Council may allow oral or written arguments based on the record.

((~~E. If the Council examines the record and determines that a factual error exists or that essential information is missing from the record, the Council may:~~

~~1. Remand the request and record to the Director for further consideration and report; or~~

~~2. Remand the request to the Hearing Examiner and direct the Hearing Examiner to conduct another hearing, limited to the consideration of perceived factual error or new information, and to reconsider the recommendation; or~~

~~3. Open the record to correct the factual error or receive the new information. The Council shall conduct a hearing on the new or corrected information. The Council may hear testimony from those who testified before the Hearing Examiner, and may accept written or oral argument based on the record. Notice of the hearing shall be mailed at least seven (7) days prior to the hearing to those individuals who received written notice of the Hearing Examiner action.~~))

Section 49. Subsections A, C and D of Section 23.76.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 117789, are amended as follows:

23.76.056 Council decision on Hearing Examiner recommendation.

A. The Council's decision to approve, approve with conditions, remand, or deny the application for a Type IV land use decision shall be based on the record established pursuant to SMC 23.76.054 ((~~, supplemented as appropriate if the Council determines that the recommendation was based upon an error in judgment, an error in conclusions, or a factual error in the record~~)).

C. Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040. ((~~unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~))

D. A copy of the Council's findings, conclusions and decision shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record and to any person who has submitted substantive comments to the Director, Hearing Examiner or City Council on the proposal. The Clerk's transmittal letter shall include official notice of the time and place for seeking judicial review. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

Section 50. Subsections B and D of Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 117242, are amended as follows:

23.76.058 Rules for specific decisions.

B. Contract Rezones.

1. When a property use and development agreement is required as a condition to an amendment of the official Land Use Map, the ordinance rezoning the property shall provide for acceptance of the agreement and shall not be passed by the Council until the agreement has been executed by the owner. The executed agreement shall be recorded in the real property records of King County and filed with the City Clerk within one hundred twenty (120) days of adoption of the ordinance accepting the agreement.

2. Amendment of Contract Rezone. Agreements required as a condition to map amendments may be amended by agreement between the owner and the City, provided the amended agreement shall be approved by the Council. Amendments which are within the

spirit and general purpose of the prior decision of the Council may be approved by the Council by ordinance after receiving any advice which it deems necessary. Written notice and an opportunity to comment shall be provided by the Council at least fourteen (14) ((~~fifteen (15)~~)) days prior to Council consideration of the requested amendment ((~~request~~)) to persons who submitted written or oral comments on the original rezone decision. Amendments which in the judgment of the Council represent a major departure from the terms of the agreement shall not be approved until the Council has received a ((~~the~~)) recommendation((~~s~~)) from the Hearing Examiner after a public hearing held as ((~~in the same manner and pursuant to the same notice~~)) provided for rezones ((~~map amendments~~)) in Section 23.76.052, Hearing E((~~e~~))xaminer open record predecision hearing and recommendation.

((~~D. Subdivisions. Following preliminary plat approval by the Council, final plats shall be submitted to the Director of Engineering and approved according to the procedures established in Chapter 23.22.~~))

Section 51. Subsections C, D and E of Section 23.76.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 114473, are amended as follows:

23.76.060 Expiration of Council land use approvals.

((~~C. Subdivisions. Expiration and extension of subdivision approvals shall be governed by Chapter 23.22.~~))

C. ((~~D.~~)) Variances. Variances granted as part of a Council land use approval shall remain in effect for the same period as the land use approval granted, except those variances granted as part of a rezone which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.

D. ((~~E.~~)) Extensions. The Council may extend the time limits on Type IV land use approvals upon an applicant's request for an extension filed with the Council at least thirty (30) days before the approval's expiration. The Council may request a recommendation on the extension request from the Director.

Section 52. Section 23.76.066 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.066 Shoreline Master Program amendments.

Council decisions approving an amendment to the text of SMC Chapter 23((4)).60, Shoreline Master Program Regulations, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective only upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-060.

Section 53. Section 23.84.002 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended to add a definition to be put in alphabetical order as follows:

23.84.002 "A"

"Appeal, Open Record" see Hearing, Open Record.

Section 54. Section 23.84.008 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended to add a definition to be put in alphabetical order as follows:

23.84.008 "D"

"Development Regulations" see RCW 36.70A.030.

Section 55. Section 23.84.016 of the Seattle Municipal Code, which was last amended by Ordinance 117202, is amended to add a definition to be put in alphabetical order as follows:

23.84.016 "H"

"Hearing, Open Record" see RCW 36.70B.020.

Section 56. Section 23.84.025 of the Seattle Municipal Code, which was last amended by Ordinance 117598, is amended to add a definition to be put in alphabetical order as follows:

23.84.025 "M"

"Meeting, Public" see RCW 36.70B.020.

Section 57. Section 23.84.030 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is to add a definition to be put in alphabetical order as follows:

23.84.030 "P"

"Project Permit" or "Project Permit Application" see RCW 36.70B.020.

Section 58. Section 23.88.020 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is amended as follows:

23.88.020 Land use interpretations.

A. Interpretations Generally.

A decision by the Director as to the meaning, application or intent of any ((~~provision of~~)) development regulation in Title 23, Land Use Code, ((~~or Title 24, Zoning and Subdivisions,~~)) or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific ((~~piece of~~)) property is known as an "interpretation". An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy shall not be subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request shall be final and not subject to administrative appeal.

B. Filing and Fees

Any request for interpretation shall be filed with the Director accompanied by the fee for interpretation provided in Table 6, SMC 22.901E.010. If a request for interpretation is included in an appeal to the Hearing Examiner of a related project decision, a copy shall be filed with the Director, accompanied by the applicable fee.

C. Timing of Request.

((~~When public notice is required for a project, a request for an interpretation concerning that project shall be made before the expiration of any applicable appeal period. Notice of the Director's decision as required by SMC 23.76.020 shall include notice of the deadline for requesting Code interpretations. When public notice is not required for a project, a request for an interpretation concerning that project may be made any time, provided that issued permits shall not be affected by subsequent Code interpretations.~~))

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within fourteen (14) days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

c. Notwithstanding the above deadlines, an appeal of a Type II decision or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing his or her interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection (c). A request for interpretation made pursuant to this subsection (c) shall state with specificity:

(i) How the Director's construction or application of the specified code sections is in error; and

(ii) How the requester believes those sections should be construed or applied.

The provisions of Subsections D, E and F of this Section shall not apply to interpretations requested pursuant to this subsection (c). The Director shall respond to the request by issuing an interpretation in the form of a memorandum to be filed with the Hearing Examiner at least five calendar days before the hearing.

D. Notice of Request for Interpretation.

((~~Notice of a request for interpretation shall be provided by the posting of four (4) placards on or near the site and in the general mailed release. The notice shall include a statement that any person who desires to submit comments on the application or who requests notification of the decision may submit comments or requests in writing within fourteen (14) days of the posting of notice.~~)) If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested

by a major institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that major institution.

E. Notice of Interpretation.

((~~Notice that a code interpretation has been made shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the office of the Department and shall be included in the general mailed release. Notice shall also be mailed on the date of publication to the applicant, property owner, and to interested persons who have requested specific notice in a timely manner.~~

~~The notice of the Director's decision shall state the address of the property and briefly state the decision made by the Director. The notice shall also state that the interpretation is subject to appeal and shall describe the appropriate appeal procedure.~~))

Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by General Mailed Release.

F. Availability and venue of appeals.

1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth (14th) calendar day following publication of the notice of the interpretation. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with SMC 23.76.052.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision. Interpretations related to projects that are appealed to the Hearing Examiner shall be appealable to the Hearing Examiner, and interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be appealable to the Shoreline Hearings Board.

((~~E. The Director's interpretation may be appealed subject to the following:~~

~~1. Any person significantly affected by or interested in a code interpretation may appeal to the Hearing Examiner within a period extending to five p.m. (5:00 p.m.) of the fifteenth calendar day following the date of publication of the interpretation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00 p.m.) on the next business day.~~))

G. **Appeals to Hearing Examiner, Process and Standard of Review.**

1. The appeal of an interpretation, where permitted, shall be in writing and shall state specifically why the appellant believes the interpretation to be incorrect.

2. Appeals ((~~of code interpretations~~)) submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02 ((~~the Permit Fee Ordinance, Chapter 22.900~~)).

3. The Hearing Examiner shall consider the appeal in accordance with the procedures established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made. ((~~If the Director's decision on the project for which the Code interpretation is sought is also appealed to the Hearing Examiner, the appeal of the Director's Code interpretation shall be consolidated with the appeal of the Director's decision on the permit and a single hearing shall be held.~~))

4. In the event of an appeal of an interpretation not related to a specific project application, such appeal shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner. (~~Notice of the hearing date shall be given not less than twenty (20) days prior to hearing~~)).

5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

((~~6. All appeals shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.~~))

6. ((~~7.~~))((~~The decision of t~~))The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part ((~~. The Hearing Examiner~~)) or may ((~~also~~)) remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final ((~~and the applicant, appellant and Director shall be bound by it~~)) and conclusive unless the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 59. Subsection C of Section 25.05.310 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.310 Threshold determination required.

C. In most cases, the time to complete a threshold determination should not exceed fifteen (15) ((~~seven (7)~~)) days. Threshold determinations on complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

Section 60. Subsection E of Section 25.05.335 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 61. Subsection E of Section 25.05.420 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 62. Subsection E of Section 25.05.665 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.665 SEPA policies-Overview.

E. Relationship to Federal, State and Regional Regulations. Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. ((~~Where applicable, federal, state and regional environmental regulations will be presumed to~~)) In deciding whether these regulations provide sufficient impact mitigation, the City shall consult orally or in writing with the responsible federal, state or other agency with jurisdiction and environmental expertise and may expressly defer to that agency. The City shall base or condition its project decision on compliance with these other existing rules or laws. ((~~unless the~~)) The City ((~~finds that~~)) shall not so defer if such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project((~~, and the regulations do not preempt the substantive authority of these policies~~)).

Section 63. Subsections A, B and C of Section 25.05.680 of the Seattle Municipal Code, which was last amended by Ordinance 117789, is amended as follows:

25.05.680 Appeals.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, and 43.21C.080).

A. Master Use Permits and Council Land Use Decisions. For proposals requiring a ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, SEPA appeal procedures shall be as provided in Chapter 23.76.

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a master use permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. ((~~Threshold Determination~~)) Determination of Significance and, for a Public Project or Nonproject Action Only, a Determination of Nonsignificance. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the Final EIS as Filed in the SEPA Public Information Center. 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 (15) 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; provided that when a fifteen (15) day DNS comment period is required pursuant to this Chapter, appeals may be filed no later than the twenty-first (21st) day following such filing or publication. The appeal notice 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. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. 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) 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. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a master use permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.

2. An appeal to the City Council 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 fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.

4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.

5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based 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 and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.

6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.

7. 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 is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).

Section 64. Subsection A of Section 25.05.714 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.714 Agency.

A. "Agency" as defined in WAC 197-11-174(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762) or ((~~In this chapter "agency" means~~)) the City or a City department or organizational unit of the City established by charter or ordinance.

Section 65. Section 25.12.160 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.160 Landmark.

"Landmark" is an improvement, site, or object that the Board has approved for designation ((~~designated as a landmark~~)) pursuant to this ((~~e~~))Chapter, or that was designated pursuant to Ordinance 102229.

Section 66. Section 25.12.170 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 67. Section 25.12.180 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.180 Nomination.

"Nomination" is the act of proposing that any object, site or improvement be designated a landmark ((~~or landmark site~~)).

Section 68. Section 25.12.210 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.210 Party of record.

"Party of record" includes the Board, the owner, ((~~the person in charge, and~~)) the nominator of any proposed landmark ((~~or landmark site~~)), and the Hearing Examiner, when appropriate.

Section 69. Section 25.12.230 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 70. Section 25.12.260 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 71. Section 25.12.280 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.280 Membership.

((~~Members of the Landmarks Preservation Board established under Ordinance 102229 are appointed members of the Board established pursuant to this chapter to serve for the remainder of the terms to which they were originally appointed, and in addition, one (1) new member shall be appointed for a three (3) year term and one (1) new member shall be appointed for a two (2) year term. Thereafter a~~)) All members of the Board shall be appointed by the Mayor, subject to confirmation by the Council, for a term of three (3) years, which appointments shall be made in such a manner that the composition specified in this subchapter is maintained. The Board shall elect a Chairperson from among its members.

Section 72. Section 25.12.300 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.300 Rules and regulations.

((~~The Board shall elect a Chairperson from among its members, and shall within six (6) months adopt in accordance with the Administrative Code (Ordinance 102228), and file with the City Comptroller rules and regulations, including a code of ethics for its members, for its organization and procedures consistent with this chapter. The Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed.~~)) The Board shall adopt rules and regulations in accordance with the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, to govern the Board's organization and procedures and to implement the provisions of this Chapter.

Section 73. Section 25.12.310 of the Seattle Municipal Code, as adopted by Ordinance 106348, is amended as follows:

25.12.310 Quorum-Voting.

A majority of the current appointed and confirmed members of the Board shall constitute a quorum and must be present for the transaction of business. All official actions of the Board, with the exception of votes on approval of designation, shall require a majority vote of the members present and voting. Votes on approval of designation shall require a majority vote of the then current appointed and confirmed members of the Board. No member shall be eligible to vote upon any matter required by this ((~~e~~))Chapter to be determined after a ((~~hearing~~)) public meeting unless that member has attended the ((~~hearing~~)) meeting or familiarized him or herself with the record.

Section 74. Section 25.12.320 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.12.320 Staff-Historic Preservation Officer.

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, ((~~conduct official correspondence,~~)) organize and supervise the Board staff and the clerical

and technical work of the Board to the extent required to administer this ((e))Chapter. In addition, the Historic Preservation Officer shall:

A. Carry out, assist and collaborate in studies and programs designed to identify and evaluate objects, improvements and sites worthy of preservation((:));

B. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

C. Inspect and investigate objects, improvements and sites which are believed worthy of preservation;

D. Officially recognize design excellence in the rehabilitation of objects, improvements and other features deemed deserving of official recognition although not designated as landmark sites or landmarks and encourage appropriate measures for such recognition;

E. Disseminate information to the public concerning those objects, improvements and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement and perpetuation of such objects, improvements and sites;

F. Consider methods other than those provided for in this ((e))Chapter for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this ((e))Chapter;

H. Subject to such limitations and within such standards as the Board may establish from time to time, grant certificates of approval all without prejudice to the right of the owner at any time to apply directly to the Board for its consideration and action on such matters((.));

I. Review and comment upon environmental analyses being performed by other agencies;

J. Upon request by the Department of Construction and Land Use, review permit applications to determine whether the site, improvement, or object appears to meet the criteria for landmark designation;

K. Respond to requests for interpretations of the codes relating to landmarks and to landmark districts, as provided in those codes.

Section 75. Section 25.12.340 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.340 Electronic record of hearings.

At all ((~~hearings before the~~)) Board meetings to consider approval of designation, to make a decision on an application for a Certificate of Approval, and to make the Board's recommendation on controls and incentives, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A copy of the electronic record or any part thereof, ((~~whether recorded stenographically or electronically,~~)) shall be ((~~transcribed and~~)) furnished to any person upon request therefor and payment of the reasonable costs thereof.

Section 76. Section 25.12.360 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.360 Separate nomination and designation of site and object or improvement.

The nomination or designation of a site as a landmark ((~~site~~)) shall not constitute nomination or designation of any object or improvement located on the site as a landmark unless the object or improvement is expressly included in the description of the nominated or designated ((~~as a~~)) landmark. The nomination or designation of an object or improvement as a landmark shall not constitute nomination or designation of the site on which the object or improvement is located as a landmark ((~~site~~)) unless the site is expressly included in the description of the nominated or designated ((~~as a~~)) landmark ((~~site~~)).

Section 77. Section 25.12.370 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.370 Nomination.

A. Any person including the Historic Preservation Officer and any member of the Board may nominate any site, improvement or object for designation as a landmark ((~~or landmark site~~)). Nominations may be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Board.

B. The Department of Construction and Land Use shall refer improvements, sites, or objects to the Landmarks Board that are subject to environmental review for a pending permit application, and that appear to meet criteria set forth in this ordinance for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found ((~~to be in order~~)) by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. ((~~A copy of any nomination and of any amendments thereto shall be given the owner promptly.~~)) The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Department of Construction and Land Use as part of its environmental review of pending permit applications.

Section 78. A new Section 25.12.375 is added to the Seattle Municipal Code as follows:

25.12.375 Exemption from permit timelines.

Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from nomination through the City Council's decision whether to enact a designating ordinance, including any review of the Board's decisions by the Hearing Examiner or the City Council, from the time limits and the other provisions of RCW 36.70B.060 through 36.70B.090 and the provisions of 36.70B.110 through 36.70B.130.

Section 79. Section 25.12.380 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.380 Notice of Board meeting on approval of nomination.

The Board may approve a nomination for further designation proceedings only at a public meeting. The Board shall make a reasonable effort to serve the owner of a nominated site, improvement or object with thirty (30) days notice of any Board meeting at which such nomination shall be considered for approval by the Board, including a copy of the nomination, however, failure to serve such notice shall not invalidate any proceedings with respect to such nomination. Neither the attendance((,)) and participation of the owner at the meeting to consider the nomination, nor the owner's failure to so attend or participate shall prejudice the right of the owner to resist designation or the imposition of controls if the nomination is approved.

Section 80. Section 25.12.390 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.390 Board approval of nomination.

A. If the Board((, ~~in whole or in part,~~)) approves a nomination, in whole or in part, for further designation proceedings, it shall in such approval:

1. Specify the legal description of the site, the particular features and/or characteristics proposed to be ((~~preserved~~)) designated, and such other description of the site, improvement or object as it deems appropriate;

2. Set a date, which is not less than thirty (30) nor more than ((~~forty-five (45)~~)) sixty (60) days from the date of approval of nomination, at which a public ((~~hearing~~)) meeting on approval of designation shall be held as provided in Section 25.12.420.

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through 25.12.780 shall apply.

Section 81. Section 25.12.400 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.400 Notification of approval of nomination.

If the Board approves a nomination in whole or in part for further designation proceedings, the Historic Preservation Office shall within ((~~three (3)~~)) five (5) working days file a written notice of such action with the ((~~Superintendent~~)) Director of Construction and Land Use and serve a copy of the same on the owner and interested persons of record. Such written notice shall include:

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this ((~~e~~))Chapter are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board ((~~hearing~~)) meeting on approval of designation;

D. A statement that ((~~all~~)) the Board meeting on designation is the sole proceeding((~~s~~)) to consider whether the standards for designation are met. ((~~review the action of the Board at the hearing on approval of designation will be based on the record made at such hearing~~)) and that no further opportunity ((~~right~~)) to present information regarding the standards for ((~~evidence on the issue of~~))designation is afforded pursuant to this ((~~e~~))Chapter.

Section 82. Section 25.12.410 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.410 Disapproval of nomination.

If the Board disapproves the nomination, the proceedings shall terminate as provided in Section 25.12.850A, and the Board shall set forth its reasons why approval of nomination is not warranted, with specific reference to the standards in Section 25.12.350.

Section 83. Section 25.12.420 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.420 Board meeting ((~~hearing~~)) on approval of designation.

Except as otherwise provided in Section 25.12.470 the Board may approve or deny designation of a site, improvement or object only at a public meeting ((~~hearing~~)). At the meeting ((~~hearing~~)) on approval of designation the Board shall receive information ((~~evidence~~)) and hear comments ((~~arguments~~)) on whether the site, improvement or object meets the ((~~criteria~~)) standards for designation of landmarks ((~~and landmark sites~~)) specified in Section 25.12.350 and merits designation as a landmark ((~~or landmark site~~)).

Section 84. Section 25.12.440 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.440 Notice of report on designation.

A copy of the Board's report on designation shall be served on the owner and mailed to interested persons of record within ((~~three (3)~~)) five (5) working days after it is issued. If the Board acts to approve designation, the owner, at the time of service of the report shall also be served with a notice that:

A. States a date, which is not later than seventy-five (75) days after mailing of the report on designation, when the Board will consider controls and incentives, if any, to be applied ((~~for preservation of~~)) to specific features or characteristics of the site, improvement or object in question((~~.~~)):

B. Requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives; and

C. Informs the owner of the procedures of Sections 25.12.490 through 25.12.520.

Section 85. Section 25.12.450 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.450 Disapproval of designation.

If the Board disapproves designation, the proceedings shall terminate as provided in Section 25.12.850A and the Board shall set forth its reasons why approval of designation is not warranted, with specific reference to the standards in Section 25.12.350.

Section 86. Section 25.12.460 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 87. Section 25.12.470 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 88. Section 25.12.480 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 89. Section 25.12.490 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.490 Negotiation with owner.

Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence ((~~to negotiate~~)) negotiations with the owner on the application of controls and incentives to ((~~on~~)) the site, improvement, or object, ((~~designed to preserve~~)) regarding the specific features or characteristics identified in the Board's report on designation ((~~and the application of economic incentives, if any, to the owner of the site, improvement or object~~)). If within fifteen (15) days of the commencement of the negotiation period, the owner fails to ((~~contact the Board staff~~)) participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall ((~~promptly~~)) prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

Section 90. Section 25.12.500 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.500 Negotiations-Procedure and time requirements.

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing. ((~~and if the other party does not object within seven (7) days after receipt of such notice.~~)) If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall ((~~promptly~~)) submit the agreement to the Board for approval at a Board meeting to be held not later than ((~~twenty (20)~~)) thirty (30) days after the written agreement is signed by the owner. ((~~reached, or within such further time as the Board and owner may stipulate in writing.~~)) Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within ((~~three (3)~~)) five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

Section 91. Section 25.12.520 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.520 Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement ((~~by negotiation~~)), or ((~~in the event~~)) the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and ((~~economic~~)) incentives((~~,if any,~~)) with the Hearing Examiner, ((~~and~~)) serve ((~~same~~)) it on the owner, and mail a copy to interested persons of record. ((~~and the owner shall have an opportunity to file objections thereto~~.)) The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are ((~~to be preserved~~)) identified in the Board's report on designation. The recommendation shall set forth the reasons ((~~and the need~~)) for ((~~each~~)) the proposed ((~~specific~~)) controls and for any proposed ((~~economic~~)) incentives. The recommendation ((~~and~~)) shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. ((~~The Board may hold a public hearing prior to the making of its recommendation.~~))

Section 92. Section 25.12.530 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.530 Filing of recommendation and objections with Hearing Examiner.

((~~As provided in Section 25.12.520, in the event of a failure to agree on proposed controls and incentives or in the event of disapproval of an agreement, the Board shall file with the Hearing Examiner and serve upon the owner recommendations for proposed controls and incentives and the owner may file objections thereto.~~)) The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement was signed by the Board staff and the owner, or if an agreement((~~,~~)) was signed, within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500. ((~~The owner's objections shall be filed not later than fifteen (15) days after receipt of the Board's recommendation on proposed controls and incentives. For good and sufficient cause shown by either the Board or owner, the Hearing Examiner may grant an extension of time not to exceed thirty (30) days. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and economic incentives.~~))

Section 93. A new Section 25.12.535 is hereby added to the Seattle Municipal Code as follows:

25.12.535 Owner's objections to Board recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendation on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.

Section 94. Section 25.12.540 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.540 Scheduling of hearing.

A. If no objections are filed with the Hearing Examiner within the time provided, then the Board shall transmit its recommendation to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660. The Hearing Examiner shall take no action on the recommendation.

B. If objections are timely filed with the Hearing Examiner, then ((~~After the Board's recommendations and the owner's objections, if any, are filed with the Hearing Examiner,~~)) the Hearing Examiner shall set the matter for a hearing which shall be held within seventy (70) days of the ((~~receipt~~)) filing of the ((~~owners~~)) latest objections ((~~or the receipt of the Board's recommendations, whichever is later~~)), and promptly notify the Board, the owner, and any other person who filed objections ((~~all interested persons of record~~)) of the date and time for the hearing.

Section 95. Section 25.12.550 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 96. Section 25.12.560 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.560 Hearing Examiner procedure.

Proceedings before the Hearing Examiner shall be in accordance with the procedures for hearings in contested cases pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code ((~~(Ordinance 102228)~~)), and the Hearing Examiner's Rules of Practice and Procedure in effect at the time of the proceeding, except as such procedures are modified by this ((~~e~~))Chapter. ((~~Any person may testify at the hearing.~~))

Section 96A. Section 25.12.600 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.600 Information.

It shall be the responsibility of the owner ((~~or person in charge~~)) to provide the Hearing Examiner with such information as is necessary and sufficient to determine yearly net return under Section 25.12.590 B and C.

Section 97. Section 25.12.610 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.610 Hearing Examiner recommendations-Referral to Council.

Within thirty (30) days after the hearing, the Hearing Examiner shall serve on the Board and the owner and file with the Council ((~~for such action as the Council may deem appropriate,~~)) a decision setting forth a recommendation of ((~~the~~)) proposed controls and ((~~any economic~~)) incentives, ((~~findings with respect to the specific controls so recommended,~~)) and the reasons ((~~and need~~)) for the controls and ((~~any~~)) incentives recommended ((~~,and the effect of such controls and incentives~~)).

Section 98. Section 25.12.620 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.620 Right of appeal to Council.

Any party of record before the Hearing Examiner may appeal the ((~~findings and~~)) recommendations of the Hearing Examiner regarding controls and((~~/or economic~~)) incentives by filing with the Council and serving on all other parties of record a written notice of appeal within thirty (30) days after the Hearing Examiner's decision is served on the party appealing.

Section 99. Section 25.12.630 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.630 Procedure on appeal to Council.

A. Any appeal from the ((~~findings and~~)) recommendation of the Hearing Examiner shall be considered by the Council on the record only. The Hearing Examiner shall promptly prepare, certify and file with the Council such record, which shall consist of all documents and exhibits submitted to the Hearing Examiner (except to the extent that the same are already before the Council) and a transcript of all oral proceedings before the Hearing Examiner, unless all parties waive submission of the transcript. The appellant shall be responsible for the reasonable costs of preparation of the record unless the appeal is successful, in which event the Council may apportion such reasonable costs as it deems appropriate.

B. The Council or committee to which such appeal is referred shall notify the Board and any appellant of the procedures established for such hearing and of the date and time when it will hear oral argument, if any, from the parties or their representatives upon the issues which are the subject of such appeal. Such notice shall be served upon the Board and the owner not less than twenty (20) days before the date of such oral argument.

Section 100. Section 25.12.640 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.640 Council action on appeal.

A. The Council shall act upon the appeal within ninety (90) days of receiving the Hearing Examiner's recommendation. ((~~The Council may conclude such an appeal by enacting a designating ordinance as provided in Sections 25.12.650 and 25.12.660, adopting a committee report denying designation, or by such other action it deems appropriate.~~))

B. Council action is necessary to complete the process for designation of a landmark. The Council may:

1. Enact a designating ordinance that specifies the controls and incentives being imposed on a site, improvement, or object approved for designation by the Board;

2. Modify controls and incentives negotiated by the owner and the Board or recommended by the Board or the Hearing Examiner, and enact a designating ordinance embodying such modifications; or

3. Decide not to enact a designating ordinance and thereby decline to impose controls and incentives. A Council decision not to enact a designating ordinance shall terminate the proceedings pursuant to Section 25.12.850 of this Chapter.

Section 101. Section 25.12.650 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.650 Designating ordinance- ((~~Generally~~))Amendment or Repeal.

((~~Pursuant to the procedures set forth in this chapter, the Council may by ordinance specify controls and economic incentives with respect to sites, improvements or objects designated by the Board and pursuant to such procedures.~~ t))The Council may by ordinance amend or repeal any ((~~such~~)) designating ordinance; provided((~~: A. T~~))that if ((~~an~~)) a designating ordinance is enacted ((~~designating a landmark or a landmark site imposes specific controls upon such landmark or landmark site~~)), no proceedings may be commenced under this ((~~e~~))Chapter to impose other or further controls on ((~~such~~)) the landmark ((~~or landmark site~~)) that is covered by the designating ordinance within four (4) years from the effective date of such designating ordinance without the agreement of the owner in writing.((~~; and~~

~~B. That if any landmark or landmark site is substantially destroyed by fire, earthquake or other casualty not envisioned at the time of designation, the owner may petition the Board to revoke the designation.~~))

Section 102. Section 25.12.660 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.660 Designating ordinance-Information required.

A. Each designating ordinance, and each ordinance amendatory thereof, shall include:

1. The legal description of the site, improvement or object;

2. The specific features or characteristics which are designated ((~~to be preserved~~));

3. The standards in Section 25.12.350 that are the ((~~reasons and~~)) basis for such designation; and

4. The specific controls imposed and any ((~~economic~~)) incentives granted or to be granted or obtained with respect to such site, improvement or object.

B. A certified copy of each such ordinance shall be recorded with the King County Director of Records and Elections and served on the owner ((~~and on the person in charge~~)) of ((~~such~~)) the ((~~landmark site or~~)) landmark.

Section 103. Section 25.12.670 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.670 Requirement of certificate of approval.

After the filing of an approval of nomination with the ((~~Superintendent~~)) Director of Construction and Land Use and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may((~~:~~

~~A. M~~))make alterations or significant changes to specific features or characteristics of the site, improvement or object, which are identified in the approved nomination, or the Board report on designation, or subject to controls in a controls and incentives agreement or a designating ordinance, whichever is most recent.((~~suggested for preservation in the approval of nomination, or thereafter specified in the report on approval~~

~~of designation of the decision of the Hearing Examiner, whichever was issued most recently, while proceedings under this chapter are pending; or~~

~~B. Make alterations or significant changes which would be in violation of specific controls imposed by a designating ordinance.~~))

Section 104. Section 25.12.680 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.680 Application for certificate of approval-Filing.

A. Application for a certificate of approval ((~~may~~)) shall be made by filing an application for such certificate with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required because of the pendency of designation proceedings, or the terms of a designating ordinance. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

B. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application, or the applicant makes a written request to submit an application for a preliminary design as set forth in subsection E below, and the staff agrees to accept the application:

1. Building name and building address;

2. Name of business(es) located at the site of the proposed work;

3. Applicant's name and address;

4. Property owner's name and address;

5. Applicant's telephone number;

6. The property owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

7. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

8. A detailed description of the proposed work, including any changes it will make to a landmark;

9. Four (4) sets of scale drawings, with all dimensions shown, of:

a. A site plan of existing conditions, showing adjacent streets and buildings, and a site plan showing proposed changes;

b. A floor plan showing the existing features and a floor plan showing the proposed new features or changes;

c. Elevations and sections of both the proposed new features and the existing features;

d. Construction details;

e. A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

10. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

11. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

12. If the proposal includes new signage, awnings, or exterior lighting:

a. Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, graphic designs, typeface, letter size, and colors;

b. Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning or sign;

c. Four (4) copies of details showing the proposed method of attaching the new awning, sign, or proposed exterior lighting;

d. One (1) sample of proposed sign colors or awning material and color;

e. The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

13. If the proposal includes demolition of a structure or object:

a. A statement of the reason(s) for demolition;

b. A description of the replacement structure or object;

14. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features being replaced, removed, or demolished.

C. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

D. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study when new construction is proposed.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related

permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this Chapter. To be complete, an application for preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8, 9a through 9c, and 13. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal and Board approval of the final design, including all of the information listed above in subsection B, prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 105. Section 25.12.690 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.690 Application for certificate of approval-In conjunction with permit application.

If ((~~before a certificate of approval is obtained,~~)) an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for an action which requires a certificate of approval ((~~is required~~)), the ((~~Superintendent~~)) Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval.~~)) The ((~~Superintendent~~)) Director of Construction and Land Use shall continue to process the permit ((~~such~~)) application, but shall not issue any such permit until the time has expired for acting upon the ((~~filing with the Superintendent the notice of denial of a~~)) certificate of approval or a certificate of approval has been issued pursuant to this ((~~e~~))Chapter.((~~;provided that if by its terms or the provisions of Section 25.12.810 the operation of such certificate of approval is suspended the Superintendent shall not issue such permit until the suspension terminates.~~))

Section 106. Section 25.12.700 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.700 Application for certificate of approval-Similar changes.

An application for a certificate of approval shall not be accepted for filing while another application for the same or similar action is pending before the Board or on appeal. ((~~After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a hearing pursuant to Section 25.12.720 or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom pursuant to this chapter have been concluded.~~))

Section 107. Section 25.12.720 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.720 Board ((~~hearing~~)) meeting on certificate of approval.

Within thirty (30) days after ((~~the filing of~~)) an application for a certificate of approval is determined to be complete ((~~with the Board or the referral of an application to the Board pursuant to Sections 25.12.680 or 25.12.690~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.((~~; provided that no hearing shall be required if the Board, the owner and the applicant agree in writing to a stipulated certificate of approval approving the requested alterations or changes with such modifications as may be agreed upon. If an agreement on a stipulated certificate of approval is reached or if, after a hearing, the Board orders a certificate of approval, such certificate shall be issued forthwith and the Board shall file a certified copy of such certificate with the Superintendent.~~)) The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

Section 108. Section 25.12.730 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.730 Board decision on certificate of approval.

The Board shall issue a written decision ((~~either~~)) granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of Construction and Land Use, not later than forty-five (45) days after ((~~the filing of the application for permit with the Superintendent or after the filing of~~)) an application for a certificate of approval is determined to be complete. ((~~with the Board; and shall serve a copy thereof upon the owner, the applicant and the Superintendent within three (3) working days after such grant or denial.~~)) Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision ((~~A decision denying a certificate of approval or attaching conditions to the grant of a certificate of approval~~)) shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.((~~Except by written agreement with the owner and the applicant, neither the Board nor the Hearing Examiner may attach any conditions to the grant or denial of the certificate of approval, if the effect of such conditions would be to impose controls which are prohibited by this chapter, or if such conditions would otherwise be inconsistent with the provisions of this chapter or any applicable designating ordinance.~~))

Section 109. Section 25.12.740 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.740 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard

according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.((~~Except as otherwise specified in Sections 25.12.670 through 25.12.780, the Hearing Examiner shall hold a hearing in the same manner as provided in Sections 25.12.530 through 25.12.610 for hearings on the application of controls and economic incentives.~~))

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

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal . Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

Section 110. Section 25.12.760 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.760 Hearing Examiner procedure.

A. When the appeal of a certificate of approval is consolidated with appeals of related permits, then the time frames applicable to the appeals of the other permits shall apply to the appeal of the certificate of approval.

B. In all other instances, t((~~T~~))he Hearing Examiner shall serve notice of the date of the hearing on the parties not less than twenty (20) days before the hearing and shall hold a hearing not later than ((~~eighty (80)~~)) forty-five (45) days after the filing of the ((~~application for a certificate of approval~~)) appeal. The Hearing Examiner shall issue a decision within ((~~fourteen (14) days after the conclusion of the hearing~~)) fifteen (15) days after closing of the record, and shall serve the decision on the Board, the owner, and the applicant, and file the same with the ((~~Superintendent~~)) Director of Construction and Land Use. ((~~within three (3) working days thereafter.~~))

((~~B. The Hearing Examiner may appoint an expert or experts to provide advice or report concerning the economic effect of the denial of a certificate of approval or the imposition of proposed conditions.~~)) The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

C. If the Hearing Examiner determines that there is no showing of a significant change in circumstances since a ((~~previous~~)) denial or conditioning of a prior application for a similar certificate, the appeal shall be denied.

D. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 111. Section 25.12.770 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.770 Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the ((~~Superintendent~~)) Director of Construction and Land Use, the owner, and the applicant within the times specified in ((~~Section 25.12.730, of as the same may be extended in accordance with Section 25.12.850D,~~)) this Chapter or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the ((~~Superintendent~~)) Director of Construction and Land Use shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.

Section 112. Section 25.12.780 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 113. Section 25.12.790 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 114. Section 25.12.800 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 115. Section 25.12.810 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 116. Section 25.12.820 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 117. Section 25.12.830 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 118. Section 25.12.835 of the Seattle Municipal Code, which was adopted by Ordinance 116540, is amended as follows:

25.12.835 Demolition.

A. It is the policy of The City of Seattle to prevent the unnecessary demolition of Landmarks. Even when a certificate of approval to demolish a Landmark has been issued because its owner is unable to make reasonable economic use of the Landmark, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the presence of Landmarks within the City.

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Department of Construction and Land Use pursuant to the requirements of SMC Section 23.40.008 B, the Department of Construction and Land Use may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal((~~, and after the expiration of any period of suspension under Sections 25.12.800 through 25.12.820~~)); and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of the State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A master use permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under subparagraph B4a above) and available for such purpose.

C. Subsections B3 and B4 shall not apply if the owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that maintaining the landmark until the conditions described in subsections B3 and B4 are satisfied would be unduly burdensome and a violation of substantive due process. Among the facts the Director should consider in determining the burden on the owner are, on the one hand, the costs of maintenance until a replacement use is ready, and, on the other hand, the costs of demolition, the interest on such costs, and the costs of maintaining a vacant site.

D. The Director also may waive or modify the requirements of subsection B2 if the Director determines that compliance with this subsection would be unnecessary or inappropriate in light of the nature and value of the Landmark.

E. In making the determinations required under this section the ((~~d~~))Director of the Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer. The Director should consider all relevant information and should communicate with whomever the Director believes can provide useful information or expertise. The Director shall communicate his or her decision to the applicant in writing within (15) fifteen days of receiving the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090, and the requirements of RCW 36.70B.110 through section .130.((~~The said decision shall be provisional and subject to comment for thirty (30) days, after which time it shall become finalized as revised, if at all, during the comment period.~~))

~~F. A decision denying an owner permission to demolish a Landmark under subsection C may be appealed by the owner to the Hearing Examiner; all other decisions of the Director of the Department of Neighborhoods under this section shall be final. Written notice of appeal to the Hearing Examiner and the filing fee specified in Seattle Municipal Code Section 3.02.125 must be filed with the Examiner no later than five p.m. (5:00 p.m.) on the fifteenth day following the date of the Director's decision. Notice of the hearing on~~

~~the appeal shall be mailed to the owner and Director no fewer than ten (10) days prior to the hearing. The Hearing Examiner shall conduct a hearing de novo and shall not defer to the decision of the Director, although the burden of persuasion shall be on the owner.~~))

((~~G~~))E. An owner may seek to meet his or her burden under subsection C at the same time that the owner seeks a certificate of approval to demolish under Sections 25.12.670 through 25.12.730. ((~~, in which case any appeal of the decision under subsection C shall be consolidated before the Hearing Examiner with any appeal of the certificate of approval, and, if the owner is entitled to an appeal to the Council under Section 25.12.780, with any appeal to the Council.~~)) An owner also may seek to meet his or her burden under subsection C at any time after a certificate of approval to demolish has been issued.

G. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 119. Section 25.12.840 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.840 Service of notices.

A. Notices, decisions, and any other instruments or documents required to be served upon the owner pursuant to this ((~~e~~))Chapter shall be served by mailing the same: (1) to the person shown to be the owner on the records of the Department of Finance of King County, Washington, to the address therein given and to such other addresses as may be ascertained from telephone or Polk directory listings for the City; and (2) to the owner's attorney where the files or records of the Board, the Hearing Examiner, or the Council, reveal representation in such proceedings by an attorney ((~~; and (3) to the person in charge of a site, improvement or object~~)). Notices, applications, other instruments or documents required to be served upon the Board shall be served by delivering the same to the Historic Preservation Officer or by mailing the same either to the Historic Preservation Officer or to the Landmarks Preservation Board at the then current address for such Officer or Board. Transmittals by mail shall be sent by first-class mail, certified with return receipt requested and with postage prepaid. Service shall be deemed to have been given when all of the steps specified above have been completed. Failure to send notice by mail to any owner whose address is not listed in the above sources, and failure to give actual notice to any owner whose name and address is unknown, shall not invalidate any proceedings in connection with the proposed designation.

B. Notice to parties of record shall include at least those documents sent to the owner. Such notice shall be served by first-class mail.

C. Notice to interested persons of record shall include at least the following: a description of the most recent action taken by the Board, the Hearing Examiner or Council; the time and place of the next public meeting or hearing, if any; the procedure to be followed at such meeting or hearing; the rights of appeal available, if applicable; and the time and place where documents in the record may be inspected. Such notice shall be served by first-class mail.

D. The Historic Preservation Officer may give such other notice as he or she may deem desirable and practicable.

Section 120. A new Section 25.12.845 is hereby added to the Seattle Municipal Code as follows:

25.12.845 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted, or on the provisions of an enacted designating ordinance.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the applicant agrees in writing to suspend the time frames for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Sections 25.12.740 and 25.12.760 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 120A. Section 25.12.860 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

At the end of four (4) years after the effective date of a designating ordinance, the owner may file with the Board an application to revoke designation of a site, improvement or object as a ((~~landmark site or~~)) landmark or an application to modify or revoke the controls or economic incentives previously established with respect thereto. Proceedings with respect to any such application shall proceed in the manner specified in Sections 25.12.380 through 25.12.640; provided that the burden shall be on the owner to demonstrate that a substantial change in circumstances has occurred to justify revision or revocation. Revocation of designation shall have the further effect of the termination of all controls and all present and future benefits from granted economic incentives. Termination of revocation or revision proceedings shall have the effects specified in Section 25.12.850.

Section 120B. Section 25.12.900 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

The Board may, upon request of the owner of the site, improvement or object, render advice and guidance with respect to any proposed work on a landmark ((~~or landmark site~~)).

Section 121. Section 25.12.910 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.910 Designated.

The ((~~Superintendent~~)) Director of Construction and Land Use shall enforce this ((~~e~~))Chapter and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229 and may, in addition to any other remedy or penalty provided in this ((~~e~~))Chapter, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this ((~~e~~))Chapter or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding Five Hundred Dollars ($500.00), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this ((~~e~~))Chapter, as to which such violation or failure to comply is charged.

Section 122. Section 25.16.080 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.080 Certificate of approval-Application.

A. Application.

1. All applications for a certificate of approval, and all applications for any permit requiring such a certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the District Board.

2. The following information must be provided in order for the application to be complete, unless the board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object.;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this Chapter and in any rules adopted by the board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. Decision on application. Within thirty (30) days after receipt of ((~~each such~~)) a complete application the District Board shall hold a public ((~~hearing~~)) meeting thereon and by duly approved motion recommend to the Director of the Department of Neighborhoods that the same be granted, denied or granted with conditions. ((~~be referred to the Landmarks Preservation Board. Within thirty (30) days after such referral of any such application, the Landmarks Preservation Board shall hold a public hearing thereon and recommend that the same be granted or denied.~~)) The Director of the Department of Neighborhoods shall issue a decision within fifteen (15) days of receiving the Board's recommendation.

Section 123. Section 25.16.090 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.090 Certificate of approval-Consideration by Board.

In considering such application, the District Board ((~~or the Landmarks Preservation Board~~)) shall ((~~each~~)) keep in mind the purpose of this ((~~e~~))Chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this ((~~e~~))Chapter, and among other things, the historical and architectural value and significance; architectural style and the general design; arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs; the relationship of such features to similar features of other buildings within the Ballard Avenue Landmark District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

Section 124. Section 25.16.100 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.100 Certificate of approval-Issuance or denial.

A. ((~~If after such hearing and upon consideration of the foregoing, the District Board or the Landmarks Preservation Board determines that the changes and any new construction proposed in any such application are consistent with the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, it shall recommend that a certificate of approval be granted and the Director shall forthwith issue such in accordance with such Board's recommendation. If the Board's recommendation is to deny such application, the Director shall issue a written notice of denial.~~)) If the Board does not recommend granting, granting with conditions, or denial ((~~or referral~~)) of ((~~any such~~)) an application within the time provided for such recommendation, the Director of the Department of Neighborhoods shall issue a decision without a recommendation from the District Board. If the Director of the Department of Neighborhoods does not issue a decision within the time provided by this Chapter, then the ((~~such~~)) application shall be deemed approved, ((~~and the Director shall forthwith issue the certificate of approval in accordance with such application,~~)) Provided, however, that the applicant may waive the deadlines in writing for the Board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~unless the Board's action has been deferred in accordance with an agreement for consultation as follows:~~)) Before issuing a recommendation of denial, the Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the Board shall make its recommendation ((~~such application shall be finally denied~~)) and the applicant shall be so notified by letter.

B. ((~~Whenever an applicant is denied, the~~)) The Director of the Department of Neighborhoods shall send copies of the ((~~notice of denial~~)) decision to the applicant, the property owner, the Director of Construction and Land Use, and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application. ((~~if such application has been referred to the Landmarks Preservation Board and recommendation of denial made by that Board.~~))

C. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 125. Section 25.16.110 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.110 Certificate of approval-Appeal if denied.

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within ((~~twenty (20)~~)) fourteen (14) days of the date of notice of the denials((~~,~~)). When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the

Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

C. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

D. ((~~and the~~)) The Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code, Chapter 3.02 of the Seattle Municipal Code, and in accordance with the Hearing Examiner's Rules of Practice and Procedure (unless all parties of record affected by such Board's decision consent to the review and decision without a public hearing) may affirm, reverse or modify the denial, but may reverse or modify only if ((~~he~~)) the Hearing Examiner finds that:

1. Such denial violates the terms of this ((~~e~~))Chapter or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter; or

2. Such denial is based upon a recommendation made in violation of the procedures set forth in this ((~~e~~))Chapter or procedures adopted pursuant to the authority of this ((~~e~~))Chapter and such procedural violation operates unfairly against the applicant.

((~~B~~))E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection B, then not later than ninety (90) days from the filing of that appeal . The decision of the Hearing Examiner shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040. ((~~and copies thereof~~)) Copies of the decision shall be mailed to all parties of record and transmitted to the Director, the District Board, ((~~the Landmarks Preservation Board if it considered such application,~~)) and the property owner if ((~~he~~)) the owner is not a party of record.

Section 126. A new Section 25.16.115 is hereby added to the Seattle Municipal Code as follows:

25.16.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.16.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's decision. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 127. Section 25.20.010 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.20.010 Definitions.

The following terms used in this ((e))Chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

B. "Application Review Committee" is the committee established by this ((e))Chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.

D. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

E. "Council" is the City Council of the City of Seattle.

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

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~))or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

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

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

Section 128. Section 25.20.080 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.080 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application for such a certificate((s)) with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

2. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If before a certificate of approval is obtained, an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for which a certificate of approval is required, ((~~the Superintendent shall promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval. The Superintendent~~)) the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~e~~))Chapter, or the time has expired for filing with the ((~~Superintendent~~)) Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a ((~~hearing~~)) meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom have been concluded.

Section 129. Section 25.20.090 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.090 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)) ,the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this ((~~e~~))Chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this ((~~e~~))Chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structure in relation to the street or public way and to other buildings and structures.

Section 130. Section 25.20.100 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.100 Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than forty-five (45) days after the ((~~filing of~~)) the application ((~~for permit with the Superintendent or after the filing of an application~~)) for a certificate of approval ((~~with the Board~~)) is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the ((~~Superintendent~~)) Director of the Department of Construction and Land Use within three (3) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((~~e~~))Chapter and adopted guidelines for the District.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 131. Section 25.20.110 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.110 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the

Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.740 through 25.12.770 of this Code.

F. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132. A new Section 25.20.115 of the Seattle Municipal Code is hereby added as follows:

25.20.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review

of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.20.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132A. Section 25.20.120 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.120 Enforcement and penalties.

The ((~~Superintendent of Buildings~~)) Director of Construction and Land Use shall enforce this ((~~e~~))Chapter and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

Section 133. Section 25.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.020 Definitions.

The following terms used in this ((~~e~~))Chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this ((~~e~~))Chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348 or any ordinance amendatory or successor thereto.

C. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~)) or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

((~~G~~))H. "Significant change" is any external alteration, new construction, restoration or demolition other than routine maintenance or repair.

Section 134. Section 25.22.100 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.100 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application((~~s~~)) for such a certificate((~~s~~)) with the Board.((~~, or by filing with the Director an application for a permit to make alterations or significant changes for which a certificate of approval is required.~~))

2. The following information must be provided in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~the Director shall promptly refer the application to the Board and the application shall be deemed an application for a certificate of approval.~~)) The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~c~~))Chapter, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change by giving notice of a ((~~hearing~~)) meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change at the same site may be made until such proceedings and all appeals therefrom have been concluded.

D. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 135. Section 25.22.110 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.110 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this ((~~e~~))Chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this ((~~e~~))Chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structure or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.

Section 135A. Section 25.22.120 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.120 Issuance of Board Decision.

The Board shall consider the recommendation of the Application Review Committee and shall, within forty-five (45) days after the ((~~transmittal of the application for permit from the Director or after the filing of an~~)) application for a certificate of approval ((~~with the Board~~)) is determined to be complete, issue a written decision either granting, granting with conditions, or denying a certificate of approval and shall mail a copy of the decision to the owner, the applicant and the Director within three (3) working days after such decision. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((~~e~~))Chapter and the adopted guidelines for the District. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

Section 136. Section 25.22.130 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.130 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Board and by filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after the date the Board's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more elated permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the

state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Seattle Municipal Code Sections 25.12.((~~05~~))740 through 25.12.((~~08~~))760 of the Landmarks Preservation Ordinance (((~~106348~~))), and as prescribed under Section 25.22.110 B.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

F. The Hearing Examiner's decision shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 137. A new Section 25.22.135 of the Seattle Municipal Code is added as follows:

25.22.135 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.22.130 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 138. A new Section 25.24.015 of the Seattle Municipal Code is hereby added as follows:

25.24.015 Historic Preservation Officer.

The Historic Preservation Officer is the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

Section 139. Section 25.24.060 of the Seattle Municipal Code, which was last amended by Ordinance 111235, is amended as follows:

25.24.060 Approval of changes to buildings, structures and other visible elements.

A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure, lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a certificate of approval authorized by the Commission which shall not be transferable; and no building permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries of the Historical District including public places except where areas have been reserved for groups of signs or for signs which identify the Market District as a whole, as determined by the Commission. The fee for certificates of approval shall be according to the SMC Chapter 22.901T, Permit Fee ((~~Ordinance~~)) Subtitle.

B. Application.

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. ((~~or to the Director of Construction and Land Use. If submitted to the Director it shall be forwarded immediately by the Director to the Commission for review.~~)) If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of approval to the Commission shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete.

2. The following information must be provided in order for the application to be complete, unless the Commission's staff indicate in writing that specific information is not necessary for a particular application:

a. Business name and business address;

b. Name of the building(s) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Landlord or building owner's name and address;

f. A written description of the ownership interest and role in the business operation;

g. Applicant's telephone number;

h. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

i. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

j. A detailed description of the proposed merchandise, service, or work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the proposed work or use would have on the public right of way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

(5) Any change of ownership or location;

(6) Any proposed increase in the business area;

k. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

l. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures, furniture, or paint;

n. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

o. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

p. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen

(14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Commission, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

C. The Commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the Commission as provided in this ((~~e~~))Chapter. The Commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building or other structure in the Historic District, including structures to be located in public places, shall refer to the purpose of this ((~~e~~))Chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the Historical District and the position of such building or structure in relation to the street, public way, or semipublic way and to other buildings and structures. The Commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this ((~~e~~))Chapter. Where modification of the appearance of a structure within the Historical District does not require a building or demolition permit, an application for a certificate of approval shall nonetheless be filed with the Commission ((~~or with the Director of Construction and Land Use, who shall forward the same to the Commission~~)).

((~~C~~))D. The Commission shall have sole responsibility for determining the appropriate location, design and use of signs and structures to be located on or above the surface of public places in the Historical District and the sole responsibility for licensing and determining the appropriate locations for performers as defined in Section 17.32.010 H of the Seattle Municipal Code, in the Historical District; provided, that property owned by the Pike Place Market Preservation and Development Authority shall not be considered a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of public places in the District by performers, may assess reasonable permit fees, and may utilize the services of the Pike Place Market Preservation and Development Authority (PDA), or should the PDA decline to make its services available, may utilize the services of ((~~with~~)) any other organization appropriate for implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit donations by word of mouth, gestures, mechanical devices, or second parties. It shall also be unlawful for any performer or other person to use any device for the reproduction or amplification of sound without the express written approval of the Commission secured in advance. ((~~All matters involving construction in public places in the Historical District, including, but not limited to, the strength and quality of materials to be used for signs or structures, shall be the responsibility of the Board of Public Works as provided in Title 15 of the Seattle Municipal Code. The Board of Public Works shall secure the approval of the Historical Commission before authorizing any activity in any public place in the Historical District except in emergencies in which life or property are imminently threatened and a quorum of Commission members cannot be assembled prior to the emergency action to be taken.~~))

Section 140. Section 25.24.070 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.24.070 Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this ((~~e~~))Chapter not later than thirty (30) days after ((~~receipt of~~))any such application is determined to be complete, and a public ((~~hearing~~)) meeting shall be held on each such application. If after such ((~~hearing~~)) meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval ((~~at this time~~)) within forty-five (45) days of the determination that the application is complete, and shall provide notice of its decision to the applicant, the Department of Construction and Land Use, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. ((~~and after~~)) After such a decision, the Director of Construction and Land Use is then authorized to issue a permit.

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 141. Section 25.24.080 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.24.080 Appeal to Hearing Examiner.

A. ((~~Any party of interest appearing before the Commission at a public hearing on an application for a certificate of approval may appeal an action of the Commission on such application by filing an appeal with the Hearing Examiner within seventeen (17) days of the mailing of notice of such Commission action, citing applicable criteria of Section 25.24.040. Within ten (10) days of receiving notice of appeal, the Hearing Examiner shall set a date for hearing on appeal, such hearing to take place no later than thirty (30) days after filing of the appeal. Such hearing shall be in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code (Ordinance 102228) unless all parties of record affected by the Commission's decision consent to such review and decision without a public hearing. The Hearing Examiner shall render his decision in writing within fourteen (14) days after the hearing, mailing copies of his decision to parties of record at the hearing, the Department of Neighborhoods Director, the Director of Construction and Land Use and the Commission.~~)) Any interested person of record may appeal to the Hearing Examiner the decision of the Commission to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Commission and by filing such notice and a copy of the Commission's decision with the Hearing Examiner within fourteen (14) days after the date the Commission's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard

according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner may reverse or modify an action of the Commission only if ((~~he~~)) the Hearing Examiner finds that:

1. Such action of the Commission violates the terms of this ((~~e~~))Chapter or rules, regulations or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter((~~:~~)); or

2. Such action of the Commission is based upon a recommendation made in violation of the procedures set forth in this ((~~e~~))Chapter or procedures established by rules, regulations or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

((~~B. The decision of the Hearing Examiner shall be final.~~))

Section 142. A new Section 25.24.085 of the Seattle Municipal Code is hereby added as follows:

25.24.085 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review

of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.24.080 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Commission, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 143. The process of considering whether an improvement, site, or object should be designated a landmark, and of considering the specific controls and incentives that should be applied, presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) Landmark status is not related to a particular permit application, it relates to the building, site, or object and continues independently of whatever permits are granted; 2) Landmarks are public resources, therefore the public must be involved in considering whether landmark status should be assigned; 3) Historic resources require consideration of the long-term, not just the immediate use of a site; 4) Designation does not determine what can or cannot be done with the improvement, site, or object, rather designation requires that approval be given before significant changes or alterations are made; and 5) Controls and incentives result from negotiation, which requires a flexible process. Therefore, pursuant to RCW 36.70B.140, the City is excluding the entire landmark designation process from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 144. SMC 25.12.835 and SMC 23.66.115 and SMC 23.66.318 require that the Director of the Department of Neighborhoods determine whether an applicant for a

permit to demolish a landmark, or a building in a special review district has a valid and binding commitment for financing sufficient for development of the proposed replacement use or sufficient financial resources for that purpose. This determination presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) An applicant may not be able to obtain a financial commitment until after other permit decisions have been made; 2) Information on financial resources is under the applicant's control. Therefore, pursuant to RCW 36.70B.140, the City is excluding the determination required in sections 25.12.835, 23.66.115, and 23.66.318 from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 145. The Council determines that preliminary approval by the City of a subdivision presents special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) preliminary approval of subdivisions is excluded from such time limits. The City has defined a subdivision as a division of land into 10 or more lots, and the potential impacts from the creation of so many in-fill lots in one place in a highly developed urban area are such that an open record predecision hearing is needed to examine the public use and interest proposed to be served by the establishment of a subdivision. The Council further determines that a 90 day period, the same time provided by RCW 36.70B.090 for open record appeal hearings, is the minimum period that is reasonable for the Hearing Examiner to conduct such a hearing and issue a decision.

Section 146. The Council determines that Type IV Council land use decisions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) Type IV Council land use decisions are excluded from such time limits. Type IV decisions are those in which the Council instead of DCLU or the Hearing Examiner makes the City's decision. The Council does so because of the public interests at issue in such proposals, or because of the potential scale and nature of the impacts of such proposals, or because such proposals present a need to interpret and apply fundamental City policies. Given the Council's other on-going responsibilities, it is not possible for the Council to conduct its own open record hearing or to review and act upon a recommendation from the Examiner within the time limits of RCW 36.70B.090. The Council determines that a 90 day period for the Hearing Examiner to conduct an open record predecision hearing and issue a recommendation, and an additional 90 day period for the Council to conduct a closed record review of the record and recommendation and issue its decision, are the minimum periods that are reasonable.

Section 147. The Council determines that Major Institution Master Plans are a unique feature of the Seattle Land Use Code and present special circumstances that warrant an entirely different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the adoption and amendment of Major Institution Master Plans are excluded from such provisions. The Major Institutions Overlay District allows major institutions such as hospitals and universities to develop more intensely than the underlying zone permits so long as the major institution develops consistently with the Master Plan. Not only does the time needed to review and approve a Master Plan depend in large part on the scope and ambition of the major institution's plans, but the creation of a master plan is essentially a legislative act and entails extensive review by and comment from the neighborhoods significantly affected by the institution's development, as well as comprehensive deliberation by the Council.

Section 148. The Council determines that the City's processes for granting use and occupation permits for public streets and similar public places, including permits for

skybridges and tunnels, present special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the City's processes for granting such use and occupation permits are excluded from such provisions. A street use permit is a permit to allow private use of public property, and in deciding whether to permit such use the City is not making a regulatory decision pursuant to the police power but is acting as steward of the public interest in public streets.

Section 149. The Council determines that the process for vacating streets, alleys and public places presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for vacating streets, alleys and public places is excluded from such provisions. Such vacations are not regulatory decisions made pursuant to the police power but essentially legislative decisions made by the Council as steward of the public interest in public streets and places. The City's ability to grant street vacations also is often subject to the rights of others, such as abutting owners, utilities and franchises, and these rights must be recognized and provided for.

Section 150. The Council determines that applications for land use decisions that the Hearing Examiner or Council remand for further information or analysis present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) such applications are excluded from the time limits of RCW 36.70B.090 for the reasonable period of such remand. The existence of special circumstances such as newly discovered evidence gives rise to the need for a reasonable period of time to address such special circumstances, and such period of time should be excluded from the time limits that would apply absent such special circumstances.

Section 151. Pursuant to the authority of RCW 36.70B.140(2), the processing of applications for permits required by the following building and construction codes is excluded from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130:

A. The Seattle Building Code as adopted in SMC Chapter 22.100;
B. The National Electrical Code as adopted in SMC Chapter 22.300;
C. The Seattle Mechanical Code as adopted in SMC Chapter 22.400;
D. The Seattle Boiler and Pressure Vessel Code as adopted in SMC Chapter 22.450;
E. The Seattle Plumbing Code as adopted in SMC Chapters 22.500 through 22.506;
F. The Seattle Fire Code as adopted in SMC Chapter 22.600 through 22.602;
G. The Washington State Energy Code as adopted in SMC Chapter 22.700
F. The Stormwater, Grading and Drainage Control Code as adopted in SMC Chapters 22.800 through 22.808, except when an application for a Master Use Permit requires review pursuant to Section 22.802.020.

Section 152. The Council determines that the process for establishment of criteria for nonschool use of an existing or former public school structure presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment such criteria is excluded from such provisions. The establishment of criteria for joint use or reuse of public schools allows these structures to be occupied by uses other than those permitted outright in the zone as long as the uses are compatible with the surrounding community. This process of developing such substantive criteria entails extensive review and comments from the surrounding community likely to be substantially affected by the joint use or reuse of these public school structures and grounds.

Section 153. The Council determines that the process for establishment of a development standard departure for public schools presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment of these development standard departures is excluded from such provisions. The development standard departure process for public schools allows public schools to be subject to specific development standards tailored to their unique physical requirements and educational needs, and to the need of the surrounding community. Not only does the time needed to review and approve a development standard departure for public schools depend on the scope of the requested departures, but the review and approval of these departures entail extensive review and comment from the community likely to be affected by the development standard departure.

Section 154. The following standards are adopted as the "Interim Downtown Design Guidelines" and are to be used to evaluate proposed new structures in the Downtown zones that are subject to Design Review pursuant to Section 23.41.004A, Seattle Municipal Code. The Director of the Department of Construction and Land Use is authorized to clarify, explain and illustrate these guidelines through Director's Rules.

Interim Downtown Design Guidelines

A. Context:

1. The project is superior in terms of establishing a superior pedestrian street environment.

a. Excellent Performance: The project creates a very pleasing and inviting human- scale pedestrian environment through the scale and texture of building materials, size and spacing of windows, street furniture, landscaping, overhead weather protection and eave height; it enhances pedestrian comfort and ease of circulation for people of all abilities, especially up steep hillsides; and the vehicular access to the project contributes in an outstanding way to a well proportioned and well defined street space for pedestrians.

b. Poor Performance: Negative qualities clearly dominate the design at street level, such as blank façades, limited, monumental entrances, difficult or disorienting pedestrian access, awkward or circuitous barrier-free access, conflict between vehicular and pedestrian access, or disruption of an existing well defined streetscape or common eave line.

2. The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

a. Excellent Performance: The scale, design and proposed uses of structures are compatible with and enhance the surrounding area, help unify an area that currently does not have strong consistency of scale, activity, or character, or help change the character of an area in a positive way when such a change would further the goals of the Downtown Land Use Policies.

b. Poor Performance: The project disrupts the development of a cohesive streetscape or the special character of its surroundings and relates poorly to surrounding buildings, failing either to harmonize or complement.

B. Siting.

1. The project is superior in that it preserves downtown's historic and noteworthy buildings and/or respects the character of such nearby structures in its design.

a. Excellent Performance: The project provides an outstanding, supportive context for nearby historic or noteworthy buildings which are likely to remain, through sympathetic architectural treatment, building massing, and scale; or through preservation of an historic structure, use, or the façade of an historic structure as a part of the project or through a transfer of development rights.

b. Poor Performance: The project detracts from the character of nearby historic or noteworthy buildings, or results in the demolition of such structures.

2. The project is superior in the way it provides or preserves light at street level and in the surrounding area.

a. Excellent Performance: The project provides for ample amount of sunlight at street level and preserves light for surrounding structures, especially historic or noteworthy ones. Uses slenderness and profile of building mass to avoid or minimize shadow impacts on nearby public spaces or parks.

b. Poor Performance: The project contributes to a dark canyon-like effect, walling off the street from sunlight most of the day, or substantially shades a public space or parks.

3. The project is superior due to the quality of the public spaces it enhances or creates, and the appropriateness of its public spaces for the location of the project.

a. Excellent Performance: The project includes accessible, inviting, usable, well organized and comfortable public space, providing a variety of experiences and generously fulfilling all the requirements. The public space fits well with its surroundings and represents a desirable addition to the city's public spaces.

b. Poor Performance: Poorly conceived public space where important elements have been badly designed or left out. The public spaces are residual, and/or not appropriate to the character of the area, such as an open space that inappropriately breaks up the street frontage of the retail core or an historic district. Will detract from the ambiance of the city and the hierarchy of public and private spaces.

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2/12/96
V3b

C. Design.

The design of the project is superior in its appearance through the use of materials, building composition and scale, and fenestration, color and detailing.

1. Excellent Performance: Outstanding qualities of composition, scale, materials, fenestration, and detailing. Few, if any negative qualities. The building fits into the skyline with grace and harmony, and will make an outstanding contribution to the visual quality of the city from close, middle and distant vantages.

2. Poor Performance: Negative qualities clearly dominate the overall effect such as: awkward or graceless façades, excessive bulkiness, excessively bland, dull appearance, poor quality of detailing and/or materials. The building will degrade the visual quality of the city.

Section 155. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 156. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the 12 day of February, 1996, and signed by me in open session in authentication of its passage this 12 day of February, 1996.

Jan Drago
Pro Tem President of the City Council

Approved by me this 20 day of February, 1996.

Norman B. Rice
Norman B. Rice, Mayor

Filed by me this 21 day of February, 1996.

Judith E. Pippin
Clerk

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ORDINANCE 118012

AN ORDINANCE relating to land use and zoning, environmental protection, historic preservation, building and construction, and street and sidewalk use; implementing the requirements of Chapter 347 of the Laws of 1995, in particular the requirements for local project review codified in Chapter 36.70B RCW, and exempting certain regulatory actions from the time limits and procedures specified by Chapter 36.70B RCW; amending Seattle Municipal Code Chapter 22.901E, amending numerous chapters of Title 23 of the Seattle Municipal Code, and amending Seattle Municipal Code Chapters 25.05 and 25.12.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Table 6 of Section 22.901E.010 of the Seattle Municipal Code, Land Use Fees, which was last amended by Ordinance 117908, is amended as follows:

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Table 6

LAND USE FEES

Type	Permit Fee	Project Review Fee
MASTER USE PERMIT APPROVALS		
1. Administrative conditional uses (ACUs)	Base Fee x 3	Base Fee x 10
2. Design review[1]	None	$1,300.00
3. Environmental reviews (SEPA)[2] (including projects with more than one addressed site)		
DNSs, mitigated DNSs, other lead agency project review	Base Fee x 3	Hourly (10-hour deposit)
DSs and EISs		
Regular value	Base Fee x 3	Per Table 7 (50% at scoping; balance prior to DEIS publication)
Valuation not reflective of conditions	Base Fee x 3	Hourly (10-hour deposit)
EIS addenda/SEIS	Base Fee x 3	Hourly (10-hour deposit)
EIS prepared by consultant	None	In addition to fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including addenda and SEIS work.
PEIS Latecomers fees		Reserved
4. Lot boundary adjustment	Base Fee x 3	Base Fee x 2
5. Open space remainder lots and surplus State property	Base Fee x 3	Base Fee x 2
6. Plan shoreline permit		See Council approvals
7. School use and school development advisory committee reviews	Base Fee x 3	Hourly (10-hour deposit)
8. Shoreline Permits		
Substantial development permits	Base Fee x 3	Per Table 8 (including portions outside shoreline)
Variances[3] and conditional uses	Base Fee x 3	Base Fee x 10
Renewals	Base Fee X 1.5	
Revisions (not due to required conditions)	Base Fee x 2	Hourly (2-hour deposit)
9. Short Subdivisions		
Less than 5 lots	Base Fee x 3	Base Fee x 10
5 or more lots	Base Fee x 3	Base Fee x 10 plus Base Fee x 2 for each lot
10. Sidewalk cafés	Base Fee x 3	Base Fee x 5

96030609 02

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2/12/96
V3b

Table 6, CONTINUED LAND USE FEES			
Type		Permit Fee	Project Review Fee
11.	Special exceptions	Base Fee x 3	Base Fee x 10
12.	Structural building overhangs and areaways	Base Fee x 3	Base Fee x 5
13.	Temporary Uses >3 weeks	Base Fee x 3	Base Fee x 10
14.	Variances[3]	Base Fee x 3	Base Fee x 10
COUNCIL APPROVALS			
1.	Concept approvals (*e.g.*, planned community/ residential development, public projects, City facilities, plan shoreline developments, other general development plans)	Base Fee x 3	Hourly (10-hour deposit)
2.	Council conditional uses	Base Fee x 3	Hourly (10-hour deposit)
3.	Full subdivisions	Base Fee x 3	Hourly (10-hour deposit)
4.	Major Institution[4]		
	Master Plans	Base Fee x 3	Per Table 9
	Designation	Base Fee x 3	Hourly (10-hour deposit)
5.	Zoning map changes and rezones	Base Fee x 3	Hourly (10-hour deposit)
MISCELLANEOUS REVIEWS, RESEARCH, & SERVICES			
1.	Accessory Dwelling Unit Notification Fee	None.	$150.00
2.	Certificate of Land Use	None	Base Fee x 1
3.	Concurrency	(Reserved)	
4.	Curbcuts[5]	None	$55.00 each commercial $26.00 each residential
5.	Development potential analysis	None.	Hourly (1-hour deposit)
6.	Greenbelt preserves	None	Hourly (1-hour deposit)
7.	House Barge License	None	Base Fee x 3
8.	House Barge License Renewal	None	Base Fee x 1.5
9.	Interpretations[6]		
	Interpretations ((~~Land Use Code and legal building site~~))	Base Fee x 1((2))	Hourly up to a 5-hour maximum (5-hour deposit)
	Interpretations requested after publication of Director's Report	None	Hourly up to an 8-hour maximum (8-hour deposit)
	Major Institution Master Plan	Base Fee x 1((3))	Hourly (5-hour deposit)
10.	Legal building site and rebuild letters	None	Base fee x 1

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2/12/96
V3b

Table 6, CONTINUED LAND USE FEES			
Type		Permit Fee	Project Review Fee
11.	Neighborhood Planning	(Reserved)	
12.	Notice (additional) ((6)) 2		
	Land Use information bulletin and reposting large sign or placards	None	Base Fee x 1.5
	Land Use information bulletin plus mailed notice	None	Base Fee x 2.5
13.	Preapplication Conference ((7)) 8	None	Base Fee x 1.5
14.	Public benefit feature review	Base Fee x 2	Hourly (5-hour deposit)
15.	Records research	None.	Hourly (1-hour deposit)
16.	Renewals other than Shorelines	Base Fee X 1.5	
17.	Revisions other than Shorelines	Base Fee X 1.5	Hourly (2 hour deposit)
18.	Single-family access	None.	Hourly (1-hour deposit)
19.	Soils analyses with M.U.P.		
	Projects less than $1,000,000	None	Base Fee x 1
	Projects greater than $1,000,000 with EISs	None	Base Fee x 4
	Projects greater than $1,000,000, all others	None	Base Fee x 2
20.	Special accommodation	Base Fee x 2	Base Fee x 2

Notes to Table 6:

1. Design Review shall be collected as follows: 50% upon application for predesign process and 50% upon Master Use Permit application.

2. Fees for Declaration of Non-Significance (DNS) and a Mitigated Declaration of Non-Significance (MDNS) shall be collected by the Director of the Department of Neighborhoods for projects that include City of Seattle landmarks and projects located within a special review or landmark district. Fees collected shall be deposited in the General Fund, provided that DCLU shall assess and receive the permit fee.

3. A fee for one variance shall be charged for all variances associated with a project.

4. The portion of the fee based on floor area shall be collected at publication of the Draft Master Plan and EIS. The SEPA fee for Major Institution Master Plans (MIMPs) shall be based on the greater of 75% of value of the projects proposed in the maximum development alternative, or 100% of the value of the projects in the preferred alternative which are planned to be started within five (5) years of MIMP approval, according to Table 9.

5. Curbcut fees are charged only when a separate curbcut permit is applied for, not when the curbcut is part of a development permit application.

6. The fees for Interpretations of SMC Chapters 25.12, 25.16, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.

((~~6.~~))7. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

((~~7.~~))8. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.

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Section 2. Section 23.22.016 of the Seattle Municipal Code, which was last amended by Ordinance 117432, is amended as follows:

23.22.016 Application.

A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Director.

B. Following the review, the subdivider shall submit an application to the Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat and four (4) copies of preliminary plans for streets and other improvements. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of or planned unit or planned residential development upon the property to be subdivided.

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. In event of a conflict, the procedures contained in this subchapter control.

((~~D. A preliminary plat shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of the time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time required for environmental review.~~))

Section 3. Section 23.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.020 Content of preliminary plat application.

A. Every preliminary plat application shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;

2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;

6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

96030609 02

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon City datum((.));

14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;

15. Evidence of ownership or authorization from the property owner to make the application;

16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees.

17. Drainage plan;

18. Landscape plan; and

19. Identification of any adjacent property within three hundred feet (300') of the proposed subdivision that is owned or controlled by the applicant.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of ((~~S~~))subchapter((~~s~~)) V ((~~and VI~~)).

Section 4. Section 23.22.026 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is repealed.

Section 5. Section 23.22.052 of the Seattle Municipal Code, which was last amended by Ordinance 115568, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

96030609 02

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner ((~~Council~~)) determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10') wide parallel to and bordering the high water mark.

E. If the Hearing Examiner ((~~Council~~)) concludes that the public interest will be served, the Hearing Examiner ((~~Council~~)) may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner ((~~Council~~)) may impose other conditions as ((~~it~~)) he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. Section 23.22.054 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.054 Public use and interest.

The Hearing Examiner ((~~Council~~)) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing

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Examiner ((~~It~~)) shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner ((~~it~~)) finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner ((~~Council~~)) may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner ((~~Council~~)) shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 7. Section 23.22.064 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.064 Filing with Director of Engineering.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this C((~~e~~))hapter, shall be filed with the Director of Engineering within five (5) ((~~three (3)~~)) years of the date of preliminary plat approval. ((~~As required by RCW 58.17.140, an applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.~~))

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this Chapter.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and ((~~S~~))subchapter((~~s~~)) V ((~~and VI~~));

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068((~~6~~));

5. A guarantee deposit in an amount established by the Director of Engineering sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.

96030609 02

Section 8. Section 23.22.070 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.070 Director's action on final plat.

The Director of Engineering shall refer the final plat to the Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the ((~~Council~~)) Hearing Examiner, and to the standards established by RCW Chapter 58.17 and this ((~~c~~))Chapter. The Director shall within ten (10) days furnish the Director of Engineering with a report regarding the conformance of the plat. The Director of Engineering shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this ((~~c~~))Chapter;

B. That tile insurance report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

C. That the facilities and improvements required to be provided by the subdivider have been completed or alternatively, that the subdivider will provide a bond in a form approved by the City Attorney and in an amount commensurate with the cost of improvements remaining to be completed, conditioned upon the construction and installation of improvements within a fixed time set by the Council, not to exceed two (2) years after final approval of the plat;

D. That the map is technically correct and accurate as certified by the registered land surveyor responsible for the plat.

Section 9. Section 23.22.072 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.072 Submission of final plat to Council.

A. Pursuant to the requirements of RCW 58.17.150, the Director of Engineering shall not modify the conditions or requirements ((~~recommendations~~)) made in the ((~~Council~~)) approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of Engineering determine that the requirements of this subtitle are met, the Director of Engineering shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this C((~~c~~))hapter, and shall forward a complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this Chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Council together with the determination of the Directors, upon written request of the subdivider.

Section 10. Section 23.22.074 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.074 Council determination of final plat.

96030609 02

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

B. The Council shall approve by ordinance, ((~~or~~)) disapprove, or return the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Engineering shall transmit the original plat to the King County Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Director of Engineering.

C. ((~~As required by RCW 58.17.170, a~~)) A subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision.

Section 11. Section 23.22.078 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.078 Resubmission.

A. Any final plat disapproved by the Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the five (5) ((~~three (3)~~)) year period after the date of approval of the preliminary plat as provided in 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

96030609 02

Section 12. Subsection A of Section 23.24.010 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.24.010 Filing of application.

A. Any person seeking to divide or redivide land situated within the City into nine (9) or fewer lots for the purpose of sale or lease, transfer or ownership, development or financing shall submit an application for approval of a short subdivision to the Director together with an application fee as established in the Permit Fee ((~~Ordinance~~)) Subtitle, Chapters 22.90((~~0~~))1A - T. The application is subject to procedur((~~e~~))al requirements, established in Chapter 23.76, the Master Use Permit Process. ((~~Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.~~))

Section 13. Section 23.41.004 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in all Downtown zones.

5. ((~~4.~~)) Design review is optional for all new multifamily and commercial structures not otherwise subject to this C((~~e~~))hapter, in all multifamily, ((~~and~~)) commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this ((~~e~~))Chapter:

1. All new structures described in subsections A1-3, that abut or are directly across a street or alley from any lot zoned single family;

2. As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3.

3. As of October 15, 1995 - All new structures as described in subsections A1-3.

96030609 02

4. Beginning April 1, 1996 - All new structures as described in subsection A4.

C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this ((~~e~~))Chapter.

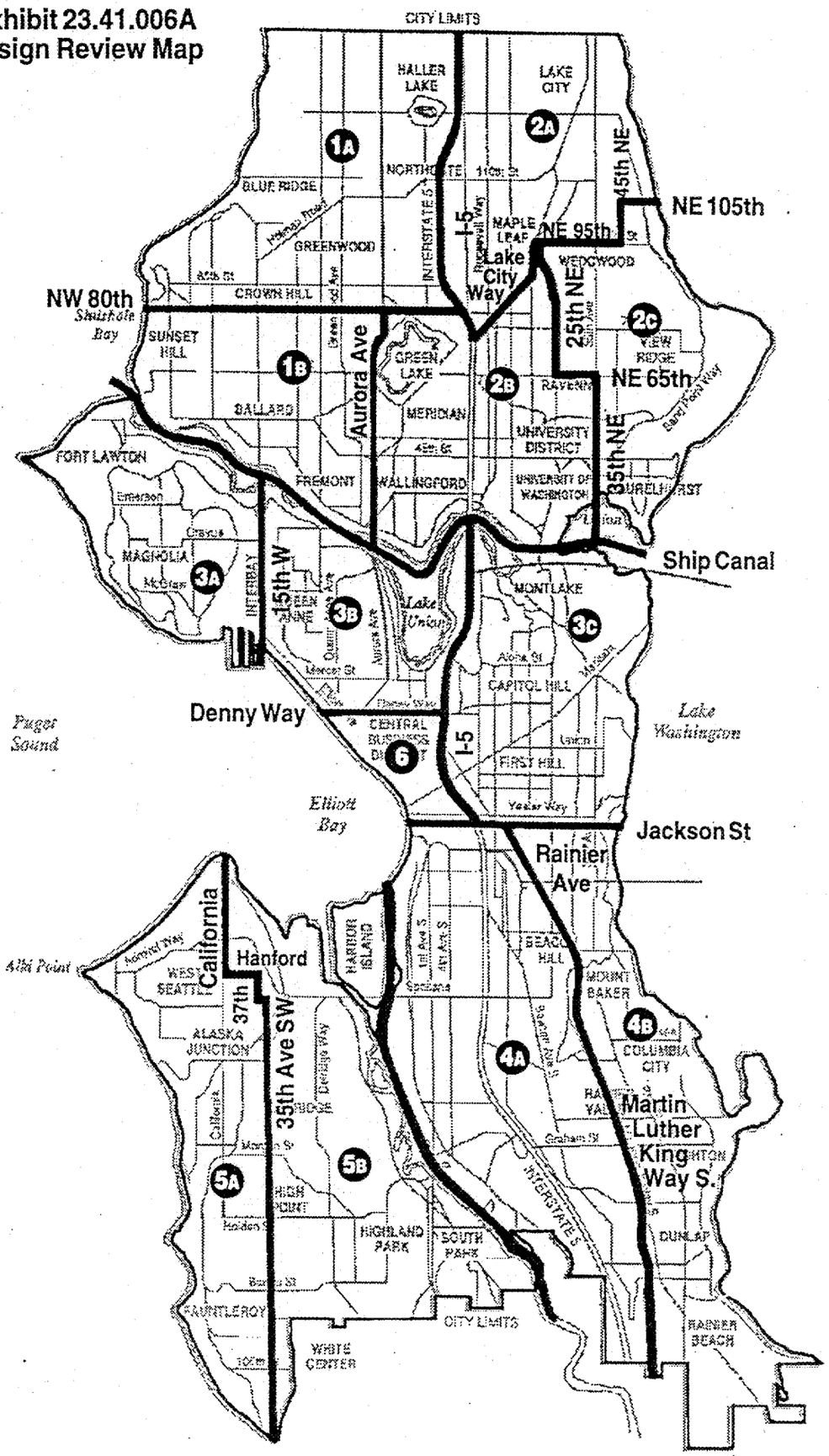
Section 14. Section 23.41.006 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into six (6) ((~~five (5)~~)) geographic areas, five (5) of which shall be ((~~and~~)) further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006A.

96030609 02

Exhibit 23.41.006A
Design Review Map



Design Review Board Areas

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Section 15. Subsections B and C of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 117075, are amended as follows:

23.41.008 Design Review Board.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.

a. Members shall reside in Seattle; and

b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

2. Design Review Board Composition.

a. The Design Review Board shall be composed of seven (7) ((~~six (6)~~)) members representing development-related fields, seven (7) ((~~six (6)~~)) members representing general residential community interests, and seven (7) ((~~six (6)~~)) members representing the design professions, of whom three (3) members of each group of seven (7) ((~~six (6)~~)) shall be appointed by the City Council and four (4) ((~~three (3)~~)) members by the Mayor, and all members to be confirmed by the City Council; and

b. The Design Review Board shall also include one (1) member representing local residential community interests and one (1) member representing local business interests from area six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.

C. Design Review Board Assignment.

1. Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:

a. At-large members representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) ((~~five (5)~~)) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) ((~~five (5)~~)) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,

b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member representing local residential community interests and one member representing local business interests.

96030609 02

c. Three Design Review Board members shall be a quorum.

2. The five (5) Design Review Board members assigned to each project as described in subsection C1 shall be known collectively as the Design Review Board. All members of the Design Review Board shall be voting members.

3. In the event that, in one of the six (6) ((~~five (5)~~)) geographic areas, more projects are undergoing simultaneous design review than the Design Review Board members assigned to that area can review in a timely manner, the unassigned at-large Design Review Board members described in subsection C1a may serve. If an individual at-large member is unable to serve, the Director may appoint a member of the unassigned at-large Design Review Board to serve in his or her absence, provided that each at-large interest group is represented by one member. In addition, a Design Review Board may review projects outside of its designated geographic subarea to expedite review, provided that the local community representative and local business representative shall review development only within their subarea.

((~~4. In the event that a Design Review Board member is unable to serve, substitutions for the three at-large interest groups may be made as described in subsection C3.~~))

Section 16. Section 23.41.010 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.010 Design Review Guidelines.

The adopted Citywide design guidelines provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Interim Downtown Design Guidelines" apply. Neighborhoods may develop design guidelines specific to a neighborhood's individual character. Neighborhood design guidelines may amend or supersede the Citywide design guidelines or the "Interim Downtown Design Guidelines" and shall provide the basis for design review decisions in that neighborhood, to the extent provided by the City Council in adopting the neighborhood design guidelines.

Section 17. Subsection B of Section 23.41.012 of the Seattle Municipal Code, as last amended by Ordinance 117943, is amended as follows:

23.41.012 Development standard departures.

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. Design, location and access to parking requirements;

5. Open space requirements;

6. Lot coverage limits;

96030609 02

7. Screening and landscaping requirements;

8. Standards for the location and design of nonresidential uses in mixed-use buildings((.));

9. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty per cent (20%) of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone;

b. The proposed structure must be compatible with the general development potential anticipated within the zone;

c. The additional height must not substantially interfere with views from up-slope properties((.)); and

d. No more than one project on one site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height.

10. Downtown street facade requirements;

11. Downtown upper-level development standards; and

12. Downtown maximum wall dimensions.

Section 18. Subsections B and C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.49.037 Public parks and planned community developments in Downtown Office Core 1.

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Section 22.90((~~0.240~~))1E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

96030609 02

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

((~~4. PCD Application. Following receipt of the report the potential applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.~~))

4. ((~~5.~~)) Development Guidelines and Project Review. ((~~Following receipt of the PCD application~~)) T((~~t~~))he Director, in consultation with the Superintendent and the Citizen's Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date ((~~a complete PCD application~~)) the report described in subsection B3b is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. ((~~6.~~)) PCD ((~~Revised~~)) Application. Following approval of development guidelines by the Director, the applicant may ((~~revise the PCD~~)) submit an application ((~~or have the Director issue the Director's Report based upon the original PCD application. If the applicant does not submit a revised application or ask the Director to make the report within one hundred twenty (120) days from the date the development guidelines are approved, the PCD application shall be canceled.~~)) for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. ((~~7.~~)) Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the

96030609 02

PCD application as provided for Type IV Council land use decisions in Chapter 23.76 ((~~in Sections 23.76.036 through 23.76.060~~)).

7. ((~~8.~~)) Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (1/2) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. ((~~9.~~)) Exceptions to Development Standards. Development standards of this ((e))Chapter may be varied or waived through the PCD process, except that the review criteria of subsection B((~~8~~))7 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

C. Vested Projects. A holder of a permit for a project which is vested to an earlier code on the effective date of the ordinance codified in this section, may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

1. Floor Area. If the holder of a permit for such a vested project applies for PCD approval, the proposed PCD is entitled to the floor area which was vested, provided

96030609 02

that if the floor area was attributable in part to the provision of housing or human services public benefit features, then those features must be included as part of the approval of the proposed PCD. If those features are not included, the floor area shall be reduced accordingly.

2. Credit for Impact Mitigation. To the extent a vested project has provided mitigation for an impact which also would have been attributable to the proposed PCD, the provided mitigation shall be credited against mitigation for the corresponding impact of the PCD.

3. Annual Limits on Downtown Office Development. If a project which is vested for purposes of this subsection is thereby not subject to the annual limits on downtown office development prescribed by SM((~~D~~))C Section 23.49.011 the proposed PCD which replaces the vested project is not subject to those limits.

4. Tolling and Expiration of Vested Permit.

a. If the holder of a vested permit wishes to apply for approval of a PCD under this section, the running of the expiration period for the vested permit shall be tolled from the date the notice of intent to apply for PCD approval is received by the Director, until the date the City Council makes a final decision to approve or deny the PCD application, or until the earlier date of PCD withdrawal or cancellation as described below. Tolling shall also terminate if the holder fails to submit an application for PCD approval within sixty (60) days of the date the parks report prescribed by of Section 23.49.037 B3 is provided to the holder.

b. Within thirty (30) days of the date the Director establishes guidelines pursuant to subsection B((~~5~~))4 of Section 23.49.037, the applicant shall elect to proceed with the PCD application or withdraw the application. If the applicant fails to elect within thirty days (30) days, the vested right shall expire on the thirty-first day and the PCD application shall be canceled. The applicant may withdraw the PCD application any time prior to the expiration of the thirty (30) day period. If the application is withdrawn, the running of the expiration period for the vested permit shall resume at the time of withdrawal.

c. If the PCD applicant elects to proceed with the PCD application, the permit for the vested project may not be used unless:

((~~i.~~))(1) The PCD is denied by the City Council; or

((~~ii.~~))(2) The PCD is approved with conditions additional to those recommended by the Director's guidelines under subsection B((5))4 of this section, which significantly increase the cost of the park to the applicant relative to the cost estimate contained in the Director's guidelines, or which significantly change the location or footprint of buildings from those contained in the guidelines;

((~~iii.~~))(3) The PCD is denied as a result of a lawsuit

If the vested project is resumed as a result of the denial or conditioning under paragraphs i through iii, the running of the expiration period for the vested permit shall resume at the date of the Council decision or final decision by a court, including an appellate court, whichever occurs later.

d. The PCD approval shall expire as provided in SMC Section 23.76.060. If the holder proceeds under the vested permit, the permit shall expire as provided in the applicable code, subject to the tolling authorized by this section.

96030605 02

Section 18A. A new Section 23.66.018 is hereby added to the Seattle Municipal Code as follows:

23.66.018 Director of the Department of Neighborhoods.

As used in this Chapter, "Department of Neighborhoods Director" and "Director of the Department of Neighborhoods" means the Director of the department or the Director's designee.

Section 19. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 116744, is amended as follows:

23.66.030 Certificates of approval - Application, review and appeals.

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of ((~~the Permit Fee Ordinance,~~)) SMC Chapter 22.90((~~0~~))1T.

C. Application.

1. An application for a certificate of approval ((~~may~~)) shall be filed with the ((~~special review board staff in~~)) Director of the Department of Neighborhoods. ((~~or with the Director or the Director of Engineering as part of a permit application.~~)) When a permit application is filed with the Director or with the Director of Engineering for work requiring a certificate of approval, ((~~he or she shall refer the application to the Department of Neighborhoods Director, and the application shall be considered an application for a certificate of approval.~~)) the permit application shall not be determined to be complete until the applicant has submitted an application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

96030609 02

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes that will be made to the building or the site;

(2) Any effect that the work would have on the public right-of-way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

96030609 02

(5) One (1) sample of proposed sign colors or awning material and color;

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The Director of the Department of Neighborhoods shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director of the Department of Neighborhoods shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director of the Department of Neighborhoods does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the Director of the Department of Neighborhoods or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

((~~2.~~)) 5. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded.

D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of ((~~receipt of an application for~~)) a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be

96030609 02

provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this ((e))Chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff~~.~~ , except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~The Department of Neighborhoods Director may extend this thirty (30) day period for cause, and shall advise the board and the applicant in writing of the length of time of the extension.~~))

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals.

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

96030609 02

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

4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capricious.

((~~2~~))5. If evidence is presented to the Hearing Examiner that was not presented to the ((~~b~~))Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

((~~3~~))6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply with this ((~~e~~))Chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. ((~~Certificates of approval shall expire one (1) year from the date of issuance unless the Department of Neighborhoods Director determines that extenuating circumstances justify extension of the expiration date.~~)) A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 20. New subsections C and D are hereby added to Section 23.66.115, last amended by Ordinance 116744, of the Seattle Municipal Code as follows:

23.66.115 Demolition Approval.

96030609 02

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090 and the requirements of RCW 36.70B.110 through section .130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

Section 20A. Section 23.66.132 of the Seattle Municipal Code, adopted by Ordinance 112134, is amended as follows:

City facilities and public projects which do not meet use and development standards may be permitted by the Council pursuant to Chapter 23.((~~80~~))76 of this Land Use Code.

Section 21. Section 23.66.316 of the Seattle Municipal Code, last amended by Ordinance 116744, is further amended as follows:

23.66.316 ((~~Special Review Board recommendation~~)) Decision on certificate of approval.

The Board shall review all applications for use or development within the International District which require a certificate of approval. The Board's review shall be conducted according to the procedures and timelines set forth in section 23.66.030D2 of this Land Use Code. The Board shall make a written recommendation((s)) based upon the extent to which the proposal((s ~~are~~)) is consistent with the goals and objectives of the International Special Review District and the use and development standards of this ((~~c~~))Chapter. The Department of Neighborhoods Director shall make and issue a decision according to the procedures and timelines set forth in section 23.66.030D of this Land Use Code.((~~, within fifteen (15) days of receiving the Board's recommendation, issue or deny a certificate of approval or issue a certificate of approval with conditions.~~))

Section 22. Section 23.76.002 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.002 Purpose.

The purpose of this ((~~c~~))Chapter is to establish standard procedures for land use decisions made by The City of Seattle. The procedures are designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in the application submittal process, and minimize delays and expense in appeals of land use decisions. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process, integrate the environmental review process with the procedures for review of land use decisions, and provide for the consolidation of appeals for all land use decisions.

Section 23. Subsections A, B and F of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended and a new subsection G is added as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5)

96030609 02

different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004 A.

9603060902

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I
Director's Decision
(((~~Nonappealable~~)))
(No Administrative Appeal)

- Compliance with development standards
- Uses permitted outright
- Temporary uses, four weeks or less
- Certain street uses
- Lot boundary adjustments
- ((~~• Greenbelt preserve designations~~))
- Modifications of features bonused under Title 24
- ((~~Declarations~~)) Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements
- Special accommodation
- Reasonable accommodation
- Minor amendment to a Major Phased Development Permit

TYPE II
Director's Decision
(Appealable to Hearing Examiner*)

- Temporary uses, more than four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. ((~~Declaration~~)) Determination of nonsignificance (EIS not required)
  2. Determination of final EIS adequacy
  3. Determinations of significance based solely on historic and cultural preservation
  4. A decision by the Director to approve, condition or deny a project based on SEPA Policies
- Major Phased Development

TYPE III
Hearing Examiner's Decision
(((~~Appealable to Council~~)))
(No Administrative Appeal)

- Subdivisions (Preliminary Plats)

((~~• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.~~))

COUNCIL LAND USE DECISIONS

TYPE IV
(Quasi-Judicial)

((~~• Subdivisions (Preliminary Plats)~~))
- Land use ((~~and zoning~~)) map amendments (Rezones)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments

((~~• Planned Unit Developments~~))

TYPE V
(Legislative)

- Land Use ((~~and Zoning~~)) Code text amendments
- Rezones to implement new City policies
- Concept approval for City facilities
- Major institution designations

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96030609 02

B. Type I((,)) and II ((~~and III~~)) decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are nonappealable decisions made by the Director which require the exercise of little or no discretion. **Type II** decisions are discretionary decisions made by the Director which are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in Section 23.76.006 C 2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. ((~~**Type III** decisions are discretionary decisions made by the Director which are appealable to the Hearing Examiner and may be further appealed to the Council.~~)) **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal.

((~~F. Master Use Permits requiring only Type I decisions are categorically exempt from the State Environmental Policy Act (SEPA) and do not require environmental review. All Master Use Permits requiring environmental review include both a Type II SEPA decision (Environmental Impact Statement or Declaration of Nonsignificance and a Type III SEPA decision determination of compliance with SEPA policies). For these projects, SEPA review procedures established in SMC Chapter 25.05, SEPA Policies and Procedures, are supplemental to the procedures set forth in this chapter.~~))

F. Shoreline appeals and appeals of related SEPA determinations shall be filed with the State Shoreline Hearings Board within twenty-one (21) days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.

G. An applicant for a permit or permits requiring more than one decision contained in the Land Use Decision Framework listed in Section 23.76.004 may either:

1. Use the integrated and consolidated process established in this Chapter;

2. If the application includes a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, file a separate Master Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and use the integrated and consolidated process established in this Chapter for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

Section 24. A new Section 23.76.005 of the Seattle Municipal Code, is added as follows:

23.76.005 Time for Decisions

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications filed on or after April 1, 1996 shall be made within the time limits set forth in RCW 36.70B.090.

B. Exclusions pursuant to RCW 36.70B.140 (1).

1. Type III decisions.

a. DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090; and

b. The Hearing Examiner shall issue his or her decision within ninety (90) days of issuance of the DCLU recommendation.

2. Type IV decisions.

96030609 02

a. There shall be no time limit for decisions on Major Institution Master Plans.

b. All other Type IV Council land use decisions and any associated Type II decisions listed in Section 23.76.006 C 2 shall be made within the following time periods:

(1) DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090;

(2) The Hearing Examiner shall issue his or her recommendation within ninety (90) days of issuance of the DCLU recommendation; and

(3) The Council shall issue its decision within ninety (90) days of the issuance of the Hearing Examiner recommendation.

3. Any application for a land use decision that the Hearing Examiner or Council remands for further information or analysis shall be excluded from the time periods of RCW 36.70B.090 for the period of remand. The Hearing Examiner or Council shall set a reasonable period for the remand after consideration of the nature and complexity of the issues and, when practicable, after consultation with the parties about the reasonableness of the remand period.

C. Type V Council land use decisions are legislative decisions to which RCW 36.70B.090 does not apply.

Section 25. Subsections B, C and D of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended as follows:

23.76.006 Master Use Permits required.

B. The following decisions are Type I ((~~decisions which are nonappealable~~)):

1. Determination that a proposal complies with development standards;

((~~1.~~)) 2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) 3. The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

((~~3.~~)) 4. Lot boundary adjustments;

((~~4. Designation of greenbelt preserves;~~))

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

a. Plazas,

96030609 02

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations ((~~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 Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042 D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015; ((~~and~~))

10. Reasonable accommodation; and

11. Minor amendment to Major Phased Development Permit.

C. The following are Type II decisions((~~,~~)):

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):

a. Determination of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, ((~~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.~~)) a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, except temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) b. Short subdivisions;

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

96030609 02

((~~4.~~)) d. 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.~~)) e. Design review;

((~~6.~~)) f. The following street use decisions:

((~~a.~~)) (1) Sidewalk cafes,

((~~b.~~)) (2) Structural building overhangs,

((~~c.~~)) (3) Areaways;

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

((~~8.~~)) h. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

((~~a.~~)) (1) Shoreline substantial development permits,

((~~b.~~)) (2) Shoreline variances,

((~~c.~~)) (3) 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 Policies and Procedures):~~

~~a. Declarations of Nonsignificance (DNSs), including mitigated DNSs,~~

~~b. Determination that a final Environmental Impact Statement (EIS) is adequate;~~))

((~~10.~~)) i. Northgate General Development Plan;

((~~11.~~)) j. Major Phased Development.

D. The following ((~~is a Type III~~)) decision, including any integrated decision to approve, condition or deny based on SEPA policies, is a Type III decision made by the Hearing Examiner ((~~, which is subject to appeal to the Hearing Examiner and may be further appealed to the Council: The decision to approve, condition or deny any Master Use Permit (other than for shoreline decisions) based on the City's SEPA policies pursuant to SMC Section 25.05.660; provided, that for projects subject to design review a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy, SMC Section 25.05.675 G, shall be a Type II decision.~~)): Subdivisions (Preliminary Plats).

Section 26. Subsection A of Section 23.76.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, is amended as follows:

23.76.008 Preapplication conferences.

96030609 02

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in ((~~SMC~~)) Chapters 22.90((~~0~~))1A - T, Permit Fee((~~s~~)) Subtitle((~~, of the Seattle Municipal Code~~)).

Section 27. Subsections A, C, D, E, F, and G of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.010 Applications for Master Use Permits.

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City agency, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in ((~~SMC~~)) Chapters 22.90((~~0~~))1A - T, Permit Fee((~~s~~)) Subtitle.

((~~D. All Master Use Permit decisions necessary for a project shall be included in the same application; provided that, at the applicant's discretion, a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project.~~))

D. ((~~E.~~)) All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas((~~.~~)), SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

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

2. Evidence of ownership or authorization from the property owner to make the application;

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

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

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

96030609 02

displays, buildings and structures, open space and landscape, access driveways and parking areas;

b. Elevations and sections of the proposed new features;

c. Floor plans showing the proposed new features;

d. Drainage plan;

e. Landscape plan;

f. Right-of-way information showing any work proposed in the public right-of-way;

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

h. Parking lay-out and vehicular access;

i. Vicinity map;

j. Topographic map; and

k. Open space plan.

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

a. Date the buildings on the site were constructed;

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

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

96030060902

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; and

aa. Demand on public service and utilities.

((~~The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.~~))

E. ((~~F.~~)) Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A

96030609 02

determination that the application is complete is not a determination that the application is vested. ((~~For all Master Use Permit applications, the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of the application if additional information is required to commence application review.~~))

2. A Master Use Permit application is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time the application is determined complete or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095, RCW 58.17.033, and SMC 23.76.026.

F. ((~~G.~~)) ~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within sixty (60) days of a written request for it; provided that the Director may extend the period for such submission if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a M((~~m~~))aster U((~~u~~))se P((~~p~~))ermit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Master Use Permit application under the provisions of this subsection shall cause the concurrent cancellation of the building permit application.

Section 28. Subsections A, B, C and D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, are amended as follows:

23.76.012 Notice of application.

A. Notice ((~~Required~~)). When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days after a determination of completeness. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project shall be sent notice. No notice or public comment period shall be required for Type I decisions.

B. Types of Notice Required.

1. For projects subject to design review or environmental review, the applicant shall post a large sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The large sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall remain posted until final City action on the application has been completed.

a. In the case of submerged land, the large sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

96030609 02

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical ((~~sensitive~~)) area, are exempt from the large sign requirement.

c. As an alternative to the large sign requirement, the Director shall post ten (10) placards within three hundred feet (300') of the site and at the closest street intersections when one (1) or more of the following conditions exist:

((~~i.~~)) (1) The project site is over five (5) acres;

((~~ii.~~)) (2) The applicant is not the property owner, and the property owner does not consent to the proposal;

((~~iii.~~)) (3) The site is subject to physical characteristics such as steep slopes or is located such that the large sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both a large sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) large sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects which are categorically exempt from environmental review, the Director shall post four (4) placards on or near the site.

3. For all projects requiring notice of application, the Director shall provide notice by ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. For projects subject to the large sign requirement, notice in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release shall be published after certification is received by the department that the large sign has been posted.

4. In addition, for variances, administrative conditional uses, temporary uses for more than four (4) ((~~three (3)~~)) weeks, shoreline variances and shoreline conditional uses, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review shall be provided to all persons establishing themselves as parties of record by attending the pre-design public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one (1) community newspaper in the area affected by the subdivision.

C. Contents of Notice.

1. The City's official notice of application shall be the notice placed in the General Mailed Release, which shall include ((~~identify~~)) the following required elements as specified in RCW 36.70B.110:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;

c. The identification of other permits not included in the application to the extent known by the Director;

96030060902

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, request on extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, place, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations; and

h. Any other information determined appropriate by the Director.

2. All other additional forms of notice, including, but not limited to signs, placards and mailed notice, shall include the following information: the project description, ((~~nature and~~)) location of the project, date of application, location where the complete application file may be reviewed, and ((~~shall include~~)) a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large signs.

D. Comment Period. The Director shall provide a fourteen (14) ((~~fifteen (15)~~)) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) ((~~to thirty (30)~~)) days if a written request for extension is submitted within the initial fourteen (14) ((~~fifteen (15)~~)) day comment period ((~~; provided further, that the comment period shall be thirty (30) days for applications requiring shoreline decisions~~)). The comment period shall begin on the date notice is published in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) of the next business day. Any comments reviewed after the end of the official comment period may be considered if material to review yet to be conducted.

Section 29. Section 23.76.014 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.014 Notice of scoping and draft EIS.

When a Determination ((~~Declaration~~)) of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.

96030609 02

2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice to those organizations and individuals who have submitted a written request for it;

e. Posting in the Department; and

f. Filing with the SEPA Public Information Center.

3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.

B. Draft EIS's.

1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:

a. General M((~~m~~))ailed R((~~r~~))elease;

b. Publication in the City official newspaper;

c. Submission of the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;

e. Posting notice in the Department; and

f. Filing with the SEPA Public Information Center.

2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.

3. The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.

Section 30. A new Section 23.76.015 of the Seattle Municipal Code is hereby added as follows:

23.76.015 Public meetings.

A. Type II and III Decisions. The Director may hold a public meeting on Master Use Permit applications requiring Type II or III decisions when:

1. The meeting is otherwise provided for in th((e))is Title;

96030609 02

2. The proposed development is of broad public significance;

3. Fifty (50) or more persons file a written request for a meeting not later than the fourteenth (14th) day after notice of the application is provided; or

4. The proposed development will require a shoreline conditional use or a shoreline variance ((~~from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations~~)).

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency provided that the meeting is held within the City of Seattle. If requested by an applicant, a joint meeting shall be held, provided that the joint meeting can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the meeting.

Section 31. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.016 Public hearings.

A. Draft EIS. As required by Chapter 25.05, SEPA Policies and Procedures, a public hearing shall be held by the Director on all draft EIS's for which the Department is the Lead Agency. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project.

((~~B. Type II and III Decisions. The Director may hold a public hearing on Master Use Permit applications requiring Type II and/or III decisions when:~~

~~1. The proposed development is of broad public significance; or~~

~~2. Fifty (50) or more persons file a written request for a hearing not later than the fifteenth day after notice of the application is posted or the thirtieth day following the date of the second publication of notice of the application for a shoreline substantial development; or~~

~~3. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000.00); or~~

~~4. The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.~~))

((~~C. Combined Hearings. The Director may hold a combined public hearing on a Draft EIS and a Master Use Permit application. If a combined hearing is held, notice shall be given by the Director at least twenty (20) days prior to the hearing.~~))

B. The Director may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

96030609 02

Section 32. Section 23.76.019 of the Seattle Municipal Code, adopted by Ordinance 117430, is amended as follows:

23.76.019 Time required for preparation of an EIS ((~~Turnaround time for decisions~~)).

The time required to prepare an environmental impact statement associated with a Master Use Permit application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Master Use Permits the Director shall publish the decision to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 33. Subsections A and C of Section 23.76.020 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, are amended as follows:

23.76.020 Director's decisions.

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a ((~~Master Use Permit~~)) Type II decision based on the applicant's compliance with the City's SEPA Policies pursuant to SMC Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code which are in effect at the time the Director issues a decision. If an EIS is required, the application shall be subject to only those SEPA Policies in effect when the Draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II ((~~and III~~)). The Director shall provide notice of all Type II ((~~and III~~)) decisions as follows:

a. A list of all ((~~appealable Master Use Permit~~)) Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease. Notice shall also be mailed to ((~~each~~)) the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNS's shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology and the State Attorney General.

96030609 02

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal((~~,~~)) and shall describe the appropriate appeal procedure((~~, and shall indicate that any requests for Land Use Code interpretation as provided by SMC Section 23.88.020 must be submitted within the appeal period~~)).

Section 34. Subsections A and C of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, are amended as follows:

23.76.022 Administrative appeals.

A. Appealable Decisions.

1. Type I decisions as listed in SMC Section 23.76.006 B are not subject to appeal.

2. All Type II ((~~and Type III~~)) decisions as listed in SMC Section 23.76.006 C ((~~and D~~)) shall be subject to an administrative open record appeal as described in this Section.

C. Hearing Examiner Appeal Procedures.

1. Consolidated Appeals. All appeals of Type II Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.

2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.

3. Filing of Appeals.

a. Appeals shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the decision; provided, that when a fifteen (15) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall clearly identify each component of a Type II Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

c. The Hearing Examiner shall not accept any request for an interpretation included in the appeal unless it complies with the requirements of 23.88.020C3c.

4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release.

6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II ((~~and III~~)) decisions as required in this ((~~e~~))Chapter, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts and any requests for an interpretation included in the appeal or consolidated appeal pursuant to subsection 23.88.020C3..

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7. Standard of Review. The Director's decisions made on a Type II Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.

8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information ((~~regarding Council appeal procedures, if any, and~~)) regarding judicial review. To the extent such information is available to the Hearing Examiner, the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless((~~:~~

~~a.~~ ~~T~~))the Hearing Examiner((~~'s decision specifically states that the Hearing Examiner~~)) retains jurisdiction((~~;~~

~~b. The decision is appealed to the Council pursuant to Seattle Municipal Code Section 23.76.024;~~)) or

((~~c.~~)) the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced ((~~A person with standing to file a land use petition in King County Superior Court files such a petition~~)) within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040 ((~~Section 705 of Chapter 347 of the Laws of 1995, provided that, if an appeal pursuant to Section 23.76.024 is submitted to the Council, the period for requesting judicial review of the Hearing Examiner's decision shall not begin until the Council issues its final decision on the appeal~~)).

Section 35. A new Section 23.76.023 of the Seattle Municipal Code is hereby adopted as follows:

23.76.023 Report and recommendation of the Director on subdivisions.

A. The Director shall prepare a written report on subdivision applications. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

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3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC 23.22, its consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City's SEPA policies and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS; and

5. The Director's recommendation to approve, approve with conditions, or deny the application.

B. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

C. The Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least thirty (30) ((~~fifteen (15)~~)) days prior to the Hearing Examiner's public hearing described in Section 23.76.024.

Section 36. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 117789, is amended as follows:

23.76.024 ((~~Appeals to Council.~~

~~A. Appealable Decisions. Only Type III decisions as listed in SMC Section 23.76.006 D (SEPA appeals) may be appealed to the Council, according to the procedures and criteria set forth in this section.~~

~~B. Right to Appeal. Appeals may be initiated by any party to the Hearing Examiner hearing.~~

~~C. Time Limits on Appeals. Appeals shall be filed with the City Clerk no later than fifteen (15) days after the decision is filed with the SEPA Public Information Center. The City Clerk shall transmit appeals to the Council and shall notify the Director and the Hearing Examiner of the appeal.~~

~~D. Content of Appeal. Appeals shall be in writing and shall cite specific alleged errors in the facts or conclusions and issues meeting the criteria for Council review of an appeal, as described in subsection G below.~~

~~E. Council Acceptance of an Appeal. The Council shall accept for review those appeals which meet the criteria of subsection G.~~

~~F. Notice. Notice of appeals shall be mailed to all parties of record not less than seven (7) days prior to the date of the public meeting to consider the appeal.~~

~~G. Procedures on Appeal.~~

~~1. For projects subject to design review the decision of the Hearing Examiner on SEPA height, bulk and scale issues shall be final and not subject to further appeal to the Council. On appeal on issues other than height, bulk and scale, the Council's review of SEPA conditioning of a project subject to design review shall be limited to the unsupplemented record established before the Hearing Examiner; provided that members of the committee or of the full Council may make site visits. The committee may allow written argument but shall not hear oral argument.~~

96030609 02

~~2. For projects not subject to design review, the Council's review shall be based on the record from the Hearing Examiner's hearing, provided that the Council may allow oral or written arguments and may permit the record to be supplemented; and, provided further, that members of the committee or of the full Council may make site visits.~~

~~H. Scope of Review. Council review shall be limited to the following issues related to compliance with the City's substantive SEPA Policies pursuant to SMC Section 25.05.660:~~

~~1. Issues of Council intent with respect to interpretation of the substantive SEPA Policies;~~

~~2. Issues raised concerning the sufficiency and the appropriateness of the mitigation imposed; and~~

~~3. The appropriateness of denial of a project based on the substantive SEPA Policies.~~

~~I. Standard of Review for Type III Appeals. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~J. Council Action. The Council may affirm, modify or reverse the Hearing Examiner's decision, remand cases to the Hearing Examiner or the appropriate department with directions for further proceedings, or grant other appropriate relief. If the Council reverses or modifies the Hearing Examiner's decision, the Council shall enter findings and/or conclusions into the record to support the decision.~~

~~K. Judicial Review. A Type III decision by the Council shall be final and conclusive unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~

~~L. Notice of Decision. The written decision of the Council shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record.~~

~~M. Interlocutory Review.~~

~~1. The Council shall accept review of Hearing Examiner interlocutory orders and decisions pending final resolution of an appeal when:~~

~~a. Appeal to the Council of the Hearing Examiner's final decision on the issue is permitted by ordinance; and~~

~~b. The Hearing Examiner certifies the issue for Council review.~~

~~2. The Hearing Examiner shall certify for interlocutory review only those issues which meet the following criteria:~~

~~a. Because of ambiguity in language, the meaning to be given a Council resolution or ordinance cannot readily be determined without knowing the intent of the Council when it adopted the resolution or ordinance; and~~

~~b. The issue results in disagreement between the Director and the Hearing Examiner as to interpretation of Council intent; and~~

96030609 02

~~c. The review involves an issue not previously decided by the Council; and~~

~~d. The issue to be reviewed is of general applicability and its resolution will affect a class of permit applicants; and~~

~~e. Early resolution of the issue will substantially reduce the expenditure of time or money by the City and/or other interested parties.~~))

Hearing Examiner open record hearing and decision for subdivisions.

A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's procedural environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement) and other Type II decisions.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that shall be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. Notice

The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

1. General Mailed Release;

2. Publication in the City official newspaper and in at least one community newspaper in the area affected by the proposal;

3. Mailed notice and written notice mailed to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024; and

b. All owners of real property located within three hundred feet (300') of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Posting in the Department.

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's procedural environmental determination and other Type II decisions. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

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2. Shall be submitted to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) calendar day following publication of notice of the Director's report, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) the next business day. The request or appeal shall be accompanied by payment of any filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

E. Notice of Appeals and Requests for Further Consideration. The Hearing Examiner promptly shall mail notice of the filing of all requests for further consideration and appeals to all parties of record and to those requesting notice.

F. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

G. Written Comments. Written comments on the proposed subdivision and the Director's report and recommendation may be sent to the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Hearing.

1. The Hearing Examiner shall limit the evidence, comments, and argument at the combined hearing to those issues that are fairly raised in any written request for further consideration or appeal, as clarified at any pre-hearing conference, and that are relevant to

a. The compliance of the proposed subdivision with the procedures and standards of this Chapter and SMC Chapter 23.22;

b. The appropriateness of any mitigation or denial pursuant to the City's SEPA policies; and

c. The correctness of the Director's procedural environmental determination and other Type II decisions. Appeals of the Director's decisions shall be considered de novo, but the Director's determination shall be given substantial weight.

2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner may either close the record after the hearing or leave it open to a specified date to receive additional testimony, exhibits, or written argument.

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. On any appeal, the Hearing Examiner may affirm, reverse, remand, or modify the Director's decision. These decisions shall be in writing, include findings and conclusions, and be issued within ten (10) working days of the close of the record, unless a longer period is agreed to among the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review not appealable to the Shorelines Hearings Board must be commenced within

96030609 02

twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to the applicant, to the Director, to the Director of the Seattle Engineering Department, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy.

Section 37. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 117598, is amended as follows:

23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application, meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available.

An application for a building permit submitted for part of a building or structure shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is for a highrise structure regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the exterior shell of the building.

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, as defined in Section 23.84.036 "S," shall be considered under the Land Use Code and other land use control ordinances in effect ((~~on the land~~)) when a fully complete Master Use Permit application for such approval which satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, as provided in Section 23.41.004.B, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the Design Review Pre-Design Process is submitted to the Director, provided that such Master Use Permit application is filed within ninety (90) days of the date of the first design review pre-design public meeting. This vested right shall terminate unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

Section 38. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.028 Type I and II Master Use Permit issuance.

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A. When a Type I or II Master Use Permit is approved for issuance, the applicant shall be so notified. Type I Master Use Permits ((~~which are not subject to appeal~~)) shall be approved for issuance at the time of the Director's decision that the application conforms to all applicable laws (Section 23.76.020). A Type II Master Use Permit ((~~which includes appealable decisions~~)) may ((~~shall~~)) be approved for issuance on the day following expiration of the applicable appeal period or, if appealed, on the fourth (4th) ((~~sixth~~)) day following a final appeal decision to grant or conditionally grant the permit. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

B. When a Master Use Permit is approved for issuance according to subsection A, and a condition of approval requires revisions of the Master Use Permit plans, the revised documents shall be submitted within sixty (60) days of the date the permit is approved for issuance((~~, or the permit shall be deemed abandoned and void and shall be revoked~~)). The Director may extend the period for submittal of the revised documents if it is determined that there are good reasons for the delay which are satisfactory to the Director, or if a different schedule is agreed upon ((~~in writing before the end of the sixty (60) day period. A request for the extension must be submitted in writing before the end of the sixty (60) day period~~)).

C. Once a Master Use Permit is approved for issuance according to subsection A, and any required revisions have been submitted and approved according to subsection B, the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60) days of notice that the permit is ready to be issued. Failure to pick up the permit within sixty (60) days may ((~~will~~)) result in a written notice of intent to cancel. If the Master Use Permit is not picked up within thirty (30) days from the date of written notice of intent to cancel, the approval shall be revoked and the Master Use Permit application shall be canceled. When a Master Use Permit is for a project vested to prior Land Use Code provisions because of an associated building permit application, and the project does not conform with the codes in effect at the time it is ready to issue, then no notice that the Master Use Permit is ready to issue shall be given until the building permit associated with the project is also ready to issue.

Section 39. Section 23.76.030 of the Seattle Municipal Code, last amended by Ordinance 113079, is hereby repealed.

Section 40. Subsection A of Section 23.66.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, is amended as follows:

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

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of the shoreline component of a Master Use Permit shall be governed by WAC 173-14-060.

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

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

((~~ii.~~)) (2) Variances granted as separate Master Use Permits pursuant to Section 23.76.010 D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:

((~~i.~~)) (1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or

((~~ii.~~)) (2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

((–)) (a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

((–)) (b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

((–)) (c) On the date that it is not chosen to receive an office allocation in the next competition; or

((–)) (d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

((~~iii.~~)) (3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

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

((~~i.~~)) (1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

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

g. Master Use Permits with a Design Review Component are subject to Section 23.76.026.C.2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026.C.2, such Master Use Permit shall expire one hundred and twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit

meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

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

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit is issued and construction is substantially underway and progressing at a satisfactory rate, as evidenced by the applicant's demonstrating to the Director's satisfaction that a construction step is ready for an inspection required by Section 108.5 ((~~305(e)~~)) of the Seattle Building Code Supplement prior to the expiration of a Master Use Permit, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

Section 41. Subsection A of Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council ((~~L~~))land ((~~U~~))use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and ((~~along with~~)) any associated Type II decisions listed in Section 23.76.006 C 2 ((~~variances, special exceptions and administrative conditional uses~~)):

((~~1. Subdivision preliminary plats, including replats requiring subdivision approval (supplemental procedures for preliminary plats are established in SMC Chapter 23.22);~~))

1. ((~~2.~~)) Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City to implement new land use policies adopted by ordinance, and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) major institutions pursuant to Section 23.69.023;

96030609 02

2. ((~~3.~~)) Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. ((~~4.~~)) Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

4. ((~~5.~~)) Council conditional uses; and

5. ((~~6.~~)) Downtown planned community developments.

Section 42. Section 23.76.038 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.038 Pre-application conferences.

Prior to official filing with the Director of an application for a Type IV decision, the applicant may request or the Director may require a pre-application conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Pre-application conferences may be subject to fees as established in SMC Chapters 22.90((~~0~~))1A - T, Permit Fee((~~s~~)) Subtitle.

Section 43. Subsections B, C, D, E and F of Section 23.76.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.040 Applications for Council land use decisions.

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. The Director shall promptly transmit applications for Council land use decisions to the City Clerk for filing with the Council.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapters 22.901A - T, Permit Fee((~~s~~)) Subtitle.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures, ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

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

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses and Downtown Planned Community Developments;

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

96030609 02

owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees.

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

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas;

b. Elevations and sections of the proposed new features;

c. Floor plans showing the proposed new features;

d. Drainage plan;

e. Landscape plan;

f. Right-of-way information showing any work proposed in the public right-of-way;

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

h. Parking lay-out and vehicular access;

i. Vicinity map;

j. Topographic map; and

k. Open space plan.

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

a. Date the buildings on the site were constructed;

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

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

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

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

a. Soils and geology;

96030609 02

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; and

aa. Demand on public service and utilities.

E. Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen

96030060902

(14) days of receiving the additional information, the Director shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested. ((~~For all applications, the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of the application if additional information is required to commence application review.~~))

2. An application for a Council land use decision is complete for purposes of this Section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications are undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or if substantial changes in the permit application are proposed. A determination under this Section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095 and SMC 23.76.026.

F. ((~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required information or data within thirty (30) days of a written request for it; provided that the Director may extend the period for submission of the information if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a Council land use application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Council land use application under the provision of this subsection shall cause the concurrent cancellation of the building permit application.

Section 44. Subsection A of Section 23.76.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.76.046 Public meetings and hearings.

A. Preliminary Council Meeting ((~~Hearing~~)) on City Facilities Requiring Council Approval. When a City agency proposing a new City facility or expansion of an existing City facility determines that an EIS is required for the project, the Council shall hold an early public meeting ((~~hearing~~)) to determine the need for and functions of the proposed facility, identify the source of funding, and establish site selection criteria. The meeting ((~~hearing~~)) shall be held as part of the scoping process as required by SMC Chapter 25.05, SEPA Policies and Procedures.

Section 45. Section 23.76.049 of the Seattle Municipal Code, as adopted by Ordinance 117430, is amended as follows:

23.76.049 Time required for preparation of an EIS. ((~~Turnaround times for recommendations~~)).

The time required to prepare an environmental impact statement associated with a Council land use decision shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued

96030060902

by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Type IV applications the Director shall publish the recommendation to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 46. Subsections A and C of Section 23.76.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.050 Report of the Director.

A. The Director shall prepare a written report on applications for Type IV and V decisions and any associated ((~~variances, special exceptions and administrative conditional uses~~)) Type II Master Use Permits listed in Section 23.76.006 C 2, provided that in the case of a text amendment sponsored by a member of the City Council, the Director shall prepare a written report only if such report is requested by a member of the City Council.

The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens ((~~in response to any notice of application~~));

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City SEPA policies ((~~, as referenced in SMC Section 25.05.660,~~)) and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS;

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. For Type IV Decisions, the Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least twenty-one (21) ((~~thirty (30)~~)) days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

Section 47. Section 23.76.052 of the Seattle Municipal Code, as adopted by Ordinance 112522, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

A. General - Consolidation With Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council, on all applications for Type IV (quasi-judicial) Council land use decisions and any associated variances, special exceptions and administrative conditional uses. At the same hearing, the Hearing Examiner shall also hear any appeals of the Director's ((~~environmental determination~~)) Type II decisions and any interpretations.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearing that may be held on the project by another local, state, regional, federal or other agency. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW

96030609 02

36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. ((~~B.~~)) Notice ((~~of Hearing~~)).

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) ((~~thirty (30)~~)) days prior to the hearing by:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. At least four (4) placards posted at places visible to the public, including street intersections, within three hundred feet (300') of the boundaries of the project. For hearings on Major Institution Master Plans, a minimum of ten (10) placards shall be posted;

e. Mailed notice; and

f. Posting in the Department((~~; and~~)).

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

((~~3. For preliminary plats, the Director shall provide additional notice as follows:~~

~~a. If the owner of the property to be subdivided owns another parcel or parcels of real property lying adjacent to the property to be subdivided, mailed notice shall be provided to all owners of real property located within three hundred feet (300') of any portion of the boundaries of the adjacently located parcel(s) owned by the subdivider.~~

~~b. Notice shall be published not less than thirty (30) days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property proposed to be subdivided is located; and~~

~~c. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024 shall be notified.~~))

3. ((~~4.~~)) The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

D. ((~~C.~~)) Appeal of Environmental Determination. Any person significantly interested in or affected by the Type IV decision under consideration may appeal the Director's procedural environmental determination subject to the following provisions:

96030060902

1. Filing of Appeals. Appeals shall be submitted in writing to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the determination, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05.340, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of the notice of the determination ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall state specific objections to the environmental determination and the relief sought. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code Section 3.02.125, Hearing E((~~e~~))xaminer filing fees. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

2. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

3. Notice of Appeal. Notice of filing of the appeal and of the date of the consolidated hearing on the appeal and the Type IV land use decision recommendation shall be promptly mailed by the Hearing Examiner to parties of record and those requesting notice.

4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain only those issues cited in the written appeal which relate to compliance with the procedures for Type IV decisions as required in this ((~~e~~))Chapter and the adequacy of the environmental documentation upon which the determination was made.

5. Standard of Review. The Director's environmental determination shall be given substantial weight.

E. ((~~D.~~)) Conduct of Hearing. The Hearing Examiner at the public hearing will accept evidence and comments regarding:

1. The Director's report, including an evaluation of the project based on applicable City ordinances and ((~~polices~~))policies and the Director's recommendation to approve, approve with conditions, or deny the application; and

2. Specific issues related to the Director's environmental determination, if appealed.

F. ((~~E.~~)) The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument, or exhibits.

G. ((~~F.~~)) Written Comments. Written comments on the application for a Type IV land use decision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. ((~~G.~~)) Recommendation. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, the Hearing Examiner shall submit a recommendation to the Council by filing it together with the record with the City Clerk within fifteen (15) days after the close of the hearing record ((~~, provided, that the Hearing Examiner shall submit a recommendation on an application for subdivision preliminary plat approval within ten (10) days from the close of the record and,~~)) provided ((~~further~~)), that the Hearing Examiner's report on a ((~~m~~))Major Institution Master Plan shall be submitted within

thirty (30) days. The recommendation to approve, approve with conditions, or deny an application shall be based on the written findings and conclusions.

I. ((~~H.~~)) Environmental Appeal Decision. If the Director's environmental determination is appealed, the Hearing Examiner shall affirm, reverse, remand or modify the Director's determination that an EIS is not required (DNS) or that an EIS is adequate, based on written findings and conclusions. The Director shall be bound by the terms and conditions of the Hearing Examiner's decision. If the environmental determination is remanded, the Hearing Examiner shall also remand the Director's recommendation for reconsideration. The Hearing Examiner's decision on a DNS or EIS adequacy appeal shall not be subject to Council appeal. The time period for requesting judicial review of the environmental determination shall not commence until the Council has completed action on the Type IV decision for which the DNS or EIS was issued.

J. ((~~I.~~)) Distribution of Decision and Recommendation. On the same date that the Hearing Examiner files a recommendation with the City Clerk, copies of the recommendation and environmental appeal decision, if any, shall be mailed by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy in a timely manner. Notice of the Hearing Examiner's recommendation to the Council shall include instructions for requesting the Council to further consider the recommendation on the Type IV decision.

K. ((~~J.~~)) File to Council. The City Clerk shall file the recommendation and record with the original application and transmit the same to the Council.

Section 48. Subsections B, D and E of Section 23.76.054 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.054 Council consideration of Hearing Examiner recommendation.

B. Requests for further consideration shall be filed with the Council by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following the date of issuance ((~~mailing~~)) of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five p.m. (5:00 p.m.) on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

D. ((~~If there is no request for further consideration,~~)) Council action shall be based on the record established by the Hearing Examiner; provided, however, that if a request for further consideration includes a request to supplement the record, the Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. ((~~, except as provided for subdivisions in Chapter 23.22.~~)) The Council may remand an application for a Type IV land use decision only when the Council has voted to supplement the record and the Council determines that it is necessary for the Director or the Hearing Examiner to receive the new evidence and reconsider the application in light of it. The Council may allow oral or written arguments based on the record.

((~~E. If the Council examines the record and determines that a factual error exists or that essential information is missing from the record, the Council may:~~

~~1. Remand the request and record to the Director for further consideration and report; or~~

96030609 02

~~2. Remand the request to the Hearing Examiner and direct the Hearing Examiner to conduct another hearing, limited to the consideration of perceived factual error or new information, and to reconsider the recommendation; or~~

~~3. Open the record to correct the factual error or receive the new information. The Council shall conduct a hearing on the new or corrected information. The Council may hear testimony from those who testified before the Hearing Examiner, and may accept written or oral argument based on the record. Notice of the hearing shall be mailed at least seven (7) days prior to the hearing to those individuals who received written notice of the Hearing Examiner action.~~))

Section 49. Subsections A, C and D of Section 23.76.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 117789, are amended as follows:

23.76.056 Council decision on Hearing Examiner recommendation.

A. The Council's decision to approve, approve with conditions, remand, or deny the application for a Type IV land use decision shall be based on the record established pursuant to SMC 23.76.054 ((~~, supplemented as appropriate if the Council determines that the recommendation was based upon an error in judgment, an error in conclusions, or a factual error in the record~~)).

C. Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040. ((~~unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~))

D. A copy of the Council's findings, conclusions and decision shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record and to any person who has submitted substantive comments to the Director, Hearing Examiner or City Council on the proposal. The Clerk's transmittal letter shall include official notice of the time and place for seeking judicial review. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

Section 50. Subsections B and D of Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 117242, are amended as follows:

23.76.058 Rules for specific decisions.

B. Contract Rezones.

1. When a property use and development agreement is required as a condition to an amendment of the official Land Use Map, the ordinance rezoning the property shall provide for acceptance of the agreement and shall not be passed by the Council until the agreement has been executed by the owner. The executed agreement shall be recorded in the real property records of King County and filed with the City Clerk within one hundred twenty (120) days of adoption of the ordinance accepting the agreement.

2. Amendment of Contract Rezone. Agreements required as a condition to map amendments may be amended by agreement between the owner and the City, provided the amended agreement shall be approved by the Council. Amendments which are within the

96030609 02

spirit and general purpose of the prior decision of the Council may be approved by the Council by ordinance after receiving any advice which it deems necessary. Written notice and an opportunity to comment shall be provided by the Council at least fourteen (14) ((~~fifteen (15)~~)) days prior to Council consideration of the requested amendment ((~~request~~)) to persons who submitted written or oral comments on the original rezone decision. Amendments which in the judgment of the Council represent a major departure from the terms of the agreement shall not be approved until the Council has received a ((~~the~~)) recommendation((s)) from the Hearing Examiner after a public hearing held as ((~~in the same manner and pursuant to the same notice~~)) provided for rezones ((~~map amendments~~)) in Section 23.76.052, Hearing E((e))xaminer open record predecision hearing and recommendation.

((~~D. Subdivisions. Following preliminary plat approval by the Council, final plats shall be submitted to the Director of Engineering and approved according to the procedures established in Chapter 23.22.~~))

Section 51. Subsections C, D and E of Section 23.76.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 114473, are amended as follows:

23.76.060 Expiration of Council land use approvals.

((~~C. Subdivisions. Expiration and extension of subdivision approvals shall be governed by Chapter 23.22.~~))

C. ((~~D.~~)) Variances. Variances granted as part of a Council land use approval shall remain in effect for the same period as the land use approval granted, except those variances granted as part of a rezone which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.

D. ((~~E.~~)) Extensions. The Council may extend the time limits on Type IV land use approvals upon an applicant's request for an extension filed with the Council at least thirty (30) days before the approval's expiration. The Council may request a recommendation on the extension request from the Director.

Section 52. Section 23.76.066 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.066 Shoreline Master Program amendments.

Council decisions approving an amendment to the text of SMC Chapter 23((4)).60, Shoreline Master Program Regulations, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective only upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-060.

Section 53. Section 23.84.002 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended to add a definition to be put in alphabetical order as follows:

23.84.002 "A"

"Appeal, Open Record" see Hearing, Open Record.

Section 54. Section 23.84.008 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended to add a definition to be put in alphabetical order as follows:

96030609 02

23.84.008 "D"

"Development Regulations" see RCW 36.70A.030.

Section 55. Section 23.84.016 of the Seattle Municipal Code, which was last amended by Ordinance 117202, is amended to add a definition to be put in alphabetical order as follows:

23.84.016 "H"

"Hearing, Open Record" see RCW 36.70B.020.

Section 56. Section 23.84.025 of the Seattle Municipal Code, which was last amended by Ordinance 117598, is amended to add a definition to be put in alphabetical order as follows:

23.84.025 "M"

"Meeting, Public" see RCW 36.70B.020.

Section 57. Section 23.84.030 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is to add a definition to be put in alphabetical order as follows:

23.84.030 "P"

"Project Permit" or "Project Permit Application" see RCW 36.70B.020.

Section 58. Section 23.88.020 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is amended as follows:

23.88.020 Land use interpretations.

A. Interpretations Generally.

A decision by the Director as to the meaning, application or intent of any ((~~provision of~~)) development regulation in Title 23, Land Use Code, ((~~or Title 24, Zoning and Subdivisions,~~)) or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific ((~~piece of~~)) property is known as an "interpretation". An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy shall not be subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request shall be final and not subject to administrative appeal.

B. Filing and Fees

Any request for interpretation shall be filed with the Director accompanied by the fee for interpretation provided in Table 6, SMC 22.901E.010. If a request for interpretation is included in an appeal to the Hearing Examiner of a related project decision, a copy shall be filed with the Director, accompanied by the applicable fee.

C. Timing of Request.

((~~When public notice is required for a project, a request for an interpretation concerning that project shall be made before the expiration of any applicable appeal period. Notice of the Director's decision as required by SMC 23.76.020 shall include notice of the deadline for requesting Code interpretations. When public notice is not required for a project, a request for an interpretation concerning that project may be made any time, provided that issued permits shall not be affected by subsequent Code interpretations.~~))

96030609 02

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within fourteen (14) days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

c. Notwithstanding the above deadlines, an appeal of a Type II decision or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing his or her interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection (c). A request for interpretation made pursuant to this subsection (c) shall state with specificity:

(i) How the Director's construction or application of the specified code sections is in error; and

(ii) How the requester believes those sections should be construed or applied.

The provisions of Subsections D, E and F of this Section shall not apply to interpretations requested pursuant to this subsection (c). The Director shall respond to the request by issuing an interpretation in the form of a memorandum to be filed with the Hearing Examiner at least five calendar days before the hearing.

D. Notice of Request for Interpretation.

((~~Notice of a request for interpretation shall be provided by the posting of four (4) placards on or near the site and in the general mailed release. The notice shall include a statement that any person who desires to submit comments on the application or who requests notification of the decision may submit comments or requests in writing within fourteen (14) days of the posting of notice.~~)) If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested

96030609 02

by a major institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that major institution.

E. Notice of Interpretation.

((~~Notice that a code interpretation has been made shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the office of the Department and shall be included in the general mailed release. Notice shall also be mailed on the date of publication to the applicant, property owner, and to interested persons who have requested specific notice in a timely manner.~~

~~The notice of the Director's decision shall state the address of the property and briefly state the decision made by the Director. The notice shall also state that the interpretation is subject to appeal and shall describe the appropriate appeal procedure.~~))

Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by General Mailed Release.

F. Availability and venue of appeals.

1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth (14th) calendar day following publication of the notice of the interpretation. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with SMC 23.76.052.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision. Interpretations related to projects that are appealed to the Hearing Examiner shall be appealable to the Hearing Examiner, and interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be appealable to the Shoreline Hearings Board.

((~~E. The Director's interpretation may be appealed subject to the following:~~

~~1. Any person significantly affected by or interested in a code interpretation may appeal to the Hearing Examiner within a period extending to five p.m. (5:00 p.m.) of the fifteenth calendar day following the date of publication of the interpretation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00 p.m.) on the next business day.~~))

G. **Appeals to Hearing Examiner, Process and Standard of Review.**

96030609 02

1. The appeal of an interpretation, where permitted, shall be in writing and shall state specifically why the appellant believes the interpretation to be incorrect.

2. Appeals ((~~of code interpretations~~)) submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02 ((~~the Permit Fee Ordinance, Chapter 22.900~~)).

3. The Hearing Examiner shall consider the appeal in accordance with the procedures established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made. ((~~If the Director's decision on the project for which the Code interpretation is sought is also appealed to the Hearing Examiner, the appeal of the Director's Code interpretation shall be consolidated with the appeal of the Director's decision on the permit and a single hearing shall be held.~~))

4. In the event of an appeal of an interpretation not related to a specific project application, such appeal shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner. (~~Notice of the hearing date shall be given not less than twenty (20) days prior to hearing~~)).

5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

((~~6. All appeals shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.~~))

6. ((~~7.~~))((~~The decision of t~~))The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part ((~~. The Hearing Examiner~~)) or may ((~~also~~)) remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final ((~~and the applicant, appellant and Director shall be bound by it~~)) and conclusive unless the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 59. Subsection C of Section 25.05.310 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.310 Threshold determination required.

C. In most cases, the time to complete a threshold determination should not exceed fifteen (15) ((~~seven (7)~~)) days. Threshold determinations on complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

Section 60. Subsection E of Section 25.05.335 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 61. Subsection E of Section 25.05.420 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

96030609 02

Section 62. Subsection E of Section 25.05.665 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.665 SEPA policies-Overview.

E. Relationship to Federal, State and Regional Regulations. Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. ((~~Where applicable, federal, state and regional environmental regulations will be presumed to~~)) In deciding whether these regulations provide sufficient impact mitigation, the City shall consult orally or in writing with the responsible federal, state or other agency with jurisdiction and environmental expertise and may expressly defer to that agency. The City shall base or condition its project decision on compliance with these other existing rules or laws. ((~~unless the~~)) The City ((~~finds that~~)) shall not so defer if such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project((~~, and the regulations do not preempt the substantive authority of these policies~~)).

Section 63. Subsections A, B and C of Section 25.05.680 of the Seattle Municipal Code, which was last amended by Ordinance 117789, is amended as follows:

25.05.680 Appeals.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, and 43.21C.080).

A. Master Use Permits and Council Land Use Decisions. For proposals requiring a ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, SEPA appeal procedures shall be as provided in Chapter 23.76.

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a master use permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. ((~~Threshold Determination~~)) Determination of Significance and, for a Public Project or Nonproject Action Only, a Determination of Nonsignificance. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the Final EIS as Filed in the SEPA Public Information Center. 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 (15) 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; provided that when a fifteen (15) day DNS comment period is required pursuant to this Chapter, appeals may be filed no later than the twenty-first (21st) day following such filing or publication. The appeal notice 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. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. 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

96030609 02

grant other appropriate relief in the circumstances. Within fifteen (15) 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. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a master use permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.

2. An appeal to the City Council 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 fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.

4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.

5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based 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 and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.

6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.

7. The City Council may affirm or reverse the administrative decisions below, remand cases to the appropriate department with directions for further proceedings,

96030609 02

or grant other appropriate relief in the circumstances. The City Council is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).

Section 64. Subsection A of Section 25.05.714 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.714 Agency.

A. "Agency" as defined in WAC 197-11-174(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762) or ((~~In this chapter "agency" means~~)) the City or a City department or organizational unit of the City established by charter or ordinance.

Section 65. Section 25.12.160 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.160 Landmark.

"Landmark" is an improvement, site, or object that the Board has approved for designation ((~~designated as a landmark~~)) pursuant to this ((~~e~~))Chapter, or that was designated pursuant to Ordinance 102229.

Section 66. Section 25.12.170 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 67. Section 25.12.180 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.180 Nomination.

"Nomination" is the act of proposing that any object, site or improvement be designated a landmark ((~~or landmark site~~)).

Section 68. Section 25.12.210 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.210 Party of record.

"Party of record" includes the Board, the owner, ((~~the person in charge, and~~)) the nominator of any proposed landmark ((~~or landmark site~~)), and the Hearing Examiner, when appropriate.

Section 69. Section 25.12.230 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 70. Section 25.12.260 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

96030609 02

Section 71. Section 25.12.280 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.280 Membership.

((~~Members of the Landmarks Preservation Board established under Ordinance 102229 are appointed members of the Board established pursuant to this chapter to serve for the remainder of the terms to which they were originally appointed, and in addition, one (1) new member shall be appointed for a three (3) year term and one (1) new member shall be appointed for a two (2) year term. Thereafter a~~)) All members of the Board shall be appointed by the Mayor, subject to confirmation by the Council, for a term of three (3) years, which appointments shall be made in such a manner that the composition specified in this subchapter is maintained. The Board shall elect a Chairperson from among its members.

Section 72. Section 25.12.300 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.300 Rules and regulations.

((~~The Board shall elect a Chairperson from among its members, and shall within six (6) months adopt in accordance with the Administrative Code (Ordinance 102228), and file with the City Comptroller rules and regulations, including a code of ethics for its members, for its organization and procedures consistent with this chapter. The Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed.~~)) The Board shall adopt rules and regulations in accordance with the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, to govern the Board's organization and procedures and to implement the provisions of this Chapter.

Section 73. Section 25.12.310 of the Seattle Municipal Code, as adopted by Ordinance 106348, is amended as follows:

25.12.310 Quorum-Voting.

A majority of the current appointed and confirmed members of the Board shall constitute a quorum and must be present for the transaction of business. All official actions of the Board, with the exception of votes on approval of designation, shall require a majority vote of the members present and voting. Votes on approval of designation shall require a majority vote of the then current appointed and confirmed members of the Board. No member shall be eligible to vote upon any matter required by this ((e))Chapter to be determined after a ((~~hearing~~)) public meeting unless that member has attended the ((~~hearing~~)) meeting or familiarized him or herself with the record.

Section 74. Section 25.12.320 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.12.320 Staff-Historic Preservation Officer.

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, ((~~conduct official correspondence,~~)) organize and supervise the Board staff and the clerical

96030609 02

and technical work of the Board to the extent required to administer this ((e))Chapter. In addition, the Historic Preservation Officer shall:

A. Carry out, assist and collaborate in studies and programs designed to identify and evaluate objects, improvements and sites worthy of preservation((:)):

B. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

C. Inspect and investigate objects, improvements and sites which are believed worthy of preservation;

D. Officially recognize design excellence in the rehabilitation of objects, improvements and other features deemed deserving of official recognition although not designated as landmark sites or landmarks and encourage appropriate measures for such recognition;

E. Disseminate information to the public concerning those objects, improvements and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement and perpetuation of such objects, improvements and sites;

F. Consider methods other than those provided for in this ((e))Chapter for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this ((e))Chapter;

H. Subject to such limitations and within such standards as the Board may establish from time to time, grant certificates of approval all without prejudice to the right of the owner at any time to apply directly to the Board for its consideration and action on such matters((.)):

I. Review and comment upon environmental analyses being performed by other agencies;

J. Upon request by the Department of Construction and Land Use, review permit applications to determine whether the site, improvement, or object appears to meet the criteria for landmark designation;

K. Respond to requests for interpretations of the codes relating to landmarks and to landmark districts, as provided in those codes.

Section 75. Section 25.12.340 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.340 Electronic record of hearings.

At all ((~~hearings before the~~)) Board meetings to consider approval of designation, to make a decision on an application for a Certificate of Approval, and to make the Board's recommendation on controls and incentives, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A copy of the electronic record or any part thereof, ((~~whether recorded stenographically or electronically,~~)) shall be ((~~transcribed and~~)) furnished to any person upon request therefor and payment of the reasonable costs thereof.

96030609 02

Section 76. Section 25.12.360 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.360 Separate nomination and designation of site and object or improvement.

The nomination or designation of a site as a landmark ((~~site~~)) shall not constitute nomination or designation of any object or improvement located on the site as a landmark unless the object or improvement is expressly included in the description of the nominated or designated ((~~as a~~)) landmark. The nomination or designation of an object or improvement as a landmark shall not constitute nomination or designation of the site on which the object or improvement is located as a landmark ((~~site~~)) unless the site is expressly included in the description of the nominated or designated ((~~as a~~)) landmark ((~~site~~)).

Section 77. Section 25.12.370 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.370 Nomination.

A. Any person including the Historic Preservation Officer and any member of the Board may nominate any site, improvement or object for designation as a landmark ((~~or landmark site~~)). Nominations may be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Board.

B. The Department of Construction and Land Use shall refer improvements, sites, or objects to the Landmarks Board that are subject to environmental review for a pending permit application, and that appear to meet criteria set forth in this ordinance for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found ((~~to be in order~~)) by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. ((~~A copy of any nomination and of any amendments thereto shall be given the owner promptly.~~)) The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Department of Construction and Land Use as part of its environmental review of pending permit applications.

Section 78. A new Section 25.12.375 is added to the Seattle Municipal Code as follows:

25.12.375 Exemption from permit timelines.

Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from nomination through the City Council's decision whether to enact a designating ordinance, including any review of the Board's decisions by the Hearing Examiner or the City Council, from the time limits and the other provisions of RCW 36.70B.060 through 36.70B.090 and the provisions of 36.70B.110 through 36.70B.130.

Section 79. Section 25.12.380 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.380 Notice of Board meeting on approval of nomination.

96030609 02

The Board may approve a nomination for further designation proceedings only at a public meeting. The Board shall make a reasonable effort to serve the owner of a nominated site, improvement or object with thirty (30) days notice of any Board meeting at which such nomination shall be considered for approval by the Board, including a copy of the nomination, however, failure to serve such notice shall not invalidate any proceedings with respect to such nomination. Neither the attendance((,)) and participation of the owner at the meeting to consider the nomination, nor the owner's failure to so attend or participate shall prejudice the right of the owner to resist designation or the imposition of controls if the nomination is approved.

Section 80. Section 25.12.390 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.390 Board approval of nomination.

A. If the Board((, ~~in whole or in part,~~)) approves a nomination, in whole or in part, for further designation proceedings, it shall in such approval:

1. Specify the legal description of the site, the particular features and/or characteristics proposed to be ((~~preserved~~)) designated, and such other description of the site, improvement or object as it deems appropriate;

2. Set a date, which is not less than thirty (30) nor more than ((~~forty-five (45)~~)) sixty (60) days from the date of approval of nomination, at which a public ((~~hearing~~)) meeting on approval of designation shall be held as provided in Section 25.12.420.

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through 25.12.780 shall apply.

Section 81. Section 25.12.400 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.400 Notification of approval of nomination.

If the Board approves a nomination in whole or in part for further designation proceedings, the Historic Preservation Office shall within ((~~three (3)~~)) five (5) working days file a written notice of such action with the ((~~Superintendent~~)) Director of Construction and Land Use and serve a copy of the same on the owner and interested persons of record. Such written notice shall include:

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this ((e))Chapter are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board ((~~hearing~~)) meeting on approval of designation;

96030609 02

D. A statement that ((~~all~~)) the Board meeting on designation is the sole proceeding((~~s~~)) to consider whether the standards for designation are met. ((~~review the action of the Board at the hearing on approval of designation will be based on the record made at such hearing~~)) and that no further opportunity ((~~right~~)) to present information regarding the standards for ((~~evidence on the issue of~~))designation is afforded pursuant to this ((~~e~~))Chapter.

Section 82. Section 25.12.410 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.410 Disapproval of nomination.

If the Board disapproves the nomination, the proceedings shall terminate as provided in Section 25.12.850A, and the Board shall set forth its reasons why approval of nomination is not warranted, with specific reference to the standards in Section 25.12.350.

Section 83. Section 25.12.420 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.420 Board meeting ((~~hearing~~)) on approval of designation.

Except as otherwise provided in Section 25.12.470 the Board may approve or deny designation of a site, improvement or object only at a public meeting ((~~hearing~~)). At the meeting ((~~hearing~~)) on approval of designation the Board shall receive information ((~~evidence~~)) and hear comments ((~~arguments~~)) on whether the site, improvement or object meets the ((~~criteria~~)) standards for designation of landmarks ((~~and landmark sites~~)) specified in Section 25.12.350 and merits designation as a landmark ((~~or landmark site~~)).

Section 84. Section 25.12.440 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.440 Notice of report on designation.

A copy of the Board's report on designation shall be served on the owner and mailed to interested persons of record within ((~~three (3)~~)) five (5) working days after it is issued. If the Board acts to approve designation, the owner, at the time of service of the report shall also be served with a notice that:

A. States a date, which is not later than seventy-five (75) days after mailing of the report on designation, when the Board will consider controls and incentives, if any, to be applied ((~~for preservation of~~)) to specific features or characteristics of the site, improvement or object in question((~~.~~)):

B. Requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives; and

C. Informs the owner of the procedures of Sections 25.12.490 through 25.12.520.

Section 85. Section 25.12.450 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.450 Disapproval of designation.

96030609 02

If the Board disapproves designation, the proceedings shall terminate as provided in Section 25.12.850A and the Board shall set forth its reasons why approval of designation is not warranted, with specific reference to the standards in Section 25.12.350.

Section 86. Section 25.12.460 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 87. Section 25.12.470 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 88. Section 25.12.480 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 89. Section 25.12.490 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.490 Negotiation with owner.

Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence ((~~to negotiate~~)) negotiations with the owner on the application of controls and incentives to ((~~on~~)) the site, improvement, or object, ((~~designed to preserve~~)) regarding the specific features or characteristics identified in the Board's report on designation ((~~and the application of economic incentives, if any, to the owner of the site, improvement or object~~)). If within fifteen (15) days of the commencement of the negotiation period, the owner fails to ((~~contact the Board staff~~)) participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall ((~~promptly~~)) prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

Section 90. Section 25.12.500 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.500 Negotiations-Procedure and time requirements.

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing. ((~~and if the other party does not object within seven (7) days after receipt of such notice.~~)) If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall ((~~promptly~~)) submit the agreement to the Board for approval at a Board meeting to be held not later than ((~~twenty (20)~~)) thirty (30) days after the written agreement is signed by the owner. ((~~reached, or within such further time as the Board and owner may stipulate in writing.~~)) Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within ((~~three (3)~~)) five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

Section 91. Section 25.12.520 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

96030609 02

25.12.520 Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement ((~~by negotiation~~)), or ((~~in the event~~)) the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and ((~~economic~~)) incentives((~~, if any,~~)) with the Hearing Examiner, ((~~and~~)) serve ((~~same~~)) it on the owner, and mail a copy to interested persons of record. ((~~and the owner shall have an opportunity to file objections thereto.~~)) The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are ((~~to be preserved~~)) identified in the Board's report on designation. The recommendation shall set forth the reasons ((~~and the need~~)) for ((~~each~~)) the proposed ((~~specific~~)) controls and for any proposed ((~~economic~~)) incentives. The recommendation ((~~and~~)) shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. ((~~The Board may hold a public hearing prior to the making of its recommendation.~~))

Section 92. Section 25.12.530 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.530 Filing of recommendation and objections with Hearing Examiner.

((~~As provided in Section 25.12.520, in the event of a failure to agree on proposed controls and incentives or in the event of disapproval of an agreement, the Board shall file with the Hearing Examiner and serve upon the owner recommendations for proposed controls and incentives and the owner may file objections thereto.~~)) The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement was signed by the Board staff and the owner, or if an agreement((~~,~~)) was signed, within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500. ((~~The owner's objections shall be filed not later than fifteen (15) days after receipt of the Board's recommendation on proposed controls and incentives. For good and sufficient cause shown by either the Board or owner, the Hearing Examiner may grant an extension of time not to exceed thirty (30) days. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and economic incentives.~~))

Section 93. A new Section 25.12.535 is hereby added to the Seattle Municipal Code as follows:

25.12.535 Owner's objections to Board recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendation on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.

Section 94. Section 25.12.540 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.540 Scheduling of hearing.

96030609 02

25.12.520 Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement ((~~by negotiation~~)), or ((~~in the event~~)) the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and ((~~economic~~)) incentives((~~,if any,~~)) with the Hearing Examiner, ((~~and~~)) serve ((~~same~~)) it on the owner, and mail a copy to interested persons of record. ((~~and the owner shall have an opportunity to file objections thereto.~~)) The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are ((~~to be preserved~~)) identified in the Board's report on designation. The recommendation shall set forth the reasons ((~~and the need~~)) for ((~~each~~)) the proposed ((~~specific~~)) controls and for any proposed ((~~economic~~)) incentives. The recommendation ((~~and~~)) shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. ((~~The Board may hold a public hearing prior to the making of its recommendation.~~))

Section 92. Section 25.12.530 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.530 Filing of recommendation and objections with Hearing Examiner.

((~~As provided in Section 25.12.520, in the event of a failure to agree on proposed controls and incentives or in the event of disapproval of an agreement, the Board shall file with the Hearing Examiner and serve upon the owner recommendations for proposed controls and incentives and the owner may file objections thereto.~~)) The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement was signed by the Board staff and the owner, or if an agreement((~~,~~)) was signed, within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500. ((~~The owner's objections shall be filed not later than fifteen (15) days after receipt of the Board's recommendation on proposed controls and incentives. For good and sufficient cause shown by either the Board or owner, the Hearing Examiner may grant an extension of time not to exceed thirty (30) days. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and economic incentives.~~))

Section 93. A new Section 25.12.535 is hereby added to the Seattle Municipal Code as follows:

25.12.535 Owner's objections to Board recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendation on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.

Section 94. Section 25.12.540 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.540 Scheduling of hearing.

96030609 02

A. If no objections are filed with the Hearing Examiner within the time provided, then the Board shall transmit its recommendation to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660. The Hearing Examiner shall take no action on the recommendation.

B. If objections are timely filed with the Hearing Examiner, then ((~~After the Board's recommendations and the owner's objections, if any, are filed with the Hearing Examiner,~~)) the Hearing Examiner shall set the matter for a hearing which shall be held within seventy (70) days of the ((~~receipt~~)) filing of the ((~~owners~~)) latest objections ((~~or the receipt of the Board's recommendations, whichever is later~~)), and promptly notify the Board, the owner, and any other person who filed objections ((~~all interested persons of record~~)) of the date and time for the hearing.

Section 95. Section 25.12.550 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 96. Section 25.12.560 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.560 Hearing Examiner procedure.

Proceedings before the Hearing Examiner shall be in accordance with the procedures for hearings in contested cases pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code ((~~(Ordinance 102228)~~)), and the Hearing Examiner's Rules of Practice and Procedure in effect at the time of the proceeding, except as such procedures are modified by this ((~~c~~))Chapter. ((~~Any person may testify at the hearing.~~))

Section 96A. Section 25.12.600 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.600 Information.

It shall be the responsibility of the owner ((~~or person in charge~~)) to provide the Hearing Examiner with such information as is necessary and sufficient to determine yearly net return under Section 25.12.590 B and C.

Section 97. Section 25.12.610 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.610 Hearing Examiner recommendations-Referral to Council.

Within thirty (30) days after the hearing, the Hearing Examiner shall serve on the Board and the owner and file with the Council ((~~for such action as the Council may deem appropriate,~~)) a decision setting forth a recommendation of ((~~the~~)) proposed controls and ((~~any economic~~)) incentives, ((~~findings with respect to the specific controls so recommended,~~)) and the reasons ((~~and need~~)) for the controls and ((~~any~~)) incentives recommended ((~~,and the effect of such controls and incentives~~)).

Section 98. Section 25.12.620 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.620 Right of appeal to Council.

96030609 02

Any party of record before the Hearing Examiner may appeal the ((~~findings and~~)) recommendations of the Hearing Examiner regarding controls and((~~/or economic~~)) incentives by filing with the Council and serving on all other parties of record a written notice of appeal within thirty (30) days after the Hearing Examiner's decision is served on the party appealing.

Section 99. Section 25.12.630 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.630 Procedure on appeal to Council.

A. Any appeal from the ((~~findings and~~)) recommendation of the Hearing Examiner shall be considered by the Council on the record only. The Hearing Examiner shall promptly prepare, certify and file with the Council such record, which shall consist of all documents and exhibits submitted to the Hearing Examiner (except to the extent that the same are already before the Council) and a transcript of all oral proceedings before the Hearing Examiner, unless all parties waive submission of the transcript. The appellant shall be responsible for the reasonable costs of preparation of the record unless the appeal is successful, in which event the Council may apportion such reasonable costs as it deems appropriate.

B. The Council or committee to which such appeal is referred shall notify the Board and any appellant of the procedures established for such hearing and of the date and time when it will hear oral argument, if any, from the parties or their representatives upon the issues which are the subject of such appeal. Such notice shall be served upon the Board and the owner not less than twenty (20) days before the date of such oral argument.

Section 100. Section 25.12.640 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.640 Council action on appeal.

A. The Council shall act upon the appeal within ninety (90) days of receiving the Hearing Examiner's recommendation. ((~~The Council may conclude such an appeal by enacting a designating ordinance as provided in Sections 25.12.650 and 25.12.660, adopting a committee report denying designation, or by such other action it deems appropriate.~~))

B. Council action is necessary to complete the process for designation of a landmark. The Council may:

1. Enact a designating ordinance that specifies the controls and incentives being imposed on a site, improvement, or object approved for designation by the Board;

2. Modify controls and incentives negotiated by the owner and the Board or recommended by the Board or the Hearing Examiner, and enact a designating ordinance embodying such modifications; or

3. Decide not to enact a designating ordinance and thereby decline to impose controls and incentives. A Council decision not to enact a designating ordinance shall terminate the proceedings pursuant to Section 25.12.850 of this Chapter.

Section 101. Section 25.12.650 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

96030609 02

25.12.650 Designating ordinance- ((~~Generally~~))Amendment or Repeal.

((~~Pursuant to the procedures set forth in this chapter, the Council may by ordinance specify controls and economic incentives with respect to sites, improvements or objects designated by the Board and pursuant to such procedures:~~))The Council may by ordinance amend or repeal any ((~~such~~)) designating ordinance; provided((~~: A. T~~))that if ((~~an~~)) a designating ordinance is enacted ((~~designating a landmark or a landmark site imposes specific controls upon such landmark or landmark site~~)), no proceedings may be commenced under this ((~~e~~))Chapter to impose other or further controls on ((~~such~~)) the landmark ((~~or landmark site~~)) that is covered by the designating ordinance within four (4) years from the effective date of such designating ordinance without the agreement of the owner in writing.((~~; and~~

~~B. That if any landmark or landmark site is substantially destroyed by fire, earthquake or other casualty not envisioned at the time of designation, the owner may petition the Board to revoke the designation.~~))

Section 102. Section 25.12.660 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.660 Designating ordinance-Information required.

A. Each designating ordinance, and each ordinance amendatory thereof, shall include:

1. The legal description of the site, improvement or object;

2. The specific features or characteristics which are designated ((~~to be preserved~~));

3. The standards in Section 25.12.350 that are the ((~~reasons and~~)) basis for such designation; and

4. The specific controls imposed and any ((~~economic~~)) incentives granted or to be granted or obtained with respect to such site, improvement or object.

B. A certified copy of each such ordinance shall be recorded with the King County Director of Records and Elections and served on the owner ((~~and on the person in charge~~)) of ((~~such~~)) the ((~~landmark site or~~)) landmark.

Section 103. Section 25.12.670 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.670 Requirement of certificate of approval.

After the filing of an approval of nomination with the ((~~Superintendent~~)) Director of Construction and Land Use and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may((~~:~~

~~A. M~~))make alterations or significant changes to specific features or characteristics of the site, improvement or object, which are identified in the approved nomination, or the Board report on designation, or subject to controls in a controls and incentives agreement or a designating ordinance, whichever is most recent.((~~suggested for preservation in the approval of nomination, or thereafter specified in the report on approval~~

96030609 02

~~of designation of the decision of the Hearing Examiner, whichever was issued most recently, while proceedings under this chapter are pending; or~~

~~B. Make alterations or significant changes which would be in violation of specific controls imposed by a designating ordinance.~~))

Section 104. Section 25.12.680 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.680 Application for certificate of approval-Filing.

A. Application for a certificate of approval ((~~may~~)) shall be made by filing an application for such certificate with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required because of the pendency of designation proceedings, or the terms of a designating ordinance. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

B. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application, or the applicant makes a written request to submit an application for a preliminary design as set forth in subsection E below, and the staff agrees to accept the application:

1. Building name and building address;

2. Name of business(es) located at the site of the proposed work;

3. Applicant's name and address;

4. Property owner's name and address;

5. Applicant's telephone number;

6. The property owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

7. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

8. A detailed description of the proposed work, including any changes it will make to a landmark;

9. Four (4) sets of scale drawings, with all dimensions shown, of:

a. A site plan of existing conditions, showing adjacent streets and buildings, and a site plan showing proposed changes;

b. A floor plan showing the existing features and a floor plan showing the proposed new features or changes;

c. Elevations and sections of both the proposed new features and the existing features;

d. Construction details;

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e. A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

10. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

11. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

12. If the proposal includes new signage, awnings, or exterior lighting:

a. Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, graphic designs, typeface, letter size, and colors;

b. Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning or sign;

c. Four (4) copies of details showing the proposed method of attaching the new awning, sign, or proposed exterior lighting;

d. One (1) sample of proposed sign colors or awning material and color;

e. The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

13. If the proposal includes demolition of a structure or object:

a. A statement of the reason(s) for demolition;

b. A description of the replacement structure or object;

14. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features being replaced, removed, or demolished.

C. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

D. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study when new construction is proposed.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related

96030609 02

permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this Chapter. To be complete, an application for preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8, 9a through 9c, and 13. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal and Board approval of the final design, including all of the information listed above in subsection B, prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 105. Section 25.12.690 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.690 Application for certificate of approval-In conjunction with permit application.

If ((~~before a certificate of approval is obtained,~~)) an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for an action which requires a certificate of approval ((~~is required~~)), the ((~~Superintendent~~)) Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval.~~)) The ((~~Superintendent~~)) Director of Construction and Land Use shall continue to process the permit ((~~such~~)) application, but shall not issue any such permit until the time has expired for acting upon the ((~~filing with the Superintendent the notice of denial of a~~)) certificate of approval or a certificate of approval has been issued pursuant to this ((~~c~~))Chapter.((~~;provided that if by its terms or the provisions of Section 25.12.810 the operation of such certificate of approval is suspended the Superintendent shall not issue such permit until the suspension terminates.~~))

Section 106. Section 25.12.700 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.700 Application for certificate of approval-Similar changes.

An application for a certificate of approval shall not be accepted for filing while another application for the same or similar action is pending before the Board or on appeal. ((~~After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a hearing pursuant to Section 25.12.720 or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom pursuant to this chapter have been concluded.~~))

Section 107. Section 25.12.720 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

96030609 02

25.12.720 Board ((~~hearing~~)) meeting on certificate of approval.

Within thirty (30) days after ((~~the filing of~~)) an application for a certificate of approval is determined to be complete ((~~with the Board or the referral of an application to the Board pursuant to Sections 25.12.680 or 25.12.690~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.((~~; provided that no hearing shall be required if the Board, the owner and the applicant agree in writing to a stipulated certificate of approval approving the requested alterations or changes with such modifications as may be agreed upon. If an agreement on a stipulated certificate of approval is reached or if, after a hearing, the Board orders a certificate of approval, such certificate shall be issued forthwith and the Board shall file a certified copy of such certificate with the Superintendent.~~)) The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

Section 108. Section 25.12.730 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.730 Board decision on certificate of approval.

The Board shall issue a written decision ((~~either~~)) granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of Construction and Land Use, not later than forty-five (45) days after ((~~the filing of the application for permit with the Superintendent or after the filing of~~)) an application for a certificate of approval is determined to be complete. ((~~with the Board; and shall serve a copy thereof upon the owner, the applicant and the Superintendent within three (3) working days after such grant or denial.~~)) Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision ((~~A decision denying a certificate of approval or attaching conditions to the grant of a certificate of approval~~)) shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.((~~Except by written agreement with the owner and the applicant, neither the Board nor the Hearing Examiner may attach any conditions to the grant or denial of the certificate of approval, if the effect of such conditions would be to impose controls which are prohibited by this chapter, or if such conditions would otherwise be inconsistent with the provisions of this chapter or any applicable designating ordinance.~~))

Section 109. Section 25.12.740 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.740 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard

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according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.((~~Except as otherwise specified in Sections 25.12.670 through 25.12.780, the Hearing Examiner shall hold a hearing in the same manner as provided in Sections 25.12.530 through 25.12.610 for hearings on the application of controls and economic incentives.~~))

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

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal . Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

Section 110. Section 25.12.760 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.760 Hearing Examiner procedure.

A. When the appeal of a certificate of approval is consolidated with appeals of related permits, then the time frames applicable to the appeals of the other permits shall apply to the appeal of the certificate of approval.

B. In all other instances, t((~~T~~))he Hearing Examiner shall serve notice of the date of the hearing on the parties not less than twenty (20) days before the hearing and shall hold a hearing not later than ((~~eighty (80)~~)) forty-five (45) days after the filing of the ((~~application for a certificate of approval~~)) appeal. The Hearing Examiner shall issue a decision within ((~~fourteen (14) days after the conclusion of the hearing~~)) fifteen (15) days after closing of the record, and shall serve the decision on the Board, the owner, and the applicant, and file the same with the ((~~Superintendent~~)) Director of Construction and Land Use. ((~~within three (3) working days thereafter.~~))

((~~B. The Hearing Examiner may appoint an expert or experts to provide advice or report concerning the economic effect of the denial of a certificate of approval or the imposition of proposed conditions.~~)) The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

C. If the Hearing Examiner determines that there is no showing of a significant change in circumstances since a ((~~previous~~)) denial or conditioning of a prior application for a similar certificate, the appeal shall be denied.

D. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 111. Section 25.12.770 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

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25.12.770 Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the ((~~Superintendent~~)) Director of Construction and Land Use, the owner, and the applicant within the times specified in ((~~Section 25.12.730, of as the same may be extended in accordance with Section 25.12.850D,~~)) this Chapter or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the ((~~Superintendent~~)) Director of Construction and Land Use shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.

Section 112. Section 25.12.780 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 113. Section 25.12.790 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 114. Section 25.12.800 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 115. Section 25.12.810 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 116. Section 25.12.820 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 117. Section 25.12.830 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 118. Section 25.12.835 of the Seattle Municipal Code, which was adopted by Ordinance 116540, is amended as follows:

25.12.835 Demolition.

A. It is the policy of The City of Seattle to prevent the unnecessary demolition of Landmarks. Even when a certificate of approval to demolish a Landmark has been issued because its owner is unable to make reasonable economic use of the Landmark, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the presence of Landmarks within the City.

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Department of Construction and Land Use pursuant to the requirements of SMC Section 23.40.008 B, the Department of Construction and Land Use may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

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1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal((~~, and after the expiration of any period of suspension under Sections 25.12.800 through 25.12.820~~)); and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of the State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A master use permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under subparagraph B4a above) and available for such purpose.

C. Subsections B3 and B4 shall not apply if the owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that maintaining the landmark until the conditions described in subsections B3 and B4 are satisfied would be unduly burdensome and a violation of substantive due process. Among the facts the Director should consider in determining the burden on the owner are, on the one hand, the costs of maintenance until a replacement use is ready, and, on the other hand, the costs of demolition, the interest on such costs, and the costs of maintaining a vacant site.

D. The Director also may waive or modify the requirements of subsection B2 if the Director determines that compliance with this subsection would be unnecessary or inappropriate in light of the nature and value of the Landmark.

E. In making the determinations required under this section the ((~~d~~))Director of the Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer. The Director should consider all relevant information and should communicate with whomever the Director believes can provide useful information or expertise. The Director shall communicate his or her decision to the applicant in writing within (15) fifteen days of receiving the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090, and the requirements of RCW 36.70B.110 through section .130.((~~The said decision shall be provisional and subject to comment for thirty (30) days, after which time it shall become finalized as revised, if at all, during the comment period.~~))

~~F. A decision denying an owner permission to demolish a Landmark under subsection C may be appealed by the owner to the Hearing Examiner; all other decisions of the Director of the Department of Neighborhoods under this section shall be final. Written notice of appeal to the Hearing Examiner and the filing fee specified in Seattle Municipal Code Section 3.02.125 must be filed with the Examiner no later than five p.m. (5:00 p.m.) on the fifteenth day following the date of the Director's decision. Notice of the hearing on~~

96030060902

~~the appeal shall be mailed to the owner and Director no fewer than ten (10) days prior to the hearing. The Hearing Examiner shall conduct a hearing de novo and shall not defer to the decision of the Director, although the burden of persuasion shall be on the owner.~~))

((~~G~~))E. An owner may seek to meet his or her burden under subsection C at the same time that the owner seeks a certificate of approval to demolish under Sections 25.12.670 through 25.12.730. ((~~, in which case any appeal of the decision under subsection C shall be consolidated before the Hearing Examiner with any appeal of the certificate of approval, and, if the owner is entitled to an appeal to the Council under Section 25.12.780, with any appeal to the Council.~~)) An owner also may seek to meet his or her burden under subsection C at any time after a certificate of approval to demolish has been issued.

G. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 119. Section 25.12.840 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.840 Service of notices.

A. Notices, decisions, and any other instruments or documents required to be served upon the owner pursuant to this ((e))Chapter shall be served by mailing the same: (1) to the person shown to be the owner on the records of the Department of Finance of King County, Washington, to the address therein given and to such other addresses as may be ascertained from telephone or Polk directory listings for the City; and (2) to the owner's attorney where the files or records of the Board, the Hearing Examiner, or the Council, reveal representation in such proceedings by an attorney ((~~; and (3) to the person in charge of a site, improvement or object~~)). Notices, applications, other instruments or documents required to be served upon the Board shall be served by delivering the same to the Historic Preservation Officer or by mailing the same either to the Historic Preservation Officer or to the Landmarks Preservation Board at the then current address for such Officer or Board. Transmittals by mail shall be sent by first-class mail, certified with return receipt requested and with postage prepaid. Service shall be deemed to have been given when all of the steps specified above have been completed. Failure to send notice by mail to any owner whose address is not listed in the above sources, and failure to give actual notice to any owner whose name and address is unknown, shall not invalidate any proceedings in connection with the proposed designation.

B. Notice to parties of record shall include at least those documents sent to the owner. Such notice shall be served by first-class mail.

C. Notice to interested persons of record shall include at least the following: a description of the most recent action taken by the Board, the Hearing Examiner or Council; the time and place of the next public meeting or hearing, if any; the procedure to be followed at such meeting or hearing; the rights of appeal available, if applicable; and the time and place where documents in the record may be inspected. Such notice shall be served by first-class mail.

D. The Historic Preservation Officer may give such other notice as he or she may deem desirable and practicable.

Section 120. A new Section 25.12.845 is hereby added to the Seattle Municipal Code as follows:

96030609 02

25.12.845 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted, or on the provisions of an enacted designating ordinance.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the applicant agrees in writing to suspend the time frames for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Sections 25.12.740 and 25.12.760 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 120A. Section 25.12.860 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

96030609 02

At the end of four (4) years after the effective date of a designating ordinance, the owner may file with the Board an application to revoke designation of a site, improvement or object as a ((~~landmark site or~~)) landmark or an application to modify or revoke the controls or economic incentives previously established with respect thereto. Proceedings with respect to any such application shall proceed in the manner specified in Sections 25.12.380 through 25.12.640; provided that the burden shall be on the owner to demonstrate that a substantial change in circumstances has occurred to justify revision or revocation. Revocation of designation shall have the further effect of the termination of all controls and all present and future benefits from granted economic incentives. Termination of revocation or revision proceedings shall have the effects specified in Section 25.12.850.

Section 120B. Section 25.12.900 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

The Board may, upon request of the owner of the site, improvement or object, render advice and guidance with respect to any proposed work on a landmark ((~~or landmark site~~)).

Section 121. Section 25.12.910 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.910 Designated.

The ((~~Superintendent~~)) Director of Construction and Land Use shall enforce this ((~~e~~))Chapter and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229 and may, in addition to any other remedy or penalty provided in this ((~~e~~))Chapter, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this ((~~e~~))Chapter or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding Five Hundred Dollars ($500.00), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this ((~~e~~))Chapter, as to which such violation or failure to comply is charged.

Section 122. Section 25.16.080 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.080 Certificate of approval-Application.

A. Application.

1. All applications for a certificate of approval, and all applications for any permit requiring such a certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the District Board.

2. The following information must be provided in order for the application to be complete, unless the board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

96030609 02

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

96030609 02

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object.;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this Chapter and in any rules adopted by the board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. Decision on application. Within thirty (30) days after receipt of ((~~each such~~)) a complete application the District Board shall hold a public ((~~hearing~~)) meeting thereon and by duly approved motion recommend to the Director of the Department of Neighborhoods that the same be granted, denied or granted with conditions. ((~~be referred to the Landmarks Preservation Board. Within thirty (30) days after such referral of any such application, the Landmarks Preservation Board shall hold a public hearing thereon and recommend that the same be granted or denied.~~)) The Director of the Department of Neighborhoods shall issue a decision within fifteen (15) days of receiving the Board's recommendation.

Section 123. Section 25.16.090 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.090 Certificate of approval-Consideration by Board.

In considering such application, the District Board ((~~or the Landmarks Preservation Board~~)) shall ((~~each~~)) keep in mind the purpose of this ((~~e~~))Chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this ((~~e~~))Chapter, and among other things, the historical and architectural value and significance; architectural style and the general design; arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs; the relationship of such features to similar features of other buildings within the Ballard Avenue Landmark District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

96030609 02

Section 124. Section 25.16.100 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.100 Certificate of approval-Issuance or denial.

A. ((~~If after such hearing and upon consideration of the foregoing, the District Board or the Landmarks Preservation Board determines that the changes and any new construction proposed in any such application are consistent with the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, it shall recommend that a certificate of approval be granted and the Director shall forthwith issue such in accordance with such Board's recommendation. If the Board's recommendation is to deny such application, the Director shall issue a written notice of denial.~~)) If the Board does not recommend granting, granting with conditions, or denial ((~~or referral~~)) of ((~~any such~~)) an application within the time provided for such recommendation, the Director of the Department of Neighborhoods shall issue a decision without a recommendation from the District Board. If the Director of the Department of Neighborhoods does not issue a decision within the time provided by this Chapter, then the ((~~such~~)) application shall be deemed approved. ((~~and the Director shall forthwith issue the certificate of approval in accordance with such application,~~)) Provided, however, that the applicant may waive the deadlines in writing for the Board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~unless the Board's action has been deferred in accordance with an agreement for consultation as follows:~~)) Before issuing a recommendation of denial, the Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the Board shall make its recommendation ((~~such application shall be finally denied~~)) and the applicant shall be so notified by letter.

B. ((~~Whenever an applicant is denied, the~~)) The Director of the Department of Neighborhoods shall send copies of the ((~~notice of denial~~)) decision to the applicant, the property owner, the Director of Construction and Land Use, and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application. ((~~if such application has been referred to the Landmarks Preservation Board and recommendation of denial made by that Board.~~))

C. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 125. Section 25.16.110 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.110 Certificate of approval-Appeal if denied.

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within ((~~twenty (20)~~)) fourteen (14) days of the date of notice of the denials((~~,~~)). When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the

Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

C. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

D. ((~~and the~~)) The Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code, Chapter 3.02 of the Seattle Municipal Code, and in accordance with the Hearing Examiner's Rules of Practice and Procedure (unless all parties of record affected by such Board's decision consent to the review and decision without a public hearing) may affirm, reverse or modify the denial, but may reverse or modify only if ((~~he~~)) the Hearing Examiner finds that:

1. Such denial violates the terms of this ((~~e~~))Chapter or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter; or

2. Such denial is based upon a recommendation made in violation of the procedures set forth in this ((~~e~~))Chapter or procedures adopted pursuant to the authority of this ((~~e~~))Chapter and such procedural violation operates unfairly against the applicant.

((~~B~~))E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection B, then not later than ninety (90) days from the filing of that appeal . The decision of the Hearing Examiner shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040. ((~~and copies thereof~~)) Copies of the decision shall be mailed to all parties of record and transmitted to the Director, the District Board, ((~~the Landmarks Preservation Board if it considered such application,~~)) and the property owner if ((~~he~~)) the owner is not a party of record.

Section 126. A new Section 25.16.115 is hereby added to the Seattle Municipal Code as follows:

25.16.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

96030609 02

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.16.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's decision. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 127. Section 25.20.010 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.20.010 Definitions.

The following terms used in this ((e))Chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

96030609 02

B. "Application Review Committee" is the committee established by this ((e))Chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.

D. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

E. "Council" is the City Council of the City of Seattle.

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

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~))or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

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

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

Section 128. Section 25.20.080 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.080 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application for such a certificate((~~s~~)) with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

2. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

96030609 02

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If before a certificate of approval is obtained, an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for which a certificate of approval is required, ((~~the Superintendent shall promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval. The Superintendent~~)) the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~e~~))Chapter, or the time has expired for filing with the ((~~Superintendent~~)) Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a ((~~hearing~~)) meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom have been concluded.

96030609 02

Section 129. Section 25.20.090 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.090 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)) ,the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this ((~~e~~))Chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this ((~~e~~))Chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structure in relation to the street or public way and to other buildings and structures.

Section 130. Section 25.20.100 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.100 Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than forty-five (45) days after the ((~~filing of~~)) the application ((~~for permit with the Superintendent or after the filing of an application~~)) for a certificate of approval ((~~with the Board~~)) is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the ((~~Superintendent~~)) Director of the Department of Construction and Land Use within three (3) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((~~e~~))Chapter and adopted guidelines for the District.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 131. Section 25.20.110 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.110 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the

96030609 02

Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.740 through 25.12.770 of this Code.

F. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132. A new Section 25.20.115 of the Seattle Municipal Code is hereby added as follows:

25.20.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review

96030609 02

of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.20.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132A. Section 25.20.120 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.120 Enforcement and penalties.

The ((~~Superintendent of Buildings~~)) Director of Construction and Land Use shall enforce this ((~~e~~))Chapter and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

Section 133. Section 25.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.020 Definitions.

The following terms used in this ((~~e~~))Chapter shall, unless the context clearly demands a different meaning, mean as follows:

96030609 02

A. "Application Review Committee" is the committee established by this ((e))Chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348 or any ordinance amendatory or successor thereto.

C. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~)) or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

((~~G~~))H. "Significant change" is any external alteration, new construction, restoration or demolition other than routine maintenance or repair.

Section 134. Section 25.22.100 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.100 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application((s)) for such a certificate((s)) with the Board.((~~, or by filing with the Director an application for a permit to make alterations or significant changes for which a certificate of approval is required.~~))

2. The following information must be provided in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

96030609 02

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

96030609 02

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~the Director shall promptly refer the application to the Board and the application shall be deemed an application for a certificate of approval.~~)) The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((e))Chapter, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change by giving notice of a ((~~hearing~~)) meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change at the same site may be made until such proceedings and all appeals therefrom have been concluded.

D. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 135. Section 25.22.110 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

96030609 02

25.22.110 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this ((e))Chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this ((e))Chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structure or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.

Section 135A. Section 25.22.120 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.120 Issuance of Board Decision.

The Board shall consider the recommendation of the Application Review Committee and shall, within forty-five (45) days after the ((~~transmittal of the application for permit from the Director or after the filing of an~~)) application for a certificate of approval ((~~with the Board~~)) is determined to be complete, issue a written decision either granting, granting with conditions, or denying a certificate of approval and shall mail a copy of the decision to the owner, the applicant and the Director within three (3) working days after such decision. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((e))Chapter and the adopted guidelines for the District. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

Section 136. Section 25.22.130 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.130 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Board and by filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after the date the Board's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more elated permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the

96030609 02

state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Seattle Municipal Code Sections 25.12.((~~05~~))740 through 25.12.((~~08~~))760 of the Landmarks Preservation Ordinance (((~~106348~~))), and as prescribed under Section 25.22.110 B.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

F. The Hearing Examiner's decision shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 137. A new Section 25.22.135 of the Seattle Municipal Code is added as follows:

25.22.135 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

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E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.22.130 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

96030609 02

Section 138. A new Section 25.24.015 of the Seattle Municipal Code is hereby added as follows:

25.24.015 Historic Preservation Officer.

The Historic Preservation Officer is the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

Section 139. Section 25.24.060 of the Seattle Municipal Code, which was last amended by Ordinance 111235, is amended as follows:

25.24.060 Approval of changes to buildings, structures and other visible elements.

A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure, lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a certificate of approval authorized by the Commission which shall not be transferable; and no building permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries of the Historical District including public places except where areas have been reserved for groups of signs or for signs which identify the Market District as a whole, as determined by the Commission. The fee for certificates of approval shall be according to the SMC Chapter 22.901T, Permit Fee ((~~Ordinance~~)) Subtitle.

B. Application.

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. ((~~or to the Director of Construction and Land Use. If submitted to the Director it shall be forwarded immediately by the Director to the Commission for review.~~)) If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of approval to the Commission shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete.

2. The following information must be provided in order for the application to be complete, unless the Commission's staff indicate in writing that specific information is not necessary for a particular application:

a. Business name and business address;

b. Name of the building(s) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Landlord or building owner's name and address;

f. A written description of the ownership interest and role in the business operation;

g. Applicant's telephone number;

h. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

i. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

j. A detailed description of the proposed merchandise, service, or work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the proposed work or use would have on the public right of way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

(5) Any change of ownership or location;

(6) Any proposed increase in the business area;

k. Four (4) sets of scale drawings, with all dimensions shown, of:

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(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

l. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures, furniture, or paint;

n. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

o. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

p. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen

96030609 02

(14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Commission, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

C. The Commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the Commission as provided in this ((e))Chapter. The Commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building or other structure in the Historic District, including structures to be located in public places, shall refer to the purpose of this ((e))Chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the Historical District and the position of such building or structure in relation to the street, public way, or semipublic way and to other buildings and structures. The Commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this ((e))Chapter. Where modification of the appearance of a structure within the Historical District does not require a building or demolition permit, an application for a certificate of approval shall nonetheless be filed with the Commission ((~~or with the Director of Construction and Land Use, who shall forward the same to the Commission~~)).

((~~C~~))D. The Commission shall have sole responsibility for determining the appropriate location, design and use of signs and structures to be located on or above the surface of public places in the Historical District and the sole responsibility for licensing and determining the appropriate locations for performers as defined in Section 17.32.010 H of the Seattle Municipal Code, in the Historical District; provided, that property owned by the Pike Place Market Preservation and Development Authority shall not be considered a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of public places in the District by performers, may assess reasonable permit fees, and may utilize the services of the Pike Place Market Preservation and Development Authority (PDA), or should the PDA decline to make its services available, may utilize the services of ((~~with~~)) any other organization appropriate for implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit donations by word of mouth, gestures, mechanical devices, or second parties. It shall also be unlawful for any performer or other person to use any device for the reproduction or amplification of sound without the express written approval of the Commission secured in advance. ((~~All matters involving construction in public places in the Historical District, including, but not limited to, the strength and quality of materials to be used for signs or structures, shall be the responsibility of the Board of Public Works as provided in Title 15 of the Seattle Municipal Code. The Board of Public Works shall secure the approval of the Historical Commission before authorizing any activity in any public place in the Historical District except in emergencies in which life or property are imminently threatened and a quorum of Commission members cannot be assembled prior to the emergency action to be taken.~~))

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Section 140. Section 25.24.070 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.24.070 Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this ((e))Chapter not later than thirty (30) days after ((~~receipt of~~))any such application is determined to be complete, and a public ((~~hearing~~)) meeting shall be held on each such application. If after such ((~~hearing~~)) meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval ((~~at this time~~)) within forty-five (45) days of the determination that the application is complete, and shall provide notice of its decision to the applicant, the Department of Construction and Land Use, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. ((~~and after~~)) After such a decision, the Director of Construction and Land Use is then authorized to issue a permit.

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 141. Section 25.24.080 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.24.080 Appeal to Hearing Examiner.

A. ((~~Any party of interest appearing before the Commission at a public hearing on an application for a certificate of approval may appeal an action of the Commission on such application by filing an appeal with the Hearing Examiner within seventeen (17) days of the mailing of notice of such Commission action, citing applicable criteria of Section 25.24.040. Within ten (10) days of receiving notice of appeal, the Hearing Examiner shall set a date for hearing on appeal, such hearing to take place no later than thirty (30) days after filing of the appeal. Such hearing shall be in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code (Ordinance 102228) unless all parties of record affected by the Commission's decision consent to such review and decision without a public hearing. The Hearing Examiner shall render his decision in writing within fourteen (14) days after the hearing, mailing copies of his decision to parties of record at the hearing, the Department of Neighborhoods Director, the Director of Construction and Land Use and the Commission.~~)) Any interested person of record may appeal to the Hearing Examiner the decision of the Commission to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Commission and by filing such notice and a copy of the Commission's decision with the Hearing Examiner within fourteen (14) days after the date the Commission's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard

96030609 02

according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner may reverse or modify an action of the Commission only if ((~~he~~)) the Hearing Examiner finds that:

1. Such action of the Commission violates the terms of this ((~~e~~))Chapter or rules, regulations or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter((~~:~~)); or

2. Such action of the Commission is based upon a recommendation made in violation of the procedures set forth in this ((~~e~~))Chapter or procedures established by rules, regulations or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

((~~B. The decision of the Hearing Examiner shall be final.~~))

Section 142. A new Section 25.24.085 of the Seattle Municipal Code is hereby added as follows:

25.24.085 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review

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of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.24.080 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Commission, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 143. The process of considering whether an improvement, site, or object should be designated a landmark, and of considering the specific controls and incentives that should be applied, presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) Landmark status is not related to a particular permit application, it relates to the building, site, or object and continues independently of whatever permits are granted; 2) Landmarks are public resources, therefore the public must be involved in considering whether landmark status should be assigned; 3) Historic resources require consideration of the long-term, not just the immediate use of a site; 4) Designation does not determine what can or cannot be done with the improvement, site, or object, rather designation requires that approval be given before significant changes or alterations are made; and 5) Controls and incentives result from negotiation, which requires a flexible process. Therefore, pursuant to RCW 36.70B.140, the City is excluding the entire landmark designation process from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 144. SMC 25.12.835 and SMC 23.66.115 and SMC 23.66.318 require that the Director of the Department of Neighborhoods determine whether an applicant for a

96030609 02

permit to demolish a landmark, or a building in a special review district has a valid and binding commitment for financing sufficient for development of the proposed replacement use or sufficient financial resources for that purpose. This determination presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) An applicant may not be able to obtain a financial commitment until after other permit decisions have been made; 2) Information on financial resources is under the applicant's control. Therefore, pursuant to RCW 36.70B.140, the City is excluding the determination required in sections 25.12.835, 23.66.115, and 23.66.318 from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 145. The Council determines that preliminary approval by the City of a subdivision presents special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) preliminary approval of subdivisions is excluded from such time limits. The City has defined a subdivision as a division of land into 10 or more lots, and the potential impacts from the creation of so many in-fill lots in one place in a highly developed urban area are such that an open record predecision hearing is needed to examine the public use and interest proposed to be served by the establishment of a subdivision. The Council further determines that a 90 day period, the same time provided by RCW 36.70B.090 for open record appeal hearings, is the minimum period that is reasonable for the Hearing Examiner to conduct such a hearing and issue a decision.

Section 146. The Council determines that Type IV Council land use decisions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) Type IV Council land use decisions are excluded from such time limits. Type IV decisions are those in which the Council instead of DCLU or the Hearing Examiner makes the City's decision. The Council does so because of the public interests at issue in such proposals, or because of the potential scale and nature of the impacts of such proposals, or because such proposals present a need to interpret and apply fundamental City policies. Given the Council's other on-going responsibilities, it is not possible for the Council to conduct its own open record hearing or to review and act upon a recommendation from the Examiner within the time limits of RCW 36.70B.090. The Council determines that a 90 day period for the Hearing Examiner to conduct an open record predecision hearing and issue a recommendation, and an additional 90 day period for the Council to conduct a closed record review of the record and recommendation and issue its decision, are the minimum periods that are reasonable.

Section 147. The Council determines that Major Institution Master Plans are a unique feature of the Seattle Land Use Code and present special circumstances that warrant an entirely different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the adoption and amendment of Major Institution Master Plans are excluded from such provisions. The Major Institutions Overlay District allows major institutions such as hospitals and universities to develop more intensely than the underlying zone permits so long as the major institution develops consistently with the Master Plan. Not only does the time needed to review and approve a Master Plan depend in large part on the scope and ambition of the major institution's plans, but the creation of a master plan is essentially a legislative act and entails extensive review by and comment from the neighborhoods significantly affected by the institution's development, as well as comprehensive deliberation by the Council.

Section 148. The Council determines that the City's processes for granting use and occupation permits for public streets and similar public places, including permits for

96030609 02

skybridges and tunnels, present special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the City's processes for granting such use and occupation permits are excluded from such provisions. A street use permit is a permit to allow private use of public property, and in deciding whether to permit such use the City is not making a regulatory decision pursuant to the police power but is acting as steward of the public interest in public streets.

Section 149. The Council determines that the process for vacating streets, alleys and public places presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for vacating streets, alleys and public places is excluded from such provisions. Such vacations are not regulatory decisions made pursuant to the police power but essentially legislative decisions made by the Council as steward of the public interest in public streets and places. The City's ability to grant street vacations also is often subject to the rights of others, such as abutting owners, utilities and franchises, and these rights must be recognized and provided for.

Section 150. The Council determines that applications for land use decisions that the Hearing Examiner or Council remand for further information or analysis present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) such applications are excluded from the time limits of RCW 36.70B.090 for the reasonable period of such remand. The existence of special circumstances such as newly discovered evidence gives rise to the need for a reasonable period of time to address such special circumstances, and such period of time should be excluded from the time limits that would apply absent such special circumstances.

Section 151. Pursuant to the authority of RCW 36.70B.140(2), the processing of applications for permits required by the following building and construction codes is excluded from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130:

A. The Seattle Building Code as adopted in SMC Chapter 22.100;
B. The National Electrical Code as adopted in SMC Chapter 22.300;
C. The Seattle Mechanical Code as adopted in SMC Chapter 22.400;
D. The Seattle Boiler and Pressure Vessel Code as adopted in SMC Chapter 22.450;
E. The Seattle Plumbing Code as adopted in SMC Chapters 22.500 through 22.506;
F. The Seattle Fire Code as adopted in SMC Chapter 22.600 through 22.602;
G. The Washington State Energy Code as adopted in SMC Chapter 22.700
F. The Stormwater, Grading and Drainage Control Code as adopted in SMC Chapters 22.800 through 22.808, except when an application for a Master Use Permit requires review pursuant to Section 22.802.020.

Section 152. The Council determines that the process for establishment of criteria for nonschool use of an existing or former public school structure presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment such criteria is excluded from such provisions. The establishment of criteria for joint use or reuse of public schools allows these structures to be occupied by uses other than those permitted outright in the zone as long as the uses are compatible with the surrounding community. This process of developing such substantive criteria entails extensive review and comments from the surrounding community likely to be substantially affected by the joint use or reuse of these public school structures and grounds.

96030609 02

Section 153. The Council determines that the process for establishment of a development standard departure for public schools presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment of these development standard departures is excluded from such provisions. The development standard departure process for public schools allows public schools to be subject to specific development standards tailored to their unique physical requirements and educational needs, and to the need of the surrounding community. Not only does the time needed to review and approve a development standard departure for public schools depend on the scope of the requested departures, but the review and approval of these departures entail extensive review and comment from the community likely to be affected by the development standard departure.

Section 154. The following standards are adopted as the "Interim Downtown Design Guidelines" and are to be used to evaluate proposed new structures in the Downtown zones that are subject to Design Review pursuant to Section 23.41.004A, Seattle Municipal Code. The Director of the Department of Construction and Land Use is authorized to clarify, explain and illustrate these guidelines through Director's Rules.

Interim Downtown Design Guidelines

A. Context:

1. The project is superior in terms of establishing a superior pedestrian street environment.

a. Excellent Performance: The project creates a very pleasing and inviting human- scale pedestrian environment through the scale and texture of building materials, size and spacing of windows, street furniture, landscaping, overhead weather protection and eave height; it enhances pedestrian comfort and ease of circulation for people of all abilities, especially up steep hillsides; and the vehicular access to the project contributes in an outstanding way to a well proportioned and well defined street space for pedestrians.

b. Poor Performance: Negative qualities clearly dominate the design at street level, such as blank façades, limited, monumental entrances, difficult or disorienting pedestrian access, awkward or circuitous barrier-free access, conflict between vehicular and pedestrian access, or disruption of an existing well defined streetscape or common eave line.

2. The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

a. Excellent Performance: The scale, design and proposed uses of structures are compatible with and enhance the surrounding area, help unify an area that currently does not have strong consistency of scale, activity, or character, or help change the character of an area in a positive way when such a change would further the goals of the Downtown Land Use Policies.

b. Poor Performance: The project disrupts the development of a cohesive streetscape or the special character of its surroundings and relates poorly to surrounding buildings, failing either to harmonize or complement.

B. Siting.

1. The project is superior in that it preserves downtown's historic and noteworthy buildings and/or respects the character of such nearby structures in its design.

a. Excellent Performance: The project provides an outstanding, supportive context for nearby historic or noteworthy buildings which are likely to remain, through sympathetic architectural treatment, building massing, and scale; or through preservation of an historic structure, use, or the façade of an historic structure as a part of the project or through a transfer of development rights.

b. Poor Performance: The project detracts from the character of nearby historic or noteworthy buildings, or results in the demolition of such structures.

96030609 02

2. The project is superior in the way it provides or preserves light at street level and in the surrounding area.

a. Excellent Performance: The project provides for ample amount of sunlight at street level and preserves light for surrounding structures, especially historic or noteworthy ones. Uses slenderness and profile of building mass to avoid or minimize shadow impacts on nearby public spaces or parks.

b. Poor Performance: The project contributes to a dark canyon-like effect, walling off the street from sunlight most of the day, or substantially shades a public space or parks.

3. The project is superior due to the quality of the public spaces it enhances or creates, and the appropriateness of its public spaces for the location of the project.

a. Excellent Performance: The project includes accessible, inviting, usable, well organized and comfortable public space, providing a variety of experiences and generously fulfilling all the requirements. The public space fits well with its surroundings and represents a desirable addition to the city's public spaces.

b. Poor Performance: Poorly conceived public space where important elements have been badly designed or left out. The public spaces are residual, and/or not appropriate to the character of the area, such as an open space that inappropriately breaks up the street frontage of the retail core or an historic district. Will detract from the ambiance of the city and the hierarchy of public and private spaces.

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2/12/96
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C. Design.

The design of the project is superior in its appearance through the use of materials, building composition and scale, and fenestration, color and detailing.

1. Excellent Performance: Outstanding qualities of composition, scale, materials, fenestration, and detailing. Few, if any negative qualities. The building fits into the skyline with grace and harmony, and will make an outstanding contribution to the visual quality of the city from close, middle and distant vantages.

2. Poor Performance: Negative qualities clearly dominate the overall effect such as: awkward or graceless façades, excessive bulkiness, excessively bland, dull appearance, poor quality of detailing and/or materials. The building will degrade the visual quality of the city.

Section 155. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 156. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the 12 day of February, 1996, and signed by me in open session in authentication of its passage this 12 day of February, 1996.

Jan Drago
Pro Tem President of the City Council

Approved by me this 20 day of February, 1996.

Norman B. Rice
Norman B. Rice, Mayor

Filed by me this 21 day of February, 1996.

Judith E. Pippin
Clerk

(SEAL)

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE } ss

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF Ordinance 118012

AS THE SAME APPEARS ON FILE, AND OF RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 26th day of February, 1996

JUDITH E. PIPPIN
CITY CLERK
BY: Margaret Carter
DEPUTY CLERK

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ORDINANCE _____

AN ORDINANCE relating to land use and zoning, environmental protection, historic preservation, building and construction, and street and sidewalk use; implementing the requirements of Chapter 347 of the Laws of 1995, in particular the requirements for local project review codified in Chapter 36.70B RCW, and exempting certain regulatory actions from the time limits and procedures specified by Chapter 36.70B RCW; amending Seattle Municipal Code Chapter 22.901E, amending numerous chapters of Title 23 of the Seattle Municipal Code, and amending Seattle Municipal Code Chapters 25.05 and 25.12.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Table 6 of Section 22.901E.010 of the Seattle Municipal Code, Land Use Fees, which was last amended by Ordinance 117908, is amended as follows:

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2/12/96
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Table 6

LAND USE FEES

Type	Permit Fee	Project Review Fee
MASTER USE PERMIT APPROVALS		
1. Administrative conditional uses (ACUs)	Base Fee x 3	Base Fee x 10
2. Design review[1]	None	$1,300.00
3. Environmental reviews (SEPA)[2] (including projects with more than one addressed site)		
DNSs, mitigated DNSs, other lead agency project review	Base Fee x 3	Hourly (10-hour deposit)
DSs and EISs		
Regular value	Base Fee x 3	Per Table 7 (50% at scoping; balance prior to DEIS publication)
Valuation not reflective of conditions	Base Fee x 3	Hourly (10-hour deposit)
EIS addenda/SEIS	Base Fee x 3	Hourly (10-hour deposit)
EIS prepared by consultant	None	In addition to fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including addenda and SEIS work.
PEIS Latecomers fees		Reserved
4. Lot boundary adjustment	Base Fee x 3	Base Fee x 2
5. Open space remainder lots and surplus State property	Base Fee x 3	Base Fee x 2
6. Plan shoreline permit		See Council approvals
7. School use and school development advisory committee reviews	Base Fee x 3	Hourly (10-hour deposit)
8. Shoreline Permits		
Substantial development permits	Base Fee x 3	Per Table 8 (including portions outside shoreline)
Variances[3] and conditional uses	Base Fee x 3	Base Fee x 10
Renewals	Base Fee X 1.5	
Revisions (not due to required conditions)	Base Fee x 2	Hourly (2-hour deposit)
9. Short Subdivisions		
Less than 5 lots	Base Fee x 3	Base Fee x 10
5 or more lots	Base Fee x 3	Base Fee x 10 plus Base Fee x 2 for each lot
10. Sidewalk cafés	Base Fee x 3	Base Fee x 5

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2/12/96
V3a

Table 6, CONTINUED
LAND USE FEES

Type		Permit Fee	Project Review Fee
11.	Special exceptions	Base Fee x 3	Base Fee x 10
12.	Structural building overhangs and areaways	Base Fee x 3	Base Fee x 5
13.	Temporary Uses >3 weeks	Base Fee x 3	Base Fee x 10
14.	Variances[3]	Base Fee x 3	Base Fee x 10
COUNCIL APPROVALS			
1.	Concept approvals (*e.g.*, planned community/ residential development, public projects, City facilities, plan shoreline developments, other general development plans)	Base Fee x 3	Hourly (10-hour deposit)
2.	Council conditional uses	Base Fee x 3	Hourly (10-hour deposit)
3.	Full subdivisions	Base Fee x 3	Hourly (10-hour deposit)
4.	Major Institution[4]		
	Master Plans	Base Fee x 3	Per Table 9
	Designation	Base Fee x 3	Hourly (10-hour deposit)
5.	Zoning map changes and rezones	Base Fee x 3	Hourly (10-hour deposit)
MISCELLANEOUS REVIEWS, RESEARCH, & SERVICES			
1.	Accessory Dwelling Unit Notification Fee	None.	$150.00
2.	Certificate of Land Use	None	Base Fee x 1
3.	Concurrency	(Reserved)	
4.	Curbcuts[5]	None	$55.00 each commercial $26.00 each residential
5.	Development potential analysis	None.	Hourly (1-hour deposit)
6.	Greenbelt preserves	None	Hourly (1-hour deposit)
7.	House Barge License	None	Base Fee x 3
8.	House Barge License Renewal	None	Base Fee x 1.5
9.	Interpretations[6]		
	Interpretations ((~~Land Use Code and legal building site~~))	Base Fee x 1((2))	Hourly up to a 5-hour maximum (5-hour deposit)
	Major Institution Master Plan	Base Fee x 1((3))	Hourly (5-hour deposit)
10.	Legal building site and rebuild letters	None	Base fee x 1

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Table 6, CONTINUED LAND USE FEES			
Type		Permit Fee	Project Review Fee
11.	Neighborhood Planning	(Reserved)	
12.	Notice (additional) ((6)) 7		
	Land Use information bulletin and reposting large sign or placards	None	Base Fee x 1.5
	Land Use information bulletin plus mailed notice	None	Base Fee x 2.5
13.	Preapplication Conference ((7)) 8	None	Base Fee x 1.5
14.	Public benefit feature review	Base Fee x 2	Hourly (5-hour deposit)
15.	Records research	None.	Hourly (1-hour deposit)
16.	Renewals other than Shorelines	Base Fee X 1.5	
17.	Revisions other than Shorelines	Base Fee X 1.5	Hourly (2 hour deposit)
18.	Single-family access	None.	Hourly (1-hour deposit)
19.	Soils analyses with M.U.P.		
	Projects less than $1,000,000	None	Base Fee x 1
	Projects greater than $1,000,000 with EISs	None	Base Fee x 4
	Projects greater than $1,000,000, all others	None	Base Fee x 2
20.	Special accommodation	Base Fee x 2	Base Fee x 2

Notes to Table 6:

1. Design Review shall be collected as follows: 50% upon application for predesign process and 50% upon Master Use Permit application.

2 Fees for Declaration of Non-Significance (DNS) and a Mitigated Declaration of Non-Significance (MDNS) shall be collected by the Director of the Department of Neighborhoods for projects that include City of Seattle landmarks and projects located within a special review or landmark district. Fees collected shall be deposited in the General Fund, provided that DCLU shall assess and receive the permit fee.

3. A fee for one variance shall be charged for all variances associated with a project.

4. The portion of the fee based on floor area shall be collected at publication of the Draft Master Plan and EIS. The SEPA fee for Major Institution Master Plans (MIMPs) shall be based on the greater of 75% of value of the projects proposed in the maximum development alternative, or 100% of the value of the projects in the preferred alternative which are planned to be started within five (5) years of MIMP approval, according to Table 9.

5. Curbcut fees are charged only when a separate curbcut permit is applied for, not when the curbcut is part of a development permit application.

6. The fees for Interpretations of SMC Chapters 25.12, 25.16, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.

((~~6.~~))7. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

((~~7.~~))8. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.

Section 2. Section 23.22.016 of the Seattle Municipal Code, which was last amended by Ordinance 117432, is amended as follows:

23.22.016 Application.

A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Director.

B. Following the review, the subdivider shall submit an application to the Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat and four (4) copies of preliminary plans for streets and other improvements. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of or planned unit or planned residential development upon the property to be subdivided.

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. In event of a conflict, the procedures contained in this subchapter control.

((~~D. A preliminary plat shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of the time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time required for environmental review.~~))

Section 3. Section 23.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.020 Content of preliminary plat application.

A. Every preliminary plat application shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;

2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;

6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon City datum((.));

14. Property information including, but not limited to, address, legal description, and Assessor's Parcel number;

15. Evidence of ownership or authorization from the property owner to make the application;

16. A signed statement of financial responsibility by the applicant and owner acknowledging financial responsibility for all applicable permit fees.

17. Drainage plan;

18. Landscape plan; and

19. Identification of any adjacent property within three hundred feet (300') of the proposed subdivision that is owned or controlled by the applicant.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of ((~~S~~))subchapter((~~s~~)) V ((~~and VI~~)).

Section 4. Section 23.22.026 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is repealed.

Section 5. Section 23.22.052 of the Seattle Municipal Code, which was last amended by Ordinance 115568, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner ((~~Council~~)) determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10') wide parallel to and bordering the high water mark.

E. If the Hearing Examiner ((~~Council~~)) concludes that the public interest will be served, the Hearing Examiner ((~~Council~~)) may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner ((~~Council~~)) may impose other conditions as ((~~it~~)) he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. Section 23.22.054 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.054 Public use and interest.

The Hearing Examiner ((~~Council~~)) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing

Examiner ((~~It~~)) shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner ((~~it~~)) finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner ((~~Council~~)) may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner ((~~Council~~)) shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 7. Section 23.22.064 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.064 Filing with Director of Engineering.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this C((~~e~~))hapter, shall be filed with the Director of Engineering within five (5) ((~~three (3)~~)) years of the date of preliminary plat approval. ((~~As required by RCW 58.17.140, an applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.~~))

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this Chapter.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and ((~~S~~))subchapter((~~s~~)) V ((~~and VI~~));

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068((~~6~~));

5. A guarantee deposit in an amount established by the Director of Engineering sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.

Section 8. Section 23.22.070 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.070 Director's action on final plat.

The Director of Engineering shall refer the final plat to the Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the ((~~Council~~)) Hearing Examiner, and to the standards established by RCW Chapter 58.17 and this ((~~e~~))Chapter. The Director shall within ten (10) days furnish the Director of Engineering with a report regarding the conformance of the plat. The Director of Engineering shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this ((~~e~~))Chapter;

B. That tile insurance report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

C. That the facilities and improvements required to be provided by the subdivider have been completed or alternatively, that the subdivider will provide a bond in a form approved by the City Attorney and in an amount commensurate with the cost of improvements remaining to be completed, conditioned upon the construction and installation of improvements within a fixed time set by the Council, not to exceed two (2) years after final approval of the plat;

D. That the map is technically correct and accurate as certified by the registered land surveyor responsible for the plat.

Section 9. Section 23.22.072 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.072 Submission of final plat to Council.

A. Pursuant to the requirements of RCW 58.17.150, the Director of Engineering shall not modify the conditions or requirements ((~~recommendations~~)) made in the ((~~Council~~)) approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of Engineering determine that the requirements of this subtitle are met, the Director of Engineering shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this C((~~e~~))hapter, and shall forward a complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this Chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Council together with the determination of the Directors, upon written request of the subdivider.

Section 10. Section 23.22.074 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.074 Council determination of final plat.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

B. The Council shall approve by ordinance, ((~~or~~)) disapprove, or return the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Engineering shall transmit the original plat to the King County Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Director of Engineering.

C. ((~~As required by RCW 58.17.170, a~~)) A subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision.

Section 11. Section 23.22.078 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.078 Resubmission.

A. Any final plat disapproved by the Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the five (5) ((~~three (3)~~)) year period after the date of approval of the preliminary plat as provided in 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

Section 12. Subsection A of Section 23.24.010 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.24.010 Filing of application.

A. Any person seeking to divide or redivide land situated within the City into nine (9) or fewer lots for the purpose of sale or lease, transfer or ownership, development or financing shall submit an application for approval of a short subdivision to the Director together with an application fee as established in the Permit Fee ((~~Ordinance~~)) Subtitle, Chapters 22.90((~~θ~~))1A - T. The application is subject to procedur((~~e~~))al requirements, established in Chapter 23.76, the Master Use Permit Process. ((~~Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.~~))

Section 13. Section 23.41.004 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in all Downtown zones.

5. ((~~4.~~)) Design review is optional for all new multifamily and commercial structures not otherwise subject to this C((~~e~~))hapter, in all multifamily, ((~~and~~)) commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this ((~~e~~))Chapter:

1. All new structures described in subsections A1-3, that abut or are directly across a street or alley from any lot zoned single family;

2. As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3.

3. As of October 15, 1995 - All new structures as described in subsections A1-3.

4. Beginning April 1, 1996 - All new structures as described in subsection A4.

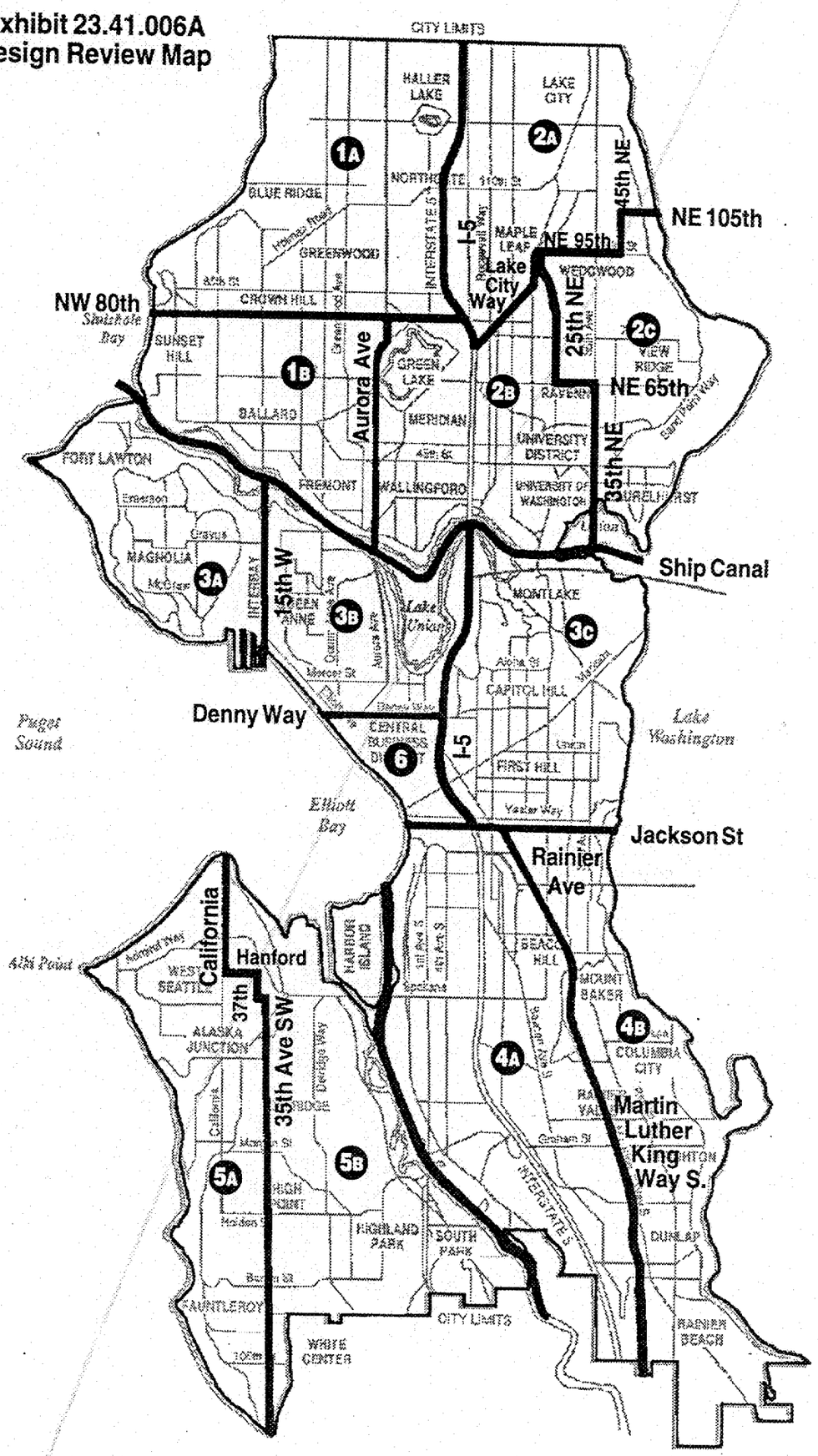
C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this ((~~c~~))Chapter.

Section 14. Section 23.41.006 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into six (6) ((~~five (5)~~)) geographic areas, five (5) of which shall be ((~~and~~)) further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006A.

Exhibit 23.41.006A
Design Review Map



Design Review Board Areas

Section 15. Subsections B and C of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 117075, are amended as follows:

23.41.008 Design Review Board.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.

a. Members shall reside in Seattle; and

b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

2. Design Review Board Composition.

a. The Design Review Board shall be composed of seven (7) ((~~six (6)~~)) members representing development-related fields, seven (7) ((~~six (6)~~)) members representing general residential community interests, and seven (7) ((~~six (6)~~)) members representing the design professions, of whom three (3) members of each group of seven (7) ((~~six (6)~~)) shall be appointed by the City Council and four (4) ((~~three (3)~~)) members by the Mayor, and all members to be confirmed by the City Council; and

b. The Design Review Board shall also include one (1) member representing local residential community interests and one (1) member representing local business interests from area six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.

C. Design Review Board Assignment.

1. Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:

a. At-large members representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) ((~~five (5)~~)) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) ((~~five (5)~~)) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,

b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member representing local residential community interests and one member representing local business interests.

c. Three Design Review Board members shall be a quorum.

2. The five (5) Design Review Board members assigned to each project as described in subsection C1 shall be known collectively as the Design Review Board. All members of the Design Review Board shall be voting members.

3. In the event that, in one of the six (6) ((~~five (5)~~)) geographic areas, more projects are undergoing simultaneous design review than the Design Review Board members assigned to that area can review in a timely manner, the unassigned at-large Design Review Board members described in subsection C1a may serve. If an individual at-large member is unable to serve, the Director may appoint a member of the unassigned at-large Design Review Board to serve in his or her absence, provided that each at-large interest group is represented by one member. In addition, a Design Review Board may review projects outside of its designated geographic subarea to expedite review, provided that the local community representative and local business representative shall review development only within their subarea.

((~~4. In the event that a Design Review Board member is unable to serve, substitutions for the three at-large interest groups may be made as described in subsection C3.~~))

Section 16. Section 23.41.010 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.010 Design Review Guidelines.

The adopted Citywide design guidelines provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Interim Downtown Design Guidelines" apply. Neighborhoods may develop design guidelines specific to a neighborhood's individual character. Neighborhood design guidelines may amend or supersede the Citywide design guidelines or the "Interim Downtown Design Guidelines" and shall provide the basis for design review decisions in that neighborhood, to the extent provided by the City Council in adopting the neighborhood design guidelines.

Section 17. Subsection B of Section 23.41.012 of the Seattle Municipal Code, as last amended by Ordinance 117943, is amended as follows:

23.41.012 Development standard departures.

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. Design, location and access to parking requirements;

5. Open space requirements;

6. Lot coverage limits;

7. Screening and landscaping requirements;

8. Standards for the location and design of nonresidential uses in mixed-use buildings((.)); and

9. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty per cent (20%) of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone;

b. The proposed structure must be compatible with the general development potential anticipated within the zone;

c. The additional height must not substantially interfere with views from up-slope properties((.)); and

d. No more than one project on one site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height.

10. Downtown street facade requirements (including dimensional standards for street-level uses);

11. Downtown upper-level development standards (including DMR coverage and floor size limits); and

12. Downtown maximum wall dimensions.

Section 18. Subsections B and C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.49.037 Public parks and planned community developments in Downtown Office Core 1.

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Section 22.90((~~0.240~~))1E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

((~~4. PCD Application. Following receipt of the report the potential applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.~~))

4. ((~~5.~~)) Development Guidelines and Project Review. ((~~Following receipt of the PCD application~~)) T((~~t~~))he Director, in consultation with the Superintendent and the Citizen's Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date ((~~a complete PCD application~~)) the report described in subsection B3b is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. ((~~6.~~)) PCD ((~~Revised~~)) Application. Following approval of development guidelines by the Director, the applicant may ((~~revise the PCD~~)) submit an application ((~~or have the Director issue the Director's Report based upon the original PCD application. If the applicant does not submit a revised application or ask the Director to make the report within one hundred twenty (120) days from the date the development guidelines are approved, the PCD application shall be canceled.~~)) for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. ((~~7.~~)) Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the

PCD application as provided for Type IV Council land use decisions in Chapter 23.76 ((~~in Sections 23.76.036 through 23.76.060~~)).

7. ((~~8.~~)) Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (1/2) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. ((~~9.~~)) Exceptions to Development Standards. Development standards of this ((~~e~~))Chapter may be varied or waived through the PCD process, except that the review criteria of subsection B((~~8~~))7 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

C. Vested Projects. A holder of a permit for a project which is vested to an earlier code on the effective date of the ordinance codified in this section, may apply for approval of a PCD as provided in this section. The proposed PCD constitutes a new project and, except as provided in this section, is subject to requirements applicable to such projects.

1. Floor Area. If the holder of a permit for such a vested project applies for PCD approval, the proposed PCD is entitled to the floor area which was vested, provided

that if the floor area was attributable in part to the provision of housing or human services public benefit features, then those features must be included as part of the approval of the proposed PCD. If those features are not included, the floor area shall be reduced accordingly.

2. Credit for Impact Mitigation. To the extent a vested project has provided mitigation for an impact which also would have been attributable to the proposed PCD, the provided mitigation shall be credited against mitigation for the corresponding impact of the PCD.

3. Annual Limits on Downtown Office Development. If a project which is vested for purposes of this subsection is thereby not subject to the annual limits on downtown office development prescribed by SM((~~D~~))C Section 23.49.011 the proposed PCD which replaces the vested project is not subject to those limits.

4. Tolling and Expiration of Vested Permit.

a. If the holder of a vested permit wishes to apply for approval of a PCD under this section, the running of the expiration period for the vested permit shall be tolled from the date the notice of intent to apply for PCD approval is received by the Director, until the date the City Council makes a final decision to approve or deny the PCD application, or until the earlier date of PCD withdrawal or cancellation as described below. Tolling shall also terminate if the holder fails to submit an application for PCD approval within sixty (60) days of the date the parks report prescribed by of Section 23.49.037 B3 is provided to the holder.

b. Within thirty (30) days of the date the Director establishes guidelines pursuant to subsection B((~~5~~))4 of Section 23.49.037, the applicant shall elect to proceed with the PCD application or withdraw the application. If the applicant fails to elect within thirty days (30) days, the vested right shall expire on the thirty-first day and the PCD application shall be canceled. The applicant may withdraw the PCD application any time prior to the expiration of the thirty (30) day period. If the application is withdrawn, the running of the expiration period for the vested permit shall resume at the time of withdrawal.

c. If the PCD applicant elects to proceed with the PCD application, the permit for the vested project may not be used unless:

((~~i.~~))(1) The PCD is denied by the City Council; or

((~~ii.~~))(2) The PCD is approved with conditions additional to those recommended by the Director's guidelines under subsection B((5))4 of this section, which significantly increase the cost of the park to the applicant relative to the cost estimate contained in the Director's guidelines, or which significantly change the location or footprint of buildings from those contained in the guidelines;

((~~iii.~~))(3) The PCD is denied as a result of a lawsuit

If the vested project is resumed as a result of the denial or conditioning under paragraphs i through iii, the running of the expiration period for the vested permit shall resume at the date of the Council decision or final decision by a court, including an appellate court, whichever occurs later.

d. The PCD approval shall expire as provided in SMC Section 23.76.060. If the holder proceeds under the vested permit, the permit shall expire as provided in the applicable code, subject to the tolling authorized by this section.

Section 18A. A new Section 23.66.018 is hereby added to the Seattle Municipal Code as follows:

23.66.018 Director of the Department of Neighborhoods.

As used in this Chapter, "Department of Neighborhoods Director" and "Director of the Department of Neighborhoods" means the Director of the department or the Director's designee.

Section 19. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 116744, is amended as follows:

23.66.030 Certificates of approval - Application, review and appeals.

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of ((~~the Permit Fee Ordinance,~~)) SMC Chapter 22.90((~~0~~))1T.

C. Application.

1. An application for a certificate of approval ((~~may~~)) shall be filed with the ((~~special review board staff in~~)) Director of the Department of Neighborhoods. ((~~or with the Director or the Director of Engineering as part of a permit application.~~)) When a permit application is filed with the Director or with the Director of Engineering for work requiring a certificate of approval, ((~~he or she shall refer the application to the Department of Neighborhoods Director, and the application shall be considered an application for a certificate of approval.~~)) the permit application shall not be determined to be complete until the applicant has submitted an application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes that will be made to the building or the site;

(2) Any effect that the work would have on the public right-of-way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The Director of the Department of Neighborhoods shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director of the Department of Neighborhoods shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director of the Department of Neighborhoods does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the Director of the Department of Neighborhoods or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

((~~2.~~)) 5. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded.

D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of ((~~receipt of an application for~~)) a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be

provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this ((e))Chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff~~.~~ , except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~The Department of Neighborhoods Director may extend this thirty (30) day period for cause, and shall advise the board and the applicant in writing of the length of time of the extension.~~))

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals.

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

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

4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capricious.

((~~2~~))5. If evidence is presented to the Hearing Examiner that was not presented to the ((~~b~~))Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

((~~3~~))6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply with this ((~~c~~))Chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. ((~~Certificates of approval shall expire one (1) year from the date of issuance unless the Department of Neighborhoods Director determines that extenuating circumstances justify extension of the expiration date.~~)) A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 20. New subsections C and D are hereby added to Section 23.66.115, last amended by Ordinance 116744, of the Seattle Municipal Code as follows:

23.66.115 Demolition Approval.

C. Pursuant to RCW 36.70B.140, the Department of Neighborhoods Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090 and the requirements of RCW 36.70B.110 through section .130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Department of Neighborhoods Director's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Department of Neighborhoods Director's decision, as provided by RCW 36.70C.040.

Section 20A. Section 23.66.132 of the Seattle Municipal Code, adopted by Ordinance 112134, is amended as follows:

City facilities and public projects which do not meet use and development standards may be permitted by the Council pursuant to Chapter 23.((~~80~~))76 of this Land Use Code.

Section 21. Section 23.66.316 of the Seattle Municipal Code, last amended by Ordinance 116744, is further amended as follows:

23.66.316 ((~~Special Review Board recommendation~~)) Decision on certificate of approval.

The Board shall review all applications for use or development within the International District which require a certificate of approval. The Board's review shall be conducted according to the procedures and timelines set forth in section 23.66.030D2 of this Land Use Code. The Board shall make a written recommendation((~~s~~)) based upon the extent to which the proposal((~~s are~~)) is consistent with the goals and objectives of the International Special Review District and the use and development standards of this ((~~e~~))Chapter. The Department of Neighborhoods Director shall make and issue a decision according to the procedures and timelines set forth in section 23.66.030D of this Land Use Code.((~~, within fifteen (15) days of receiving the Board's recommendation, issue or deny a certificate of approval or issue a certificate of approval with conditions.~~))

Section 22. Section 23.76.002 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.002 Purpose.

The purpose of this ((~~e~~))Chapter is to establish standard procedures for land use decisions made by The City of Seattle. The procedures are designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in the application submittal process, and minimize delays and expense in appeals of land use decisions. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process, integrate the environmental review process with the procedures for review of land use decisions, and provide for the consolidation of appeals for all land use decisions.

Section 23. Subsections A, B and F of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended and a new subsection G is added as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5)

different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004 A.

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I
Director's Decision
(((~~Nonappealable~~)))
(No Administrative Appeal)

- Compliance with development standards
- Uses permitted outright
- Temporary uses, four weeks or less
- Certain street uses
- Lot boundary adjustments
- ((~~• Greenbelt preserve designations~~))
- Modifications of features bonused under Title 24
- ((~~Declarations~~)) Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements
- Special accommodation
- Reasonable accommodation
- Minor amendment to a Major Phased Development Permit

TYPE II
Director's Decision
(Appealable to Hearing Examiner*)

- Temporary uses, more than four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. ((~~Declaration~~)) Determination of nonsignificance (EIS not required)
  2. Determination of final EIS adequacy
  3. Determinations of significance based solely on historic and cultural preservation
  4. A decision by the Director to approve, condition or deny a project based on SEPA Policies
- Major Phased Development

TYPE III
Hearing Examiner's Decision
(((~~Appealable to Council~~)))
(No Administrative Appeal)

- Subdivisions (Preliminary Plats)

((~~• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.~~))

COUNCIL LAND USE DECISIONS

TYPE IV
(Quasi-Judicial)

((~~• Subdivisions (Preliminary Plats)~~))
- Land use ((~~and zoning~~)) map amendments (Rezones)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments

((~~• Planned Unit Developments~~))

TYPE V
(Legislative)

- Land Use ((~~and Zoning~~)) Code text amendments
- Rezones to implement new City policies
- Concept approval for City facilities
- Major institution designations

B. Type I((,)) and II ((~~and III~~)) decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are nonappealable decisions made by the Director which require the exercise of little or no discretion. **Type II** decisions are discretionary decisions made by the Director which are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in Section 23.76.006 C 2 shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. ((~~**Type III** decisions are discretionary decisions made by the Director which are appealable to the Hearing Examiner and may be further appealed to the Council.~~)) **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal.

((~~F. Master Use Permits requiring only Type I decisions are categorically exempt from the State Environmental Policy Act (SEPA) and do not require environmental review. All Master Use Permits requiring environmental review include both a Type II SEPA decision (Environmental Impact Statement or Declaration of Nonsignificance and a Type III SEPA decision determination of compliance with SEPA policies). For these projects, SEPA review procedures established in SMC Chapter 25.05, SEPA Policies and Procedures, are supplemental to the procedures set forth in this chapter.~~))

F. Shoreline appeals and appeals of related SEPA determinations shall be filed with the State Shoreline Hearings Board within twenty-one (21) days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.

G. An applicant for a permit or permits requiring more than one decision contained in the Land Use Decision Framework listed in Section 23.76.004 may either:

1. Use the integrated and consolidated process established in this Chapter;

2. If the application includes a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, file a separate Master Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and use the integrated and consolidated process established in this Chapter for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

Section 24. A new Section 23.76.005 of the Seattle Municipal Code, is added as follows:

23.76.005 Time for Decisions

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications filed on or after April 1, 1996 shall be made within the time limits set forth in RCW 36.70B.090.

B. Exclusions pursuant to RCW 36.70B.140 (1).

1. Type III decisions.

a. DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090; and

b. The Hearing Examiner shall issue his or her decision within ninety (90) days of issuance of the DCLU recommendation.

2. Type IV decisions.

a. There shall be no time limit for decisions on Major Institution Master Plans.

b. All other Type IV Council land use decisions and any associated Type II decisions listed in Section 23.76.006 C 2 shall be made within the following time periods:

(1) DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090;

(2) The Hearing Examiner shall issue his or her recommendation within ninety (90) days of issuance of the DCLU recommendation; and

(3) The Council shall issue its decision within ninety (90) days of the issuance of the Hearing Examiner recommendation.

3. Any application for a land use decision that the Hearing Examiner or Council remands for further information or analysis shall be excluded from the time periods of RCW 36.70B.090 for the period of remand. The Hearing Examiner or Council shall set a reasonable period for the remand after consideration of the nature and complexity of the issues and, when practicable, after consultation with the parties about the reasonableness of the remand period.

C. Type V Council land use decisions are legislative decisions to which RCW 36.70B.090 does not apply.

Section 25. Subsections B, C and D of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended as follows:

23.76.006 Master Use Permits required.

B. The following decisions are Type I ((~~decisions which are nonappealable~~)):

1. Determination that a proposal complies with development standards;

((~~1.~~)) 2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) 3.The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

((~~3.~~)) 4.Lot boundary adjustments;

((~~4. Designation of greenbelt preserves;~~))

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

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations ((~~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 Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042 D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015; ((~~and~~))

10. Reasonable accommodation; and

11. Minor amendment to Major Phased Development Permit.

C. The following are Type II decisions((~~,~~)):

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):

a. Determination of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determination of Significance based solely on historic and cultural preservation.

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, ((~~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.~~)) a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, except temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) b. Short subdivisions;

((~~3.~~)) c. 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.~~)) d. 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.~~)) e. Design review;

((~~6.~~)) f. The following street use decisions:

((~~a.~~)) (1) Sidewalk cafes,

((~~b.~~)) (2) Structural building overhangs,

((~~c.~~)) (3) Areaways;

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

((~~8.~~)) h. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

((~~a.~~)) (1) Shoreline substantial development permits,

((~~b.~~)) (2) Shoreline variances,

((~~c.~~)) (3) 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 Policies and Procedures):~~

~~a. Declarations of Nonsignificance (DNSs), including mitigated DNSs,~~

~~b. Determination that a final Environmental Impact Statement (EIS) is adequate;~~))

((~~10.~~)) i. Northgate General Development Plan;

((~~11.~~)) j. Major Phased Development.

D. The following ((~~is a Type III~~)) decision, including any integrated decision to approve, condition or deny based on SEPA policies, is a Type III decision made by the Hearing Examiner ((~~, which is subject to appeal to the Hearing Examiner and may be further appealed to the Council: The decision to approve, condition or deny any Master Use Permit (other than for shoreline decisions) based on the City's SEPA policies pursuant to SMC Section 25.05.660; provided, that for projects subject to design review a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy, SMC Section 25.05.675 G, shall be a Type II decision.~~)): Subdivisions (Preliminary Plats).

Section 26. Subsection A of Section 23.76.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, is amended as follows:

23.76.008 Preapplication conferences.

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in ((~~SMC~~)) Chapters 22.90((~~θ~~))1A - T, Permit Fee((~~s~~)) Subtitle((~~, of the Seattle Municipal Code~~)).

Section 27. Subsections A, C, D, E, F, and G of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.010 Applications for Master Use Permits.

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City agency, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in ((~~SMC~~)) Chapters 22.90((~~θ~~))1A - T, Permit Fee((~~s~~)) Subtitle.

((~~D. All Master Use Permit decisions necessary for a project shall be included in the same application; provided that, at the applicant's discretion, a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project.~~))

D. ((~~E.~~)) All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas((~~.~~)), SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

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

2. Evidence of ownership or authorization from the property owner to make the application;

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

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

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

displays, buildings and structures, open space and landscape, access driveways and parking areas;

b. Elevations and sections of the proposed new features;

c. Floor plans showing the proposed new features;

d. Drainage plan;

e. Landscape plan;

f. Right-of-way information showing any work proposed in the public right-of-way;

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

h. Parking lay-out and vehicular access;

i. Vicinity map;

j. Topographic map; and

k. Open space plan.

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

a. Date the buildings on the site were constructed;

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

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; and

aa. Demand on public service and utilities.

((~~The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.~~))

E. ((~~F.~~)) Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A

determination that the application is complete is not a determination that the application is vested. ((~~For all Master Use Permit applications, the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of the application if additional information is required to commence application review.~~))

2. A Master Use Permit application is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time the application is determined complete or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095, RCW 58.17.033, and SMC 23.76.026.

F. ((~~G.~~)) ~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within sixty (60) days of a written request for it; provided that the Director may extend the period for such submission if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a M((~~m~~))aster U((~~u~~))se P((~~p~~))ermit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Master Use Permit application under the provisions of this subsection shall cause the concurrent cancellation of the building permit application.

Section 28. Subsections A, B, C and D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, are amended as follows:

23.76.012 Notice of application.

A. Notice ((~~Required~~)). When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days after a determination of completeness. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project shall be sent notice. No notice or public comment period shall be required for Type I decisions.

B. Types of Notice Required.

1. For projects subject to design review or environmental review, the applicant shall post a large sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The large sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall remain posted until final City action on the application has been completed.

a. In the case of submerged land, the large sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical ((~~sensitive~~)) area, are exempt from the large sign requirement.

c. As an alternative to the large sign requirement, the Director shall post ten (10) placards within three hundred feet (300') of the site and at the closest street intersections when one (1) or more of the following conditions exist:

((~~i.~~)) (1) The project site is over five (5) acres;

((~~ii.~~)) (2) The applicant is not the property owner, and the property owner does not consent to the proposal;

((~~iii.~~)) (3) The site is subject to physical characteristics such as steep slopes or is located such that the large sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both a large sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) large sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects which are categorically exempt from environmental review, the Director shall post four (4) placards on or near the site.

3. For all projects requiring notice of application, the Director shall provide notice by ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. For projects subject to the large sign requirement, notice in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release shall be published after certification is received by the department that the large sign has been posted.

4. In addition, for variances, administrative conditional uses, temporary uses for more than four (4) ((~~three (3)~~)) weeks, shoreline variances and shoreline conditional uses, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review shall be provided to all persons establishing themselves as parties of record by attending the pre-design public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one (1) community newspaper in the area affected by the subdivision.

C. Contents of Notice.

1. The City's official notice of application shall be the notice placed in the General Mailed Release, which shall include ((~~identify~~)) the following required elements as specified in RCW 36.70B.110:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;

c. The identification of other permits not included in the application to the extent known by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, request on extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, place, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations; and

h. Any other information determined appropriate by the Director.

2. All other additional forms of notice, including, but not limited to signs, placards and mailed notice, shall include the following information: the project description, ((~~nature and~~)) location of the project, date of application, location where the complete application file may be reviewed, and ((~~shall include~~)) a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large signs.

D. Comment Period. The Director shall provide a fourteen (14) ((~~fifteen (15)~~)) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by fourteen (14) ((~~to thirty (30)~~)) days if a written request for extension is submitted within the initial fourteen (14) ((~~fifteen (15)~~)) day comment period ((~~; provided further, that the comment period shall be thirty (30) days for applications requiring shoreline decisions~~)). The comment period shall begin on the date notice is published in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) of the next business day. Any comments reviewed after the end of the official comment period may be considered if material to review yet to be conducted.

Section 29. Section 23.76.014 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.014 Notice of scoping and draft EIS.

When a Determination ((~~Declaration~~)) of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.

2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice to those organizations and individuals who have submitted a written request for it;

e. Posting in the Department; and

f. Filing with the SEPA Public Information Center.

3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.

B. Draft EIS's.

1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:

a. General M((~~m~~))ailed R((~~r~~))elease;

b. Publication in the City official newspaper;

c. Submission of the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;

e. Posting notice in the Department; and

f. Filing with the SEPA Public Information Center.

2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.

3. The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.

Section 30. A new Section 23.76.015 of the Seattle Municipal Code is hereby added as follows:

23.76.015 Public meetings.

A. Type II and III Decisions. The Director may hold a public meeting on Master Use Permit applications requiring Type II or III decisions when:

1. The meeting is otherwise provided for in th((e))is Title;

2. The proposed development is of broad public significance;

3. Fifty (50) or more persons file a written request for a meeting not later than the fourteenth (14th) day after notice of the application is provided; or

4. The proposed development will require a shoreline conditional use or a shoreline variance ((~~from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations~~)).

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency provided that the meeting is held within the City of Seattle. If requested by an applicant, a joint meeting shall be held, provided that the joint meeting can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the meeting.

Section 31. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.016 Public hearings.

A. Draft EIS. As required by Chapter 25.05, SEPA Policies and Procedures, a public hearing shall be held by the Director on all draft EIS's for which the Department is the Lead Agency. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project.

((~~B. Type II and III Decisions. The Director may hold a public hearing on Master Use Permit applications requiring Type II and/or III decisions when:~~

~~1. The proposed development is of broad public significance; or~~

~~2. Fifty (50) or more persons file a written request for a hearing not later than the fifteenth day after notice of the application is posted or the thirtieth day following the date of the second publication of notice of the application for a shoreline substantial development; or~~

~~3. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000.00); or~~

~~4. The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.~~))

((~~C. Combined Hearings. The Director may hold a combined public hearing on a Draft EIS and a Master Use Permit application. If a combined hearing is held, notice shall be given by the Director at least twenty (20) days prior to the hearing.~~))

B. The Director may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

Section 32. Section 23.76.019 of the Seattle Municipal Code, adopted by Ordinance 117430, is amended as follows:

23.76.019 Time required for preparation of an EIS ((~~Turnaround time for decisions~~)).

The time required to prepare an environmental impact statement associated with a Master Use Permit application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Master Use Permits the Director shall publish the decision to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 33. Subsections A and C of Section 23.76.020 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, are amended as follows:

23.76.020 Director's decisions.

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a ((~~Master Use Permit~~)) Type II decision based on the applicant's compliance with the City's SEPA Policies pursuant to SMC Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code which are in effect at the time the Director issues a decision. If an EIS is required, the application shall be subject to only those SEPA Policies in effect when the Draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II ((~~and III~~)). The Director shall provide notice of all Type II ((~~and III~~)) decisions as follows:

a. A list of all ((~~appealable Master Use Permit~~)) Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease. Notice shall also be mailed to ((~~each~~)) the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNS's shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology and the State Attorney General.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal((,)) and shall describe the appropriate appeal procedure((~~, and shall indicate that any requests for Land Use Code interpretation as provided by SMC Section 23.88.020 must be submitted within the appeal period~~)).

Section 34. Subsections A and C of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, are amended as follows:

23.76.022 Administrative appeals.

A. Appealable Decisions.

1. Type I decisions as listed in SMC Section 23.76.006 B are not subject to appeal.

2. All Type II ((~~and Type III~~)) decisions as listed in SMC Section 23.76.006 C ((~~and D~~)) shall be subject to an administrative open record appeal as described in this Section.

C. Hearing Examiner Appeal Procedures.

1. Consolidated Appeals. All appeals of Type II Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.

2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.

3. Filing of Appeals.

a. Appeals shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the decision; provided, that when a fifteen (15) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall clearly identify each component of a Type II Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release.

6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II ((~~and III~~)) decisions as required in this ((~~e~~))Chapter, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon

which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts.

7. Standard of Review. The Director's decisions made on a Type II Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.

8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information ((~~regarding Council appeal procedures, if any, and~~)) regarding judicial review. To the extent such information is available to the Hearing Examiner, the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless((~~:~~

~~a.~~ ~~T~~))the Hearing Examiner((~~'s decision specifically states that the Hearing Examiner~~)) retains jurisdiction((~~;~~

~~b. The decision is appealed to the Council pursuant to Seattle Municipal Code Section 23.76.024;~~)) or

((~~c.~~)) the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced ((~~A person with standing to file a land use petition in King County Superior Court files such a petition~~)) within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040 ((~~Section 705 of Chapter 347 of the Laws of 1995, provided that, if an appeal pursuant to Section 23.76.024 is submitted to the Council, the period for requesting judicial review of the Hearing Examiner's decision shall not begin until the Council issues its final decision on the appeal~~)).

Section 35. A new Section 23.76.023 of the Seattle Municipal Code is hereby adopted as follows:

23.76.023 Report and recommendation of the Director on subdivisions.

A. The Director shall prepare a written report on subdivision applications. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC 23.22, its consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City's SEPA policies and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS; and

5. The Director's recommendation to approve, approve with conditions, or deny the application.

B. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

C. The Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least fifteen (15) days prior to the Hearing Examiner's public hearing described in Section 23.76.024.

Section 36. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 117789, is amended as follows:

23.76.024 ((~~Appeals to Council.~~

~~A. Appealable Decisions. Only Type III decisions as listed in SMC Section 23.76.006 D (SEPA appeals) may be appealed to the Council, according to the procedures and criteria set forth in this section.~~

~~B. Right to Appeal. Appeals may be initiated by any party to the Hearing Examiner hearing.~~

~~C. Time Limits on Appeals. Appeals shall be filed with the City Clerk no later than fifteen (15) days after the decision is filed with the SEPA Public Information Center. The City Clerk shall transmit appeals to the Council and shall notify the Director and the Hearing Examiner of the appeal.~~

~~D. Content of Appeal. Appeals shall be in writing and shall cite specific alleged errors in the facts or conclusions and issues meeting the criteria for Council review of an appeal, as described in subsection G below.~~

~~E. Council Acceptance of an Appeal. The Council shall accept for review those appeals which meet the criteria of subsection G.~~

~~F. Notice. Notice of appeals shall be mailed to all parties of record not less than seven (7) days prior to the date of the public meeting to consider the appeal.~~

~~G. Procedures on Appeal.~~

~~1. For projects subject to design review the decision of the Hearing Examiner on SEPA height, bulk and scale issues shall be final and not subject to further appeal to the Council. On appeal on issues other than height, bulk and scale, the Council's review of SEPA conditioning of a project subject to design review shall be limited to the unsupplemented record established before the Hearing Examiner; provided that members of the committee or of~~

~~the full Council may make site visits. The committee may allow written argument but shall not hear oral argument.~~

~~2. For projects not subject to design review, the Council's review shall be based on the record from the Hearing Examiner's hearing, provided that the Council may allow oral or written arguments and may permit the record to be supplemented; and, provided further, that members of the committee or of the full Council may make site visits.~~

~~H. Scope of Review. Council review shall be limited to the following issues related to compliance with the City's substantive SEPA Policies pursuant to SMC Section 25.05.660:~~

~~1. Issues of Council intent with respect to interpretation of the substantive SEPA Policies;~~

~~2. Issues raised concerning the sufficiency and the appropriateness of the mitigation imposed; and~~

~~3. The appropriateness of denial of a project based on the substantive SEPA Policies.~~

~~I. Standard of Review for Type III Appeals. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~J. Council Action. The Council may affirm, modify or reverse the Hearing Examiner's decision, remand cases to the Hearing Examiner or the appropriate department with directions for further proceedings, or grant other appropriate relief. If the Council reverses or modifies the Hearing Examiner's decision, the Council shall enter findings and/or conclusions into the record to support the decision.~~

~~K. Judicial Review. A Type III decision by the Council shall be final and conclusive unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~

~~L. Notice of Decision. The written decision of the Council shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record.~~

~~M. Interlocutory Review.~~

~~1. The Council shall accept review of Hearing Examiner interlocutory orders and decisions pending final resolution of an appeal when:~~

~~a. Appeal to the Council of the Hearing Examiner's final decision on the issue is permitted by ordinance; and~~

~~b. The Hearing Examiner certifies the issue for Council review.~~

~~2. The Hearing Examiner shall certify for interlocutory review only those issues which meet the following criteria:~~

~~a. Because of ambiguity in language, the meaning to be given a Council resolution or ordinance cannot readily be determined without knowing the intent of the Council when it adopted the resolution or ordinance; and~~

~~b. The issue results in disagreement between the Director and the Hearing Examiner as to interpretation of Council intent; and~~

~~c. The review involves an issue not previously decided by the Council; and~~

~~d. The issue to be reviewed is of general applicability and its resolution will affect a class of permit applicants; and~~

~~e. Early resolution of the issue will substantially reduce the expenditure of time or money by the City and/or other interested parties.~~))

Hearing Examiner open record hearing and decision for subdivisions.

A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's procedural environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement) and other Type II decisions.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that shall be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. Notice

The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

1. General Mailed Release;

2. Publication in the City official newspaper and in at least one community newspaper in the area affected by the proposal;

3. Mailed notice and written notice mailed to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024; and

b. All owners of real property located within three hundred feet (300') of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Posting in the Department.

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's procedural environmental determination and other Type II decisions. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) calendar day following publication of notice of the Director's report, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) the next business day. The request or appeal shall be accompanied by payment of any filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

E. Notice of Appeals and Requests for Further Consideration. The Hearing Examiner promptly shall mail notice of the filing of all requests for further consideration and appeals to all parties of record and to those requesting notice.

F. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

G. Written Comments. Written comments on the proposed subdivision and the Director's report and recommendation may be sent to the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Hearing.

1. The Hearing Examiner shall limit the evidence, comments, and argument at the combined hearing to those issues that are fairly raised in any written request for further consideration or appeal, as clarified at any pre-hearing conference, and that are relevant to

a. The compliance of the proposed subdivision with the procedures and standards of this Chapter and SMC Chapter 23.22;

b. The appropriateness of any mitigation or denial pursuant to the City's SEPA policies; and

c. The correctness of the Director's procedural environmental determination and other Type II decisions. Appeals of the Director's decisions shall be considered de novo, but the Director's determination shall be given substantial weight.

2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner may either close the record after the hearing or leave it open to a specified date to receive additional testimony, exhibits, or written argument.

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. On any appeal, the Hearing Examiner may affirm, reverse, remand, or modify the Director's decision. These decisions shall be in writing, include findings and conclusions, and be issued within ten (10) working days of the close of the record, unless a longer period is agreed to among the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to the applicant, to the Director, to the Director of the Seattle Engineering Department, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy.

Section 37. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 117598, is amended as follows:

23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application, meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available.

An application for a building permit submitted for part of a building or structure shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is for a highrise structure regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the exterior shell of the building.

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, as defined in Section 23.84.036 "S," shall be considered under the Land Use Code and other land use control ordinances in effect ((~~on the land~~)) when a fully complete Master Use Permit application for such approval which satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, as provided in Section 23.41.004.B, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the Design Review Pre-Design Process is submitted to the Director, provided that such Master Use Permit application is filed within ninety (90) days of the date of the first design review pre-design public meeting. This vested right shall terminate unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

Section 38. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.028 Type I and II Master Use Permit issuance.

A. When a Type I or II Master Use Permit is approved for issuance, the applicant shall be so notified. Type I Master Use Permits ((~~which are not subject to appeal~~)) shall be approved for issuance at the time of the Director's decision that the application conforms to all applicable laws (Section 23.76.020). A Type II Master Use Permit ((~~which includes appealable decisions~~)) may ((~~shall~~)) be approved for issuance on the day following expiration of the applicable appeal period or, if appealed, on the fourth (4th) ((~~sixth~~)) day following a final appeal decision to grant or conditionally grant the permit. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

B. When a Master Use Permit is approved for issuance according to subsection A, and a condition of approval requires revisions of the Master Use Permit plans, the revised documents shall be submitted within sixty (60) days of the date the permit is approved for issuance((~~, or the permit shall be deemed abandoned and void and shall be revoked~~)). The Director may extend the period for submittal of the revised documents if it is determined that there are good reasons for the delay which are satisfactory to the Director, or if a different schedule is agreed upon ((~~in writing before the end of the sixty (60) day period. A request for the extension must be submitted in writing before the end of the sixty (60) day period~~)).

C. Once a Master Use Permit is approved for issuance according to subsection A, and any required revisions have been submitted and approved according to subsection B, the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60) days of notice that the permit is ready to be issued. Failure to pick up the permit within sixty (60) days may ((~~will~~)) result in a written notice of intent to cancel. If the Master Use Permit is not picked up within thirty (30) days from the date of written notice of intent to cancel, the approval shall be revoked and the Master Use Permit application shall be canceled. When a Master Use Permit is for a project vested to prior Land Use Code provisions because of an associated building permit application, and the project does not conform with the codes in effect at the time it is ready to issue, then no notice that the Master Use Permit is ready to issue shall be given until the building permit associated with the project is also ready to issue.

Section 39. Section 23.76.030 of the Seattle Municipal Code, last amended by Ordinance 113079, is hereby repealed.

Section 40. Subsection A of Section 23.66.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, is amended as follows:

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

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of the shoreline component of a Master Use Permit shall be governed by WAC 173-14-060.

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

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

((~~ii.~~)) (2) Variances granted as separate Master Use Permits pursuant to Section 23.76.010 D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:

((~~i.~~)) (1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or

((~~ii.~~)) (2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

((–)) (a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

((–)) (b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

((–)) (c) On the date that it is not chosen to receive an office allocation in the next competition; or

((–)) (d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

((~~iii.~~)) (3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

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

((~~i.~~)) (1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

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

g. Master Use Permits with a Design Review Component are subject to Section 23.76.026.C.2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026.C.2, such Master Use Permit shall expire one hundred and twenty (120) days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

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

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit is issued and construction is substantially underway and progressing at a satisfactory rate, as evidenced by the applicant's demonstrating to the Director's satisfaction that a construction step is ready for an inspection required by Section 108.5 ((~~305(e)~~)) of the Seattle Building Code Supplement prior to the expiration of a Master Use Permit, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

Section 41. Subsection A of Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council ((~~L~~))land ((~~U~~))use decisions, including any integrated decisions to approve, condition or deny based on SEPA Policies, and ((~~along with~~)) any associated Type II decisions listed in Section 23.76.006 C 2 ((~~variances, special exceptions and administrative conditional uses~~)):

((~~1. Subdivision preliminary plats, including replats requiring subdivision approval (supplemental procedures for preliminary plats are established in SMC Chapter 23.22);~~))

1. ((~~2.~~)) Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City to implement new land use policies adopted by ordinance, and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) major institutions pursuant to Section 23.69.023;

2. ((~~3.~~)) Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. ((~~4.~~)) Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

4. ((~~5.~~)) Council conditional uses; and

5. ((~~6.~~)) Downtown planned community developments.

Section 42. Section 23.76.038 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.038 Pre-application conferences.

Prior to official filing with the Director of an application for a Type IV decision, the applicant may request or the Director may require a pre-application conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Pre-application conferences may be subject to fees as established in SMC Chapters 22.90((~~0~~))1A - T, Permit Fee((~~s~~)) Subtitle.

Section 43. Subsections B, C, D, E and F of Section 23.76.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.040 Applications for Council land use decisions.

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. The Director shall promptly transmit applications for Council land use decisions to the City Clerk for filing with the Council.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapters 22.901A - T, Permit Fee((~~s~~)) Subtitle.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures, ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines, unless the Director indicates in writing that specific information is not necessary for a particular application:

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

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses and Downtown Planned Community Developments;

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

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

a. Existing site conditions showing adjacent streets (by name), alleys or other adjacent public property, existing street uses, such as street trees and sidewalk displays, buildings and structures, open space and landscape, access driveways and parking areas;

b. Elevations and sections of the proposed new features;

c. Floor plans showing the proposed new features;

d. Drainage plan;

e. Landscape plan;

f. Right-of-way information showing any work proposed in the public right-of-way;

g. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

h. Parking lay-out and vehicular access;

i. Vicinity map;

j. Topographic map; and

k. Open space plan.

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

a. Date the buildings on the site were constructed;

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

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Water quality;

g. Water discharge;

h. View impairment;

i. Energy consumption;

j. Animal habitat impacts;

k. Plant ecology, botany and vegetation;

l. Noise;

m. Release and disposal of toxic and hazardous materials;

n. Soil contamination;

o. Dredging;

p. Land use;

q. Housing;

r. Light and glare;

s. Shadow;

t. Aesthetics;

u. Use and demand on recreation facilities;

v. Vehicular traffic and circulation;

w. Parking;

x. Pedestrian circulation;

y. Circulation and movement of goods;

z. Traffic hazard; and

aa. Demand on public service and utilities.

E. Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested. ((~~For all applications, the Director shall mail notice to or otherwise notify the applicant within twenty (20) working days of the application if additional information is required to commence application review.~~))

2. An application for a Council land use decision is complete for purposes of this Section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications are undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or if substantial changes in the permit application are proposed. A determination under this Section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095 and SMC 23.76.026.

F. ((~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required information or data within thirty (30) days of a written request for it; provided that the Director may extend the period for submission of the information if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request may result in a notice of intent to cancel. When a Council land use application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Council land use application under the provision of this subsection shall cause the concurrent cancellation of the building permit application.

Section 44. Subsection A of Section 23.76.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.76.046 Public meetings and hearings.

A. Preliminary Council Meeting ((~~Hearing~~)) on City Facilities Requiring Council Approval. When a City agency proposing a new City facility or expansion of an existing City facility determines that an EIS is required for the project, the Council shall hold an early public meeting ((~~hearing~~)) to determine the need for and functions of the proposed facility, identify the source of funding, and establish site selection criteria. The meeting ((~~hearing~~)) shall be held as part of the scoping process as required by SMC Chapter 25.05, SEPA Policies and Procedures.

Section 45. Section 23.76.049 of the Seattle Municipal Code, as adopted by Ordinance 117430, is amended as follows:

23.76.049 Time required for preparation of an EIS. ((~~Turnaround times for recommendations~~)).

The time required to prepare an environmental impact statement associated with a Council land use decision shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Type IV applications the Director shall publish the recommendation to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 46. Subsections A and C of Section 23.76.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.050 Report of the Director.

A. The Director shall prepare a written report on applications for Type IV and V decisions and any associated ((~~variances, special exceptions and administrative conditional uses~~)) Type II Master Use Permits listed in Section 23.76.006 C 2, provided that in the case of a text amendment sponsored by a member of the City Council, the Director shall prepare a written report only if such report is requested by a member of the City Council.

The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens ((~~in response to any notice of application~~));

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City SEPA policies ((~~, as referenced in SMC Section 25.05.660,~~)) and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS;

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. For Type IV Decisions, the Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least twenty-one (21) ((~~thirty (30)~~)) days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

Section 47. Section 23.76.052 of the Seattle Municipal Code, as adopted by Ordinance 112522, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

A. General - Consolidation With Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council, on all applications for Type IV (quasi-judicial) Council land use decisions and any associated variances, special exceptions and administrative conditional uses. At the same hearing, the

Hearing Examiner shall also hear any appeals of the Director's ((~~environmental determination~~)) Type II decisions and any interpretations.

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearing that may be held on the project by another local, state, regional, federal or other agency. If requested by an applicant, a joint hearing shall be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. ((~~B.~~)) Notice ((~~of Hearing~~)).

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) ((~~thirty (30)~~)) days prior to the hearing by:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. At least four (4) placards posted at places visible to the public, including street intersections, within three hundred feet (300') of the boundaries of the project. For hearings on Major Institution Master Plans, a minimum of ten (10) placards shall be posted;

e. Mailed notice; and

f. Posting in the Department((~~; and~~)).

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

((~~3. For preliminary plats, the Director shall provide additional notice as follows:~~

~~a. If the owner of the property to be subdivided owns another parcel or parcels of real property lying adjacent to the property to be subdivided, mailed notice shall be provided to all owners of real property located within three hundred feet (300') of any portion of the boundaries of the adjacently located parcel(s) owned by the subdivider.~~

~~b. Notice shall be published not less than thirty (30) days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property proposed to be subdivided is located; and~~

~~c. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024 shall be notified.~~))

3. ((~~4.~~)) The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and envi-

ronmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

D. ((~~C.~~)) Appeal of Environmental Determination. Any person significantly interested in or affected by the Type IV decision under consideration may appeal the Director's procedural environmental determination subject to the following provisions:

1. Filing of Appeals. Appeals shall be submitted in writing to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the determination, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05.340, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of the notice of the determination ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall state specific objections to the environmental determination and the relief sought. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code Section 3.02.125, Hearing E((~~e~~))xaminer filing fees. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

2. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

3. Notice of Appeal. Notice of filing of the appeal and of the date of the consolidated hearing on the appeal and the Type IV land use decision recommendation shall be promptly mailed by the Hearing Examiner to parties of record and those requesting notice.

4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain only those issues cited in the written appeal which relate to compliance with the procedures for Type IV decisions as required in this ((~~e~~))Chapter and the adequacy of the environmental documentation upon which the determination was made.

5. Standard of Review. The Director's environmental determination shall be given substantial weight.

E. ((~~D.~~)) Conduct of Hearing. The Hearing Examiner at the public hearing will accept evidence and comments regarding:

1. The Director's report, including an evaluation of the project based on applicable City ordinances and ((~~polices~~))policies and the Director's recommendation to approve, approve with conditions, or deny the application; and

2. Specific issues related to the Director's environmental determination, if appealed.

F. ((~~E.~~)) The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument, or exhibits.

G. ((~~F.~~)) Written Comments. Written comments on the application for a Type IV land use decision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. ((~~G.~~)) Recommendation. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, the Hearing Examiner shall submit a recommendation to the Council by filing it together with the record with the City Clerk within fifteen (15) days after the close of the hearing record ((~~, provided, that the Hearing Examiner shall submit a recommendation on an application for subdivision preliminary plat approval within ten (10) days from the close of the record and,~~)) provided ((~~further~~)), that the Hearing Examiner's report on a ((~~m~~))Major Institution Master Plan shall be submitted within thirty (30) days. The recommendation to approve, approve with conditions, or deny an application shall be based on the written findings and conclusions.

I. ((~~H.~~)) Environmental Appeal Decision. If the Director's environmental determination is appealed, the Hearing Examiner shall affirm, reverse, remand or modify the Director's determination that an EIS is not required (DNS) or that an EIS is adequate, based on written findings and conclusions. The Director shall be bound by the terms and conditions of the Hearing Examiner's decision. If the environmental determination is remanded, the Hearing Examiner shall also remand the Director's recommendation for reconsideration. The Hearing Examiner's decision on a DNS or EIS adequacy appeal shall not be subject to Council appeal. The time period for requesting judicial review of the environmental determination shall not commence until the Council has completed action on the Type IV decision for which the DNS or EIS was issued.

J. ((~~I.~~)) Distribution of Decision and Recommendation. On the same date that the Hearing Examiner files a recommendation with the City Clerk, copies of the recommendation and environmental appeal decision, if any, shall be mailed by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy in a timely manner. Notice of the Hearing Examiner's recommendation to the Council shall include instructions for requesting the Council to further consider the recommendation on the Type IV decision.

K. ((~~J.~~)) File to Council. The City Clerk shall file the recommendation and record with the original application and transmit the same to the Council.

Section 48. Subsections B, D and E of Section 23.76.054 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.054 Council consideration of Hearing Examiner recommendation.

B. Requests for further consideration shall be filed with the Council by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following the date of issuance ((~~mailing~~)) of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five p.m. (5:00 p.m.) on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

D. ((~~If there is no request for further consideration,~~)) Council action shall be based on the record established by the Hearing Examiner; provided, however, that if a request for further consideration includes a request to supplement the record, the Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. ((~~, except as provided for subdivisions in Chapter 23.22.~~)) The Council may remand an application for a Type IV land use decision only when the Council has voted to supplement the record and the Council determines that it is necessary for the Director or the Hearing Examiner to receive the new evidence and reconsider

the application in light of it. The Council may allow oral or written arguments based on the record.

((~~E. If the Council examines the record and determines that a factual error exists or that essential information is missing from the record, the Council may:~~

~~1. Remand the request and record to the Director for further consideration and report; or~~

~~2. Remand the request to the Hearing Examiner and direct the Hearing Examiner to conduct another hearing, limited to the consideration of perceived factual error or new information, and to reconsider the recommendation; or~~

~~3. Open the record to correct the factual error or receive the new information. The Council shall conduct a hearing on the new or corrected information. The Council may hear testimony from those who testified before the Hearing Examiner, and may accept written or oral argument based on the record. Notice of the hearing shall be mailed at least seven (7) days prior to the hearing to those individuals who received written notice of the Hearing Examiner action.~~))

Section 49. Subsections A, C and D of Section 23.76.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 117789, are amended as follows:

23.76.056 Council decision on Hearing Examiner recommendation.

A. The Council's decision to approve, approve with conditions, remand, or deny the application for a Type IV land use decision shall be based on the record established pursuant to SMC 23.76.054 ((~~, supplemented as appropriate if the Council determines that the recommendation was based upon an error in judgment, an error in conclusions, or a factual error in the record~~)).

C. Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040. ((~~unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~))

D. A copy of the Council's findings, conclusions and decision shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record and to any person who has submitted substantive comments to the Director, Hearing Examiner or City Council on the proposal. The Clerk's transmittal letter shall include official notice of the time and place for seeking judicial review. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

Section 50. Subsections B and D of Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 117242, are amended as follows:

23.76.058 Rules for specific decisions.

B. Contract Rezones.

1. When a property use and development agreement is required as a condition to an amendment of the official Land Use Map, the ordinance rezoning the property

shall provide for acceptance of the agreement and shall not be passed by the Council until the agreement has been executed by the owner. The executed agreement shall be recorded in the real property records of King County and filed with the City Clerk within one hundred twenty (120) days of adoption of the ordinance accepting the agreement.

2. Amendment of Contract Rezone. Agreements required as a condition to map amendments may be amended by agreement between the owner and the City, provided the amended agreement shall be approved by the Council. Amendments which are within the spirit and general purpose of the prior decision of the Council may be approved by the Council by ordinance after receiving any advice which it deems necessary. Written notice and an opportunity to comment shall be provided by the Council at least fourteen (14) ((~~fifteen (15)~~)) days prior to Council consideration of the requested amendment ((~~request~~)) to persons who submitted written or oral comments on the original rezone decision. Amendments which in the judgment of the Council represent a major departure from the terms of the agreement shall not be approved until the Council has received a ((~~the~~)) recommendation((~~s~~)) from the Hearing Examiner after a public hearing held as ((~~in the same manner and pursuant to the same notice~~)) provided for rezones ((~~map amendments~~)) in Section 23.76.052, Hearing E((~~e~~))xaminer open record predecision hearing and recommendation.

((~~D. Subdivisions. Following preliminary plat approval by the Council, final plats shall be submitted to the Director of Engineering and approved according to the procedures established in Chapter 23.22.~~))

Section 51. Subsections C, D and E of Section 23.76.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 114473, are amended as follows:

23.76.060 Expiration of Council land use approvals.

((~~C. Subdivisions. Expiration and extension of subdivision approvals shall be governed by Chapter 23.22.~~))

C. ((~~D.~~)) Variances. Variances granted as part of a Council land use approval shall remain in effect for the same period as the land use approval granted, except those variances granted as part of a rezone which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.

D. ((~~E.~~)) Extensions. The Council may extend the time limits on Type IV land use approvals upon an applicant's request for an extension filed with the Council at least thirty (30) days before the approval's expiration. The Council may request a recommendation on the extension request from the Director.

Section 52. Section 23.76.066 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.066 Shoreline Master Program amendments.

Council decisions approving an amendment to the text of SMC Chapter 23((4)).60, Shoreline Master Program Regulations, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective only upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-060.

Section 53. Section 23.84.002 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended to add a definition to be put in alphabetical order as follows:

23.84.002 "A"

"Appeal, Open Record" see Hearing, Open Record.

Section 54. Section 23.84.008 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended to add a definition to be put in alphabetical order as follows:

23.84.008 "D"

"Development Regulations" see RCW 36.70A.030.

Section 55. Section 23.84.016 of the Seattle Municipal Code, which was last amended by Ordinance 117202, is amended to add a definition to be put in alphabetical order as follows:

23.84.016 "H"

"Hearing, Open Record" see RCW 36.70B.020.

Section 56. Section 23.84.025 of the Seattle Municipal Code, which was last amended by Ordinance 117598, is amended to add a definition to be put in alphabetical order as follows:

23.84.025 "M"

"Meeting, Public" see RCW 36.70B.020.

Section 57. Section 23.84.030 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is to add a definition to be put in alphabetical order as follows:

23.84.030 "P"

"Project Permit" or "Project Permit Application" see RCW 36.70B.020.

Section 58. Section 23.88.020 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is amended as follows:

23.88.020 Land use interpretations.

A. Interpretations Generally.

A decision by the Director as to the meaning, application or intent of any ((~~provision of~~)) development regulation in Title 23, Land Use Code, ((~~or Title 24, Zoning and Subdivisions,~~)) or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific ((~~piece of~~)) property is known as an "interpretation". An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy shall not be subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request shall be final and not subject to administrative appeal.

B. Filing and Fees

Any request for interpretation shall be filed with the Director accompanied by the fee for interpretations provided in Table 6, SMC 22.901E.010.

C. Timing of Request.

((~~When public notice is required for a project, a request for an interpretation concerning that project shall be made before the expiration of any applicable appeal period. Notice of the Director's decision as required by SMC 23.76.020 shall include notice of the deadline for requesting Code interpretations. When public notice is not required for a project, a request for an interpretation concerning that project may be made any time, provided that issued permits shall not be affected by subsequent Code interpretations.~~))

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within fourteen (14) days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

D. Notice of Request for Interpretation.

((~~Notice of a request for interpretation shall be provided by the posting of four (4) placards on or near the site and in the general mailed release. The notice shall include a statement that any person who desires to submit comments on the application or who requests notification of the decision may submit comments or requests in writing within fourteen (14) days of the posting of notice.~~)) If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a major institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that major institution.

E. Notice of Interpretation.

((~~Notice that a code interpretation has been made shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the office of the Department and shall be included in the general mailed release. Notice shall also be mailed on the date of publication to the applicant, property owner, and to interested persons who have requested specific notice in a timely manner.~~

~~The notice of the Director's decision shall state the address of the property and briefly state the decision made by the Director. The notice shall also state that the interpretation is subject to appeal and shall describe the appropriate appeal procedure.~~))

Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by General Mailed Release.

F. Availability and venue of appeals.

1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth (14th) calendar day following publication of the notice of the interpretation. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with SMC 23.76.052.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision. Interpretations related to projects that are appealed to the Hearing Examiner shall be appealable to the Hearing Examiner, and interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be appealable to the Shoreline Hearings Board.

((~~E. The Director's interpretation may be appealed subject to the following:~~

~~1. Any person significantly affected by or interested in a code interpretation may appeal to the Hearing Examiner within a period extending to five p.m. (5:00 p.m.) of the fifteenth calendar day following the date of publication of the interpretation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00 p.m.) on the next business day.~~))

G. Appeals to Hearing Examiner, Process and Standard of Review.

1. The appeal of an interpretation, where permitted, shall be in writing and shall state specifically why the appellant believes the interpretation to be incorrect.

2. Appeals ((~~of code interpretations~~)) submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02 ((~~the Permit Fee Ordinance, Chapter 22.900~~)).

3. The Hearing Examiner shall consider the appeal in accordance with the procedures established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made. ((~~If the Director's decision on the project for which the Code interpretation is sought is also appealed to the Hearing Examiner, the appeal of the Director's Code interpretation shall be consolidated with the appeal of the Director's decision on the permit and a single hearing shall be held.~~))

4. In the event of an appeal of an interpretation not related to a specific project application, such appeal shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner. (~~Notice of the hearing date shall be given not less than twenty (20) days prior to hearing~~)).

5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

((~~6. All appeals shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.~~))

6. ((~~7.~~)) ((~~The decision of t~~))The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part ((~~. The Hearing Examiner~~)) or may ((~~also~~)) remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final ((~~and the applicant, appellant and Director shall be bound by it~~)) and conclusive unless the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 59. Subsection C of Section 25.05.310 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.310 Threshold determination required.

C. In most cases, the time to complete a threshold determination should not exceed fifteen (15) ((~~seven (7)~~)) days. Threshold determinations on complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

Section 60. Subsection E of Section 25.05.335 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 61. Subsection E of Section 25.05.420 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 62. Subsection E of Section 25.05.665 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.665 SEPA policies-Overview.

E. Relationship to Federal, State and Regional Regulations. Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. ((~~Where applicable, federal, state and regional environmental regulations will be presumed to~~)) In deciding whether these regulations provide sufficient impact mitigation, the City shall consult orally or in writing with the responsible federal, state or other agency with jurisdiction and environmental expertise and may expressly defer to that agency. The City shall base or condition its project decision on compliance with these other existing rules or laws. ((~~unless the~~)) The City ((~~finds that~~)) shall not so defer if such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project((~~, and the regulations do not preempt the substantive authority of these policies~~)).

Section 63. Subsections A, B and C of Section 25.05.680 of the Seattle Municipal Code, which was last amended by Ordinance 117789, is amended as follows:

25.05.680 Appeals.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, and 43.21C.080).

A. Master Use Permits and Council Land Use Decisions. For proposals requiring a ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, SEPA appeal procedures shall be as provided in Chapter 23.76.

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a master use permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. ((~~Threshold Determination~~)) Determination of Significance and, for a Public Project or Nonproject Action Only, a Determination of Nonsignificance. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the Final EIS as Filed in the SEPA Public Information Center. 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 (15) 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; provided that when a fifteen (15) day DNS comment period is required pursuant to this Chapter, appeals may be filed no later than the twenty-first (21st) day following such filing or publication. The appeal notice 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. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. 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) 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. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a master use permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.

2. An appeal to the City Council 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 fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.

4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.

5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based 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 and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.

6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.

7. 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 is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).

Section 64. Subsection A of Section 25.05.714 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.714 Agency.

A. "Agency" as defined in WAC 197-11-174(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762) or ((~~In this chapter "agency" means~~)) the City or a City department or organizational unit of the City established by charter or ordinance.

Section 65. Section 25.12.160 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.160 Landmark.

"Landmark" is an improvement, site, or object that the Board has approved for designation ((~~designated as a landmark~~)) pursuant to this ((~~e~~))Chapter, or that was designated pursuant to Ordinance 102229.

Section 66. Section 25.12.170 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 67. Section 25.12.180 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.180 Nomination.

"Nomination" is the act of proposing that any object, site or improvement be designated a landmark ((~~or landmark site~~)).

Section 68. Section 25.12.210 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.210 Party of record.

"Party of record" includes the Board, the owner, ((~~the person in charge, and~~)) the nominator of any proposed landmark ((~~or landmark site~~)), and the Hearing Examiner, when appropriate.

Section 69. Section 25.12.230 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 70. Section 25.12.260 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 71. Section 25.12.280 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.280 Membership.

((~~Members of the Landmarks Preservation Board established under Ordinance 102229 are appointed members of the Board established pursuant to this chapter to serve for the remainder of the terms to which they were originally appointed, and in addition, one (1) new member shall be appointed for a three (3) year term and one (1) new member shall be appointed for a two (2) year term. Thereafter a~~)) All members of the Board shall be appointed by the Mayor, subject to confirmation by the Council, for a term of three (3) years, which appointments shall be made in such a manner that the composition specified in this subchapter is maintained. The Board shall elect a Chairperson from among its members.

Section 72. Section 25.12.300 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.300 Rules and regulations.

((~~The Board shall elect a Chairperson from among its members, and shall within six (6) months adopt in accordance with the Administrative Code (Ordinance 102228), and file with the City Comptroller rules and regulations, including a code of ethics for its members, for its organization and procedures consistent with this chapter. The Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed.~~)) The Board shall adopt rules and regulations in accordance with the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, to govern the Board's organization and procedures and to implement the provisions of this Chapter.

Section 73. Section 25.12.310 of the Seattle Municipal Code, as adopted by Ordinance 106348, is amended as follows:

25.12.310 Quorum-Voting.

A majority of the current appointed and confirmed members of the Board shall constitute a quorum and must be present for the transaction of business. All official actions of the Board, with the exception of votes on approval of designation, shall require a majority vote of the members present and voting. Votes on approval of designation shall require a majority vote of the then current appointed and confirmed members of the Board. No member shall be eligible to vote upon any matter required by this ((e))Chapter to be determined after a ((~~hearing~~)) public meeting unless that member has attended the ((~~hearing~~)) meeting or familiarized him or herself with the record.

Section 74. Section 25.12.320 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.12.320 Staff-Historic Preservation Officer.

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, ((~~conduct official correspondence,~~)) organize and supervise the Board staff and the clerical

and technical work of the Board to the extent required to administer this ((e))Chapter. In addition, the Historic Preservation Officer shall:

A. Carry out, assist and collaborate in studies and programs designed to identify and evaluate objects, improvements and sites worthy of preservation((:));

B. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

C. Inspect and investigate objects, improvements and sites which are believed worthy of preservation;

D. Officially recognize design excellence in the rehabilitation of objects, improvements and other features deemed deserving of official recognition although not designated as landmark sites or landmarks and encourage appropriate measures for such recognition;

E. Disseminate information to the public concerning those objects, improvements and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement and perpetuation of such objects, improvements and sites;

F. Consider methods other than those provided for in this ((e))Chapter for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this ((e))Chapter;

H. Subject to such limitations and within such standards as the Board may establish from time to time, grant certificates of approval all without prejudice to the right of the owner at any time to apply directly to the Board for its consideration and action on such matters((.));

I. Review and comment upon environmental analyses being performed by other agencies;

J. Upon request by the Department of Construction and Land Use, review permit applications to determine whether the site, improvement, or object appears to meet the criteria for landmark designation;

K. Respond to requests for interpretations of the codes relating to landmarks and to landmark districts, as provided in those codes.

Section 75. Section 25.12.340 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.340 Electronic record of hearings.

At all ((~~hearings before the~~)) Board meetings to consider approval of designation, to make a decision on an application for a Certificate of Approval, and to make the Board's recommendation on controls and incentives, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A copy of the electronic record or any part thereof, ((~~whether recorded stenographically or electronically,~~)) shall be ((~~transcribed and~~)) furnished to any person upon request therefor and payment of the reasonable costs thereof.

Section 76. Section 25.12.360 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.360 Separate nomination and designation of site and object or improvement.

The nomination or designation of a site as a landmark ((~~site~~)) shall not constitute nomination or designation of any object or improvement located on the site as a landmark unless the object or improvement is expressly included in the description of the nominated or designated ((~~as a~~)) landmark. The nomination or designation of an object or improvement as a landmark shall not constitute nomination or designation of the site on which the object or improvement is located as a landmark ((~~site~~)) unless the site is expressly included in the description of the nominated or designated ((~~as a~~)) landmark ((~~site~~)).

Section 77. Section 25.12.370 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.370 Nomination.

A. Any person including the Historic Preservation Officer and any member of the Board may nominate any site, improvement or object for designation as a landmark ((~~or landmark site~~)). Nominations may be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Board.

B. The Department of Construction and Land Use shall refer improvements, sites, or objects to the Landmarks Board that are subject to environmental review for a pending permit application, and that appear to meet criteria set forth in this ordinance for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found ((~~to be in order~~)) by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. ((~~A copy of any nomination and of any amendments thereto shall be given the owner promptly.~~)) The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Department of Construction and Land Use as part of its environmental review of pending permit applications.

Section 78. A new Section 25.12.375 is added to the Seattle Municipal Code as follows:

25.12.375 Exemption from permit timelines.

Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from nomination through the City Council's decision whether to enact a designating ordinance, including any review of the Board's decisions by the Hearing Examiner or the City Council, from the time limits and the other provisions of RCW 36.70B.060 through 36.70B.090 and the provisions of 36.70B.110 through 36.70B.130.

Section 79. Section 25.12.380 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.380 Notice of Board meeting on approval of nomination.

The Board may approve a nomination for further designation proceedings only at a public meeting. The Board shall make a reasonable effort to serve the owner of a nominated site, improvement or object with thirty (30) days notice of any Board meeting at which such nomination shall be considered for approval by the Board, including a copy of the nomination, however, failure to serve such notice shall not invalidate any proceedings with respect to such nomination. Neither the attendance((~~,~~)) and participation of the owner at the meeting to consider the nomination, nor the owner's failure to so attend or participate shall prejudice the right of the owner to resist designation or the imposition of controls if the nomination is approved.

Section 80. Section 25.12.390 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.390 Board approval of nomination.

A. If the Board((~~, in whole or in part,~~)) approves a nomination, in whole or in part, for further designation proceedings, it shall in such approval:

1. Specify the legal description of the site, the particular features and/or characteristics proposed to be ((~~preserved~~)) designated, and such other description of the site, improvement or object as it deems appropriate;

2. Set a date, which is not less than thirty (30) nor more than ((~~forty-five (45)~~)) sixty (60) days from the date of approval of nomination, at which a public ((~~hearing~~)) meeting on approval of designation shall be held as provided in Section 25.12.420.

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through 25.12.780 shall apply.

Section 81. Section 25.12.400 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.400 Notification of approval of nomination.

If the Board approves a nomination in whole or in part for further designation proceedings, the Historic Preservation Office shall within ((~~three (3)~~)) five (5) working days file a written notice of such action with the ((~~Superintendent~~)) Director of Construction and Land Use and serve a copy of the same on the owner and interested persons of record. Such written notice shall include:

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this ((~~e~~))Chapter are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board ((~~hearing~~)) meeting on approval of designation;

D. A statement that ((~~all~~)) the Board meeting on designation is the sole proceeding((~~s~~)) to consider whether the standards for designation are met, ((~~review the action of the Board at the hearing on approval of designation will be based on the record made at such hearing~~)) and that no further opportunity ((~~right~~)) to present information regarding the standards for ((~~evidence on the issue of~~))designation is afforded pursuant to this ((~~e~~))Chapter.

Section 82. Section 25.12.410 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.410 Disapproval of nomination.

If the Board disapproves the nomination, the proceedings shall terminate as provided in Section 25.12.850A, and the Board shall set forth its reasons why approval of nomination is not warranted, with specific reference to the standards in Section 25.12.350.

Section 83. Section 25.12.420 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.420 Board meeting ((~~hearing~~)) on approval of designation.

Except as otherwise provided in Section 25.12.470 the Board may approve or deny designation of a site, improvement or object only at a public meeting ((~~hearing~~)). At the meeting ((~~hearing~~)) on approval of designation the Board shall receive information ((~~evidence~~)) and hear comments ((~~arguments~~)) on whether the site, improvement or object meets the ((~~criteria~~)) standards for designation of landmarks ((~~and landmark sites~~)) specified in Section 25.12.350 and merits designation as a landmark ((~~or landmark site~~)).

Section 84. Section 25.12.440 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.440 Notice of report on designation.

A copy of the Board's report on designation shall be served on the owner and mailed to interested persons of record within ((~~three (3)~~)) five (5) working days after it is issued. If the Board acts to approve designation, the owner, at the time of service of the report shall also be served with a notice that:

A. States a date, which is not later than seventy-five (75) days after mailing of the report on designation, when the Board will consider controls and incentives, if any, to be applied ((~~for preservation of~~)) to specific features or characteristics of the site, improvement or object in question((~~.~~)):

B. Requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives; and

C. Informs the owner of the procedures of Sections 25.12.490 through 25.12.520.

Section 85. Section 25.12.450 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.450 Disapproval of designation.

If the Board disapproves designation, the proceedings shall terminate as provided in Section 25.12.850A and the Board shall set forth its reasons why approval of designation is not warranted, with specific reference to the standards in Section 25.12.350.

Section 86. Section 25.12.460 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 87. Section 25.12.470 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 88. Section 25.12.480 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 89. Section 25.12.490 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.490 Negotiation with owner.

Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence ((~~to negotiate~~)) negotiations with the owner on the application of controls and incentives to ((~~on~~)) the site, improvement, or object, ((~~designed to preserve~~)) regarding the specific features or characteristics identified in the Board's report on designation ((~~and the application of economic incentives, if any, to the owner of the site, improvement or object~~)). If within fifteen (15) days of the commencement of the negotiation period, the owner fails to ((~~contact the Board staff~~)) participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall ((~~promptly~~)) prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

Section 90. Section 25.12.500 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.500 Negotiations-Procedure and time requirements.

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing. ((~~and if the other party does not object within seven (7) days after receipt of such notice.~~)) If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall ((~~promptly~~)) submit the agreement to the Board for approval at a Board meeting to be held not later than ((~~twenty (20)~~)) thirty (30) days after the written agreement is signed by the owner. ((~~reached, or within such further time as the Board and owner may stipulate in writing.~~)) Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within ((~~three (3)~~)) five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

Section 91. Section 25.12.520 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.520 Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement ((~~by negotiation~~)), or ((~~in the event~~)) the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and ((~~economic~~)) incentives((~~,if any,~~)) with the Hearing Examiner, ((~~and~~)) serve ((~~same~~)) it on the owner, and mail a copy to interested persons of record. ((~~and the owner shall have an opportunity to file objections thereto.~~)) The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are ((~~to be preserved~~)) identified in the Board's report on designation. The recommendation shall set forth the reasons ((~~and the need~~)) for ((~~each~~)) the proposed ((~~specific~~)) controls and for any proposed ((~~economic~~)) incentives. The recommendation ((~~and~~)) shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. ((~~The Board may hold a public hearing prior to the making of its recommendation.~~))

Section 92. Section 25.12.530 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.530 Filing of recommendation and objections with Hearing Examiner.

((~~As provided in Section 25.12.520, in the event of a failure to agree on proposed controls and incentives or in the event of disapproval of an agreement, the Board shall file with the Hearing Examiner and serve upon the owner recommendations for proposed controls and incentives and the owner may file objections thereto.~~)) The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement was signed by the Board staff and the owner, or if an agreement((~~,~~)) was signed, within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500. ((~~The owner's objections shall be filed not later than fifteen (15) days after receipt of the Board's recommendation on proposed controls and incentives. For good and sufficient cause shown by either the Board or owner, the Hearing Examiner may grant an extension of time not to exceed thirty (30) days. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and economic incentives.~~))

Section 93. A new Section 25.12.535 is hereby added to the Seattle Municipal Code as follows:

25.12.535 Owner's objections to Board recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendation on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.

Section 94. Section 25.12.540 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.540 Scheduling of hearing.

A. If no objections are filed with the Hearing Examiner within the time provided, then the Board shall transmit its recommendation to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660. The Hearing Examiner shall take no action on the recommendation.

B. If objections are timely filed with the Hearing Examiner, then ((~~After the Board's recommendations and the owner's objections, if any, are filed with the Hearing Examiner,~~)) the Hearing Examiner shall set the matter for a hearing which shall be held within seventy (70) days of the ((~~receipt~~)) filing of the ((~~owners~~)) latest objections ((~~or the receipt of the Board's recommendations, whichever is later~~)), and promptly notify the Board, the owner, and any other person who filed objections ((~~all interested persons of record~~)) of the date and time for the hearing.

Section 95. Section 25.12.550 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 96. Section 25.12.560 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.560 Hearing Examiner procedure.

Proceedings before the Hearing Examiner shall be in accordance with the procedures for hearings in contested cases pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code ((~~(Ordinance 102228)~~)), and the Hearing Examiner's Rules of Practice and Procedure in effect at the time of the proceeding, except as such procedures are modified by this ((~~c~~))Chapter. ((~~Any person may testify at the hearing.~~))

Section 96A. Section 25.12.600 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.600 Information.

It shall be the responsibility of the owner ((~~or person in charge~~)) to provide the Hearing Examiner with such information as is necessary and sufficient to determine yearly net return under Section 25.12.590 B and C.

Section 97. Section 25.12.610 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.610 Hearing Examiner recommendations-Referral to Council.

Within thirty (30) days after the hearing, the Hearing Examiner shall serve on the Board and the owner and file with the Council ((~~for such action as the Council may deem appropriate,~~)) a decision setting forth a recommendation of ((~~the~~)) proposed controls and ((~~any economic~~)) incentives, ((~~findings with respect to the specific controls so recommended,~~)) and the reasons ((~~and need~~)) for the controls and ((~~any~~)) incentives recommended ((~~,and the effect of such controls and incentives~~)).

Section 98. Section 25.12.620 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.620 Right of appeal to Council.

Any party of record before the Hearing Examiner may appeal the ((~~findings and~~)) recommendations of the Hearing Examiner regarding controls and((~~/or economic~~)) incentives by filing with the Council and serving on all other parties of record a written notice of appeal within thirty (30) days after the Hearing Examiner's decision is served on the party appealing.

Section 99. Section 25.12.630 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.630 Procedure on appeal to Council.

A. Any appeal from the ((~~findings and~~)) recommendation of the Hearing Examiner shall be considered by the Council on the record only. The Hearing Examiner shall promptly prepare, certify and file with the Council such record, which shall consist of all documents and exhibits submitted to the Hearing Examiner (except to the extent that the same are already before the Council) and a transcript of all oral proceedings before the Hearing Examiner, unless all parties waive submission of the transcript. The appellant shall be responsible for the reasonable costs of preparation of the record unless the appeal is successful, in which event the Council may apportion such reasonable costs as it deems appropriate.

B. The Council or committee to which such appeal is referred shall notify the Board and any appellant of the procedures established for such hearing and of the date and time when it will hear oral argument, if any, from the parties or their representatives upon the issues which are the subject of such appeal. Such notice shall be served upon the Board and the owner not less than twenty (20) days before the date of such oral argument.

Section 100. Section 25.12.640 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.640 Council action on appeal.

A. The Council shall act upon the appeal within ninety (90) days of receiving the Hearing Examiner's recommendation. ((~~The Council may conclude such an appeal by enacting a designating ordinance as provided in Sections 25.12.650 and 25.12.660, adopting a committee report denying designation, or by such other action it deems appropriate.~~))

B. Council action is necessary to complete the process for designation of a landmark. The Council may:

1. Enact a designating ordinance that specifies the controls and incentives being imposed on a site, improvement, or object approved for designation by the Board;

2. Modify controls and incentives negotiated by the owner and the Board or recommended by the Board or the Hearing Examiner, and enact a designating ordinance embodying such modifications; or

3. Decide not to enact a designating ordinance and thereby decline to impose controls and incentives. A Council decision not to enact a designating ordinance shall terminate the proceedings pursuant to Section 25.12.850 of this Chapter.

Section 101. Section 25.12.650 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.650 Designating ordinance- ((~~Generally~~))Amendment or Repeal.

((~~Pursuant to the procedures set forth in this chapter, the Council may by ordinance specify controls and economic incentives with respect to sites, improvements or objects designated by the Board and pursuant to such procedures:~~))The Council may by ordinance amend or repeal any ((~~such~~)) designating ordinance; provided((~~: A. T~~))that if ((~~an~~)) a designating ordinance is enacted ((~~designating a landmark or a landmark site imposes specific controls upon such landmark or landmark site~~)), no proceedings may be commenced under this ((~~e~~))Chapter to impose other or further controls on ((~~such~~)) the landmark ((~~or landmark site~~)) that is covered by the designating ordinance within four (4) years from the effective date of such designating ordinance without the agreement of the owner in writing.((~~; and~~

~~B. That if any landmark or landmark site is substantially destroyed by fire, earthquake or other casualty not envisioned at the time of designation, the owner may petition the Board to revoke the designation.~~))

Section 102. Section 25.12.660 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.660 Designating ordinance-Information required.

A. Each designating ordinance, and each ordinance amendatory thereof, shall include:

1. The legal description of the site, improvement or object;

2. The specific features or characteristics which are designated ((~~to be preserved~~));

3. The standards in Section 25.12.350 that are the ((~~reasons and~~)) basis for such designation; and

4. The specific controls imposed and any ((~~economic~~)) incentives granted or to be granted or obtained with respect to such site, improvement or object.

B. A certified copy of each such ordinance shall be recorded with the King County Director of Records and Elections and served on the owner ((~~and on the person in charge~~)) of ((~~such~~)) the ((~~landmark site or~~)) landmark.

Section 103. Section 25.12.670 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.670 Requirement of certificate of approval.

After the filing of an approval of nomination with the ((~~Superintendent~~)) Director of Construction and Land Use and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may((~~:~~

~~A. M~~))make alterations or significant changes to specific features or characteristics of the site, improvement or object, which are identified in the approved nomination, or the Board report on designation, or subject to controls in a controls and incentives agreement or a designating ordinance, whichever is most recent.((~~suggested for preservation in the approval of nomination, or thereafter specified in the report on approval~~

~~of designation of the decision of the Hearing Examiner, whichever was issued most recently, while proceedings under this chapter are pending; or~~

~~B. Make alterations or significant changes which would be in violation of specific controls imposed by a designating ordinance.~~))

Section 104. Section 25.12.680 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.680 Application for certificate of approval-Filing.

A. Application for a certificate of approval ((~~may~~)) shall be made by filing an application for such certificate with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required because of the pendency of designation proceedings, or the terms of a designating ordinance. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

B. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application, or the applicant makes a written request to submit an application for a preliminary design as set forth in subsection E below, and the staff agrees to accept the application:

1. Building name and building address;

2. Name of business(es) located at the site of the proposed work;

3. Applicant's name and address;

4. Property owner's name and address;

5. Applicant's telephone number;

6. The property owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

7. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

8. A detailed description of the proposed work, including any changes it will make to a landmark;

9. Four (4) sets of scale drawings, with all dimensions shown, of:

a. A site plan of existing conditions, showing adjacent streets and buildings, and a site plan showing proposed changes;

b. A floor plan showing the existing features and a floor plan showing the proposed new features or changes;

c. Elevations and sections of both the proposed new features and the existing features;

d. Construction details;

e. A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

10. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

11. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

12. If the proposal includes new signage, awnings, or exterior lighting:

a. Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, graphic designs, typeface, letter size, and colors;

b. Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning or sign;

c. Four (4) copies of details showing the proposed method of attaching the new awning, sign, or proposed exterior lighting;

d. One (1) sample of proposed sign colors or awning material and color;

e. The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

13. If the proposal includes demolition of a structure or object:

a. A statement of the reason(s) for demolition;

b. A description of the replacement structure or object;

14. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features being replaced, removed, or demolished.

C. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

D. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study when new construction is proposed.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related

permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this Chapter. To be complete, an application for preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8, 9a through 9c, and 13. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal and Board approval of the final design, including all of the information listed above in subsection B, prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 105. Section 25.12.690 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.690 Application for certificate of approval-In conjunction with permit application.

If ((~~before a certificate of approval is obtained,~~)) an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for an action which requires a certificate of approval ((~~is required~~)), the ((~~Superintendent~~)) Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval.~~)) The ((~~Superintendent~~)) Director of Construction and Land Use shall continue to process the permit ((~~such~~)) application, but shall not issue any such permit until the time has expired for acting upon the ((~~filing with the Superintendent the notice of denial of a~~)) certificate of approval or a certificate of approval has been issued pursuant to this ((~~e~~))Chapter.((~~;provided that if by its terms or the provisions of Section 25.12.810 the operation of such certificate of approval is suspended the Superintendent shall not issue such permit until the suspension terminates.~~))

Section 106. Section 25.12.700 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.700 Application for certificate of approval-Similar changes.

An application for a certificate of approval shall not be accepted for filing while another application for the same or similar action is pending before the Board or on appeal. ((~~After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a hearing pursuant to Section 25.12.720 or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom pursuant to this chapter have been concluded.~~))

Section 107. Section 25.12.720 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.720 Board ((~~hearing~~)) meeting on certificate of approval.

Within thirty (30) days after ((~~the filing of~~)) an application for a certificate of approval is determined to be complete ((~~with the Board or the referral of an application to the Board pursuant to Sections 25.12.680 or 25.12.690~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.((~~; provided that no hearing shall be required if the Board, the owner and the applicant agree in writing to a stipulated certificate of approval approving the requested alterations or changes with such modifications as may be agreed upon. If an agreement on a stipulated certificate of approval is reached or if, after a hearing, the Board orders a certificate of approval, such certificate shall be issued forthwith and the Board shall file a certified copy of such certificate with the Superintendent.~~)) The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

Section 108. Section 25.12.730 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.730 Board decision on certificate of approval.

The Board shall issue a written decision ((~~either~~)) granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of Construction and Land Use, not later than forty-five (45) days after ((~~the filing of the application for permit with the Superintendent or after the filing of~~)) an application for a certificate of approval is determined to be complete. ((~~with the Board; and shall serve a copy thereof upon the owner, the applicant and the Superintendent within three (3) working days after such grant or denial.~~)) Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision ((~~A decision denying a certificate of approval or attaching conditions to the grant of a certificate of approval~~)) shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.((~~Except by written agreement with the owner and the applicant, neither the Board nor the Hearing Examiner may attach any conditions to the grant or denial of the certificate of approval, if the effect of such conditions would be to impose controls which are prohibited by this chapter, or if such conditions would otherwise be inconsistent with the provisions of this chapter or any applicable designating ordinance.~~))

Section 109. Section 25.12.740 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.740 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard

according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.((~~Except as otherwise specified in Sections 25.12.670 through 25.12.780, the Hearing Examiner shall hold a hearing in the same manner as provided in Sections 25.12.530 through 25.12.610 for hearings on the application of controls and economic incentives.~~))

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

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal . Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

Section 110. Section 25.12.760 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.760 Hearing Examiner procedure.

A. When the appeal of a certificate of approval is consolidated with appeals of related permits, then the time frames applicable to the appeals of the other permits shall apply to the appeal of the certificate of approval.

B. In all other instances, t((~~T~~))he Hearing Examiner shall serve notice of the date of the hearing on the parties not less than twenty (20) days before the hearing and shall hold a hearing not later than ((~~eighty (80)~~)) forty-five (45) days after the filing of the ((~~application for a certificate of approval~~)) appeal. The Hearing Examiner shall issue a decision within ((~~fourteen (14) days after the conclusion of the hearing~~)) fifteen (15) days after closing of the record, and shall serve the decision on the Board, the owner, and the applicant, and file the same with the ((~~Superintendent~~)) Director of Construction and Land Use. ((~~within three (3) working days thereafter.~~))

((~~B. The Hearing Examiner may appoint an expert or experts to provide advice or report concerning the economic effect of the denial of a certificate of approval or the imposition of proposed conditions.~~)) The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

C. If the Hearing Examiner determines that there is no showing of a significant change in circumstances since a ((~~previous~~)) denial or conditioning of a prior application for a similar certificate, the appeal shall be denied.

D. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 111. Section 25.12.770 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.770 Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the ((~~Superintendent~~)) Director of Construction and Land Use, the owner, and the applicant within the times specified in ((~~Section 25.12.730, of as the same may be extended in accordance with Section 25.12.850D,~~)) this Chapter or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the ((~~Superintendent~~)) Director of Construction and Land Use shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.

Section 112. Section 25.12.780 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 113. Section 25.12.790 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 114. Section 25.12.800 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 115. Section 25.12.810 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 116. Section 25.12.820 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 117. Section 25.12.830 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 118. Section 25.12.835 of the Seattle Municipal Code, which was adopted by Ordinance 116540, is amended as follows:

25.12.835 Demolition.

A. It is the policy of The City of Seattle to prevent the unnecessary demolition of Landmarks. Even when a certificate of approval to demolish a Landmark has been issued because its owner is unable to make reasonable economic use of the Landmark, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the presence of Landmarks within the City.

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Department of Construction and Land Use pursuant to the requirements of SMC Section 23.40.008 B, the Department of Construction and Land Use may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal((~~, and after the expiration of any period of suspension under Sections 25.12.800 through 25.12.820~~)); and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of the State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A master use permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under subparagraph B4a above) and available for such purpose.

C. Subsections B3 and B4 shall not apply if the owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that maintaining the landmark until the conditions described in subsections B3 and B4 are satisfied would be unduly burdensome and a violation of substantive due process. Among the facts the Director should consider in determining the burden on the owner are, on the one hand, the costs of maintenance until a replacement use is ready, and, on the other hand, the costs of demolition, the interest on such costs, and the costs of maintaining a vacant site.

D. The Director also may waive or modify the requirements of subsection B2 if the Director determines that compliance with this subsection would be unnecessary or inappropriate in light of the nature and value of the Landmark.

E. In making the determinations required under this section the ((~~d~~))Director of the Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer. The Director should consider all relevant information and should communicate with whomever the Director believes can provide useful information or expertise. The Director shall communicate his or her decision to the applicant in writing within (15) fifteen days of receiving the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090, and the requirements of RCW 36.70B.110 through section .130.((~~The said decision shall be provisional and subject to comment for thirty (30) days, after which time it shall become finalized as revised, if at all, during the comment period.~~))

~~F. A decision denying an owner permission to demolish a Landmark under subsection C may be appealed by the owner to the Hearing Examiner; all other decisions of the Director of the Department of Neighborhoods under this section shall be final. Written notice of appeal to the Hearing Examiner and the filing fee specified in Seattle Municipal Code Section 3.02.125 must be filed with the Examiner no later than five p.m. (5:00 p.m.) on the fifteenth day following the date of the Director's decision. Notice of the hearing on~~

~~the appeal shall be mailed to the owner and Director no fewer than ten (10) days prior to the hearing. The Hearing Examiner shall conduct a hearing de novo and shall not defer to the decision of the Director, although the burden of persuasion shall be on the owner.~~))

((~~G~~))E. An owner may seek to meet his or her burden under subsection C at the same time that the owner seeks a certificate of approval to demolish under Sections 25.12.670 through 25.12.730. ((~~, in which case any appeal of the decision under subsection C shall be consolidated before the Hearing Examiner with any appeal of the certificate of approval, and, if the owner is entitled to an appeal to the Council under Section 25.12.780, with any appeal to the Council.~~)) An owner also may seek to meet his or her burden under subsection C at any time after a certificate of approval to demolish has been issued.

G. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 119. Section 25.12.840 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.840 Service of notices.

A. Notices, decisions, and any other instruments or documents required to be served upon the owner pursuant to this ((~~e~~))Chapter shall be served by mailing the same: (1) to the person shown to be the owner on the records of the Department of Finance of King County, Washington, to the address therein given and to such other addresses as may be ascertained from telephone or Polk directory listings for the City; and (2) to the owner's attorney where the files or records of the Board, the Hearing Examiner, or the Council, reveal representation in such proceedings by an attorney ((~~; and (3) to the person in charge of a site, improvement or object~~)). Notices, applications, other instruments or documents required to be served upon the Board shall be served by delivering the same to the Historic Preservation Officer or by mailing the same either to the Historic Preservation Officer or to the Landmarks Preservation Board at the then current address for such Officer or Board. Transmittals by mail shall be sent by first-class mail, certified with return receipt requested and with postage prepaid. Service shall be deemed to have been given when all of the steps specified above have been completed. Failure to send notice by mail to any owner whose address is not listed in the above sources, and failure to give actual notice to any owner whose name and address is unknown, shall not invalidate any proceedings in connection with the proposed designation.

B. Notice to parties of record shall include at least those documents sent to the owner. Such notice shall be served by first-class mail.

C. Notice to interested persons of record shall include at least the following: a description of the most recent action taken by the Board, the Hearing Examiner or Council; the time and place of the next public meeting or hearing, if any; the procedure to be followed at such meeting or hearing; the rights of appeal available, if applicable; and the time and place where documents in the record may be inspected. Such notice shall be served by first-class mail.

D. The Historic Preservation Officer may give such other notice as he or she may deem desirable and practicable.

Section 120. A new Section 25.12.845 is hereby added to the Seattle Municipal Code as follows:

25.12.845 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted, or on the provisions of an enacted designating ordinance.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the applicant agrees in writing to suspend the time frames for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Sections 25.12.740 and 25.12.760 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 120A. Section 25.12.860 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

At the end of four (4) years after the effective date of a designating ordinance, the owner may file with the Board an application to revoke designation of a site, improvement or object as a ((~~landmark site or~~)) landmark or an application to modify or revoke the controls or economic incentives previously established with respect thereto. Proceedings with respect to any such application shall proceed in the manner specified in Sections 25.12.380 through 25.12.640; provided that the burden shall be on the owner to demonstrate that a substantial change in circumstances has occurred to justify revision or revocation. Revocation of designation shall have the further effect of the termination of all controls and all present and future benefits from granted economic incentives. Termination of revocation or revision proceedings shall have the effects specified in Section 25.12.850.

Section 120B. Section 25.12.900 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

The Board may, upon request of the owner of the site, improvement or object, render advice and guidance with respect to any proposed work on a landmark ((~~or landmark site~~)).

Section 121. Section 25.12.910 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.910 Designated.

The ((~~Superintendent~~)) Director of Construction and Land Use shall enforce this ((~~e~~))Chapter and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229 and may, in addition to any other remedy or penalty provided in this ((~~e~~))Chapter, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this ((~~e~~))Chapter or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding Five Hundred Dollars ($500.00), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this ((~~e~~))Chapter, as to which such violation or failure to comply is charged.

Section 122. Section 25.16.080 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.080 Certificate of approval-Application.

A. Application.

1. All applications for a certificate of approval, and all applications for any permit requiring such a certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the District Board.

2. The following information must be provided in order for the application to be complete, unless the board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object.;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this Chapter and in any rules adopted by the board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. Decision on application. Within thirty (30) days after receipt of ((~~each such~~)) a complete application the District Board shall hold a public ((~~hearing~~)) meeting thereon and by duly approved motion recommend to the Director of the Department of Neighborhoods that the same be granted, denied or granted with conditions. ((~~be referred to the Landmarks Preservation Board. Within thirty (30) days after such referral of any such application, the Landmarks Preservation Board shall hold a public hearing thereon and recommend that the same be granted or denied.~~)) The Director of the Department of Neighborhoods shall issue a decision within fifteen (15) days of receiving the Board's recommendation.

Section 123. Section 25.16.090 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.090 Certificate of approval-Consideration by Board.

In considering such application, the District Board ((~~or the Landmarks Preservation Board~~)) shall ((~~each~~)) keep in mind the purpose of this ((~~e~~))Chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this ((~~e~~))Chapter, and among other things, the historical and architectural value and significance; architectural style and the general design; arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs; the relationship of such features to similar features of other buildings within the Ballard Avenue Landmark District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

Section 124. Section 25.16.100 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.100 Certificate of approval-Issuance or denial.

A. ((~~If after such hearing and upon consideration of the foregoing, the District Board or the Landmarks Preservation Board determines that the changes and any new construction proposed in any such application are consistent with the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, it shall recommend that a certificate of approval be granted and the Director shall forthwith issue such in accordance with such Board's recommendation. If the Board's recommendation is to deny such application, the Director shall issue a written notice of denial.~~)) If the Board does not recommend granting, granting with conditions, or denial ((~~or referral~~)) of ((~~any such~~)) an application within the time provided for such recommendation, the Director of the Department of Neighborhoods shall issue a decision without a recommendation from the District Board. If the Director of the Department of Neighborhoods does not issue a decision within the time provided by this Chapter, then the ((~~such~~)) application shall be deemed approved. ((~~and the Director shall forthwith issue the certificate of approval in accordance with such application,~~)) Provided, however, that the applicant may waive the deadlines in writing for the Board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~unless the Board's action has been deferred in accordance with an agreement for consultation as follows:~~)) Before issuing a recommendation of denial, the Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the Board shall make its recommendation ((~~such application shall be finally denied~~)) and the applicant shall be so notified by letter.

B. ((~~Whenever an applicant is denied, the~~)) The Director of the Department of Neighborhoods shall send copies of the ((~~notice of denial~~)) decision to the applicant, the property owner, the Director of Construction and Land Use, and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application. ((~~if such application has been referred to the Landmarks Preservation Board and recommendation of denial made by that Board.~~))

C. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 125. Section 25.16.110 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.110 Certificate of approval-Appeal if denied.

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within ((~~twenty (20)~~)) fourteen (14) days of the date of notice of the denials((~~,~~)). When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the

Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

C. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

D. ((~~and the~~)) The Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code, Chapter 3.02 of the Seattle Municipal Code, and in accordance with the Hearing Examiner's Rules of Practice and Procedure (unless all parties of record affected by such Board's decision consent to the review and decision without a public hearing) may affirm, reverse or modify the denial, but may reverse or modify only if ((~~he~~)) the Hearing Examiner finds that:

1. Such denial violates the terms of this ((~~e~~))Chapter or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter; or

2. Such denial is based upon a recommendation made in violation of the procedures set forth in this ((~~e~~))Chapter or procedures adopted pursuant to the authority of this ((~~e~~))Chapter and such procedural violation operates unfairly against the applicant.

((~~B~~))E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection B, then not later than ninety (90) days from the filing of that appeal . The decision of the Hearing Examiner shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040. ((~~and copies thereof~~)) Copies of the decision shall be mailed to all parties of record and transmitted to the Director, the District Board, ((~~the Landmarks Preservation Board if it considered such application,~~)) and the property owner if ((~~he~~)) the owner is not a party of record.

Section 126. A new Section 25.16.115 is hereby added to the Seattle Municipal Code as follows:

25.16.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.16.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's decision. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 127. Section 25.20.010 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.20.010 Definitions.

The following terms used in this ((~~c~~))Chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

B. "Application Review Committee" is the committee established by this ((e))Chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.

D. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

E. "Council" is the City Council of the City of Seattle.

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

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~))or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

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

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

Section 128. Section 25.20.080 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.080 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application for such a certificate((s)) with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

2. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If before a certificate of approval is obtained, an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for which a certificate of approval is required, ((~~the Superintendent shall promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval. The Superintendent~~)) the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~e~~))Chapter, or the time has expired for filing with the ((~~Superintendent~~)) Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a ((~~hearing~~)) meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom have been concluded.

Section 129. Section 25.20.090 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.090 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)) ,the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this ((~~c~~))Chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this ((~~c~~))Chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structure in relation to the street or public way and to other buildings and structures.

Section 130. Section 25.20.100 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.100 Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than forty-five (45) days after the ((~~filing of~~)) the application ((~~for permit with the Superintendent or after the filing of an application~~)) for a certificate of approval ((~~with the Board~~)) is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the ((~~Superintendent~~)) Director of the Department of Construction and Land Use within three (3) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((~~c~~))Chapter and adopted guidelines for the District.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 131. Section 25.20.110 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.110 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the

Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.740 through 25.12.770 of this Code.

F. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132. A new Section 25.20.115 of the Seattle Municipal Code is hereby added as follows:

25.20.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review

of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.20.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132A. Section 25.20.120 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.120 Enforcement and penalties.

The ((~~Superintendent of Buildings~~)) Director of Construction and Land Use shall enforce this ((~~e~~))Chapter and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

Section 133. Section 25.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.020 Definitions.

The following terms used in this ((~~e~~))Chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this ((~~c~~))Chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348 or any ordinance amendatory or successor thereto.

C. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~)) or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

((~~G~~))H. "Significant change" is any external alteration, new construction, restoration or demolition other than routine maintenance or repair.

Section 134. Section 25.22.100 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.100 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application((~~s~~)) for such a certificate((~~s~~)) with the Board.((~~, or by filing with the Director an application for a permit to make alterations or significant changes for which a certificate of approval is required.~~))

2. The following information must be provided in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~the Director shall promptly refer the application to the Board and the application shall be deemed an application for a certificate of approval.~~)) The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~e~~))Chapter, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change by giving notice of a ((~~hearing~~)) meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change at the same site may be made until such proceedings and all appeals therefrom have been concluded.

D. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 135. Section 25.22.110 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.110 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this ((~~c~~))Chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this ((~~c~~))Chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structure or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.

Section 135A. Section 25.22.120 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.120 Issuance of Board Decision.

The Board shall consider the recommendation of the Application Review Committee and shall, within forty-five (45) days after the ((~~transmittal of the application for permit from the Director or after the filing of an~~)) application for a certificate of approval ((~~with the Board~~)) is determined to be complete, issue a written decision either granting, granting with conditions, or denying a certificate of approval and shall mail a copy of the decision to the owner, the applicant and the Director within three (3) working days after such decision. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((~~c~~))Chapter and the adopted guidelines for the District. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

Section 136. Section 25.22.130 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.130 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Board and by filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after the date the Board's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more elated permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the

state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Seattle Municipal Code Sections 25.12.((~~05~~))740 through 25.12.((~~08~~))760 of the Landmarks Preservation Ordinance (((~~106348~~))), and as prescribed under Section 25.22.110 B.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

F. The Hearing Examiner's decision shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 137. A new Section 25.22.135 of the Seattle Municipal Code is added as follows:

25.22.135 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.22.130 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 138. A new Section 25.24.015 of the Seattle Municipal Code is hereby added as follows:

25.24.015 Historic Preservation Officer.

The Historic Preservation Officer is the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

Section 139. Section 25.24.060 of the Seattle Municipal Code, which was last amended by Ordinance 111235, is amended as follows:

25.24.060 Approval of changes to buildings, structures and other visible elements.

A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure, lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a certificate of approval authorized by the Commission which shall not be transferable; and no building permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries of the Historical District including public places except where areas have been reserved for groups of signs or for signs which identify the Market District as a whole, as determined by the Commission. The fee for certificates of approval shall be according to the SMC Chapter 22.901T, Permit Fee ((~~Ordinance~~)) Subtitle.

B. Application.

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. ((~~or to the Director of Construction and Land Use. If submitted to the Director it shall be forwarded immediately by the Director to the Commission for review.~~)) If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of approval to the Commission shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete.

2. The following information must be provided in order for the application to be complete, unless the Commission's staff indicate in writing that specific information is not necessary for a particular application:

a. Business name and business address;

b. Name of the building(s) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Landlord or building owner's name and address;

f. A written description of the ownership interest and role in the business operation;

g. Applicant's telephone number;

h. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

i. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

j. A detailed description of the proposed merchandise, service, or work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the proposed work or use would have on the public right of way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

(5) Any change of ownership or location;

(6) Any proposed increase in the business area;

k. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

l. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures, furniture, or paint;

n. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

o. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

p. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen

(14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Commission, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

C. The Commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the Commission as provided in this ((e))Chapter. The Commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building or other structure in the Historic District, including structures to be located in public places, shall refer to the purpose of this ((e))Chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the Historical District and the position of such building or structure in relation to the street, public way, or semipublic way and to other buildings and structures. The Commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this ((e))Chapter. Where modification of the appearance of a structure within the Historical District does not require a building or demolition permit, an application for a certificate of approval shall nonetheless be filed with the Commission ((~~or with the Director of Construction and Land Use, who shall forward the same to the Commission~~)).

((~~C~~))D.The Commission shall have sole responsibility for determining the appropriate location, design and use of signs and structures to be located on or above the surface of public places in the Historical District and the sole responsibility for licensing and determining the appropriate locations for performers as defined in Section 17.32.010 H of the Seattle Municipal Code, in the Historical District; provided, that property owned by the Pike Place Market Preservation and Development Authority shall not be considered a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of public places in the District by performers, may assess reasonable permit fees, and may utilize the services of the Pike Place Market Preservation and Development Authority (PDA), or should the PDA decline to make its services available, may utilize the services of ((~~with~~)) any other organization appropriate for implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit donations by word of mouth, gestures, mechanical devices, or second parties. It shall also be unlawful for any performer or other person to use any device for the reproduction or amplification of sound without the express written approval of the Commission secured in advance. ((~~All matters involving construction in public places in the Historical District, including, but not limited to, the strength and quality of materials to be used for signs or structures, shall be the responsibility of the Board of Public Works as provided in Title 15 of the Seattle Municipal Code. The Board of Public Works shall secure the approval of the Historical Commission before authorizing any activity in any public place in the Historical District except in emergencies in which life or property are imminently threatened and a quorum of Commission members cannot be assembled prior to the emergency action to be taken.~~))

Section 140. Section 25.24.070 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.24.070 Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this ((e))Chapter not later than thirty (30) days after ((~~receipt of~~))any such application is determined to be complete, and a public ((~~hearing~~)) meeting shall be held on each such application. If after such ((~~hearing~~)) meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval ((~~at this time~~)) within forty-five (45) days of the determination that the application is complete, and shall provide notice of its decision to the applicant, the Department of Construction and Land Use, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. ((~~and after~~)) After such a decision, the Director of Construction and Land Use is then authorized to issue a permit.

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 141. Section 25.24.080 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.24.080 Appeal to Hearing Examiner.

A. ((~~Any party of interest appearing before the Commission at a public hearing on an application for a certificate of approval may appeal an action of the Commission on such application by filing an appeal with the Hearing Examiner within seventeen (17) days of the mailing of notice of such Commission action, citing applicable criteria of Section 25.24.040. Within ten (10) days of receiving notice of appeal, the Hearing Examiner shall set a date for hearing on appeal, such hearing to take place no later than thirty (30) days after filing of the appeal. Such hearing shall be in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code (Ordinance 102228) unless all parties of record affected by the Commission's decision consent to such review and decision without a public hearing. The Hearing Examiner shall render his decision in writing within fourteen (14) days after the hearing, mailing copies of his decision to parties of record at the hearing, the Department of Neighborhoods Director, the Director of Construction and Land Use and the Commission.~~)) Any interested person of record may appeal to the Hearing Examiner the decision of the Commission to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Commission and by filing such notice and a copy of the Commission's decision with the Hearing Examiner within fourteen (14) days after the date the Commission's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard

according to the same timelines established for the other appeals, except that appeals to the state Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

D. The Hearing Examiner may reverse or modify an action of the Commission only if ((~~he~~)) the Hearing Examiner finds that:

1. Such action of the Commission violates the terms of this ((~~e~~))Chapter or rules, regulations or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter((~~:~~)); or

2. Such action of the Commission is based upon a recommendation made in violation of the procedures set forth in this ((~~e~~))Chapter or procedures established by rules, regulations or guidelines adopted pursuant to the authority of this ((~~e~~))Chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

((~~B. The decision of the Hearing Examiner shall be final.~~))

Section 142. A new Section 25.24.085 of the Seattle Municipal Code is hereby added as follows:

25.24.085 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this Chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review

of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.24.080 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Commission, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 143. The process of considering whether an improvement, site, or object should be designated a landmark, and of considering the specific controls and incentives that should be applied, presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) Landmark status is not related to a particular permit application, it relates to the building, site, or object and continues independently of whatever permits are granted; 2) Landmarks are public resources, therefore the public must be involved in considering whether landmark status should be assigned; 3) Historic resources require consideration of the long-term, not just the immediate use of a site; 4) Designation does not determine what can or cannot be done with the improvement, site, or object, rather designation requires that approval be given before significant changes or alterations are made; and 5) Controls and incentives result from negotiation, which requires a flexible process. Therefore, pursuant to RCW 36.70B.140, the City is excluding the entire landmark designation process from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 144. SMC 25.12.835 and SMC 23.66.115 and SMC 23.66.318 require that the Director of the Department of Neighborhoods determine whether an applicant for a

permit to demolish a landmark, or a building in a special review district has a valid and binding commitment for financing sufficient for development of the proposed replacement use or sufficient financial resources for that purpose. This determination presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) An applicant may not be able to obtain a financial commitment until after other permit decisions have been made; 2) Information on financial resources is under the applicant's control. Therefore, pursuant to RCW 36.70B.140, the City is excluding the determination required in sections 25.12.835, 23.66.115, and 23.66.318 from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 145. The Council determines that preliminary approval by the City of a subdivision presents special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) preliminary approval of subdivisions is excluded from such time limits. The City has defined a subdivision as a division of land into 10 or more lots, and the potential impacts from the creation of so many in-fill lots in one place in a highly developed urban area are such that an open record predecision hearing is needed to examine the public use and interest proposed to be served by the establishment of a subdivision. The Council further determines that a 90 day period, the same time provided by RCW 36.70B.090 for open record appeal hearings, is the minimum period that is reasonable for the Hearing Examiner to conduct such a hearing and issue a decision.

Section 146. The Council determines that Type IV Council land use decisions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) Type IV Council land use decisions are excluded from such time limits. Type IV decisions are those in which the Council instead of DCLU or the Hearing Examiner makes the City's decision. The Council does so because of the public interests at issue in such proposals, or because of the potential scale and nature of the impacts of such proposals, or because such proposals present a need to interpret and apply fundamental City policies. Given the Council's other on-going responsibilities, it is not possible for the Council to conduct its own open record hearing or to review and act upon a recommendation from the Examiner within the time limits of RCW 36.70B.090. The Council determines that a 90 day period for the Hearing Examiner to conduct an open record predecision hearing and issue a recommendation, and an additional 90 day period for the Council to conduct a closed record review of the record and recommendation and issue its decision, are the minimum periods that are reasonable.

Section 147. The Council determines that Major Institution Master Plans are a unique feature of the Seattle Land Use Code and present special circumstances that warrant an entirely different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the adoption and amendment of Major Institution Master Plans are excluded from such provisions. The Major Institutions Overlay District allows major institutions such as hospitals and universities to develop more intensely than the underlying zone permits so long as the major institution develops consistently with the Master Plan. Not only does the time needed to review and approve a Master Plan depend in large part on the scope and ambition of the major institution's plans, but the creation of a master plan is essentially a legislative act and entails extensive review by and comment from the neighborhoods significantly affected by the institution's development, as well as comprehensive deliberation by the Council.

Section 148. The Council determines that the City's processes for granting use and occupation permits for public streets and similar public places, including permits for

skybridges and tunnels, present special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the City's processes for granting such use and occupation permits are excluded from such provisions. A street use permit is a permit to allow private use of public property, and in deciding whether to permit such use the City is not making a regulatory decision pursuant to the police power but is acting as steward of the public interest in public streets.

Section 149. The Council determines that the process for vacating streets, alleys and public places presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for vacating streets, alleys and public places is excluded from such provisions. Such vacations are not regulatory decisions made pursuant to the police power but essentially legislative decisions made by the Council as steward of the public interest in public streets and places. The City's ability to grant street vacations also is often subject to the rights of others, such as abutting owners, utilities and franchises, and these rights must be recognized and provided for.

Section 150. The Council determines that applications for land use decisions that the Hearing Examiner or Council remand for further information or analysis present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) such applications are excluded from the time limits of RCW 36.70B.090 for the reasonable period of such remand. The existence of special circumstances such as newly discovered evidence gives rise to the need for a reasonable period of time to address such special circumstances, and such period of time should be excluded from the time limits that would apply absent such special circumstances.

Section 151. Pursuant to the authority of RCW 36.70B.140(2), the processing of applications for permits required by the following building and construction codes is excluded from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130:

A. The Seattle Building Code as adopted in SMC Chapter 22.100;
B. The National Electrical Code as adopted in SMC Chapter 22.300;
C. The Seattle Mechanical Code as adopted in SMC Chapter 22.400;
D. The Seattle Boiler and Pressure Vessel Code as adopted in SMC Chapter 22.450;
E. The Seattle Plumbing Code as adopted in SMC Chapters 22.500 through 22.506;
F. The Seattle Fire Code as adopted in SMC Chapter 22.600 through 22.602;
G. The Washington State Energy Code as adopted in SMC Chapter 22.700
F. The Stormwater, Grading and Drainage Control Code as adopted in SMC Chapters 22.800 through 22.808, except when an application for a Master Use Permit requires review pursuant to Section 22.802.020.

Section 152. The Council determines that the process for establishment of criteria for nonschool use of an existing or former public school structure presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment such criteria is excluded from such provisions. The establishment of criteria for joint use or reuse of public schools allows these structures to be occupied by uses other than those permitted outright in the zone as long as the uses are compatible with the surrounding community. This process of developing such substantive criteria entails extensive review and comments from the surrounding community likely to be substantially affected by the joint use or reuse of these public school structures and grounds.

Section 153. The Council determines that the process for establishment of a development standard departure for public schools presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment of these development standard departures is excluded from such provisions. The development standard departure process for public schools allows public schools to be subject to specific development standards tailored to their unique physical requirements and educational needs, and to the need of the surrounding community. Not only does the time needed to review and approve a development standard departure for public schools depend on the scope of the requested departures, but the review and approval of these departures entail extensive review and comment from the community likely to be affected by the development standard departure.

Section 154. The following standards are adopted as the "Interim Downtown Design Guidelines" and are to be used to evaluate proposed new structures in the Downtown zones that are subject to Design Review pursuant to Section 23.41.004A, Seattle Municipal Code. The Director of the Department of Construction and Land Use is authorized to clarify, explain and illustrate these guidelines through Director's Rules.

Interim Downtown Design Guidelines

A. Context:

1. The project is superior in terms of establishing a superior pedestrian street environment.

a. Excellent Performance: The project creates a very pleasing and inviting human- scale pedestrian environment through the scale and texture of building materials, size and spacing of windows, street furniture, landscaping, overhead weather protection and eave height; it enhances pedestrian comfort and ease of circulation for people of all abilities, especially up steep hillsides; and the vehicular access to the project contributes in an outstanding way to a well proportioned and well defined street space for pedestrians.

b. Poor Performance: Negative qualities clearly dominate the design at street level, such as blank façades, limited, monumental entrances, difficult or disorienting pedestrian access, awkward or circuitous barrier-free access, conflict between vehicular and pedestrian access, or disruption of an existing well defined streetscape or common eave line.

2. The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

a. Excellent Performance: The scale, design and proposed uses of structures are compatible with and enhance the surrounding area, help unify an area that currently does not have strong consistency of scale, activity, or character, or help change the character of an area in a positive way when such a change would further the goals of the Downtown Land Use Policies.

b. Poor Performance: The project disrupts the development of a cohesive streetscape or the special character of its surroundings and relates poorly to surrounding buildings, failing either to harmonize or complement.

B. Siting.

1. The project is superior in that it preserves downtown's historic and noteworthy buildings and/or respects the character of such nearby structures in its design.

a. Excellent Performance: The project provides an outstanding, supportive context for nearby historic or noteworthy buildings which are likely to remain, through sympathetic architectural treatment, building massing, and scale; or through preservation of an historic structure, use, or the façade of an historic structure as a part of the project or through a transfer of development rights.

b. Poor Performance: The project detracts from the character of nearby historic or noteworthy buildings, or results in the demolition of such structures.

2. The project is superior in the way it provides or preserves light at street level and in the surrounding area.

a. Excellent Performance: The project provides for ample amount of sunlight at street level and preserves light for surrounding structures, especially historic or noteworthy ones. Uses slenderness and profile of building mass to avoid or minimize shadow impacts on nearby public spaces or parks.

b. Poor Performance: The project contributes to a dark canyon-like effect, walling off the street from sunlight most of the day, or substantially shades a public space or parks.

3. The project is superior due to the quality of the public spaces it enhances or creates, and the appropriateness of its public spaces for the location of the project.

a. Excellent Performance: The project includes accessible, inviting, usable, well organized and comfortable public space, providing a variety of experiences and generously fulfilling all the requirements. The public space fits well with its surroundings and represents a desirable addition to the city's public spaces.

b. Poor Performance: Poorly conceived public space where important elements have been badly designed or left out. The public spaces are residual, and/or not appropriate to the character of the area, such as an open space that inappropriately breaks up the street frontage of the retail core or an historic district. Will detract from the ambiance of the city and the hierarchy of public and private spaces.

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V3a

C. Design.

The design of the project is superior in its appearance through the use of materials, building composition and scale, and fenestration, color and detailing.

1. Excellent Performance: Outstanding qualities of composition, scale, materials, fenestration, and detailing. Few, if any negative qualities. The building fits into the skyline with grace and harmony, and will make an outstanding contribution to the visual quality of the city from close, middle and distant vantages.

2. Poor Performance: Negative qualities clearly dominate the overall effect such as: awkward or graceless façades, excessive bulkiness, excessively bland, dull appearance, poor quality of detailing and/or materials. The building will degrade the visual quality of the city.

Section 155. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 156. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

_____
President of the City Council

Approved by me this _____ day of _____, 1996.

_____
Norman B. Rice, Mayor

Filed by me this _____ day of _____

_____
Clerk

(SEAL)

Version V3a

kd
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2/12/96

To be signed if Sue's amt re Code Interpretations FAILS

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2/5/96
V2

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, environmental protection, historic preservation, building and construction, and street and sidewalk use; implementing the requirements of Chapter 347 of the Laws of 1995, in particular the requirements for local project review codified in Chapter 36.70B RCW, and exempting certain regulatory actions from the time limits and procedures specified by Chapter 36.70B RCW; amending Seattle Municipal Code Chapter 22.901E, amending numerous chapters of Title 23 of the Seattle Municipal Code, and amending Seattle Municipal Code Chapters 25.05 and 25.12.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Table Six (6), Land Use Fees, of Section 22.901E.010 of the Seattle Municipal Code, which was last amended by Ordinance 117908, is amended as follows.

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to
~~Attorney~~
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Version 2

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2/5/96
V2

Table 6

LAND USE FEES

Type	Permit Fee	Project Review Fee
MASTER USE PERMIT APPROVALS		
1. Administrative conditional uses (ACUs)	Base Fee x 3	Base Fee x 10
2. Design review[1]	None	$1,300.00
3. Environmental reviews (SEPA)[2] (including projects with more than one addressed site)		
DNSs, mitigated DNSs, other lead agency project review	Base Fee x 3	Hourly (10-hour deposit)
DSs and EISs		
Regular value	Base Fee x 3	Per Table 7 (50% at scoping; balance prior to DEIS publication)
aluation not reflective of conditions	Base Fee x 3	Hourly (10-hour deposit)
EIS addenda/SEIS	Base Fee x 3	Hourly (10-hour deposit)
EIS prepared by consultant	None	In addition to fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including addenda and SEIS work.
PEIS Latecomers fees		Reserved
4. Lot boundary adjustment	Base Fee x 3	Base Fee x 2
5. Open space remainder lots and surplus State property	Base Fee x 3	Base Fee x 2
6. Plan shoreline permit		See Council approvals
7. School use and school development advisory committee reviews	Base Fee x 3	Hourly (10-hour deposit)
8. Shoreline Permits		
Substantial development permits	Base Fee x 3	Per Table 8 (including portions outside shoreline)
Variances[3] and conditional uses	Base Fee x 3	Base Fee x 10
Renewals	Base Fee X 1.5	
Revisions (not due to required conditions)	Base Fee x 2	Hourly (2-hour deposit)
9. Short Subdivisions		
Less than 5 lots	Base Fee x 3	Base Fee x 10
5 or more lots	Base Fee x 3	Base Fee x 10 plus Base Fee x 2 for each lot
10. Sidewalk cafés	Base Fee x 3	Base Fee x 5

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2/5/96
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Table 6, CONTINUED LAND USE FEES			
Type		Permit Fee	Project Review Fee
11.	Special exceptions	Base Fee x 3	Base Fee x 10
12.	Structural building overhangs and areaways	Base Fee x 3	Base Fee x 5
13.	Temporary Uses >3 weeks	Base Fee x 3	Base Fee x 10
14.	Variances[3]	Base Fee x 3	Base Fee x 10
COUNCIL APPROVALS			
1.	Concept approvals (*e.g.*, planned community/ residential development, public projects, City facilities, plan shoreline developments, other general development plans)	Base Fee x 3	Hourly (10-hour deposit)
2.	Council conditional uses	Base Fee x 3	Hourly (10-hour deposit)
3.	Full subdivisions	Base Fee x 3	Hourly (10-hour deposit)
4.	Major Institution[4] Master Plans Designation	 Base Fee x 3 Base Fee x 3	 Per Table 9 Hourly (10-hour deposit)
5.	Zoning map changes and rezones	Base Fee x 3	Hourly (10-hour deposit)
MISCELLANEOUS REVIEWS, RESEARCH, & SERVICES			
1.	Accessory Dwelling Unit Notification Fee	None.	$150.00
2.	Certificate of Land Use	None	Base Fee x 1
3.	Concurrency	(Reserved)	
4.	Curbcuts[5]	None	$55.00 each commercial $26.00 each residential
5.	Development potential analysis	None.	Hourly (1-hour deposit)
6.	Greenbelt preserves	None	Hourly (1-hour deposit)
7.	House Barge License	None	Base Fee x 3
8.	House Barge License Renewal	None	Base Fee x 1.5
9.	Interpretations Interpretations ((~~Land Use Code~~)) and legal building site letters Major Institution Master Plan	 Base Fee x 2 Base Fee x 3	 Hourly up to a 5-hour maximum (5-hour deposit) Hourly (5-hour deposit)
10.	Legal building site and rebuild letters	None	Base fee x 1

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Table 6, CONTINUED LAND USE FEES			
Type		Permit Fee	Project Review Fee
11.	Neighborhood Planning	(Reserved)	
12.	Notice (additional)[6]		
	Land Use information bulletin and reposting large sign or placards	None	Base Fee x 1.5
	Land Use information bulletin plus mailed notice	None	Base Fee x 2.5
13.	Preapplication Conference[7]	None	Base Fee x 1.5
14.	Public benefit feature review	Base Fee x 2	Hourly (5-hour deposit)
15.	Records research	None.	Hourly (1-hour deposit)
16.	Renewals other than Shorelines	Base Fee X 1.5	
17.	Revisions other than Shorelines	Base Fee X 1.5	Hourly (2 hour deposit)
18.	Single-family access	None.	Hourly (1-hour deposit)
19.	Soils analyses with M.U.P.		
	Projects less than $1,000,000	None	Base Fee x 1
	Projects greater than $1,000,000 with EISs	None	Base Fee x 4
	Projects greater than $1,000,000, all others	None	Base Fee x 2
20.	Special accommodation	Base Fee x 2	Base Fee x 2

Notes to Table 6:

1. Design Review shall be collected as follows: 50% upon application for predesign process and 50% upon Master Use Permit application.

2 Fees for Declaration of Non-Significance (DNS) and a Mitigated Declaration of Non-Significance (MDNS) shall be collected by the Director of the Department of Neighborhoods for projects that include City of Seattle landmarks and projects located within a special review or landmark district. Fees collected shall be deposited in the General Fund, provided that DCLU shall assess and receive the permit fee.

3. A fee for one variance shall be charged for all variances associated with a project.

4. The portion of the fee based on floor area shall be collected at publication of the Draft Master Plan and EIS. The SEPA fee for Major Institution Master Plans (MIMPs) shall be based on the greater of 75% of value of the projects proposed in the maximum development alternative, or 100% of the value of the projects in the preferred alternative which are planned to be started within five (5) years of MIMP approval, according to Table 9.

5. Curbcut fees are charged only when a separate curbcut permit is applied for, not when the curbcut is part of a development permit application.

6. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

7. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.

Section 2. Section 23.22.016 of the Seattle Municipal Code, which was last amended by Ordinance 117432, is amended as follows:

23.22.016 Application.

A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Director.

B. Following the review, the subdivider shall submit an application to the Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat and four (4) copies of preliminary plans for streets and other improvements. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of or planned unit or planned residential development upon the property to be subdivided.

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. In event of a conflict, the procedures contained in this subchapter control.

((~~D. A preliminary plat shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of the time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time required for environmental review.~~))

Section 3. Section 23.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.020 Content of plat.

A. Every preliminary plat shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;

2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;

6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon City datum((.));

14. Property information including, but not limited to, address, legal description, Assessor's Parcel number, and a brief project description;

15. Evidence of ownership or authorization from the property owner to make the application;

16. A signed statement of financial responsibility by the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the subject property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;

17. Drainage plan; and

18. Landscape plan.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of ((~~S~~))subchapter((s)) V ((~~and VI~~)).

Section 4. Section 23.22.026 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is repealed.

Section 5. Section 23.22.052 of the Seattle Municipal Code, which was last amended by Ordinance 115568, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner ((~~Council~~)) determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10') wide parallel to and bordering the high water mark.

E. If the Hearing Examiner ((~~Council~~)) concludes that the public interest will be served, the Hearing Examiner ((~~Council~~)) may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner ((~~Council~~)) may impose other conditions as ((~~it~~)) he or she deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. Section 23.22.054 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.054 Public use and interest.

The Hearing Examiner ((~~Council~~)) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner ((~~it~~)) finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner ((~~Council~~)) may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner ((~~Council~~)) shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 7. Section 23.22.064 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.064 Filing with Director of Engineering.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this C((~~e~~))hapter, shall be filed with the Director of Engineering within five (5) ((~~three (3)~~)) years of the date of preliminary plat approval. ((~~As required by RCW 58.17.140, an applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.~~))

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to procedures of Chapter 23.22.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and ((~~S~~))subchapter((~~s~~)) V ((~~and VI~~));

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming

that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068((~~6~~));

5. A guarantee deposit in an amount established by the Director of Engineering sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.

Section 8. Section 23.11.070 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.070 Director's action on final plat.

The Director of Engineering shall refer the final plat to the Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the ((~~Council~~)) Hearing Examiner, and to the standards established by RCW Chapter 58.17 and this ((~~e~~))Chapter. The Director shall within ten (10) days furnish the Director of Engineering with a report regarding the conformance of the plat. The Director of Engineering shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this ((~~e~~))Chapter;

B. That t tile insurance report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

C. That the facilities and improvements required to be provided by the subdivider have been completed or alternatively, that the subdivider will provide a bond in a form approved by the City Attorney and in an amount commensurate with the cost of improvements remaining to be completed, conditioned upon the construction and installation of improvements within a fixed time set by the Council, not to exceed two (2) years after final approval of the plat;

D. That the map is technically correct and accurate as certified by the registered land surveyor responsible for the plat.

Section 9. Section 23.22.072 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.072 Submission to Council.

A. Pursuant to the requirements of RCW 58.17.150, the Director of Engineering shall not modify the conditions or recommendations ((~~recommendations made in~~)) in the ((~~Council~~)) approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of Engineering determine that the requirements of this subtitle are met, the Director of Engineering shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this C((~~e~~))hapter, and shall forward a complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this Chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the

Council together with the determination of the Directors, upon written request of the subdivider.

Section 10. Section 23.22.074 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.074 Council determination.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

B. The Council shall approve by ordinance, ((~~or~~)) disapprove, <u>or return</u> the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Engineering shall transmit the original plat to the King County Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Director of Engineering.

C. ((~~As required by RCW 58.17.170, a~~)) <u>A</u> subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years <u>unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision</u>.

Section 11. Section 23.22.078 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.078 Resubmission.

A. Any final plat disapproved by the Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the <u>five (5)</u> ((~~three (3)~~)) year period after the date of approval of the preliminary plat as provided in 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

Section 12. Subsection A of Section 23.24.010 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.24.010 Filing of application.

A. Any person seeking to divide or redivide land situated within the City into nine (9) or fewer lots for the purpose of sale or lease, transfer or ownership, development or financing shall submit an application for approval of a short subdivision to the Director together with an application fee as established in the Permit Fee ((~~Ordinance~~)) Subtitle, Chapters 22.90((~~0~~))1A - T. The application is subject to procedure requirements, established in Chapter 23.76, the Master Use Permit Process. ((~~Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.~~))

Section 13. Section 23.41.004 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in all Downtown zones.

5. ((~~4.~~)) Design review is optional for all new multifamily and commercial structures not otherwise subject to this C((~~e~~))hapter, in all multifamily, ((~~and~~)) commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this ((~~e~~))Chapter:

1. All new structures described in subsections A1-3, that abut or are directly across a street or alley from any lot zoned single family;

2. As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3.

3. As of October 15, 1995 - All new structures as described in subsections A1-3.

4. Beginning April 1, 1996 - All new structures as described in subsection A4.

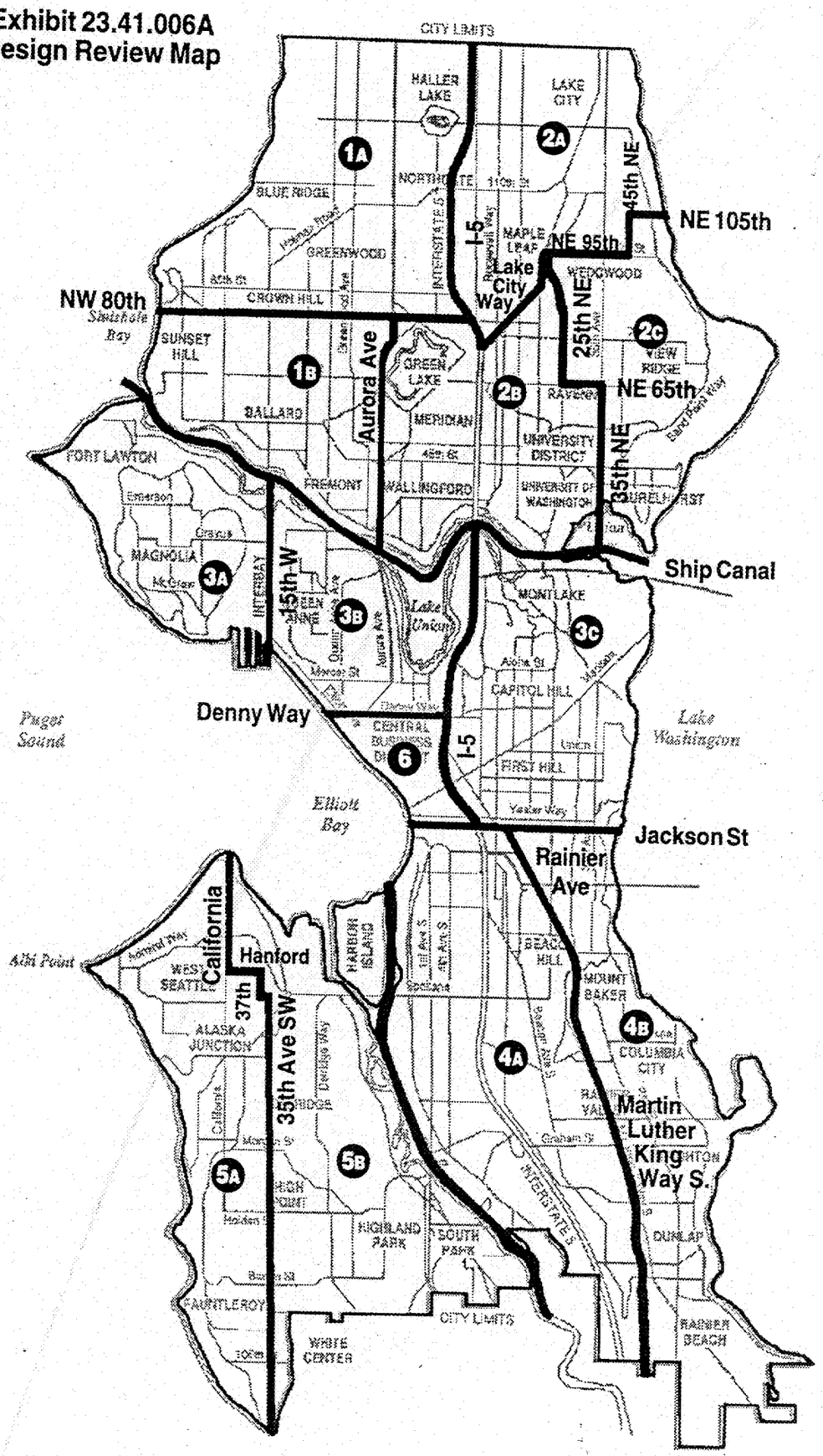
C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this ((~~c~~))Chapter.

Section 14. Section 23.41.006 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into six (6) ((~~five (5)~~)) geographic areas, five (5) of which shall be ((~~and~~)) further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006A.

Exhibit 23.41.006A
Design Review Map



Design Review Board Areas

Section 15. Subsections B and C of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 117075, are amended as follows:

23.41.008 Design Review Board.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.

a. Members shall reside in Seattle; and

b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

2. Design Review Board Composition.

a. The Design Review Board shall be composed of seven (7) ((~~six (6)~~)) members representing development-related fields, seven (7) ((~~six (6)~~)) members representing general residential community interests, and seven (7) ((~~six (6)~~)) members representing the design professions, of whom three (3) members of each group of seven (7) ((~~six (6)~~)) shall be appointed by the City Council and four (4) ((~~three (3)~~)) members by the Mayor, and all members to be confirmed by the City Council; and

b. The Design Review Board shall also include one (1) member representing local residential community interests and one (1) member representing local business interests from each of the twelve (12) subareas and area six (6) shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of the subareas and area six (6) described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.

C. Design Review Board Assignment.

1. Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:

a. At-large members representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) ((~~five (5)~~)) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) ((~~five (5)~~)) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,

b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member representing local residential community interests and one member representing local business interests.

c. Three Design Review Board members shall be a quorum.

2. The five (5) Design Review Board members assigned to each project as described in subsection C1 shall be known collectively as the Design Review Board. All members of the Design Review Board shall be voting members.

3. In the event that, in one of the six (6) ((~~five (5)~~)) geographic areas, more projects are undergoing simultaneous design review than the Design Review Board members assigned to that area can review in a timely manner, the unassigned at-large Design Review Board members described in subsection C1a may serve. If an individual at-large member is unable to serve, the Director may appoint a member of the unassigned at-large Design Review Board to serve in his or her absence, provided that each at-large interest group is represented by one member. In addition, a Design Review Board may review projects outside of its designated geographic subarea to expedite review, provided that the local community representative and local business representative shall review development only within their subarea.

((~~4. In the event that a Design Review Board member is unable to serve, substitutions for the three at-large interest groups may be made as described in subsection C3.~~))

Section 16. Section 23.41.010 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.010 Design Review Guidelines.

A. The adopted Citywide design guidelines provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Interim Downtown Design Guidelines" apply. Neighborhoods may develop design guidelines specific to a neighborhood's individual character. Neighborhood design guidelines may amend or supersede the Citywide design guidelines or the "Interim Downtown Design Guidelines" and shall provide the basis for design review decisions in that neighborhood, to the extent provided by the City Council in adopting the neighborhood design guidelines.

B. Interim Downtown Design Guidelines. The following guidelines are intended for use in evaluating proposed new structures in the Downtown zones which are subject to Design Review, pursuant to Section 23.41.004.A, Seattle Municipal Code.

1. Context:

a. The project is superior in terms of establishing a superior pedestrian street environment.

(1) Excellent Performance: The project creates a very pleasing and inviting human- scale pedestrian environment through the scale and texture of building materials, size and spacing of windows, street furniture, landscaping, overhead weather protection and eave height; it enhances pedestrian comfort and ease of circulation for people of all abilities, especially up steep hillsides; and the vehicular access to the project contributes in an outstanding way to a well proportioned and well defined street space for pedestrians.

(2) Poor Performance: Negative qualities clearly dominate the design at street level, such as blank façades, limited, monumental entrances, difficult or disorienting pedestrian access, awkward or circuitous barrier-free access, conflict between vehicular and pedestrian access, or disruption of an existing well defined streetscape or common eave line.

b. The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

(1) Excellent Performance: The scale, design and proposed uses of structures are compatible with and enhance the surrounding area, help unify an area that currently does not have strong consistency of scale, activity, or character, or help change the character of an area in a positive way when such a change would further the goals of the Downtown Land Use Policies.

(2) Poor Performance: The project disrupts the development of a cohesive streetscape or the special character of its surroundings and relates poorly to surrounding buildings, failing either to harmonize or complement.

2. Siting.

a. The project is superior in that it preserves downtown's historic and noteworthy buildings and/or respects the character of such nearby structures in its design.

(1) Excellent Performance: The project provides an outstanding, supportive context for nearby historic or noteworthy buildings which are likely to remain, through sympathetic architectural treatment, building massing, and scale; or through preservation of an historic structure, use, or the façade of an historic structure as a part of the project or through a transfer of development rights.

(2) Poor Performance: The project detracts from the character of nearby historic or noteworthy buildings, or results in the demolition of such structures.

b. The project is superior in the way it provides or preserves light at street level and in the surrounding area.

(1) Excellent Performance: The project provides for ample amount of sunlight at street level and preserves light for surrounding structures, especially historic or noteworthy ones. Uses slenderness and profile of building mass to avoid or minimize shadow impacts on nearby public spaces or parks.

(2) Poor Performance: The project contributes to a dark canyon-like effect, walling off the street from sunlight most of the day, or substantially shades a public space or parks.

c. The project is superior due to the quality of the public spaces it enhances or creates, and the appropriateness of its public spaces for the location of the project.

(1) Excellent Performance: The project includes accessible, inviting, usable, well organized and comfortable public space, providing a variety of experiences and generously fulfilling all the requirements. The public space fits well with its surroundings and represents a desirable addition to the city's public spaces.

(2) Poor Performance: Poorly conceived public space where important elements have been badly designed or left out. The public spaces are residual, and/or not appropriate to the character of the area, such as an open space that inappropriately breaks up the street frontage of the retail core or an historic district. Will detract from the ambiance of the city and the hierarchy of public and private spaces.

3. Design.

The design of the project is superior in its appearance through the use of materials, building composition and scale, and fenestration, color and detailing.

a. Excellent Performance: Outstanding qualities of composition, scale, materials, fenestration, and detailing. Few, if any negative qualities. The building fits into the skyline with grace and harmony, and will make an outstanding contribution to the visual quality of the city from close, middle and distant vantages.

b. Poor Performance: Negative qualities clearly dominate the overall effect such as: awkward or graceless façades, excessive bulkiness, excessively bland, dull appearance, poor quality of detailing and/or materials. The building will degrade the visual quality of the city.

Section 17. Subsection B of Section 23.41.012 of the Seattle Municipal Code, as last amended by Ordinance 117943, is amended as follows:

23.41.012 Development standard departures.

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. Design, location and access to parking requirements;

5. Open space requirements;

6. Lot coverage limits;

7. Screening and landscaping requirements;

8. Standards for the location and design of nonresidential uses in mixed-use buildings((.)); and

9. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty per cent (20%) of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone;

b. The proposed structure must be compatible with the general development potential anticipated within the zone;

c. The additional height must not substantially interfere with views from up-slope properties((.)); and

d. No more than one project on one site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to

this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height.

10. Downtown street facade requirements;

11. Downtown upper-level development standards; and

12. Downtown maximum wall dimensions.

Section 18. Subsection B of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.49.037 Public parks and planned community developments in Downtown Office Core 1.

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Section 22.90((~~0.240~~))1E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Project Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

((~~4. PCD Application. Following receipt of the report the potential applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.~~))

4. ((~~5.~~)) Development Guidelines and Project Review. ((~~Following receipt of the PCD application~~)) T((~~t~~))he Director, in consultation with the Superintendent and the Citizen's Project Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date a complete PCD application is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. ((~~6.~~)) PCD ((~~Revised~~)) Application. Following approval of development guidelines by the Director, the applicant may ((~~revise the PCD~~)) submit an application ((~~or have the Director issue the Director's Report based upon the original PCD application. If the applicant does not submit a revised application or ask the Director to make the report within one hundred twenty (120) days from the date the development guidelines are approved, the PCD application shall be canceled.~~)) for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. ((~~7.~~)) Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the PCD application as provided for Type IV Council land use decisions in Chapter 23.76 ((~~in Sections 23.76.036 through 23.76.060~~)).

7. ((~~8.~~)) Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (1/2) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. ((~~9.~~)) Exceptions to Development Standards. Development standards of this ((~~e~~))Chapter may be varied or waived through the PCD process, except that the review criteria of subsection B((~~8~~))7 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

Section 19. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 116744, is amended as follows:

23.66.030 Certificates of approval - Application, review and appeals.

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of the Permit Fee ((~~Ordinance,~~)) Subtitle of the Seattle Municipal Code, Chapters 22.90((~~0~~))1E, Table 6, Land Use Fees.

C. Application.

1. An application for a certificate of approval ((~~may~~)) shall be filed with the special review board staff in the Department of Neighborhoods. ((~~or with the Director or the Director of Engineering as part of a permit application.~~)) When a permit application is filed with the Director or with the Director of Engineering for work requiring a certificate of approval, ((~~he or she shall refer the application to the Department of Neighborhoods Director, and the application shall be considered an application for a certificate of approval.~~)) the permit application shall not be determined to be complete until the applicant

has submitted an application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the special review board staff indicates in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901T has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes that will be made to the building or the site;

(2) Any effect that the work would have on the public right-of-way or other public spaces;

(2) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

I. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this Chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

((~~2.~~)) 5. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application

for the same alteration or change of use may be submitted until the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded.

D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of ((~~receipt of an application for~~)) a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this ((~~c~~))Chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff~~.~~ , except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~The Department of Neighborhoods Director may extend this thirty (30) day period for cause, and shall advise the board and the applicant in writing of the length of time of the extension.~~))

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals.

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

3. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capricious.

((~~2~~))5. If evidence is presented to the Hearing Examiner that was not presented to the ((~~b~~))Board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

((~~3~~))6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may be revoked for failure to comply with this ((~~c~~))Chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. ((~~Certificates of approval shall expire one (1) year from the date of issuance unless the Department of Neighborhoods Director determines that extenuating circumstances justify extension of the expiration date.~~)) A

certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 20. New subsections C and D are hereby added to Section 23.66.115, last amended by Ordinance 116744, of the Seattle Municipal Code as follows:

23.66.115 Demolition Approval.

C. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090 and the requirements of RCW 36.70B.110 through section .130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 21. Section 23.66.316 of the Seattle Municipal Code, last amended by Ordinance 116744, is further amended as follows:

23.66.316 ((~~Special Review Board recommendation~~)) Decision on certificate of approval.

The Board shall review all applications for use or development within the International District which require a certificate of approval. The Board's review shall be conducted according to the procedure and timelines set forth in section 23.66.030D2 of this Land Use Code. The Board shall make a written recommendation((s)) based upon the extent to which the proposal((s ~~are~~)) is consistent with the goals and objectives of the International Special Review District and the use and development standards of this ((e))Chapter. The Department of Neighborhoods Director shall make and issue a decision according to the procedure and timelines set forth in section 23.66.030D of this Land Use Code.((~~, within fifteen (15) days of receiving the Board's recommendation, issue or deny a certificate of approval or issue a certificate of approval with conditions.~~))

Section 22. Section 23.76.002 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.002 Purpose.

The purpose of this ((e))Chapter is to establish standard procedures for land use decisions made by The City of Seattle. The procedures are designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in the application submittal process, and minimize delays and expense in appeals of land use decisions. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process, integrate the environmental review process with the procedures for review of land use decisions, and provide for the consolidation of appeals for all land use decisions.

Section 23. Subsections A, B and F of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended and new subsection G is added as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004 A.

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I
Director's Decision
(((~~Nonappealable~~)))
(No Administrative Appeal)

- Compliance with development standards
- Uses permitted outright
- Temporary uses, four weeks or less
- Certain street uses
- Lot boundary adjustments
- ((~~Greenbelt preserve designations~~))
- Modifications of features bonused under Title 24
- ((~~Declarations~~)) Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements
- Special accommodation
- Reasonable accommodation
- Minor amendment to a Major Phased Development Permit

TYPE II
Director's Decision
(Appealable to Hearing Examiner*)

- Temporary uses, more than four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. ((~~Declaration~~)) Determination of nonsignificance (EIS not required)
  2. Determination of final EIS adequacy
  3. Determinations of significance based solely on historic and cultural preservation
  4. A decision by the Director to approve, condition or deny a project based on SEPA Policies
- Major Phased Development

TYPE III
Hearing Examiner's Decision
(((~~Appealable to Council~~)))
(No Administrative Appeal)

- Subdivisions (Preliminary Plats)

((~~• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.~~))

COUNCIL LAND USE DECISIONS

TYPE IV
(Quasi-Judicial)

((~~• Subdivisions (Preliminary Plats)~~))
- Land use and zoning map amendments (Rezones)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments

((~~• Planned Unit Developments~~))

TYPE V
(Legislative)

- Land Use ((~~and Zoning~~)) Code text amendments
- Rezones to implement new City policies
- Concept approval for City facilities
- Major institution designations

B. Type I((,)) and II ((~~and III~~)) decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are nonappealable decisions made by the Director which require the exercise of little or no discretion. **Type II** decisions are discretionary decisions made by the Director which are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in Section 23.76.006 C 2 shall be made by the Council when associated with a Council land use decision. ((~~**Type III** decisions are discretionary decisions made by the Director which are appealable to the Hearing Examiner and may be further appealed to the Council.~~)) **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing.

((~~F. Master Use Permits requiring only Type I decisions are categorically exempt from the State Environmental Policy Act (SEPA) and do not require environmental review. All Master Use Permits requiring environmental review include both a Type II SEPA decision (Environmental Impact Statement or Declaration of Nonsignificance and a Type III SEPA decision determination of compliance with SEPA policies). For these projects, SEPA review procedures established in SMC Chapter 25.05, SEPA Policies and Procedures, are supplemental to the procedures set forth in this chapter.~~))

F. Shoreline appeals and appeals of related SEPA determinations shall be made to the State Shoreline Hearings Board and shall be filed within twenty-one (21) days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.

G. An applicant for a permit or permits requiring more than one (1) decision contained in the Land Use Decision Framework listed in Section 23.76.004 may either:

1. Use the integrated and consolidated process established in this Chapter;

2. If the application is for a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, file a separate Master Use Permit application for each such decision sought and use the integrated and consolidated process established in this Chapter for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

Section 24. A new Section 23.76.005 of the Seattle Municipal Code, is added as follows:

23.76.005 Time for Decisions

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications filed on or after April 1, 1996 shall be made within the time limits set forth in RCW 36.70B.090.

B. Exclusions pursuant to RCW 36.70B.140 (1).

1. Type III decisions.

a. DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090; and

b. The Hearing Examiner shall issue his or her decision within ninety (90) days of issuance of the DCLU recommendation.

2. Type IV decisions.

a. There shall be no time limit for decisions on Major Institution Master Plans.

b. All other Type IV Council land use decisions and any associated Type II decisions listed in Section 23.76.006 C 2 shall be made within the following time periods:

(1) DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090;

(2) The Hearing Examiner shall issue his or her recommendation within ninety (90) days of issuance of the DCLU recommendation; and

(3) The Council shall issue its decision within ninety (90) days of the issuance of the Hearing Examiner recommendation.

3. Any application for a land use decision that the Hearing Examiner or Council remands for further information or analysis shall be excluded from the time periods of RCW 36.70B.090 for the period of remand. The Hearing Examiner or Council shall set a reasonable period for the remand after consideration of the nature and complexity of the issues and, when practicable, after consultation with the parties about the reasonableness of the remand period.

C. Type V Council land use decisions are legislative decisions to which RCW 36.70B.090 does not apply.

Section 25. Subsections B, C and D of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended as follows:

23.76.006 Master Use Permits required.

B. The following decisions are Type I decisions which are nonappealable:

1. Determination that a proposal complies with development standards.

((~~1.~~)) 2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) 3.The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

((~~3.~~)) 4.Lot boundary adjustments;

((~~4. Designation of greenbelt preserves;~~))

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

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations ((~~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 Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042 D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015; ((~~and~~))

10. Reasonable accommodation; and

11. Minor amendment to Major Phased Development Permit.

C. The following decisions are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are Type II decisions that are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):

a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determinations of Significance based solely on historic and cultural preservation.

2. The following decisions, including any associated decisions to approve, condition or deny based on SEPA policies, are Type II decisions((~~, which~~)) that are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations which are appealable to the Shorelines Hearing Board); except that these Type II decisions shall be made by the Council when associated with a Council land use decision:

((~~1.~~)) a. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, except temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) b. Short subdivisions;

((~~3.~~)) c. 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.~~)) d. 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.~~)) e. Design review;

((~~6.~~)) f. The following street use decisions:

((~~a.~~)) (1) Sidewalk cafes,

((~~b.~~)) (2) Structural building overhangs,

((~~c.~~)) (3) Areaways;

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

((~~8.~~)) h. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

((~~a.~~)) (1) Shoreline substantial development permits,

((~~b.~~)) (2) Shoreline variances,

((~~c.~~)) (3) 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 Policies and Procedures):~~

~~a. Declarations of Nonsignificance (DNSs), including mitigated DNSs,~~

~~b. Determination that a final Environmental Impact Statement (EIS) is adequate;~~))

i. The decision to approve, condition or deny any Master Use Permit (other than for shoreline decisions) based on SEPA policies;

((~~10.~~)) j. Northgate General Development Plan;

((~~11.~~)) j. Major Phased Development.

D. The following is a Type III decision by the Hearing Examiner ((~~, which is subject to appeal to the Hearing Examiner and may be further appealed to the Council: The decision to approve, condition or deny any Master Use Permit (other than for shoreline decisions) based on the City's SEPA policies pursuant to SMC Section 25.05.660; provided, that for projects subject to design review a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy, SMC Section 25.05.675 G, shall be a Type II decision.~~)): Subdivisions (Preliminary Plats).

Section 26. Subsection A of Section 23.76.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, is amended as follows:

23.76.008 Preapplication conferences.

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may

require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in SMC Chapters 22.90((~~θ~~))1A - T, Permit Fees, of the Seattle Municipal Code.

Section 27. Subsections A, C, D, E, F, and G of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.010 Applications for Master Use Permits.

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City agency, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapters 22.90((~~θ~~))1A - T, Permit Fees.

((~~D. All Master Use Permit decisions necessary for a project shall be included in the same application; provided that, at the applicant's discretion, a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project.~~))

D. ((~~E.~~)) All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures; ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas((~~.~~)), SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines:

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

2. Evidence of ownership or authorization from the property owner to make the application;

3. A signed statement of financial responsibility by the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the subject property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees.

4. Plan sets that include, but are not limited to, the following information:

a. Existing site conditions;

b. Plot plan;

c. Elevations;

d. Floor plans;

e. Drainage plan;

f. Landscape plan;

g. Right-of-way information;

h. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

i. Parking lay-out;

j. vicinity map;

k. topographic map; and

l. landscape and open space plan.

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

a. Date the buildings on the site were constructed;

b. Name of the architect(s); and

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Emissions;

g. Water quality;

h. Water discharge;

i. View impairment;

j. Energy consumption;

k. Habitat impacts;

l. Plant ecology, botany and vegetation;

m. Noise;

n. Release of toxic and hazardous materials;

o. Disposal of toxic and hazardous materials;

p. Contamination;

q. Dredging;

r. Land use;

s. Housing;

t. Light and glare;

u. Shadow;

v. Aesthetic;

w. Use and demand on recreation facilities;

x. Vehicular traffic and circulation;

y. Parking;

z. Pedestrian circulation;

aa. Circulation and movement of goods;

bb. Traffic hazard; and

cc. Demand on public service and utilities.

((~~The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.~~))

E. ((~~F.~~)) Notice of Complete Application.

1. Within twenty-eight (28) days after receiving a ((~~For all~~)) Master Use Permit application((s)), the Director shall determine whether the application is complete and provide a written request for additional information if the application is incomplete ((~~mail to or otherwise notify the applicant within twenty (20) working days of application if additional information is required to commence application review~~)). If the Director does not provide a written determination by 5:00 p.m. of the twenty-eighth (28) day, the application shall be deemed complete.

2. If additional information is needed to make the application complete, the applicant shall provide the information requested by the Director within sixty (60) days of a written request from the Director. Within fourteen (14) days after an applicant has submitted

the information requested by the Director, the Director shall notify the applicant in writing if the application is determined to be complete or if additional information is necessary.

3. A Master Use Permit application is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail substantive review of the application for compliance with RCW 19.27.095, RCW 58.17.033, and SMC 23.76.026.

F. ((~~G.~~)) ~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within sixty (60) days of a written request for it; provided that the Director may extend the period for such submission if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request for corrections may result in a notice of intent to cancel. When a M((~~m~~))aster U((~~u~~))se P((~~p~~))ermit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Master Use Permit application under the provisions of this subsection shall cause the concurrent cancellation of the building permit application.

Section 28. Subsections A, B, C and D of Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 116909, are amended as follows:

23.76.012 Notice of complete application.

A. Notice ((~~Required~~)). When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of complete application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days of a determination of completeness. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project shall be sent notification. No notice or public comment period shall be required for Type I decisions.

B. Types of Notice Required.

1. For projects subject to design review or environmental review, the applicant shall post a large sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The large sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and shall remain posted until final City action on the application has been completed.

a. In the case of submerged land, the large sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical ((~~sensitive~~)) area, are exempt from the large sign requirement.

c. As an alternative to the large sign requirement, the Director shall post ten (10) placards within three hundred feet (300') of the site and at the closest street intersections when one (1) or more of the following conditions exist:

((~~i.~~)) (1) The project site is over five (5) acres;

((~~ii.~~)) (2) The applicant is not the property owner, and the property owner does not consent to the proposal;

((~~iii.~~)) (3) The site is subject to physical characteristics such as steep slopes or is located such that the large sign would not be highly visible to neighboring residents and property owners or interested citizens.

d. The Director may require both a large sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) large sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects which are categorically exempt from environmental review, the Director shall post four (4) placards on or near the site.

3. For all projects requiring notice of application, the Director shall provide notice by ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. For projects subject to the large sign requirement, notice in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release shall be published after certification is received by the department that the large sign has been posted.

4. In addition, for variances, administrative conditional uses, temporary uses for more than four (4) ((~~three (3)~~)) weeks, shoreline variances and shoreline conditional uses, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review shall be provided to all persons establishing themselves as parties of record by attending the pre-design public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions shall include mailed notice and publication in at least one (1) community newspaper in the area affected by the subdivision.

C. Contents of Notice.

1. The City's official notice of application shall be the notice placed in the General Mailed Release, which shall include ((~~identify~~)) the following notice requirements as specified in RCW 36.70B.110, as follows:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;

c. The identification of other permits not included in the application to the extent known by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, place, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations; and

h. Any other information determined appropriate by the Director.

2. All other additional forms of notice, including, but not limited to signs, placards and mailed notice, shall include the following information: the project description, ((~~nature and~~)) location of the project, date of application, location where the complete application file may be reviewed, and ((~~shall include~~)) a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large signs.

D. Comment Period. The Director shall provide a fourteen (14) ((~~fifteen (15)~~)) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by seven (7) ((~~to thirty (30)~~)) days if a written request for extension is submitted within the initial fourteen (14) ((~~fifteen (15)~~)) day comment period ((~~; provided further, that the comment period shall be thirty (30) days for applications requiring shoreline decisions~~)). The comment period shall begin on the date notice is published in the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a Saturday, Sunday or federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) of the next business day. Comments will be accepted after the end of the official comment period, and will be considered if material to review yet to be conducted.

Section 29. Section 23.76.014 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.014 Notice of scoping and draft EIS.

When a Determination ((~~Declaration~~)) of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.

2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((g))General ((m))Mailed ((r))Release to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice to those organizations and individuals who have submitted a written request for it;

e. Posting in the Department; and

f. Filing with the SEPA Public Information Center.

3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.

B. Draft EIS's.

1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:

a. General M((m))ailed R((r))elease;

b. Publication in the City official newspaper;

c. Submission of the G((g))eneral M((m))ailed R((r))elease to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;

e. Posting notice in the Department; and

f. Filing with the SEPA Public Information Center.

2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.

3. The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.

Section 30. A new Section 23.76.015 of the Seattle Municipal Code is hereby added as follows:

23.76.015 Public meetings.

A. Type II and III Decisions. The Director may hold a public meeting on Master Use Permit applications requiring Type II and/or III decisions when:

1. The proposed development is of broad public significance; or

2. Fifty (50) or more persons file a written request for a meeting not later than the fourteenth (14th) day after notice of the application is provided;

3. The proposed development will require a shoreline conditional use or a shoreline variance from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency provided that the meeting is held within the City of Seattle. If requested by an applicant, a joint meeting may be held, provided that the joint meeting can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the meeting.

Section 31. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.016 Public hearings.

A. Draft EIS. As required by Chapter 25.05, SEPA Policies and Procedures, a public hearing shall be held by the Director on all draft EIS's for which the Department is the Lead Agency. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project.

((~~B. Type II and III Decisions. The Director may hold a public hearing on Master Use Permit applications requiring Type II and/or III decisions when:~~

~~1. The proposed development is of broad public significance; or~~

~~2. Fifty (50) or more persons file a written request for a hearing not later than the fifteenth day after notice of the application is posted or the thirtieth day following the date of the second publication of notice of the application for a shoreline substantial development; or~~

~~3. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000.00); or~~

~~4. The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.~~))

((~~C. Combined Hearings. The Director may hold a combined public hearing on a Draft EIS and a Master Use Permit application. If a combined hearing is held, notice shall be given by the Director at least twenty (20) days prior to the hearing.~~))

B. The Director may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing may be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

Section 32. Section 23.76.019 of the Seattle Municipal Code, adopted by Ordinance 117430, is amended as follows:

23.76.019 Time required for preparation of an EIS ((~~Turnaround time for decisions~~)).

The time required to prepare an environmental impact statement associated with a Master Use Permit application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact state shall be

issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Master Use Permits the Director shall publish the decision to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 33. Subsections A and C of Section 23.76.020 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, are amended as follows:

23.76.020 Director's decisions.

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a ((~~Mater Use Permit~~)) Type II decision based on the applicant's compliance with the City's SEPA Policies pursuant to SMC Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code which are in effect at the time the Director issues a decision. If an EIS is required, the application shall be subject to only those SEPA Policies in effect when the Draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II ((~~and III~~)). The Director shall provide notice of all Type II ((~~and III~~)) decisions as follows:

a. A list of all ((~~appealable Master Use Permit~~)) Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease. Notice shall also be mailed to ((~~each~~)) the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNS's shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology and the State Attorney General.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal((~~,~~)) and shall describe the appropriate appeal procedure((~~, and shall indicate that any requests for Land Use Code interpretation as provided by SMC Section 23.88.020 must be submitted within the appeal period~~)).

Section 34. Subsections A and C of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, are amended as follows:

23.76.022 Administrative appeals.

A. Appealable Decisions.

1. Type I decisions as listed in SMC Section 23.76.006 B are not subject to appeal.

2. All Type II ((~~and Type III~~)) decisions as listed in SMC Section 23.76.006 C ((~~and D~~)) shall be subject to an administrative open record appeal as described in this Section.

C. Hearing Examiner Appeal Procedures.

1. Consolidated Appeals. All appeals of Type II Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.

2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.

3. Filing of Appeals.

a. Appeals shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the decision; provided, that when a fifteen (15) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed until five p.m. (5:00 p.m.) of the twenty-first (21st) calendar day following publication of notice of the decision ((~~up to fifteen (15) days following the comment period~~)). When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall clearly identify each component of a Type II Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release.

6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II ((~~and III~~)) decisions as required in this ((~~e~~))Chapter, compliance with substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts.

7. Standard of Review. The Director's decisions made on a Type II Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.

8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fifteen (15) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the parties of record and to all those requesting notice. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information ((~~regarding Council appeal procedures, if any, and~~)) regarding judicial review. To the extent such information is available to the Hearing Examiner, the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless((~~:~~

~~a. T~~))the Hearing Examiner((~~'s decision specifically states that the Hearing Examiner~~)) retains jurisdiction((~~;~~

~~b. The decision is appealed to the Council pursuant to Seattle Municipal Code Section 23.76.024;~~)) or

((~~c.~~)) the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced ((~~A person with standing to file a land use petition in King County Superior Court files such a petition~~)) within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040 ((~~Section 705 of Chapter 347 of the Laws of 1995, provided that, if an appeal pursuant to Section 23.76.024 is submitted to the Council, the period for requesting judicial review of the Hearing Examiner's decision shall not begin until the Council issues its final decision on the appeal~~)).

Section 35. A new Section 23.76.023 of the Seattle Municipal Code is hereby adopted as follows:

23.76.023 Report and recommendation of the Director on subdivisions.

A. The Director shall prepare a written report on subdivision applications. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC 23.22, its consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City's SEPA policies and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS; and

5. The Director's recommendation to approve, approve with conditions, or deny the application.

B. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

C. The Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least fifteen (15) days prior to the Hearing Examiner's public hearing described in Section 23.76.024.

Section 36. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 117789, is amended as follows:

23.76.024 ((~~Appeals to Council.~~

~~A. Appealable Decisions. Only Type III decisions as listed in SMC Section 23.76.006 D (SEPA appeals) may be appealed to the Council, according to the procedures and criteria set forth in this section.~~

~~B. Right to Appeal. Appeals may be initiated by any party to the Hearing Examiner hearing.~~

~~C. Time Limits on Appeals. Appeals shall be filed with the City Clerk no later than fifteen (15) days after the decision is filed with the SEPA Public Information Center. The City Clerk shall transmit appeals to the Council and shall notify the Director and the Hearing Examiner of the appeal.~~

~~D. Content of Appeal. Appeals shall be in writing and shall cite specific alleged errors in the facts or conclusions and issues meeting the criteria for Council review of an appeal, as described in subsection G below.~~

~~E. Council Acceptance of an Appeal. The Council shall accept for review those appeals which meet the criteria of subsection G.~~

~~F. Notice. Notice of appeals shall be mailed to all parties of record not less than seven (7) days prior to the date of the public meeting to consider the appeal.~~

~~G. Procedures on Appeal.~~

~~1. For projects subject to design review the decision of the Hearing Examiner on SEPA height, bulk and scale issues shall be final and not subject to further appeal to the Council. On appeal on issues other than height, bulk and scale, the Council's review of SEPA conditioning of a project subject to design review shall be limited to the unsupplemented record established before the Hearing Examiner; provided that members of the committee or of the full Council may make site visits. The committee may allow written argument but shall not hear oral argument.~~

~~2. For projects not subject to design review, the Council's review shall be based on the record from the Hearing Examiner's hearing, provided that the Council may allow~~

~~oral or written arguments and may permit the record to be supplemented; and, provided further, that members of the committee or of the full Council may make site visits.~~

~~H. Scope of Review. Council review shall be limited to the following issues related to compliance with the City's substantive SEPA Policies pursuant to SMC Section 25.05.660:~~

~~1. Issues of Council intent with respect to interpretation of the substantive SEPA Policies;~~

~~2. Issues raised concerning the sufficiency and the appropriateness of the mitigation imposed; and~~

~~3. The appropriateness of denial of a project based on the substantive SEPA Policies.~~

~~I. Standard of Review for Type III Appeals. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~J. Council Action. The Council may affirm, modify or reverse the Hearing Examiner's decision, remand cases to the Hearing Examiner or the appropriate department with directions for further proceedings, or grant other appropriate relief. If the Council reverses or modifies the Hearing Examiner's decision, the Council shall enter findings and/or conclusions into the record to support the decision.~~

~~K. Judicial Review. A Type III decision by the Council shall be final and conclusive unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~

~~L. Notice of Decision. The written decision of the Council shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record.~~

~~M. Interlocutory Review.~~

~~1. The Council shall accept review of Hearing Examiner interlocutory orders and decisions pending final resolution of an appeal when:~~

~~a. Appeal to the Council of the Hearing Examiner's final decision on the issue is permitted by ordinance; and~~

~~b. The Hearing Examiner certifies the issue for Council review.~~

~~2. The Hearing Examiner shall certify for interlocutory review only those issues which meet the following criteria:~~

~~a. Because of ambiguity in language, the meaning to be given a Council resolution or ordinance cannot readily be determined without knowing the intent of the Council when it adopted the resolution or ordinance; and~~

~~b. The issue results in disagreement between the Director and the Hearing Examiner as to interpretation of Council intent; and~~

~~c. The review involves an issue not previously decided by the Council; and~~

~~d. The issue to be reviewed is of general applicability and its resolution will affect a class of permit applicants; and~~

~~e. Early resolution of the issue will substantially reduce the expenditure of time or money by the City and/or other interested parties.~~))

Hearing Examiner open record hearing and decision for subdivisions.

A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement).

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. If requested by an applicant, a joint hearing may be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. Notice

The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

1. General Mailed Release;

2. Publication in the City official newspaper and in at least one community newspaper in the area affected by the proposal;

3. Mailed notice and written notice mailed to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024; and

b. All owners of real property located within three hundred feet (300') of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Posting in the Department.

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's environmental determination. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) calendar day following publication of notice of the Director's report, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC

Section 25.05.340, such request or appeal may be filed up to fifteen (15) days following the comment period. What the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The request or appeal shall be accompanied by payment of the filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

E. Notice of Consolidated Hearing. The Hearing Examiner promptly shall mail notice of the filing of all requests for further consideration and appeals to all parties of record and to those requesting notice.

F. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

G. Written Comments. Written comments on the proposed subdivision and the Director's report and recommendation may be sent to the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Hearing.

1. The Hearing Examiner shall limit the evidence, comments, and argument at the combined hearing to those issues that are fairly raised in any written request for further consideration or appeal, as clarified at any pre-hearing conference, and that are relevant to

a. The compliance of the proposed subdivision with the procedures and standards of this Chapter and SMC Chapter 23.22;

b. The appropriateness of any mitigation or denial pursuant to the City's SEPA policies; and

c. The correctness of the Director's environmental determination. Appeals of the Director's environmental determination shall be considered de novo, but the Director's determination shall be given substantial weight.

2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner may either close the record after the hearing or leave it open to a specified date to receive additional testimony, exhibits, or written argument.

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. The decision shall be in writing, include findings and conclusions, and be issued within ten (10) working days of the close of the record, unless a longer period is agreed to between the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with the City Clerk, copies of the decision shall be provided by the Hearing

Examiner to the applicant, to the Director, to the Director of the Seattle Engineering Department, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy.

Section 37. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 117598, is amended as follows:

23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application, meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available.

An application for a building permit submitted for part of a building or structure shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is for a highrise structure regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the exterior shell of the building.

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, as defined in Section 23.84.036 "S," shall be considered under the Land Use Code and other land use control ordinances in effect ((~~on the land~~)) when a fully complete Master Use Permit application for such approval which satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, as provided in Section 23.41.004.B, no design review component shall be required.

2. A complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the Design Review Pre-Design Process is submitted to the Director, provided that such Master Use Permit application is filed within ninety (90) days of the date of the first design review pre-design public meeting. This vested right shall terminate unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

Section 38. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.028 Type I and II Master Use Permit issuance.

A. When a Type I or II Master Use Permit is approved for issuance, the applicant shall be so notified. Type I Master Use Permits ((~~which are not subject to appeal~~)) shall be approved for issuance at the time of the Director's decision that the application conforms to all applicable laws (Section 23.76.020). A Type II Master Use Permit ((~~which includes appealable decisions~~)) may ((~~shall~~)) be approved for issuance on the day following expiration of the appli-

cable appeal period or, if appealed, on the fourth (4th) ((~~sixth~~)) day following a final appeal decision to grant or conditionally grant the permit. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

B. When a Master Use Permit is approved for issuance according to subsection A, and a condition of approval requires revisions of the Master Use Permit plans, the revised documents shall be submitted within sixty (60) days of the date the permit is approved for issuance((~~, or the permit shall be deemed abandoned and void and shall be revoked~~)). The Director may extend the period for submittal of the revised documents if it is determined that there are good reasons for the delay which are satisfactory to the Director, or if a different schedule is agreed upon ((~~in writing before the end of the sixty (60) day period. A request for the extension must be submitted in writing before the end of the sixty (60) day period~~)).

C. Once a Master Use Permit is approved for issuance according to subsection A, and any required revisions have been submitted and approved according to subsection B, the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60) days of notice that the permit is ready to be issued. Failure to pick up the permit within sixty (60) days may ((~~will~~)) result in a written notice of intent to cancel. If the Master Use Permit is not picked up within thirty (30) days from the date of written notice of intent to cancel, the approval shall be revoked and the Master Use Permit application shall be canceled. When a Master Use Permit is for a project vested to prior Land Use Code provisions because of an associated building permit application, and the project does not conform with the codes in effect at the time it is ready to issue, then no notice that the Master Use Permit is ready to issue shall be given until the building permit associated with the project is also ready to issue.

Section 39. Section 23.76.030 of the Seattle Municipal Code, last amended by Ordinance 113079, is hereby repealed.

Section 40. Subsection A of Section 23.66.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 117798, is amended as follows:

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

A. Expiration.

1. A Type I or II Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of the shoreline component of a Master Use Permit shall be governed by WAC 173-14-060.

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

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

((~~ii.~~)) (2) Variances granted as separate Master Use Permits pursuant to Section 23.76.010 D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this

period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:

((~~i.~~)) (1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or

((~~ii.~~)) (2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

((–)) (a) On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

((–)) (b) If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

((–)) (c) On the date that it is not chosen to receive an office allocation in the next competition; or

((–)) (d) Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

((~~iii.~~)) (3) Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

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

((~~i.~~)) (1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

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

g. Design Review Master Use Permits subject to Section 23.76.026.C.2. If the Land Use Code or other land use control ordinances change prior to publication of the Director's decision on a Master Use Permit that contains a design review component and qualifies for vesting pursuant to Section 23.76.026.C.2, such Master Use Permit shall expire 120 days from the date the Master Use Permit is approved for issuance, unless a complete application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted within 120 days of the date the Master Use Permit is approved for issuance.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

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

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit is issued and construction is substantially underway and progressing at a satisfactory rate, as evidenced by the applicant's demonstrating to the Director's satisfaction that a construction step is ready for an inspection required by Section 108.5 ((~~305(e)~~)) of the Seattle Building Code Supplement prior to the expiration of a Master Use Permit, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

Section 41. Subsection A of Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council ((~~L~~))land ((~~U~~))use decisions along with any associated Type II decisions listed in Section 23.76.006 C 2 ((~~variances, special exceptions and administrative conditional uses~~)):

((~~1. Subdivision preliminary plats, including replats requiring subdivision approval (supplemental procedures for preliminary plats are established in SMC Chapter 23.22);~~))

1. ((~~2.~~)) Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City to implement new land use policies adopted by ordinance, and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) major institutions pursuant to Section 23.69.023;

2. ((~~3.~~)) Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. ((~~4.~~)) Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

4. ((~~5.~~)) Council conditional uses; and

5. ((~~6.~~)) Downtown planned community developments.

Section 42. Section 23.76.038 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.038 Pre-application conferences.

Prior to official filing with the Director of an application for a Type IV decision, the applicant may request or the Director may require a pre-application conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Pre-application conferences may be subject to fees as established in SMC Chapters 22.90((~~0~~))1A - T, Permit Fees.

Section 43. Subsections B, C, D, E and F of Section 23.76.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.040 Applications.

B. All applications for Council land use decisions shall be made to the Director on a form provided by the Department. ((~~The Director shall promptly transmit applications for Council land use decisions to the City Clerk for filing with the Council.~~))

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapters 22.901A - T, Permit Fees.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures, ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation, SMC Chapter 25.16, Ballard Avenue Landmark District, SMC Chapter 25.20, Columbia City Landmark District, SMC Chapter 25.22, Harvard-Belmont Landmark District, SMC Chapter 25.24, Pike Place Market Historical District, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines:

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

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses and Downtown Planned Community Developments;

3. A signed statement of financial responsibility by the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the subject property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees.

4. Plan sets that include, but are not limited to, the following information:

a. Existing site conditions;

b. Plot plan;

c. Elevations;

d. Floor plans;

e. Drainage plan;

f. Landscape plan;

g. Right-of-way information;

h. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

i. Parking lay-out;

j. vicinity map;

k. topographic map; and

l. landscape and open space plan.

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

a. Date the buildings on the site were constructed;

b. Name of the architect(s); and

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

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

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

a. Soils and geology;

b. Grading;

c. Drainage;

d. Construction impacts;

e. Air quality;

f. Emissions;

g. Water quality;

h. Water discharge;

i. View impairment;

j. Energy consumption;

k. Habitat impacts;

l. Plant ecology, botany and vegetation;

m. Noise;

n. Release of toxic and hazardous materials;

o. Disposal of toxic and hazardous materials;

p. Contamination;

q. Dredging;

r. Land use;

s. Housing;

t. Light and glare;

u. Shadow;

v. Aesthetic;

w. Use and demand on recreation facilities;

x. Vehicular traffic and circulation;

y. Parking;

z. Pedestrian circulation;

aa. Circulation and movement of goods;

bb. Traffic hazard; and

cc. Demand on public service and utilities.

E. Notice of Complete Application.

1. Within twenty-eight (28) days after receiving an application for a Council land use decision, ((~~For all applications~~)) the Director shall determine whether the application is complete and provide a written request for additional information if the application is incomplete ((~~mail notice to or otherwise notify the applicant within twenty (20) working days of application if additional information is required to commence application review~~)). If the Director does not provide a written determination by 5:00 p.m. of the twenty-eighth (28) day, the application shall be deemed complete.

2. If additional information is needed to make the application complete, the applicant shall provide the information requested by the Director within sixty (60) days of a

written request from the Director. Within fourteen (14) days after an applicant has submitted the information requested by the Director, the Director shall notify the applicant in writing if the application is determined to be complete or if additional information is necessary.

3. A application for a Council land use decision is complete for purposes of this Section when it meets the submittal requirements established by the Director in subsection D of this Section and is sufficient for continued processing even though additional information may be required or project modifications are undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or if substantial changes in the permit application are proposed. A determination under this Section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws and shall entail substantive review of the application for compliance with RCW 19.27.095 and SMC 23.76.026.

F. ((~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required information or data within thirty (30) days of a written request for it; provided that the Director may extend the period for submission of the information if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days of a written request for corrections may result in a notice of intent to cancel. When a Council land use application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Council land use application under the provision of this subsection shall cause the concurrent cancellation of the building permit application.

Section 44. Subsection A of Section 23.76.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.76.046 Public meetings and hearings.

A. Preliminary Council Meeting ((~~Hearing~~)) on City Facilities Requiring Council Approval. When a City agency proposing a new City facility or expansion of an existing City facility determines that an EIS is required for the project, the Council shall hold an early public meeting ((~~hearing~~)) to determine the need for and functions of the proposed facility, identify the source of funding, and establish site selection criteria. The meeting ((~~hearing~~)) shall be held as part of the scoping process as required by SMC Chapter 25.05, SEPA Policies and Procedures.

Section 45. Section 23.76.049 of the Seattle Municipal Code, as adopted by Ordinance 117430, is amended as follows:

23.76.049 Time required for preparation of an EIS. ((~~Turnaround time for recommendations~~)).

The time required to prepare an environmental impact statement associated with a Council land use decision shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact state shall be issued by the Director within one (1) year following the issuance of a Determination of Significance for the proposal, unless the EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the consultant, not to exceed an additional year. ((~~For all Type IV applications the Director shall publish the recommendation~~

~~to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 46. Subsections A and C of Section 23.76.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.050 Report of the Director.

A. The Director shall prepare a written report on applications for Type IV and V decisions and any associated ((~~variances, special exceptions and administrative conditional uses~~)) Type II Master Use Permits listed in Section 23.76.006 C 2, provided that in the case of a text amendment sponsored by a member of the City Council, the Director shall prepare a written report only if such report is requested by a member of the City Council.

The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens ((~~in response to any notice of application~~));

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City SEPA policies ((~~, as referenced in SMC Section 25.05.660,~~)) and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS;

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. For Type IV Decisions, the Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least fifteen (15) ((~~thirty (30)~~)) days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

Section 47. Section 23.76.052 of the Seattle Municipal Code, as adopted by Ordinance 112522, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

A. General - Consolidation With Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council, on all applications for Type IV (quasi-judicial) Council land use decisions. At the same hearing, the Hearing Examiner shall also hear any appeals of the Director's environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement).

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearing that may be held on the project by another local, state, regional, federal or other agency. If requested by an applicant, a joint hearing may be held, provided that the joint hearing can be held within the time periods specified in RCW 36.70B.090, or the applicant agrees in writing to additional time, if needed, to combine the hearing.

C. ((~~B.~~)) Notice ((~~of Hearing~~)).

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) ((~~thirty (30)~~)) days prior to the hearing by:

a. General ((~~m~~))Mailed ((~~r~~))Release;

b. Publication in the City official newspaper;

c. Submission of the ((~~g~~))General ((~~m~~))Mailed ((~~r~~))Release to at least one (1) community newspaper in the area affected by the proposal;

d. At least four (4) placards posted at places visible to the public, including street intersections, within three hundred feet (300') of the boundaries of the project. For hearings on Major Institution Master Plans, a minimum of ten (10) placards shall be posted;

e. Mailed notice; and

f. Posting in the Department((~~; and~~)).

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

((~~3. For preliminary plats, the Director shall provide additional notice as follows:~~

~~a. If the owner of the property to be subdivided owns another parcel or parcels of real property lying adjacent to the property to be subdivided, mailed notice shall be provided to all owners of real property located within three hundred feet (300') of any portion of the boundaries of the adjacently located parcel(s) owned by the subdivider.~~

~~b. Notice shall be published not less than thirty (30) days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property proposed to be subdivided is located; and~~

~~c. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024 shall be notified.~~))

3. ((~~4.~~)) The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

D. ((~~C.~~)) Appeal of Environmental Determination. Any person significantly interested in or affected by the Type IV decision under consideration may appeal the Director's environmental determination subject to the following provisions:

1. Filing of Appeals. Appeals shall be submitted in writing to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following publication of notice of the determination, provided that when a fifteen (15) day

DNS comment period is required pursuant to SMC Section 25.05.340, appeals may be filed up to fifteen (15) days following the comment period. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall state specific objections to the environmental determination and the relief sought. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code Section 3.02.125, Hearing E((e))xaminer filing fees. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

2. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

3. Notice of Appeal. Notice of filing of the appeal and of the date of the consolidated hearing on the appeal and the Type IV land use decision recommendation shall be promptly mailed by the Hearing Examiner to parties of record and those requesting notice.

4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain only those issues cited in the written appeal which relate to compliance with the procedures for Type IV decisions as required in this ((e))Chapter and the adequacy of the environmental documentation upon which the determination was made.

5. Standard of Review. The Director's environmental determination shall be given substantial weight.

E. ((~~D.~~)) Conduct of Hearing. The Hearing Examiner at the public hearing will accept evidence and comments regarding:

1. The Director's report, including an evaluation of the project based on applicable City ordinances and ((~~polices~~))policies and the Director's recommendation to approve, approve with conditions, or deny the application; and

2. Specific issues related to the Director's environmental determination, if appealed.

F. ((~~E.~~)) The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument, or exhibits.

G. ((~~F.~~)) Written Comments. Written comments on the application for a Type IV land use decision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. ((~~G.~~)) Recommendation. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, the Hearing Examiner shall submit a recommendation to the Council by filing it together with the record with the City Clerk within fifteen (15) days after the close of the hearing record ((~~, provided, that the Hearing Examiner shall submit a recommendation on an application for subdivision preliminary plat approval within ten (10) days from the close of the record and,~~)) provided ((~~further~~)), that the Hearing Examiner's report on a ((~~m~~))Major Institution Master Plan shall be submitted within thirty (30) days. The recommendation to approve, approve with conditions, or deny an application shall be based on the written findings and conclusions.

I. ((~~H.~~)) Environmental Appeal Decision. If the Director's environmental determination is appealed, the Hearing Examiner shall affirm, reverse, remand or modify the Director's determination that an EIS is not required (DNS) or that an EIS is adequate, based on written findings and conclusions. The Director shall be bound by the terms and conditions of the Hearing Examiner's decision. If the environmental determination is remanded, the Hearing Examiner shall also remand the Director's recommendation for reconsideration. The Hearing Examiner's decision on a DNS or EIS adequacy appeal shall not be subject to Council appeal. The time period for requesting judicial review of the environmental determination shall not commence until the Council has completed action on the Type IV decision for which the DNS or EIS was issued.

J. ((~~I.~~)) Distribution of Decision and Recommendation. On the same date that the Hearing Examiner files a recommendation with the City Clerk, copies of the recommendation and environmental appeal decision, if any, shall be mailed by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy in a timely manner. Notice of the Hearing Examiner's recommendation to the Council shall include instructions for requesting the Council to further consider the recommendation on the Type IV decision.

K. ((~~J.~~)) File to Council. The City Clerk shall file the recommendation and record with the original application and transmit the same to the Council.

Section 48. Subsections B, D and E of Section 23.76.054 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.054 Council consideration of Hearing Examiner recommendation.

B. Requests for further consideration shall be filed with the Council by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following the date of issuance ((~~mailing~~)) of the Hearing Examiner's recommendation. When the last day of the request period so computed is a Saturday, Sunday or federal or City holiday, the request period shall run until five p.m. (5:00 p.m.) on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

D. ((~~If there is no request for further consideration,~~)) Council action shall be based on the record established by the Hearing Examiner; provided, however, that if a request for further consideration includes a request to supplement the record, the Council may supplement the record with new evidence or information if the Council determines that the new evidence or information was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. ((~~, except as provided for subdivisions in Chapter 23.22.~~)) The Council may remand an application for a Type IV land use decision only when the Council has voted to supplement the record and the Council determines that it is necessary for the Director or the Hearing Examiner to receive the new evidence and reconsider the application in light of it. The Council may allow oral or written arguments based on the record.

((~~E. If the Council examines the record and determines that a factual error exists or that essential information is missing from the record, the Council may:~~

~~1. Remand the request and record to the Director for further consideration and report; or~~

~~2. Remand the request to the Hearing Examiner and direct the Hearing Examiner to conduct another hearing, limited to the consideration of perceived factual error or new information, and to reconsider the recommendation; or~~

~~3. Open the record to correct the factual error or receive the new information. The Council shall conduct a hearing on the new or corrected information. The Council may hear testimony from those who testified before the Hearing Examiner, and may accept written or oral argument based on the record. Notice of the hearing shall be mailed at least seven (7) days prior to the hearing to those individuals who received written notice of the Hearing Examiner action.~~))

Section 49. Subsections A, C and D of Section 23.76.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 117789, are amended as follows:

23.76.056 Council decision on Hearing Examiner recommendation.

A. The Council's decision to approve, approve with conditions, remand, or deny the application for a Type IV land use decision shall be based on the record established pursuant to SMC 23.76.054 ((~~, supplemented as appropriate if the Council determines that the recommendation was based upon an error in judgment, an error in conclusions, or a factual error in the record~~)).

C. Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal or appealed to the Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines Hearings Board must be commenced within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040. ((~~unless a person with standing to file a land use petition in King County Superior Court files such a petition within twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995.~~))

D. A copy of the Council's findings, conclusions and decision shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record and to any person who has submitted substantive comments to the Director, Hearing Examiner or City Council on the proposal. The Clerk's transmittal letter shall include official notice of the time and place for seeking judicial review. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

Section 50. Subsections B of Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 117242, is amended as follows and subsection D is repealed:

23.76.058 Rules for specific decisions.

B. Contract Rezones.

1. When a property use and development agreement is required as a condition to an amendment of the official Land Use Map, the ordinance rezoning the property shall provide for acceptance of the agreement and shall not be passed by the Council until the agreement has been executed by the owner. The executed agreement shall be recorded in the real property records of King County and filed with the City Clerk within one hundred twenty (120) days of adoption of the ordinance accepting the agreement.

2. Amendment of Contract Rezone. Agreements required as a condition to map amendments may be amended by agreement between the owner and the City, provided the amended agreement shall be approved by the Council. Amendments which are within the

spirit and general purpose of the prior decision of the Council may be approved by the Council by ordinance after receiving any advice which it deems necessary. Written notice and an opportunity to comment shall be provided by the Council at least fourteen (14) ((~~fifteen (15)~~)) days prior to Council consideration of the requested amendment ((~~request~~)) to persons who submitted written or oral comments on the original rezone decision. Amendments which in the judgment of the Council represent a major departure from the terms of the agreement shall not be approved until the Council has received a ((~~the~~)) recommendation((~~s~~)) from the Hearing Examiner after a public hearing held as ((~~in the same manner and pursuant to the same notice~~)) provided for rezones ((~~map amendments~~)) in Section 23.76.052, Hearing E((~~e~~))xaminer open record predecision hearing and recommendation.

((~~D. Subdivisions. Following preliminary plat approval by the Council, final plats shall be submitted to the Director of Engineering and approved according to the procedures established in Chapter 23.22.~~))

Section 51. Subsections C, D and E of Section 23.76.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 114473, are amended as follows:

23.76.060 Expiration of Council land use approvals.

((~~C. Subdivisions. Expiration and extension of subdivision approvals shall be governed by Chapter 23.22.~~))

C. ((~~D.~~)) Variances. Variances granted as part of a Council land use approval shall remain in effect for the same period as the land use approval granted, except those variances granted as part of a rezone which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.

D. ((~~E.~~)) Extensions. The Council may extend the time limits on Type IV land use approvals upon an applicant's request for an extension filed with the Council at least thirty (30) days before the approval's expiration. The Council may request a recommendation on the extension request from the Director.

Section 52. Section 23.76.066 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.066 Shoreline Master Program amendments.

Council decisions approving an amendment to the text of SMC Chapter 23((4)).60, Shoreline Master Program Regulations, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective only upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-060.

Section 53. Section 23.84.002 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended as follows:

23.84.002 "A"

"Appeal, Open Record" see Hearing, Open Record.

Section 54. Section 23.84.008 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended as follows:

23.84.008 "D"

"Development Regulations" see RCW 36.70A.030.

Section 55. Section 23.84.016 of the Seattle Municipal Code, which was last amended by Ordinance 117202, is amended as follows:

23.84.016 "H"

"Hearing, Open Record" see RCW 36.70B.020.

Section 56. Section 23.84.025 of the Seattle Municipal Code, which was last amended by Ordinance 117598, is amended as follows:

23.84.025 "M"

"Meeting, Public" see RCW 36.70B.020.

Section 57. Section 23.84.030 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.84.030 "P"

"Project Permit" or "Project Permit Application" see RCW 36.70B.020.

Section 58. Section 23.88.020 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is amended as follows:

23.88.020 Land use interpretations.

A. Interpretations Generally.

A decision by the Director as to the meaning, application or intent of any ((~~provision of~~)) development regulation in Title 23, Land Use Code, ((~~or Title 24, Zoning and Subdivisions,~~)) or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific ((~~piece of~~)) property is known as an "interpretation". Procedural provisions and statements of policy shall not be subject to the interpretation process. An interpretation may be requested in writing by any person or may be initiated by the Director.

B. Timing of Request.

((~~When public notice is required for a project, a request for an interpretation concerning that project shall be made before the expiration of any applicable appeal period. Notice of the Director's decision as required by SMC 23.76.020 shall include notice of the deadline for requesting Code interpretations. When public notice is not required for a project, a request for an interpretation concerning that project may be made any time, provided that issued permits shall not be affected by subsequent Code interpretations.~~))

1. An interpretation that is not related to any pending project application under consideration by the Department may be requested at any time, by any person.

2. If an interpretation relates to a particular project application, the following rules govern the deadline by which the request for interpretation must be received

by the Department in order for the interpretation to be applied to the pending permit application:

a. If the interpretation is related to a project application that requires public notice pursuant to the provisions of Chapter 23.76:

(1) Any person may request an interpretation prior to the end of the public comment period for the project application.

(2) The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision, if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

b. If the interpretation is related to a project application requiring no public notice pursuant to the provisions of Chapter 23.76:

(1) Any person may request an interpretation within fourteen (14) days after the date the project application was determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

(2) The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

C. Notice of Request for Interpretation.

((~~Notice of a request for interpretation shall be provided by the posting of four (4) placards on or near the site and in the general mailed release. The notice shall include a statement that any person who desires to submit comments on the application or who requests notification of the decision may submit comments or requests in writing within fourteen (14) days of the posting of notice.~~)) If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a major institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that major institution.

D. Notice of Interpretation.

((~~Notice that a code interpretation has been made shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the office of the Department and shall be included in the general mailed release. Notice shall also be mailed on the date of publication to the applicant, property owner, and to interested persons who have requested specific notice in a timely manner.~~

~~The notice of the Director's decision shall state the address of the property and briefly state the decision made by the Director. The notice shall also state that the interpretation is subject to appeal and shall describe the appropriate appeal procedure.~~))

Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant or applicants for the specific project or projects to which the interpretation

relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by General Mailed Release.

E. Availability and venue of appeals.

1. An interpretation that is unrelated to any specific project application may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth (14th) calendar day following publication of the notice of the interpretation. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day.

2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a project application requiring public notice shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. Interpretations related to projects that are appealed to the Hearing Examiner shall also be appealable to the Hearing Examiner, and if both the interpretation and project decision are appealed, the appeals shall be consolidated. Interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be consolidated with the Shoreline decision and reviewed by that board.

4. An interpretation related to an application for a Type IV Council land use decision shall be issued in the form of a recommendation to accompany the Director's recommendation on the related action, and shall not be subject to administrative appeal.

((E. ~~The Director's interpretation may be appealed subject to the following:~~

~~1. Any person significantly affected by or interested in a code interpretation may appeal to the Hearing Examiner within a period extending to five p.m. (5:00 p.m.) of the fifteenth calendar day following the date of publication of the interpretation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00 p.m.) on the next business day.~~))

F. Appeals to Hearing Examiner, Process and Standard of Review.

1. The appeal of an interpretation, where permitted, shall be in writing and shall state specifically why the appellant believes the interpretation to be incorrect.

2. Appeals ((~~of code interpretations~~)) submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02 ((~~the Permit Fee Ordinance, Chapter 22.900~~)).

3. The Hearing Examiner shall consider the appeal in accordance with the procedures established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made. ((~~If the Director's decision on the project for which the Code interpretation is sought is also appealed to the Hearing Examiner, the appeal of the Director's Code interpretation shall be consolidated with the appeal of the Director's decision on the permit and a single hearing shall be held.~~))

4. In the event of an appeal of an interpretation not related to a specific project application, such appeal shall be decided within fifteen (15) days of the close of the

record before the Hearing Examiner. (~~Notice of the hearing date shall be given not less than twenty (20) days prior to hearing~~)).

5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

((~~6. All appeals shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.~~))

6. ((~~7.~~)) ((~~The decision of t~~))The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part ((~~. The Hearing Examiner~~)) may ((~~also~~)) remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final ((and the applicant, appellant and Director shall be bound by it)) and conclusive unless the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 59. Subsection C of Section 25.05.310 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.310 Threshold determination required.

C. In most cases, the time to complete a threshold determination should not exceed fifteen (15) ((~~seven (7)~~)) days. Threshold determinations on complex proposals, those where additional information is needed, and/or those accompanied by an inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

Section 60. Subsection E of Section 25.05.335 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 61. Subsection E of Section 25.05.420 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 62. Subsection E of Section 25.05.665 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.665 SEPA policies-Overview.

E. Relationship to Federal, State and Regional Regulations. Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. ((~~Where applicable, federal, state and regional environmental regulations will be presumed to~~)) In deciding whether these regulations provide sufficient impact mitigation, the City shall consult orally or in writing with the responsible federal, state or other agency with jurisdiction and environmental expertise and may expressly defer to that agency. The City shall base its project decision on compliance with these other existing rules or laws. ((~~unless the~~)) The City ((~~finds that~~)) shall not so defer if such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project((~~, and the regulations do not preempt the substantive authority of these policies~~)).

Section 63. Subsections A, B and C of Section 25.05.680 of the Seattle Municipal Code, which was last amended by Ordinance 117789, is amended as follows:

25.05.680 Appeals.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, and 43.21C.080).

A. Master Use Permits and Council land use Decisions. For proposals requiring a ((~~m~~))Master ((~~u~~))Use ((~~p~~))Permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, SEPA appeal procedures shall be as provided in Chapter 23.76.

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a master use permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. Threshold Determination. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the Final EIS as Filed in the SEPA Public Information Center. 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 (15) 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; provided that when a fifteen (15) day DNS comment period is required pursuant to this Chapter, appeals may be filed no later than the twenty-first (21st) day following such filing or publication. The appeal notice 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. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. 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) 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. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. Any decision of the Hearing Examiner or of any other authorized City official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a master use permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.

2. An appeal to the City Council 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 fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.

4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.

5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based 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 and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.

6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.

7. 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 is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02).

Section 64. Subsection A of Section 25.05.714 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.714 Agency.

A. "Agency" as defined in WAC 197-11-174(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762) or ((~~In this chapter "agency" means~~)) the City or a City department or organizational unit of the City established by charter or ordinance.

Section 65. Section 25.12.160 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.160 Landmark.

"Landmark" is an improvement, site, or object that the Board has approved for designation ((~~designated as a landmark~~)) pursuant to this chapter, or that was designated pursuant to Ordinance 102229.

Section 66. Section 25.12.170 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 67. Section 25.12.180 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.180 Nomination.

"Nomination" is the act of proposing that any object, site or improvement be designated a landmark ((~~or landmark site~~)).

Section 68. Section 25.12.210 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.210 Party of record.

"Party of record" includes the Board, the owner, ((~~the person in charge, and~~)) the nominator of any proposed landmark ((~~or landmark site~~)), and the Hearing Examiner, when appropriate.

Section 69. Section 25.12.230 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 70. Section 25.12.260 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 71. Section 25.12.280 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.280 Membership.

~~Members of the Landmarks Preservation Board established under Ordinance 102229 are appointed members of the Board established pursuant to this chapter to serve for the remainder of the terms to which they were originally appointed, and in addition, one (1) new member shall be appointed for a three (3) year term and one (1) new member shall be appointed for a two (2) year term. Thereafter a~~)) All members of the Board shall be appointed by the Mayor, subject to confirmation by the Council, for a term of three (3) years, which appointments shall be made in such a manner that the composition specified in this subchapter is maintained. The Board shall elect a Chairperson from among its members.

Section 72. Section 25.12.300 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.300 Rules and regulations.

((~~The Board shall elect a Chairperson from among its members, and shall within six (6) months adopt in accordance with the Administrative Code (Ordinance 102228), and file with the City Comptroller rules and regulations, including a code of ethics for its members, for its organization and procedures consistent with this chapter. The Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed.~~)) The Board shall adopt rules and regulations in accordance with the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, to govern the Board's organization and procedures and to implement the provisions of this chapter.

Section 73. Section 25.12.310 of the Seattle Municipal Code, as adopted by Ordinance 106348, is amended as follows:

25.12.310 Quorum-Voting.

A majority of the current appointed and confirmed members of the Board shall constitute a quorum and must be present for the transaction of business. All official actions of the Board, with the exception of votes on approval of designation, shall require a majority vote of the members present and voting. Votes on approval of designation shall require a majority vote of the then current appointed and confirmed members of the Board. No member shall be eligible to vote upon any matter required by this chapter to be determined after a ((~~hearing~~)) public meeting unless that member has attended the ((~~hearing~~)) meeting or familiarized him or herself with the record.

Section 74. Section 25.12.320 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.12.320 Staff-Historic Preservation Officer.

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, ((~~conduct official correspondence,~~)) organize and supervise the Board staff and the clerical and technical work of the Board to the extent required to administer this chapter. In addition, the Historic Preservation Officer shall:

A. Carry out, assist and collaborate in studies and programs designed to identify and evaluate objects, improvements and sites worthy of preservation((~~:~~));

B. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

C. Inspect and investigate objects, improvements and sites which are believed worthy of preservation;

D. Officially recognize design excellence in the rehabilitation of objects, improvements and other features deemed deserving of official recognition although not designated as landmark sites or landmarks and encourage appropriate measures for such recognition;

E. Disseminate information to the public concerning those objects, improvements and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement and perpetuation of such objects, improvements and sites;

F. Consider methods other than those provided for in this chapter for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this chapter;

H. Subject to such limitations and within such standards as the Board may establish from time to time, grant certificates of approval all without prejudice to the right of the owner at any time to apply directly to the Board for its consideration and action on such matters((~~.~~));

I. Review and comment upon environmental analyses being performed by other agencies;

J. Upon request by the Department of Construction and Land Use, review permit applications to determine whether the site, improvement, or object appears to meet the criteria for landmark designation;

K. Respond to requests for interpretations of the codes relating to landmarks and to landmark districts, as provided in those codes.

Section 75. Section 25.12.340 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.340 Electronic record of hearings.

At all ((~~hearings before the~~)) Board meetings to consider approval of designation, to make a decision on an application for a Certificate of Approval, and to make the Board's recommendation on controls and incentives, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A copy of the electronic record or any part thereof, ((~~whether recorded stenographically or electronically,~~)) shall be ((~~transcribed and~~)) furnished to any person upon request therefor and payment of the reasonable costs thereof.

Section 76. Section 25.12.360 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.360 Separate nomination and designation of site and object or improvement.

The nomination or designation of a site as a landmark ((~~site~~)) shall not constitute nomination or designation of any object or improvement located on the site as a landmark unless the object or improvement is expressly included in the description of the nominated or designated ((~~as a~~)) landmark. The nomination or designation of an object or improvement as a landmark shall not constitute nomination or designation of the site on which the object or improvement is located as a landmark ((~~site~~)) unless the site is expressly included in the description of the nominated or designated ((~~as a~~)) landmark ((~~site~~)).

Section 77. Section 25.12.370 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.370 Nomination.

A. Any person including the Historic Preservation Officer and any member of the Board may nominate any site, improvement or object for designation as a landmark ((or landmark site)). Nominations may be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Board.

B. The Department of Construction and Land Use shall refer improvements, sites, or objects to the Landmarks Board that are subject to environmental review for a pending permit application, and that appear to meet criteria set forth in this ordinance for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found ((~~to be in order~~)) by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. ((~~A copy of any nomination and of any amendments thereto shall be given the owner promptly.~~)) The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Department of Construction and Land Use as part of its environmental review of pending permit applications.

Section 78. A new Section 25.12.375 is added to the Seattle Municipal Code as follows:

25.12.375 Exemption from permit timelines.

Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from nomination through the City Council's decision whether to enact a designating ordinance, including any review of the Board's decisions by the Hearing Examiner or the City Council, from the time limits and the other provisions of RCW 36.70B.060 through 36.70B.090 and the provisions of 36.70B.110 through 36.70B.130.

Section 79. Section 25.12.380 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.380 Notice of Board meeting on approval of nomination.

The Board may approve a nomination for further designation proceedings only at a public meeting. The Board shall make a reasonable effort to serve the owner of a nominated site, improvement or object with thirty (30) days notice of any Board meeting at which such nomination shall be considered for approval by the Board, including a copy of the nomination, however, failure to serve such notice shall not invalidate any proceedings with respect to such nomination. Neither the attendance((,)) and participation of the owner at the meeting to consider the nomination, nor the owner's failure to so attend or participate shall prejudice the right of the owner to resist designation or the imposition of controls if the nomination is approved.

Section 80. Section 25.12.390 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.390 Board approval of nomination.

A. If the Board((~~, in whole or in part,~~)) approves a nomination, in whole or in part, for further designation proceedings, it shall in such approval:

1. Specify the legal description of the site, the particular features and/or characteristics proposed to be ((~~preserved~~)) designated, and such other description of the site, improvement or object as it deems appropriate;

2. Set a date, which is not less than thirty (30) nor more than ((~~forty-five (45)~~)) sixty (60) days from the date of approval of nomination, at which a public ((~~hearing~~)) meeting on approval of designation shall be held as provided in Section 25.12.420.

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through 25.12.780 shall apply.

Section 81. Section 25.12.400 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.400 Notification of approval of nomination.

If the Board approves a nomination in whole or in part for further designation proceedings, the Historic Preservation Office shall within ((~~three (3)~~)) five (5) working days file a written notice of such action with the ((~~Superintendent~~)) Director of Construction and Land Use and serve a copy of the same on the owner and interested persons of record. Such written notice shall include:

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this chapter are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board ((~~hearing~~)) meeting on approval of designation;

D. A statement that ((~~all~~)) the Board meeting on designation is the sole proceeding((s)) to consider whether the criteria for designation are met, ((~~review the action of the Board at the hearing on approval of designation will be based on the record made at such hearing~~)) and that no further opportunity ((~~right~~)) to present information regarding the criteria for ((~~evidence on the issue of~~))designation is afforded pursuant to this chapter.

Section 82. Section 25.12.410 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.410 Disapproval of nomination.

If the Board disapproves the nomination, the proceedings shall terminate as provided in Section 25.12.850A, and the Board shall set forth its reasons why approval of nomination is not warranted, with specific reference to the standards in Section 25.12.350.

Section 83. Section 25.12.420 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.420 Board meeting ((~~hearing~~)) on approval of designation.

Except as otherwise provided in Section 25.12.470 the Board may approve or deny designation of a site, improvement or object only at a public meeting ((~~hearing~~)). At the meeting ((~~hearing~~)) on approval of designation the Board shall receive information ((~~evidence~~)) and hear comments ((~~arguments~~)) on whether the site, improvement or object meets the ((~~criteria~~)) standards for designation of landmarks ((~~and landmark sites~~)) specified in Section 25.12.350 and merits designation as a landmark ((~~or landmark site~~)).

Section 84. Section 25.12.440 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.440 Notice of report on designation.

A copy of the Board's report on designation shall be served on the owner and mailed to interested persons of record within ((~~three (3)~~)) five (5) working days after it is issued. If the Board acts to approve designation, the owner, at the time of service of the report shall also be served with a notice that:

A. States a date, which is not later than seventy-five (75) days after mailing of the report on designation, when the Board will consider controls and incentives, if any, to be applied ((~~for preservation of~~)) to specific features or characteristics of the site, improvement or object in question((~~.~~));

B. Requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives; and

C. Informs the owner of the procedures of Sections 25.12.490 through 25.12.520.

Section 85. Section 25.12.450 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.450 Disapproval of designation.

If the Board disapproves designation, the proceedings shall terminate as provided in Section 25.12.850A and the Board shall set forth its reasons why approval of designation is not warranted, with specific reference to the standards in Section 25.12.350.

Section 86. Section 25.12.460 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 87. Section 25.12.470 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 88. Section 25.12.480 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 89. Section 25.12.490 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.490 Negotiation with owner.

Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence ((~~to negotiate~~)) negotiations with the owner on the application of controls and incentives to ((~~on~~)) the site, improvement, or object, ((~~designed to preserve~~)) regarding the specific features or characteristics identified in the Board's report on designation ((~~and the application of economic incentives, if any, to the owner of the site, improvement or object~~)). If within fifteen (15) days of the commencement of the negotiation period, the owner fails to ((~~contact the Board staff~~)) participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall ((~~promptly~~)) prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

Section 90. Section 25.12.500 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.500 Negotiations-Procedure and time requirements.

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing. ((~~and if the other party does not object within seven (7) days after receipt of such notice.~~)) If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall ((~~promptly~~)) submit the agreement to the Board for approval at a Board meeting to be held not later than ((~~twenty (20)~~)) thirty (30) days after the written agreement is signed by the owner. ((~~reached, or within such further time as the Board and owner may stipulate in writing.~~)) Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within ((~~three (3)~~)) five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

Section 91. Section 25.12.520 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.520 Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement ((~~by negotiation~~)), or ((~~in the event~~)) the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and ((~~economic~~)) incentives((~~,if any,~~)) with the Hearing Examiner, ((~~and~~)) serve ((~~same~~)) it on the owner, and mail a copy to interested persons of record. ((~~and the owner shall have an opportunity to file objections thereto.~~)) The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are ((~~to be preserved~~)) identified in the Board's report on designation. The recommendation shall set forth the reasons ((~~and the need~~)) for ((~~each~~)) the proposed ((~~specific~~)) controls and for any proposed ((~~economic~~)) incentives. The recommendation ((~~and~~)) shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. ((~~The Board may hold a public hearing prior to the making of its recommendation.~~))

Section 92. Section 25.12.530 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.530 Filing of recommendation and objections with Hearing Examiner.

((~~As provided in Section 25.12.520, in the event of a failure to agree on proposed controls and incentives or in the event of disapproval of an agreement, the Board shall file with the Hearing Examiner and serve upon the owner recommendations for proposed controls and incentives and the owner may file objections thereto.~~)) The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement was signed by the Board staff and the owner, or if an agreement((~~,~~)) was signed, within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500. ((~~The owner's objections shall be filed not later than fifteen (15) days after receipt of the Board's recommendation on proposed controls and incentives. For good and sufficient cause shown by either the Board or owner, the Hearing Examiner may grant an extension of time not to exceed thirty (30) days. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and economic incentives.~~))

Section 93. A new Section 25.12.535 is hereby added to the Seattle Municipal Code as follows:

25.12.535 Owner's objections to Board recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendation on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.

Section 94. Section 25.12.540 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.540 Scheduling of hearing.

A. If no objections are filed with the Hearing Examiner within the time provided, then the Board shall transmit its recommendation to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660. The Hearing Examiner shall take no action on the recommendation.

B. If objections are timely filed with the Hearing Examiner, then ((~~After the Board's recommendations and the owner's objections, if any, are filed with the Hearing Examiner,~~)) the Hearing Examiner shall set the matter for a hearing which shall be held within seventy (70) days of the ((~~receipt~~)) filing of the ((~~owners~~)) latest objections ((~~or the receipt of the Board's recommendations, whichever is later~~)), and promptly notify the Board, the owner, and any other person who filed objections ((~~all interested persons of record~~)) of the date and time for the hearing.

Section 95. Section 25.12.550 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 96. Section 25.12.560 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.560 Hearing Examiner procedure.

Proceedings before the Hearing Examiner shall be in accordance with the procedures for hearings in contested cases pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code (((~~Ordinance 102228~~))), and the Hearing Examiner's Rules of Practice and Procedure in effect at the time of the proceeding, except as such procedures are modified by this chapter. ((~~Any person may testify at the hearing.~~))

Section 96A. Section 25.12.600 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.600 Information.

It shall be the responsibility of the owner ((~~or person in charge~~)) to provide the Hearing Examiner with such information as is necessary and sufficient to determine yearly net return under Section 25.12.590 B and C.

Section 97. Section 25.12.610 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.610 Hearing Examiner recommendations-Referral to Council.

Within thirty (30) days after the hearing, the Hearing Examiner shall serve on the Board and the owner and file with the Council ((~~for such action as the Council may deem appropriate,~~)) a decision setting forth a recommendation of ((~~the~~)) proposed controls and ((~~any economic~~)) incentives, ((~~findings with respect to the specific controls so recommended,~~)) and the reasons ((~~and need~~)) for the controls and ((~~any~~)) incentives recommended. ((~~and the effect of such controls and incentives.~~))

Section 98. Section 25.12.620 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.620 Right of appeal to Council.

Any party of record before the Hearing Examiner may appeal the ((~~findings and~~)) recommendations of the Hearing Examiner regarding controls and((~~/or economic~~)) incentives by filing with the Council and serving on all other parties of record a written notice of appeal within thirty (30) days after the Hearing Examiner's decision is served on the party appealing.

Section 99. Section 25.12.630 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.630 Procedure on appeal to Council.

A. Any appeal from the ((~~findings and~~)) recommendation of the Hearing Examiner shall be considered by the Council on the record only. The Hearing Examiner shall promptly prepare, certify and file with the Council such record, which shall consist of all documents and exhibits submitted to the Hearing Examiner (except to the extent that the same are already before the Council) and a transcript of all oral proceedings before the Hearing Examiner, unless all parties waive submission of the transcript. The appellant shall

ORDINANCE No. 118012

COUNCIL BILL No. 111107

2 of 2

The City

Honorable President:

Your Committee on

to which was referred the within Co
report that we have considered the

Full

COMPTROLLER FILE No.

Introduced: 1-29-96	By: Donaldson
Referred: 1-29-96	To: Committee of the whole
Referred:	To:
Referred:	To:
Reported: FEB 12 1996	Second Reading: FEB 12 1996
Third Reading: FEB 12 1996	Signed: FEB 12 1996
Presented to Mayor: FEB 13 1996	Approved: 2/20/96
Returned to City Clerk: FEB 21 1996	Published: Full
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

2 of 2

BWEAO 73 1-SP 17113

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

ble President:

ommittee on

h was referred the within Council Bill No.

hat we have considered the same and respectfully recommend that the same:

Full Council vote 9-0

Committee Chair

SMEAD 73 YSP 171 17

be responsible for the reasonable costs of preparation of the record unless the appeal is successful, in which event the Council may apportion such reasonable costs as it deems appropriate.

B. The Council or committee to which such appeal is referred shall notify the Board and any appellant of the procedures established for such hearing and of the date and time when it will hear oral argument, if any, from the parties or their representatives upon the issues which are the subject of such appeal. Such notice shall be served upon the Board and the owner not less than twenty (20) days before the date of such oral argument.

Section 100. Section 25.12.640 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.640 Council action on appeal.

A. The Council shall act upon the appeal within ninety (90) days of receiving the Hearing Examiner's recommendation. ((~~The Council may conclude such an appeal by enacting a designating ordinance as provided in Sections 25.12.650 and 25.12.660, adopting a committee report denying designation, or by such other action it deems appropriate.~~))

B. Council action is necessary to complete the process for designation of a landmark. The Council may:

1. Enact a designating ordinance that specifies the controls and incentives being imposed on a site, improvement, or object approved for designation by the Board;

2. Modify controls and incentives negotiated by the owner and the Board or recommended by the Board or the Hearing Examiner, and enact a designating ordinance embodying such modifications; or

3. Decide not to enact a designating ordinance and thereby decline to impose controls and incentives. A Council decision not to enact a designating ordinance shall terminate the proceedings pursuant to Section 25.12.850 of this chapter.

Section 101. Section 25.12.650 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.650 Designating ordinance- ((~~Generally~~))Amendment or Repeal.

((~~Pursuant to the procedures set forth in this chapter, the Council may by ordinance specify controls and economic incentives with respect to sites, improvements or objects designated by the Board and pursuant to such procedures.~~))The Council may by ordinance amend or repeal any ((~~such~~)) designating ordinance; provided((~~: A. T~~))that if ~~an~~ a designating ordinance is enacted ((~~designating a landmark or a landmark site imposes specific controls upon such landmark or landmark site~~)), no proceedings may be commenced under this chapter to impose other or further controls on ((~~such~~)) the landmark ((~~or landmark site~~)) that is covered by the designating ordinance within four (4) years from the effective date of such designating ordinance without the agreement of the owner in writing.((~~; and~~

~~B. That if any landmark or landmark site is substantially destroyed by fire, earthquake or other casualty not envisioned at the time of designation, the owner may petition the Board to revoke the designation.~~))

Section 102. Section 25.12.660 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.660 Designating ordinance-Information required.

A. Each designating ordinance, and each ordinance amendatory thereof, shall include:

1. The legal description of the site, improvement or object;

2. The specific features or characteristics which are designated ((~~to be preserved~~));

3. The standards in Section 25.12.350 that are the ((~~reasons and~~)) basis for such designation; and

4. The specific controls imposed and any ((~~economic~~)) incentives granted or to be granted or obtained with respect to such site, improvement or object.

B. A certified copy of each such ordinance shall be recorded with the King County Director of Records and Elections and served on the owner ((~~and on the person in charge~~)) of ((~~such~~)) the ((~~landmark site or~~)) landmark.

Section 103. Section 25.12.670 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.670 Requirement of certificate of approval.

After the filing of an approval of nomination with the ((~~Superintendent~~)) Director of Construction and Land Use and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may((~~:~~

~~A. M~~))make alterations or significant changes to specific features or characteristics of the site, improvement or object, which are identified in the approved nomination, the Board report on designation, or subject to controls in a controls and incentives agreement or a designating ordinance, whichever is most recent.((~~;suggested for preservation in the approval of nomination, or thereafter specified in the report on approval of designation of the decision of the Hearing Examiner, whichever was issued most recently, while proceedings under this chapter are pending; or~~

~~B. Make alterations or significant changes which would be in violation of specific controls imposed by a designating ordinance.~~))

Section 104. Section 25.12.680 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.680 Application for certificate of approval-Filing.

A. Application for a certificate of approval ((~~may~~)) shall be made by filing an application for such certificate with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required because of the pendency of designation proceedings, or the terms of a designating ordinance. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

B. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application, or the applicant makes a written request to submit an application for a preliminary design as set forth in subsection E below, and the staff agrees to accept the application:

1. Building name and building address;

2. Name of business(es) located at the site of the proposed work;

3. Applicant's name and address;

4. Property owner's name and address;

5. Applicant's telephone number;

6. The property owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

7. Confirmation that the fee required by the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901T has been paid;

8. A detailed description of the proposed work, including any changes it will make to a landmark;

9. Four (4) sets of scale drawings, with all dimensions shown, of:

a. A site plan of existing conditions, showing adjacent streets and buildings, and a site plan showing proposed changes;

b. A floor plan showing the existing features and a floor plan showing the proposed new features or changes;

c. Elevations and sections of both the proposed new features and the existing features;

d. Construction details;

e. A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

10. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

11. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

12. If the proposal includes new signage, awnings, or exterior lighting:

a. Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, graphic designs, typeface, letter size, and colors;

b. Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning or sign;

c. Four (4) copies of details showing the proposed method of attaching the new awning, sign, or proposed exterior lighting;

d. One (1) sample of proposed sign colors or awning material and color;

e. The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

13. If the proposal includes demolition of a structure or object:

a. A statement of the reason(s) for demolition;

b. A description of the replacement structure or object;

14. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features being replaced, removed, or demolished.

C. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

D. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study when new construction is proposed.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8, 9a through 9c, and 13. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal and Board approval of the final design, including all of the information listed above in subsection B, prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 105. Section 25.12.690 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.690 Application for certificate of approval-In conjunction with permit application.

If ((~~before a certificate of approval is obtained,~~)) an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for an action which requires a certificate of approval ((~~is required~~)), the ((~~Superintendent~~)) Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval.~~)) The ((~~Superintendent~~)) Director of Construction and Land Use shall continue to process the permit ((~~such~~)) application, but shall not issue any such permit until the time has expired for acting upon the ((~~filing with the Superintendent the notice of denial of a~~)) certificate of approval or a certificate of approval has been issued pursuant to this chapter.((~~;provided that if by its terms or the provisions of Section 25.12.810 the operation of such certificate of approval is suspended the Superintendent shall not issue such permit until the suspension terminates.~~))

Section 106. Section 25.12.700 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.700 Application for certificate of approval-Similar changes.

An application for a certificate of approval shall not be accepted for filing while another application for the same or similar action is pending before the Board or on appeal. ((~~After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a hearing pursuant to Section 25.12.720 or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom pursuant to this chapter have been concluded.~~))

Section 107. Section 25.12.720 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.720 Board ((~~hearing~~)) meeting on certificate of approval.

Within thirty (30) days after ((~~the filing of~~)) an application for a certificate of approval is determined to be complete ((~~with the Board or the referral of an application to the Board pursuant to Sections 25.12.680 or 25.12.690~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.((~~; provided that no hearing shall be required if the Board, the owner and the applicant agree in writing to a stipulated certificate of approval approving the requested alterations or changes with such modifications as may be agreed upon. If an agreement on a stipulated certificate of approval is reached or if, after a hearing, the Board orders a certificate of approval, such certificate shall be issued forthwith and the Board shall file a certified copy of such certificate with the Superintendent.~~)) The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

Section 108. Section 25.12.730 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.730 Board decision on certificate of approval.

The Board shall issue a written decision ((~~either~~)) granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of Construction and Land Use, not later than forty-five (45) days after ((~~the filing of the application for permit with the Superintendent or after the filing of~~)) an application for a certificate of approval is determined to be complete. ((~~with the Board; and shall serve a copy thereof upon the owner, the applicant and the Superintendent within three (3) working days after such grant or denial.~~)) Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision ((~~A decision denying a certificate of approval or attaching conditions to the grant of a certificate of approval~~)) shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.((~~Except by written agreement with the owner and the applicant, neither the Board nor the Hearing Examiner may attach any conditions to the grant or denial of the certificate of approval, if the effect of such conditions would be to impose controls which are prohibited by this chapter, or if such conditions would otherwise be inconsistent with the provisions of this chapter or any applicable designating ordinance.~~))

Section 109. Section 25.12.740 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.740 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.((~~Except as otherwise specified in Sections 25.12.670 through 25.12.780, the Hearing Examiner shall hold a hearing in the same manner as provided in Sections 25.12.530 through 25.12.610 for hearings on the application of controls and economic incentives.~~))

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit decisions, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal . Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval

shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

Section 110. Section 25.12.760 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.760 Hearing Examiner procedure.

A. When the appeal of a certificate of approval is consolidated with appeals of related permits, then the time frames applicable to the appeals of the other permits shall apply to the appeal of the certificate of approval.

B. In all other instances, t((~~T~~))he Hearing Examiner shall serve notice of the date of the hearing on the parties not less than twenty (20) days before the hearing and shall hold a hearing not later than ((~~eighty (80)~~)) forty-five (45) days after the filing of the ((~~application for a certificate of approval~~)) appeal. The Hearing Examiner shall issue a decision within ((~~fourteen (14) days after the conclusion of the hearing~~)) fifteen (15) days after closing of the record, and shall serve the decision on the Board, the owner, and the applicant, and file the same with the ((~~Superintendent~~)) Director of Construction and Land Use. ((~~within three (3) working days thereafter.~~))

((~~B. The Hearing Examiner may appoint an expert or experts to provide advice or report concerning the economic effect of the denial of a certificate of approval or the imposition of proposed conditions.~~)) The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

C. If the Hearing Examiner determines that there is no showing of a significant change in circumstances since a ((~~previous~~)) denial or conditioning of a prior application for a similar certificate, the appeal shall be denied.

D. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 111. Section 25.12.770 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.770 Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the ((~~Superintendent~~)) Director of Construction and Land Use, the owner, and the applicant within the times specified in ((~~Section 25.12.730, of as the same may be extended in accordance with Section 25.12.850D,~~)) this chapter or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the ((~~Superintendent~~)) Director of Construction and Land Use shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.

Section 112. Section 25.12.780 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 113. Section 25.12.790 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 114. Section 25.12.800 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 115. Section 25.12.810 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 116. Section 25.12.820 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 117. Section 25.12.830 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 118. Section 25.12.835 of the Seattle Municipal Code, which was adopted by Ordinance 116540, is amended as follows:

25.12.835 Demolition.

A. It is the policy of The City of Seattle to prevent the unnecessary demolition of Landmarks. Even when a certificate of approval to demolish a Landmark has been issued because its owner is unable to make reasonable economic use of the Landmark, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the presence of Landmarks within the City.

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Department of Construction and Land Use pursuant to the requirements of SMC Section 23.40.008 B, the Department of Construction and Land Use may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal((~~, and after the expiration of any period of suspension under Sections 25.12.800 through 25.12.820~~)); and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of the State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A master use permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under subparagraph B4a above) and available for such purpose.

C. Subsections B3 and B4 shall not apply if the owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that maintaining the landmark until the conditions described in subsections B3 and B4 are satisfied would be unduly burdensome and a violation of substantive due process. Among the facts the Director should consider in determining the burden on the owner are, on the one hand, the costs of maintenance until a replacement use is ready, and, on the other hand, the costs of demolition, the interest on such costs, and the costs of maintaining a vacant site.

D. The Director also may waive or modify the requirements of subsection B2 if the Director determines that compliance with this subsection would be unnecessary or inappropriate in light of the nature and value of the Landmark.

E. In making the determinations required under this section the ((~~d~~))Director of the Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer. The Director should consider all relevant information and should communicate with whomever the Director believes can provide useful information or expertise. The Director shall communicate his or her decision to the applicant in writing within (15) fifteen days of receiving the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090, and the requirements of RCW 36.70B.110 through section .130.((~~The said decision shall be provisional and subject to comment for thirty (30) days, after which time it shall become finalized as revised, if at all, during the comment period.~~

~~F. A decision denying an owner permission to demolish a Landmark under subsection C may be appealed by the owner to the Hearing Examiner; all other decisions of the Director of the Department of Neighborhoods under this section shall be final. Written notice of appeal to the Hearing Examiner and the filing fee specified in Seattle Municipal Code Section 3.02.125 must be filed with the Examiner no later than five p.m. (5:00 p.m.) on the fifteenth day following the date of the Director's decision. Notice of the hearing on the appeal shall be mailed to the owner and Director no fewer than ten (10) days prior to the hearing. The Hearing Examiner shall conduct a hearing de novo and shall not defer to the decision of the Director, although the burden of persuasion shall be on the owner.~~))

((~~G~~))F. An owner may seek to meet his or her burden under subsection C at the same time that the owner seeks a certificate of approval to demolish under Sections 25.12.670 through 25.12.730. ((~~, in which case any appeal of the decision under subsection C shall be consolidated before the Hearing Examiner with any appeal of the certificate of approval, and, if the owner is entitled to an appeal to the Council under Section 25.12.780, with any appeal to the Council.~~)) An owner also may seek to meet his or her burden under subsection C at any time after a certificate of approval to demolish has been issued.

G. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 119. Section 25.12.840 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.840 Service of notices.

A. Notices, decisions, and any other instruments or documents required to be served upon the owner pursuant to this chapter shall be served by mailing the same: (1) to the person shown to be the owner on the records of the Department of Finance of King County, Washington, to the address therein given and to such other addresses as may be ascertained from telephone or Polk directory listings for the City; and (2) to the owner's attorney where the files or records of the Board, the Hearing Examiner, or the Council, reveal representation in such proceedings by an attorney ((~~; and (3) to the person in charge of a site, improvement or object~~)). Notices, applications, other instruments or documents required to be served upon the Board shall be served by delivering the same to the Historic Preservation Officer or by mailing the same either to the Historic Preservation Officer or to the Landmarks Preservation Board at the then current address for such Officer or Board. Transmittals by mail shall be sent by first-class mail, certified with return receipt requested and with postage prepaid. Service shall be deemed to have been given when all of the steps specified above have been completed. Failure to send notice by mail to any owner whose address is not listed in the above sources, and failure to give actual notice to any owner whose name and address is unknown, shall not invalidate any proceedings in connection with the proposed designation.

B. Notice to parties of record shall include at least those documents sent to the owner. Such notice shall be served by first-class mail.

C. Notice to interested persons of record shall include at least the following: a description of the most recent action taken by the Board, the Hearing Examiner or Council; the time and place of the next public meeting or hearing, if any; the procedure to be followed at such meeting or hearing; the rights of appeal available, if applicable; and the time and place where documents in the record may be inspected. Such notice shall be served by first-class mail.

D. The Historic Preservation Officer may give such other notice as he <u>or</u> she may deem desirable and practicable.

Section 120. New Section 25.12.845 is hereby added to the Seattle Municipal Code as follows:

25.12.845 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted, or on the provisions of an enacted designating ordinance.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the applicant agrees in writing to suspend the time frames for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed according to the same procedures and time frames provided in Sections 25.12.740 and 25.12.760 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 121. Section 25.12.910 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.910 Designated.

The ((~~Superintendent~~)) Director of Construction and Land Use shall enforce this chapter and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229 and may, in addition to any other remedy or penalty provided in this chapter, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this chapter or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding Five Hundred Dollars ($500.00), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violation or failure to comply is charged.

Section 122. Section 25.16.080 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.080 Certificate of approval-Application.

A. Application.

1. All applications for a certificate of approval, and all applications for any permit requiring such a certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the District Board.

2. The following information must be provided in order for the application to be complete, unless the board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901T has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object.;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this chapter and in any rules adopted by the board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. Decision on application. Within thirty (30) days after receipt of ((~~each such~~)) a complete application the District Board shall hold a public ((~~hearing~~)) meeting thereon and by duly approved motion recommend to the Director of the Department of Neighborhoods that the same be granted, denied or granted with conditions. ((~~be referred to the Landmarks Preservation Board. Within thirty (30) days after such referral of any such application, the Landmarks Preservation Board shall hold a public hearing thereon and recommend that the same be granted or denied.~~)) The Director of the Department of Neighborhoods shall issue a decision within fifteen (15) days of receiving the Board's recommendation.

Section 123. Section 25.16.090 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.090 Certificate of approval-Consideration by Board.

In considering such application, the District Board ((~~or the Landmarks Preservation Board~~)) shall ((~~each~~)) keep in mind the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, and among other things, the historical and architectural value and significance; architectural style and the general design; arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs; the relationship of such features to similar features of other buildings within the Ballard Avenue Landmark District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

Section 124. Section 25.16.100 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.100 Certificate of approval-Issuance or denial.

A. ((~~If after such hearing and upon consideration of the foregoing, the District Board or the Landmarks Preservation Board determines that the changes and any new construction proposed in any such application are consistent with the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, it shall recommend that a certificate of approval be granted and the Director shall forthwith issue such in accordance with such Board's recommendation. If the Board's recommendation is to deny such application, the Director shall issue a written notice of denial.~~)) If the Board does not recommend granting, granting with conditions, or denial ((~~or referral~~)) of ((~~any such~~)) an application within the time provided for such recommendation, the Director shall issue a decision without a recommendation from the District Board. If the Director does not issue a decision within the time provided by this chapter, then the ((~~such~~)) application shall be deemed approved. ((~~and the Director shall forthwith issue the certificate of approval in accordance with such application,~~)) Provided, however, that the applicant may waive the deadlines in writing for the Board to make a recommendation or the Director to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~unless the Board's action has been deferred in accordance with an agreement for consultation as follows:~~)) Before issuing a recommendation of denial, the Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the Board shall make its recommendation ((~~such application shall be finally denied~~)) and the applicant shall be so notified by letter.

B. ((~~Whenever an applicant is denied, the~~)) The Director shall send copies of the ((~~notice of denial~~)) decision to the applicant, the property owner, the Director of Construction and Land Use, and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application. ((~~if such application has been referred to the Landmarks Preservation Board and recommendation of denial made by that Board.~~))

C. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land

Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 125. Section 25.16.110 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.110 Certificate of approval-Appeal if denied.

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within ((~~twenty (20)~~)) fourteen (14) days of the date of notice of the denials((~~,~~)). When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

B. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

C. Pursuant to RCW 3670B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

D. ((~~and the~~)) The Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code, Chapter 3.02 of the Seattle Municipal Code, and in accordance with the Hearing Examiner's Rules of Practice and Procedure (unless all parties of record affected by such Board's decision consent to the review and decision without a public hearing) may affirm, reverse or modify the denial, but may reverse or modify only if ((~~he~~)) the Hearing Examiner finds that:

1. Such denial violates the terms of this chapter or guidelines adopted pursuant to the authority of this chapter; or

2. Such denial is based upon a recommendation made in violation of the procedures set forth in this chapter or procedures adopted pursuant to the authority of this chapter and such procedural violation operates unfairly against the applicant.

((~~B~~))E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection B, then not later than ninety (90) days from the filing of that appeal . The decision of the Hearing Examiner shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040. ((~~and copies thereof~~)) Copies of the decision shall be mailed to all parties of record and transmitted to the Director, the District Board, ((~~the Landmarks Preservation Board if it considered such application,~~)) and the property owner if (~~he~~)) the owner is not a party of record.

Section 126. A new Section 25.16.115 is hereby added to the Seattle Municipal Code as follows:

25.16.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed according to the same procedures and time frames provided in Section 25.16.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's decision. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 127. Section 25.20.010 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.20.010 Definitions.

The following terms used in this chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

B. "Application Review Committee" is the committee established by this chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.

D. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

E. "Council" is the City Council of the City of Seattle.

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

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)~~))or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

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

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

Section 128. Section 25.20.080 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.080 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application for such a certificates with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required. The Board may consider or issue a certificate of approval without the submission of final drawings, plans or specifications.~~))

2. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that fee required by the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901T has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If before a certificate of approval is obtained, an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for which a certificate of approval is required, ((~~the Superintendent shall promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval. The Superintendent~~)) the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time has expired for filing with the ((~~Superintendent~~)) Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a ~~hearing~~ meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom have been concluded.

Section 129. Section 25.20.090 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.090 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)) ,the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structure in relation to the street or public way and to other buildings and structures.

Section 130. Section 25.20.100 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.100 Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than forty-five (45) days after the ((~~filing of~~)) the application ((~~for permit with the Superintendent or after the filing of an application~~)) for a certificate of approval ((~~with the Board~~)) is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the ((~~Superintendent~~)) Director of the Department of Construction and Land Use within three (3) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this chapter and adopted guidelines for the District.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 131. Section 25.20.110 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.110 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the

Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.740 through 25.12.770 of this Code.

F. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132. A new Section 25.20.115 of the Seattle Municipal Code is hereby added as follows:

25.20.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed according to the same procedures and time frames provided in Section 25.20.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132A. Section 25.22.120 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.120 Enforcement and penalties.

The ~~Superintendent of Buildings~~ Director of Construction and Land Use shall enforce this chapter and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

Section 133. Section 25.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.020 Definitions.

The following terms used in this chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348 or any ordinance amendatory or successor thereto.

C. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, ((~~of The City of Seattle (Ordinance 102228)2~~)) or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

((~~G~~))H. "Significant change" is any external alteration, new construction, restoration or demolition other than routine maintenance or repair.

Section 134. Section 25.22.100 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.100 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an applications for such a certificates with the Board.((~~, or by filing with the Director an application for a permit to make alterations or significant changes for which a certificate of approval is required.~~))

2. The following information must be provided in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that fee required by the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901T has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) a site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) a floor plan showing the existing features and a floor plan showing the proposed new features;

(3) elevations and sections of both the proposed new features and the existing features;

(4) construction details;

(5) a landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~the Director shall promptly refer the application to the Board and the application shall be deemed an application for a certificate of approval.~~)) The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change by giving notice of a ~~hearing~~ meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change at the same site may be made until such proceedings and all appeals therefrom have been concluded.

D. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 135. Section 25.22.110 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.110 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than ((~~ten (10)~~)) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in

Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structure or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.

Section 135A. Section 25.22.120 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.120 Issuance of Board Decision.

The Board shall consider the recommendation of the Application Review Committee and shall, within forty-five (45) days after the ((~~transmittal of the application for permit from the Director or after the filing of an~~)) application for a certificate of approval ((~~with the Board~~)) is determined to be complete, issue a written decision either granting, granting with conditions, or denying a certificate of approval and shall mail a copy of the decision to the owner, the applicant and the Director within three (3) working days after such decision. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this chapter and the adopted guidelines for the District. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

Section 136. Section 25.22.130 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.130 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Board and by filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after the date the Board's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more elated permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing hat the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.((~~05~~))740 through 25.12.((~~08~~))760 of the Landmarks Preservation Ordinance (~~106348~~), and as prescribed under Section 25.22.110 B.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

F. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 137. A new Section 25.22.135 of the Seattle Municipal Code is added as follows:

25.22.135 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed according to the same procedures and time frames provided in Section 25.222.130 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board,

as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 138. A new Section 25.24.015 of the Seattle Municipal Code is hereby added as follows:

25.24.015 Historic Preservation Officer.

The Historic Preservation Officer is the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

Section 139. Section 25.24.060 of the Seattle Municipal Code, which was last amended by Ordinance 111235,, is amended as follows:

25.24.060 Approval of changes to buildings, structures and other visible elements.

A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure, lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a certificate of approval authorized by the Commission which shall not be transferable; and no building permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries of the Historical District including public places except where areas have been reserved for groups of signs or for signs which identify the Market District as a whole, as determined by the Commission. The fee for certificates of approval shall be according to the Permit Fee ((~~Ordinance~~)) Subtitle.

B. Application.

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. ((~~or to the Director of Construction and Land Use. If submitted to the Director it shall be forwarded immediately by the Director to the Commission for review.~~)) If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of approval to the Commission shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete.

2. The following information must be provided in order for the application to be complete, unless the Commission's staff indicate in writing that specific information is not necessary for a particular application:

a. Business name and business address;

b. Name of the building(s) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Landlord or building owner's name and address;

f. A written description of the ownership interest and role in the business operation;

g. Applicant's telephone number;

h. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

i. Confirmation that the fee required by the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901T has been paid;

j. A detailed description of the proposed merchandise, service, or work, including:

(1) Any changes it will make to the building or the site;

(2) Any effect that the proposed work or use would have on the public right of way or other public spaces;

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use;

(5) Any change of ownership or location;

(6) Any proposed increase in the business area;

k. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions;

(2) A floor plan showing the existing features and a floor plan showing the proposed new features;

(3) Elevations and sections of both the proposed new features and the existing features;

(4) Construction details;

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

l. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures, furniture, or paint;

n. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

(5) One (1) sample of proposed sign colors or awning material and color;

o. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

p. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Commission, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

C. The Commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the Commission as provided in this chapter. The Commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building or other structure in the Historic District, including structures to be located in public places, shall refer to the purpose of this chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the Historical District and the position of such building or structure in relation to the street,

public way, or semipublic way and to other buildings and structures. The Commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this chapter. Where modification of the appearance of a structure within the Historical District does not require a building or demolition permit, an application for a certificate of approval shall nonetheless be filed with the Commission ((~~or with the Director of Construction and Land Use, who shall forward the same to the Commission~~)).

((~~C~~))D. The Commission shall have sole responsibility for determining the appropriate location, design and use of signs and structures to be located on or above the surface of public places in the Historical District and the sole responsibility for licensing and determining the appropriate locations for performers as defined in Section 17.32.010 H of the Seattle Municipal Code, in the Historical District; provided, that property owned by the Pike Place Market Preservation and Development Authority shall not be considered a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of public places in the District by performers, may assess reasonable permit fees, and may utilize the services of the Pike Place Market Preservation and Development Authority (PDA), or should the PDA decline to make its services available, may utilize the services of ~~with~~ any other organization appropriate for implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit donations by word of mouth, gestures, mechanical devices, or second parties. It shall also be unlawful for any performer or other person to use any device for the reproduction or amplification of sound without the express written approval of the Commission secured in advance. ((~~All matters involving construction in public places in the Historical District, including, but not limited to, the strength and quality of materials to be used for signs or structures, shall be the responsibility of the Board of Public Works as provided in Title 15 of the Seattle Municipal Code. The Board of Public Works shall secure the approval of the Historical Commission before authorizing any activity in any public place in the Historical District except in emergencies in which life or property are imminently threatened and a quorum of Commission members cannot be assembled prior to the emergency action to be taken.~~))

Section 140. Section 25.24.070 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.24.070 Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this chapter not later than thirty (30) days after ((~~receipt of~~))any such application is determined to be complete, and a public ((~~hearing~~)) meeting shall be held on each such application. If after such ((~~hearing~~)) meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval ((~~at this time~~)) within forty-five (45) days of the determination that the application is complete, and shall provide notice of its decision to the applicant, the Department of Construction and Land Use, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. ((~~and after~~)) After such a decision, the Director of Construction and Land Use is then authorized to issue a permit.

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

Section 141. Section 25.24.080 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.24.080 Appeal to Hearing Examiner.

A. ((~~Any party of interest appearing before the Commission at a public hearing on an application for a certificate of approval may appeal an action of the Commission on such application by filing an appeal with the Hearing Examiner within seventeen (17) days of the mailing of notice of such Commission action, citing applicable criteria of Section 25.24.040. Within ten (10) days of receiving notice of appeal, the Hearing Examiner shall set a date for hearing on appeal, such hearing to take place no later than thirty (30) days after filing of the appeal. Such hearing shall be in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code (Ordinance 102228) unless all parties of record affected by the Commission's decision consent to such review and decision without a public hearing. The Hearing Examiner shall render his decision in writing within fourteen (14) days after the hearing, mailing copies of his decision to parties of record at the hearing, the Department of Neighborhoods Director, the Director of Construction and Land Use and the Commission.~~)) Any interested person of record may appeal to the Hearing Examiner the decision of the Commission to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Commission and by filing such notice and a copy of the Commission's decision with the Hearing Examiner within fourteen (14) days after the date the Commission's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. The Hearing Examiner may reverse or modify an action of the Commission only if ((~~he~~)) the Hearing Examiner finds that:

1. Such action of the Commission violates the terms of this chapter or rules, regulations or guidelines adopted pursuant to the authority of this chapter((~~:~~)); or

2. Such action of the Commission is based upon a recommendation made in violation of the procedures set forth in this chapter or procedures established by rules, regulations or guidelines adopted pursuant to the authority of this chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval

shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

((~~B. The decision of the Hearing Examiner shall be final.~~))

Section 142. A new Section 25.24.085 of the Seattle Municipal Code is hereby added as follows:

25.24.085 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed according to the same procedures and time frames provided in Section 25.24.080 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 143. The process of considering whether an improvement, site, or object should be designated a landmark, and of considering the specific controls and incentives that should be applied, presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) Landmark status is not related to a particular permit application, it relates to the building, site, or object and continues independently of whatever permits are granted; 2) Landmarks are public resources, therefore the public must be involved in considering whether landmark status should be assigned; 3) Historic resources require consideration of the long-term, not just the immediate use of a site; 4) Designation does not determine what can or cannot be done with the improvement, site, or object, rather designation requires that approval be given before significant changes or alterations are made; and 5) Controls and incentives result from negotiation, which requires a flexible process. Therefore, pursuant to RCW 36.70B.140, the City is excluding the entire landmark designation process from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 144. SMC 25.12.835 and SMC 23.66.115 and SMC 23.66.318 require that the Director of the Department of Neighborhoods determine whether an applicant for a permit to demolish a landmark, or a building in a special review district has a valid and binding commitment for financing sufficient for development of the proposed replacement use or sufficient financial resources for that purpose. This determination presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) An applicant may not be able to obtain a financial commitment until after other permit decisions have been made; 2) Information on financial resources is under the applicant's control. Therefore, pursuant to RCW 36.70B.140, the City is excluding the determination required in sections 25.12.835, 23.66.115, and 23.66.318 from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 145. The Council determines that preliminary approval by the City of a subdivision presents special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) preliminary approval of subdivisions is excluded from such time limits. The City has defined a subdivision as a division of land into 10 or more lots, and the potential impacts from the creation of so many in-fill lots in one place in a highly developed urban area are such that an open record predecision hearing is needed to examine the public use and interest proposed to be served by the establishment of a subdivision. The Council further determines that a 90 day period, the same time provided by RCW 36.70B.090 for open record appeal hearings, is the minimum period that is reasonable for the Hearing Examiner to conduct such a hearing and issue a decision.

Section 146. The Council determines that Type IV Council land use decisions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) Type IV Council land use decisions are excluded from such time limits. Type IV decisions are those in which the Council instead of DCLU or the Hearing Examiner makes the City's decision. The Council does so because of the public interests at issue in such proposals, or because of the potential scale and nature of the impacts of such proposals, or because such proposals present a need to interpret and apply fundamental City policies. Given the Council's other on-going responsibilities, it is not possible for the Council to conduct its own open record hearing or to review and act upon a recommendation from the Examiner within the time limits of RCW 36.70B.090. The Council determines that a 90 day period for the Hearing Examiner to conduct an open record predecision hearing and issue a recommendation, and an additional

90 day period for the Council to conduct a closed record review of the record and recommendation and issue its decision, are the minimum periods that are reasonable.

Section 147. The Council determines that Major Institution Master Plans are a unique feature of the Seattle Land Use Code and present special circumstances that warrant an entirely different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the adoption and amendment of Major Institution Master Plans are excluded from such provisions. The Major Institutions Overlay District allows major institutions such as hospitals and universities to develop more intensely than the underlying zone permits so long as the major institution develops consistently with the Master Plan. Not only does the time needed to review and approve a Master Plan depend in large part on the scope and ambition of the major institution's plans, but the creation of a master plan is essentially a legislative act and entails extensive review by and comment from the neighborhoods significantly affected by the institution's development, as well as comprehensive deliberation by the Council.

Section 148. The Council determines that the City's processes for granting use and occupation permits for public streets and similar public places, including permits for skybridges and tunnels, present special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the City's processes for granting such use and occupation permits are excluded from such provisions. A street use permit is a permit to allow private use of public property, and in deciding whether to permit such use the City is not making a regulatory decision pursuant to the police power but is acting as steward of the public interest in public streets.

Section 149. The Council determines that the process for vacating streets, alleys and public places presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for vacating streets, alleys and public places is excluded from such provisions. Such vacations are not regulatory decisions made pursuant to the police power but essentially legislative decisions made by the Council as steward of the public interest in public streets and places. The City's ability to grant street vacations also is often subject to the rights of others, such as abutting owners, utilities and franchises, and these rights must be recognized and provided for.

Section 150. The Council determines that applications for land use decisions that the Hearing Examiner or Council remand for further information or analysis present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) such applications are excluded from the time limits of RCW 36.70B.090 for the reasonable period of such remand. The existence of special circumstances such as newly discovered evidence gives rise to the need for a reasonable period of time to address such special circumstances, and such period of time should be excluded from the time limits that would apply absent such special circumstances.

Section 151. Pursuant to the authority of RCW 36.70B.140(2), the processing of applications for permits required by the following building and construction codes is excluded from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130:

A. The Seattle Building Code as adopted in SMC Chapter 22.100;
B. The National Electrical Code as adopted in SMC Chapter 22.300;
C. The Seattle Mechanical Code as adopted in SMC Chapter 22.400;

D. The Seattle Boiler and Pressure Vessel Code as adopted in SMC Chapter 22.450;

E. The Seattle Plumbing Code as adopted in SMC Chapters 22.500 through 22.506;

F. The Seattle Fire Code as adopted in SMC Chapter 22.600 through 22.602;

G. The Washington State Energy Code as adopted in SMC Chapter 22.700

F. The Stormwater, Grading and Drainage Control Code as adopted in SMC Chapters 22.800 through 22.808, except when an application for a Master Use Permit requires review pursuant to Section 22.802.020.

Section 152. The Council determines that the process for establishment of criteria for nonschool use of an existing or former public school structure presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment such criteria is excluded from such provisions. The establishment of criteria for joint use or reuse of public schools allows these structures to be occupied by uses other than those permitted outright in the zone as long as the uses are compatible with the surrounding community. This process of developing such substantive criteria entails extensive review and comments from the surrounding community likely to be substantially affected by the joint use or reuse of these public school structures and grounds.

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Section 153. The Council determines that the process for establishment of a development standard departure for public schools presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for establishment of these development standard departures is excluded from such provisions. The development standard departure process for public schools allows public schools to be subject to specific development standards tailored to their unique physical requirements and educational needs, and to the need of the surrounding community. Not only does the time needed to review and approve a development standard departure for public schools depend on the scope of the requested departures, but the review and approval of these departures entail extensive review and comment from the community likely to be affected by the development standard departure.

Section 154. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 155. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

Jan Drago
President of the City Council

Approved by me this 20 day of February, 1996.

Norman B. Rice
Norman B. Rice, Mayor

Filed by me this _____ day of _____, 1996.

_____
Clerk

(SEAL)

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ORDINANCE _____

AN ORDINANCE relating to land use and zoning, environmental protection, historic preservation, building and construction, and street and sidewalk use; implementing the requirements of Chapter 347 of the Laws of 1995, in particular the requirements for local project review codified in Chapter 36.70B RCW, and exempting certain regulatory actions from the time limits and procedures specified by Chapter 36.70B RCW; amending Seattle Municipal Code Chapter 22.901E [illegible] numerous chapters of Title 23 of the Seattle Municipal Code, and amending S[illegible]rs 25.05 and 25.12.

BE IT ORDAINED BY THE C[illegible]LOWS:

Original Version 1

Section 1. Table Six (6[illegible] 2.901E.010 of the Seattle Municipal Code, which was las[illegible] 08, is amended as show on Attachment A.

Section 2. Section 23[illegible]al Code, which was last amended by Ordinance 117432, is amended as follows:

23.22.016 Application.

A. Official filing of an application for subdivision with the Director shall be preceded by a preliminary review of the proposed subdivision by the Director.

B. Following the review, the subdivider shall submit an application to the Director. A subdivider shall submit with the application fifteen (15) copies of a preliminary plat and four (4) copies of preliminary plans for streets and other improvements. Unless the subdivider requests otherwise, at the time of application the application will be processed simultaneously with applications for rezones of or planned unit or planned residential development upon the property to be subdivided.

C. Applications shall be processed according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, and the additional procedures established in this subchapter. <u>In event of a conflict, the procedures contained in this subchapter control.</u>

((~~D. A preliminary plat shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days from date of filing unless the applicant consents to an extension of the time period. If an environmental impact statement is required as provided in RCW 43.21C.030, the ninety (90) day period shall not include the time required for environmental review.~~))

Section 3. Section 23.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.020 Content of plat.

A. Every preliminary plat shall consist of one (1) or more maps together with written data including the following:

1. The name of the proposed subdivision;

2. North point and scale; the location of existing property lines; streets, building, if any; watercourses and all general features;

3. The legal description of the land contained within the subdivision;

4. The names and addresses of all persons, firms and corporations holding interest in the lands, including easement rights and interest;

5. The proposed names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, lots, building lines, if any, and all other information necessary to interpret the plat, including the location of existing utility and access easements which are to remain;

6. The location of streets in adjoining plats and the approximate location of adjoining utilities and proposed extensions into the plat;

7. The names of adjoining plats;

8. The name, address and telephone number and seal of the registered land surveyor who made the survey or under whose supervision it was made;

9. The date of the survey;

10. All existing monuments and markers located by the survey;

11. The zoning classification applicable to the land within the subdivision;

12. The conditions of or the limitations on dedications, if any, including slope rights;

13. Contour intervals as required, based upon City datum.

B. Any plat submitted that covers only a part of the subdivider's tract shall be accompanied by a sketch showing the proposed future street system in the remainder of the tract so that the street layout of the tract may be considered as a whole.

C. The plat shall comply with the technical requirements of Subchapter((s)) V ((~~and VI~~)).

Section 4. Section 23.22.026 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is repealed.

Section 5. Section 23.22.052 of the Seattle Municipal Code, which was last amended by Ordinance 115568, is amended as follows:

23.22.052 Dedications required.

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be provided. Access from a dedicated street

shall be required, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:

1. Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and

2. The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and

3. The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and

4. No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and

5. There is identifiable access for the public and for emergency vehicles; and

6. There is no potential for extending the street system.

D. Roads not dedicated to the public must be clearly marked on the face of the plat. Subdivisions adjacent to navigable bodies of water shall contain dedications for public access to the bodies of water unless the Hearing Examiner ((~~Council~~)) determines that the public interest will not be served by the dedication. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet (10') wide parallel to and bordering the high water mark.

E. If the Hearing Examiner ((~~Council~~)) concludes that the public interest will be served the Hearing Examiner ((~~Council~~)) may, in lieu of requiring the dedication to the public of land in a subdivision for protective improvements, drainage ways, streets, alleys, sidewalks, parks and other open space, allow the land to be conveyed to a homeowner's nonprofit maintenance corporation. In that case the subdivider shall, at or prior to the time of filing a final plat for approval, supply the Director with copies of articles of incorporation and bylaws of the grantee organization and with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision, that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The City Attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The Hearing Examiner ((~~Council~~)) may impose other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

F. Any dedication, donation or grant as shown on the face of the plat shall be considered, to all intents and purposes, as a quit claim deed to the donee or donees, grantee or grantees, for his, her or their use for the purpose intended by the donors or grantors.

G. Dedicated streets and alleys shall meet the requirements of Chapter 23.53 and the Street Improvement Manual. Easements shall meet the requirements of Section 23.53.025.

Section 6. Section 23.22.054 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.054 Public use and interest.

The Hearing Examiner ((~~Council~~)) shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. It shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner ((~~Council~~)) finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner ((~~Council~~)) may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner ((~~Council~~)) shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 7. Section 23.22.064 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.064 Filing with Director of Engineering.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this C((~~e~~))hapter, shall be filed with the Director of Engineering within five (5) ((~~three (3)~~)) years of the date of preliminary plat approval. ((~~As required by RCW 58.17.140, an applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.~~))

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to procedures of Chapter 23.22.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and Subchapter((~~s~~)) V ((~~and VI~~));

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest in the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068((~~6~~));

5. A guarantee deposit in an amount established by the Director of Engineering sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.

Section 8. Section 23.22.072 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.072 Submission to Council.

A. Pursuant to the requirements of RCW 58.17.150, the Director of Engineering shall not modify the conditions or requirements ((~~requirements made on~~)) in the ((~~Council~~)) approval of the preliminary plat when making recommendations on the final plat without the consent of the subdivider.

B. If the Director and the Director of Engineering determine that the requirements of this subtitle are met, the Director of Engineering shall certify that the proposed final plat meets the requirements of RCW Chapter 58.17 and this C((~~c~~))hapter, and shall forward a complete copy of the proposed plat to the Council.

C. If either Director determines that the requirements of this Chapter have not been met, the final plat shall be returned to the applicant for modification, correction or other action as may be required for approval; provided, that the final plat shall be forwarded to the Council together with the determination of the Directors, upon written request of the subdivider.

Section 9. Section 23.22.074 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.074 Council determination.

A. The Council shall determine:

1. Whether the final plat is in substantial conformance with the approved preliminary plat;

2. Whether the requirements imposed when the preliminary plat was approved have been met;

3. Whether the bond, if required by the City, is sufficient in its terms to assure completion of improvements; and

4. Whether the requirements of state law and the Seattle Municipal Code which were in effect at the time of preliminary plat approval have been satisfied by the subdivider.

B. The Council shall approve by ordinance, ((~~or~~)) disapprove, or return the proposed final plat. If the Council approves the plat, it shall inscribe and execute its written approval on the face of the plat, and the Director of Engineering shall transmit the original plat to the King County Director of Records and Elections for filing, and forward one (1) copy to the Director and one (1) copy to the County Assessor. At least one (1) copy of the approved final plat shall be retained in the files of the Director of Engineering.

C. ((~~As required by RCW 58.17.170, a~~)) A subdivision shall be governed by the terms of approval of the final plat and any lots created thereunder shall be deemed to meet lot requirements imposed by this Land Use Code for a period of no less than five (5) years

unless the City Council finds that a change in circumstances creates a serious threat to the public health or safety in the subdivision.

Section 10. Section 23.22.078 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.078 Resubmission.

A. Any final plat disapproved by the Council or returned to the applicant may, at the subdivider's option, be resubmitted for approval upon satisfaction of the following conditions:

1. The subdivider has corrected those deficiencies of the final plat, attachments to it, or improvements, any or all of which caused the final plat to be returned or disapproved;

2. The final plat is resubmitted within the five (5) ((~~three (3)~~)) year period after the date of approval of the preliminary plat as provided in 23.22.064 or within six (6) months from the date of Council disapproval whichever is later;

3. The final plat was not disapproved by Council with prejudice against resubmission;

4. The subdivider has not accepted any proffered refund of filing fees paid for individual lots.

B. Any subdivision, the final plat of which is disapproved for reasons of nonconformance with the approved preliminary plat and any requirements or conditions attached to it, may be submitted as a preliminary plat, and shall be considered a new and separate application for all intents and purposes.

Section 11. Subsection A of Section 23.24.010 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.24.010 Filing of application.

A. Any person seeking to divide or redivide land situated within the City into nine (9) or fewer lots for the purpose of sale or lease, transfer or ownership, development or financing shall submit an application for approval of a short subdivision to the Director together with an application fee as established in the pert Fee Ordinance, Chapter 22.90((~~0~~))1A - T. The application is subject to procedure requirements, established in Chapter 23.76, the Master Use Permit Process. ((~~Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.~~))

Section 12. Section 23.41.004 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in

the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of new usable office space in all Downtown zones.

5. ((~~4.~~)) Design review is optional for all new multifamily and commercial structures not otherwise subject to this C((~~e~~))hapter, in all multifamily, ((~~and~~)) commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this chapter:

1. All new structures described in subsections A1-3, that abut or are directly across a street or alley from any lot zoned single family;

2. As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3.

3. As of October 15, 1995 - All new structures as described in subsections A1-3.

4. Beginning April 1, 1996 - All new structures as described in subsection A-4.

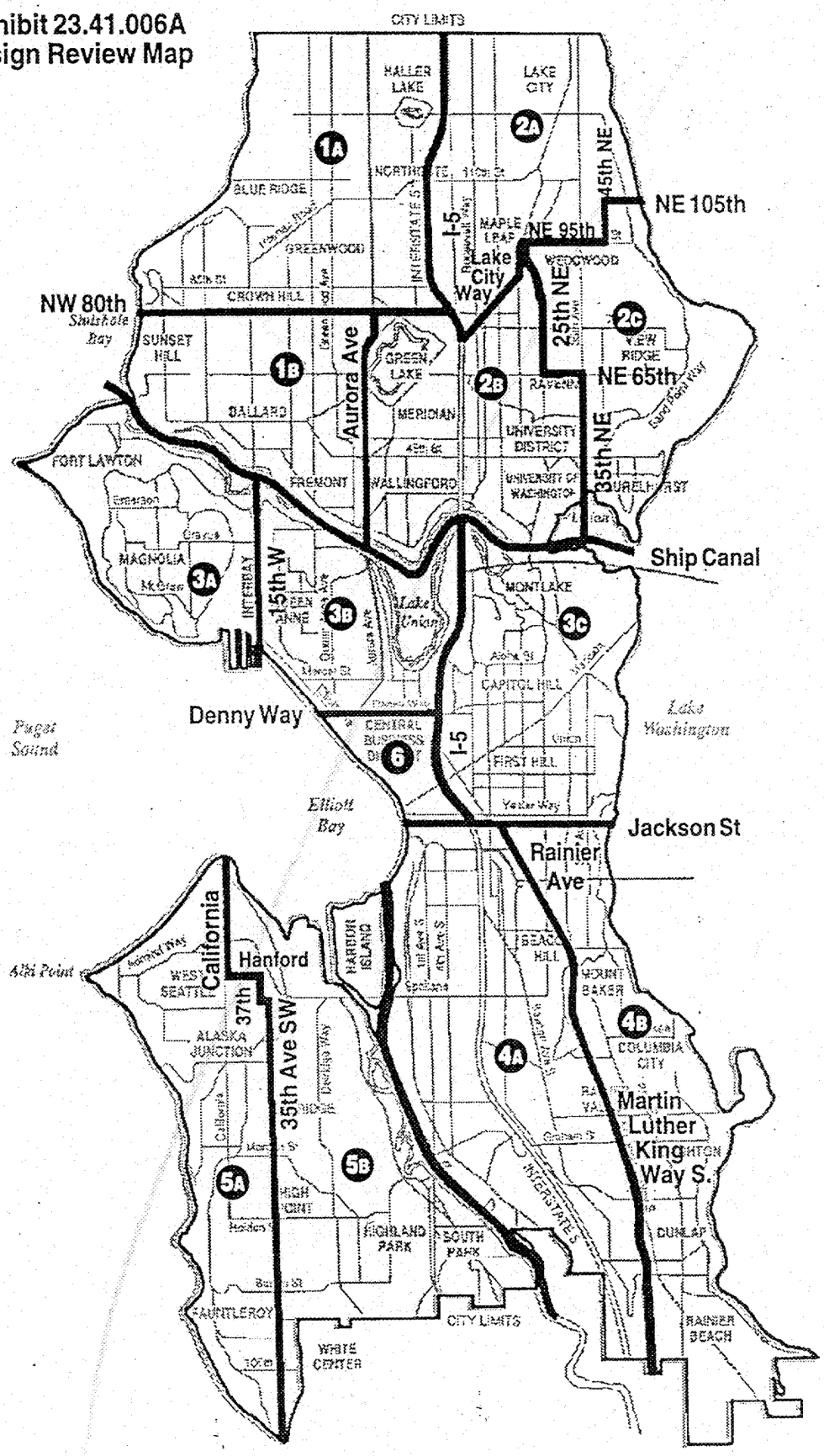
C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this chapter.

Section 13. Section 23.41.006 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into six (6) ((~~five (5)~~)) geographic areas, five (5) of which shall be ((~~and~~)) further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006A.

Exhibit 23.41.006A
Design Review Map



Design Review Board Areas

Section 14. Subsections B and C of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 117075, are amended as follows:

23.41.008 Design Review Board.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria.

a. Members shall reside in Seattle; and

b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and

c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and

d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

2. Design Review Board Composition.

a. The Design Review Board shall be composed of seven (7) ((~~six (6)~~)) members representing development-related fields, seven (7) ((~~six (6)~~)) members representing general residential community interests, and seven (7) ((~~six (6)~~)) members representing the design professions, of whom three (3) members of each group of seven (7) ((~~six (6)~~)) shall be appointed by the City Council and four (4) ((~~three (3)~~)) members by the Mayor, and all members to be confirmed by the City Council; and

b. The Design Review Board shall also include one (1) member representing local residential community interests and one (1) member representing local business interests from each of the twelve (12) subareas and area six (6) shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of the subareas and area six (6) described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.

C. Design Review Board Assignment.

1. Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:

a. At-large members representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) ((~~five (5)~~)) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) ((~~five (5)~~)) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,

b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member representing local residential community interests and one member representing local business interests.

c. Three Design Review Board members shall be a quorum.

2. The five (5) Design Review Board members assigned to each project as described in subsection C1 shall be known collectively as the Design Review Board. All members of the Design Review Board shall be voting members.

3. In the event that, in one of the six (6) ((~~five (5)~~)) geographic areas, more projects are undergoing simultaneous design review than the Design Review Board members assigned to that area can review in a timely manner, the unassigned at-large Design Review Board members described in subsection C1a may serve. If an individual at-large member is unable to serve, the Director may appoint a member of the unassigned at-large Design Review Board to serve in his or her absence, provided that each at-large interest group is represented by one member. In addition, a Design Review Board may review projects outside of its designated geographic subarea to expedite review, provided that the local community representative and local business representative shall review development only within their subarea.

((~~4. In the event that a Design Review Board member is unable to serve, substitutions for the three at-large interest groups may be made as described in subsection C3.~~))

Section 15. Section 23.41.010 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.010 Design Review Guidelines.

The adopted Citywide design guidelines provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown, where the "Interim Downtown Design Guidelines" only shall apply. Neighborhoods may develop design guidelines specific to a neighborhood's individual character. Neighborhood design guidelines may amend or supersede the Citywide design guidelines or the "Interim Downtown Design Guidelines" and shall provide the basis for design review decisions in that neighborhood, to the extent provided by the City Council in adopting the neighborhood design guidelines.

Section 16. Subsection B of Section 23.41.012 of the Seattle Municipal Code, as last amended by Ordinance 117943, is amended as follows:

23.41.012 Development standard departures.

B. The following development standard departures may be permitted through design review:

1. Structure width and depth limits;

2. Setback requirements;

3. Modulation requirements;

4. Design, location and access to parking requirements;

5. Open space requirements;

6. Lot coverage limits;

7. Screening and landscaping requirements;

8. Standards for the location and design of nonresidential uses in mixed-use buildings;

9. Within Urban Centers, in L-3 zones only, the pitched roof of a structure, as provided in Section 23.45.009C, may incorporate additional height of up to twenty per cent (20%) of the maximum height permitted, as provided in Section 23.45.009A, subject to the following limitations:

a. A pitched roof may not incorporate the additional height if the structure is on a site abutting or across a street or alley from a single-family residential zone;

b. The proposed structure must be compatible with the general development potential anticipated within the zone;

c. The additional height must not substantially interfere with views from up-slope properties; and

d. No more than one project on one site within each Urban Center may incorporate additional height in the pitched roofs of its structures pursuant to this subsection unless development regulations enacted pursuant to a neighborhood planning process allow other projects to incorporate such additional height.

10. Downtown street facade requirements;

11. Downtown upper-level development standards;

12. Downtown maximum wall dimensions.

Section 17. Subsection B of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is amended as follows:

23.49.037 Public parks and planned community developments in Downtown Office Core 1.

B. Review Process.

1. Review Generally. Approval of a PCD is a "Type IV" land use decision pursuant to Chapter 23.76. Approval of a PCD authorized by this section shall be governed by the procedures for such approval prescribed by Chapter 23.76 and by this section. In the event of a conflict between those procedures, the provisions of this section shall prevail. In addition to the fee prescribed by SMC Section 22.90((~~0.240~~))1E, a person submitting a notice of intent to apply for approval of a PCD shall pay the direct costs for all work required pursuant to paragraphs 2 and 3 of this subsection, including review by the Department of Parks and Recreation.

2. Beginning Review. A person intending to apply for approval of a PCD begins the review process by submitting a notice of intent to apply to the Director. The notice shall be on a form prescribed by the Director and shall include at least the following information:

a. The location of the proposed PCD;

b. A general description of the proposed PCD, including the proposed uses and the number, height, square footage, footprint and configuration of buildings;

c. A general description of the proposed park, including location within the PCD site, access, topography, possible improvements, and relationship to the remainder of the PCD.

When a complete notice of intent to apply has been received by the Director, the Director shall send a copy of the notice to the Superintendent of the Seattle Department of Parks and Recreation, who shall then initiate the park planning process described below.

3. Initial Park Planning.

a. The Parks Superintendent shall begin a park planning process by soliciting information and opinions from the public regarding a park to be provided with the PCD. Park alternatives are not limited to the park described in the notice of intent to apply. The Parks Superintendent shall hold a public hearing to solicit public comment or proposals. The Parks Superintendent and the Director shall appoint a Citizen's Design Review committee to advise the Superintendent, Director and City Council regarding the proposed park and PCD, particularly in regard to the design of the park and the PCD.

b. The result of the initial park planning process shall be a report which identifies preliminary goals and design objectives for the park, identifies a preferred location for the park on the PCD site, and contains general standards for park improvements and development. The report shall be submitted by the Director to the potential PCD applicant within one hundred eighty (180) days of the date the Parks Superintendent receives the notice of intent to apply.

c. The purpose of the report is to give the potential project applicant guidance regarding the kind of park which the City may require. The report does not require the applicant to propose the park which is described in the report, and it does not restrict the City's decisions about the park as the PCD review process proceeds.

((~~4. PCD Application. Following receipt of the report the potential applicant may submit an application for PCD approval to the Director. The application shall be on a form prescribed by the Director.~~))

4. ((~~5.~~)) Development Guidelines and Design Review. ((~~Following receipt of the PCD application~~)) T((~~t~~))he Director, in consultation with the Superintendent and the Citizen's Design Review Committee, shall establish development guidelines for the PCD and the public park. The guidelines shall be approved by the Director within one hundred fifty (150) days from the date a complete PCD application is received by the Director. The guidelines shall include recommendations regarding the location of buildings on the site, the footprint of buildings, design compatibility between the park and the PCD, and maintenance and liability for the park and improvements. The guidelines shall also include an estimate of the cost of providing the park which is described in the guidelines.

5. ((~~6.~~)) PCD ((~~Revised~~)) Application. Following approval of development guidelines by the Director, the applicant may ((~~revise the PCD~~)) submit an application ((~~or have the Director issue the Director's Report based upon the original PCD application. If the applicant does not submit a revised application or ask the Director to make the report within one hundred twenty (120) days from the date the development guidelines are approved, the PCD application shall be canceled.~~)) for PCD approval to the Director. The application shall be on a form prescribed by the Director.

6. ((~~7.~~)) Director's Report, Hearing Examiner Recommendation, and Council Action. The Director, Hearing Examiner and Council shall review and act upon the PCD application as provided for Type IV Council Land Use decisions in Chapter 23.76 ((~~in Sections 23.76.036 through 23.76.060~~)).

7. ((~~8.~~)) Review Criteria.

a. The PCD shall have a minimum area of fifty-five thousand (55,000) square feet. The total area of a PCD shall be contiguous. The area of any public right-of-way, or public right-of-way vacated less than five (5) years prior to the date of application for the PCD, within or abutting a proposed PCD, shall not be included in the minimum area calculations, nor shall they be considered a break in contiguity.

b. The park shall comprise no less than one-half (1/2) the area of the PCD site.

c. The park land and improvements shall be dedicated to the City.

d. The PCD, including the proposed park, shall be evaluated on the basis of public benefits, adverse impacts, and consistency with the City's Land Use Policies, the Director's guidelines for the PCD, and other applicable laws and policies.

e. The design of the PCD shall be compatible with the design and function of the park.

8. ((~~9.~~)) Exceptions to Development Standards. Development standards of this chapter may be varied or waived through the PCD process, except that the review criteria of subsection B((~~8~~))7 and the following standards shall not be varied or waived:

a. Light and glare;

b. Noise;

c. Odor;

d. Minimum sidewalk widths;

e. View corridor;

f. Nonconforming uses;

g. Nonconforming structures, when the nonconformity is one of the standards listed in this subsection;

h. Use provisions except for provisions for principal and accessory parking;

i. Transfer of development rights regulations;

j. Bonus values assigned to public benefit features.

Section 18. Subsection C of Section 23.49.037 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, is repealed.

Section 19. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 116744, is amended as follows:

23.66.030 Certificates of approval - Application, review and appeals.

A. Certificate of Approval Required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

B. Fees. The fees for certificates of approval shall be established in accordance with the requirements of the Permit Fee Ordinance, Chapter 22.90((~~0~~))1A - T of the Seattle Municipal Code.

C. Application.

1. An application for a certificate of approval ~~may~~ shall be filed with the special review board staff in the Department of Neighborhoods, ((~~or with the Director or the Director of Engineering as part of a permit application.~~)) When a permit application is filed with the Director or with the Director of Engineering for work requiring a certificate of approval, ((~~he or she shall refer the application to the Department of Neighborhoods Director, and the application shall be considered an application for a certificate of approval.~~)) the permit application shall not be determined to be complete until the applicant has submitted an application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided on the application in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. building name and building address;

b. name of the business(es) located at the site of the proposed work;

c. applicant's name and address;

d. building owner's name and address;

e. applicant's telephone number;

f. the building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. payment of the fee amount authorized by the Permit Fee Ordinance, Chapter 22.901E of the Seattle Municipal Code;

h. a detailed description of the proposed work, including:

(1) any changes that will be made to the site;

(2) any effect that the work would have on the public right-of-way or other public spaces;

(2) any new construction;

(4) any proposed change of use or newly established use;

i. four (4) sets of scale drawings, with all dimensions shown, of:

(1) the site plan, with adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing and proposed street uses, such as street trees and sidewalk displays;

(2) the floor plan, with both the proposed new features and the existing features;

(3) elevations and sections, with both the proposed new features and the existing features;

(4) construction details;

(5) the landscape plan, with both the new proposed site features and plantings and the existing site features and plantings;

j. photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. one (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. if the proposal includes new signage, awnings, or exterior lighting:

(1) four (4) sets of scale drawings showing the proposed overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) the wattage and specifications of the proposed lighting;

(5) one (1) sample of proposed sign colors or awning material and color;

(6) for new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. if the proposal includes demolition of a structure or object:

(1) a statement of the reason(s) for demolition;

(2) a description of the replacement structure or object, and the replacement use;

n. if the proposal includes replacement, removal, or demolition of existing features, a survey of existing conditions;

o. if the proposal includes new construction:

(1) a shadow study; and

(2) a traffic study.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the board, or if the proposed work changes.

5. After the special review board has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the Department of Neighborhoods Director has approved or denied the existing application and all appeals have been concluded.

D. Review.

1. Review When No Special Review Board is Established.

a. When there is no special review board, the Department of Neighborhoods Director shall, within thirty (30) days of ((~~receipt of an application for~~)) a determination that a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within fifteen (15) additional days, issue, issue with conditions or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application.

2. Review When Special Review Board is Established.

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two (2) prominent locations in the district at least three (3) days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this chapter, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within thirty (30) days of the receipt of a completed application by the board staff~~.~~ , except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~The Department of Neighborhoods Director may extend this thirty (30) day period for cause, and shall advise the board and the applicant in writing of the length of time of the extension.~~))

d. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this subchapter and adopted use and development standards for the district.

E. Appeal to Hearing Examiner.

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits has expired. If appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals.

2. If the related permit decisions are not appealable, then the appeal of the certificate of approval decision shall proceed immediately, and, pursuant to RCW 3670B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

3. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code. Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods Director's decision was arbitrary and capricious.

((~~2~~))4. If evidence is presented to the Hearing Examiner that was not presented to the board, or if the Hearing Examiner determines that additional information is required, then the Hearing Examiner shall remand the decision to the Department of Neighborhoods Director for consideration of the additional information or evidence.

((~~3~~))5. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be mailed to all parties of record. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

F. Revocation of Certificates of Approval. Building construction, remodeling, restoration, renovation, removal, demolition and use shall conform to the requirements of the certificate of approval granted by the Department of Neighborhoods Director. Approval may

be revoked for failure to comply with this chapter, the ordinance creating the district, or the conditions of the certificate of approval.

G. Expiration of Certificates of Approval. ((~~Certificates of approval shall expire one (1) year from the date of issuance unless the Department of Neighborhoods Director determines that extenuating circumstances justify extension of the expiration date.~~)) A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted by the Department of Construction and Land Use in writing.

Section 20. New subsections C and D are hereby added to Section 23.66.115 of the Seattle Municipal Code as follows:

23.66.115 Demolition Approval.

C. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090, and the requirements of RCW 36.70B.110 through section .130.

D. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 21. Section 23.66.316 of the Seattle Municipal Code, last amended by Ordinance 116744, is further amended as follows:

23.66.316 Special Review Board recommendation on certificate of approval.

The Board shall review all applications for use or development within the International District which require a certificate of approval. Within thirty (30) days of a determination that an application is complete, ((~~T~~))the Board shall make a written recommendation((~~s~~)) based upon the extent to which the proposal((~~s~~)) ((~~are~~)) is consistent with the goals and objectives of the International Special Review District and the use and development standards of this chapter, and shall transmit the recommendation to the Director of the Department of Neighborhoods. The Department of Neighborhoods Director shall, within fifteen (15) days of receiving the Board's recommendation, issue or deny a certificate of approval or issue a certificate of approval with conditions.

Section 22. Section 23.76.002 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.002 Purpose.

The purpose of this chapter is to establish standard procedures for land use decisions made by The City of Seattle. The procedures are designed to promote informed public participation in discretionary land use decisions, eliminate redundancy in the application submittal process, and minimize delays and expense in appeals of land use decisions. As required by RCW 36.70B.060, these procedures provide for an integrated and consolidated land use permit process. The procedures integrate the environmental review process with the procedures for review of land use decisions and provide for the consolidation of appeal processes for land use decisions.

Section 23. Subsections A, B and F of Section 23.76.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended and new subsections G and H are added as follows:

23.76.004 Land use decision framework.

A. Land use decisions are classified into five (5) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five (5) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in Exhibit 23.76.004 A.

Exhibit 23.76.004A
LAND USE DECISION FRAMEWORK

DIRECTOR'S AND HEARING EXAMINER'S DECISIONS REQUIRING MASTER USE PERMITS

TYPE I
Director's Decision
(((~~Nonappealable~~)))
(No Administrative Appeal)

- Uses permitted outright
- Temporary uses, four weeks or less
- Certain street uses
- Lot boundary adjustments
- ((~~• Greenbelt preserve designations~~))
- Modifications of features bonused under Title 24
- ((~~Declarations~~)) Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
- Temporary uses, twelve months or less, for relocation of police and fire protection
- Exemptions from right-of-way improvement requirements
- Special accommodation
- Reasonable accommodation
- Minor amendment to a Major Phased Development Permit

TYPE II
Director's Decision
(Appealable to Hearing Examiner*)

- Temporary uses, more than four weeks
- Certain street uses
- Variances
- Administrative conditional uses
- Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals)
- Short subdivisions
- Special exceptions
- Design Review
- Northgate General Development Plan
- The following environmental determinations:
  1. ((~~Declaration~~)) Determination of nonsignificance (EIS not required)
  2. Determination of final EIS adequacy
  3. Determinations of significance based solely on historic and cultural preservation
  4. A decision by the Director to approve, condition or deny a project based on SEPA Policies.
- Major Phased Development

TYPE III
Hearing Examiner's Decision
(((~~Appealable to Council~~)))

- Subdivisions (Preliminary Plats)
- ((~~• The decision to approve, condition or deny a project based on the SEPA Policies pursuant to SMC 25.05.660, provided that for projects subject to Design Review, a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy shall be a Type II decision.~~))
- A decision by the Hearing Examiner to approve, condition or deny a subdivision based on SEPA Policies.

COUNCIL LAND USE DECISIONS

TYPE IV
(Quasi-Judicial)

- ((~~• Subdivisions (Preliminary Plats)~~))
- Land use and zoning map amendments (Rezones)
- Public project approvals
- Major institution master plans
- Council conditional uses
- Downtown planned community developments
- ((~~• Planned Unit Developments~~))
- A decision by Council to approve, condition or deny a Type IV project based on SEPA Policies.

TYPE V
(Legislative)

- Land Use and Zoning Code text amendments
- Rezones to implement new City policies
- Concept approval for City facilities
- Major institution designations
- A decision by Council to approve, condition or deny a Type V project based on SEPA Policies.

B. Type I((,)) and II ((~~and III~~)) decisions are made by the Director and are consolidated in Master Use Permits. **Type I** decisions are nonappealable decisions made by the Director which require the exercise of little or no discretion. **Type II** decisions are discretionary decisions made by the Director which are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that **Type II** decisions shall be made by Council when associated with a Council Land Use decision. ((~~**Type III** decisions are discretionary decisions made by the Director which are appealable to the Hearing Examiner and may be further appealed to the Council.~~)) **Type III** decisions are made by the Hearing Examiner after conducting an open record hearing.

F. Master Use Permits requiring only Type I decisions are categorically exempt from the State Environmental Policy Act (SEPA) and do not require environmental review. All Master Use Permits requiring environmental review include ((~~both~~)) a Type II SEPA decision (Environmental Impact Statement or Determination ((~~Declaration~~)) of Nonsignificance and a ((~~Type III SEPA decision~~)) determination of compliance with SEPA policies). For these projects, SEPA review procedures established in SMC Chapter 25.05, SEPA Policies and Procedures, are supplemental to the procedures set forth in this chapter.

G Shoreline appeals and appeals related land use decisions shall be made to the State Shoreline Hearings Board and shall be filed within twenty-one (21) days of the decision as set forth in RCW 90.58.180.

H. An applicant at his or her discretion may either proceed with separate applications for each component of the Land Use Decision Framework or proceed with the consolidated process as established in this Chapter; provided that a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project.

Section 24. A new Section 23.76.005 of the Seattle Municipal Code, is added as follows:

23.76.005 Time for Decisions

A. Except as otherwise provided in this section or otherwise agreed to by the applicant, land use decisions on applications filed on or after April 1, 1996 shall be made within the time limits set forth in RCW 36.70B.090.

B. Exclusions pursuant to RCW 36.70B.140.

1. Type III decisions.

a. DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090; and

b. The Hearing Examiner shall issue his or her decision within 90 days of issuance of the DCLU recommendation.

2. Type IV decisions.

a. There shall be no time limit for decisions on Major Institution Master Plans.

b. All other Type IV Council land use decisions and any associated Type III decisions shall be made within the following time periods:

(1) DCLU shall issue its recommendation within 120 days as that time period is calculated pursuant to RCW 36.70B.090;

(2) The Hearing Examiner shall issue his or her recommendation within 90 days of issuance of the DCLU recommendation; and

(3) The Council shall issue its decision within 90 days of the issuance of the Hearing Examiner recommendation.

3. Any application for a land use decision that the Hearing Examiner or Council remands for further information or analysis shall be excluded from the time periods of RCW 36.70B.090 for the period of remand. The Hearing Examiner or Council shall set a reasonable period for the remand after consideration of the nature and complexity of the issues and, when practicable, after consultation with the parties about the reasonableness of the remand period.

C. Type V Council Land Use decisions are legislative decisions to which RCW 36.70B.090 does not apply.

Section 25. Subsections B, C and D of Section 23.76.006 of the Seattle Municipal Code, which Section was last amended by Ordinance 117598, are amended as follows:

23.76.006 Master Use Permits required.

B. The following decisions are Type I decisions which are nonappealable:

1. Determination that a proposal complies with development standards.

((~~1.~~)) 2. Establishment or change of use for uses permitted outright, temporary uses for four (4) weeks or less not otherwise permitted in the zone, and temporary relocation of police and fire stations for twelve (12) months or less;

((~~2.~~)) 3. The following street use approvals associated with a development proposal:

a. Curb cut for access to parking,

b. Concept approval of street improvements, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

((~~3.~~)) 4. Lot boundary adjustments;

((~~4. Designation of greenbelt preserves;~~))

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

a. Plazas,

b. Shopping plazas,

c. Arcades,

d. Shopping arcades,

e. Voluntary building setbacks;

6. Determinations ((~~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 Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by Section 23.55.042 D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015; ((~~and~~))

10. Reasonable accommodation; and

11. Minor amendment to Major Phased Development Permit.

C. The following environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are Type II decisions which are subject to appeal to the Hearing Examiner (supplemental procedures for environmental review are established in SMC Chapter 25.05, SEPA Policies and Procedures):

a. Determinations of Nonsignificance (DNSs), including mitigated DNSs;

b. Determination that a final Environmental Impact Statement (EIS) is adequate; and

c. Determinations of Significance based solely on historic and cultural preservation.

((~~C.~~)) D. 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); provided that **Type II** decisions shall be made by the Council when associated with a Council Land Use decision:

1. Establishment or change of use for temporary uses more than four (4) weeks not otherwise permitted in the zone or not meeting development standards, except temporary relocation of police and fire stations for twelve (12) 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 review;

6. The following street use decisions:

a. Sidewalk cafes,

b. Structural building overhangs,

c. Areaways;

7. Administrative conditional uses((~~, provided that administrative conditional uses sought as part of a Type IV decision may be granted by the Council pursuant to Section 23.76.036~~));

8. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60):

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 Policies and Procedures):~~

~~a. Declarations of Nonsignificance (DNSs), including mitigated DNSs,~~

~~b. Determination that a final Environmental Impact Statement (EIS) is adequate;~~))

9. The decision to approve, condition or deny any Master Use Permit (other than for shoreline decisions) based on SEPA policies;

10. Northgate General Development Plan;

11. Major Phased Development.

((~~D.~~)) E. The following ((~~is a~~)) are Type III decisions ((~~, which is subject to appeal to the Hearing Examiner and may be further appeal to the Council~~)) by the Hearing Examiner ((~~; provided, that for projects subject to design review a decision to approve, condition or deny pursuant to the SEPA Height, Bulk and Scale policy, SMC Section 25.05.675 G, shall be a Type II decision.~~)):

1. Subdivisions (Preliminary Plats);

2. The decision to approve, condition or deny a subdivision decision (other than for shoreline decisions) based on SEPA policies.

Section 26. Section 23.76.008 of the Seattle Municipal Code, last amended by Ordinance 116909, is amended as follows:

23.76.008 Preapplication conferences.

A. Prior to official filing with the Director of an application for a Master Use Permit requiring a Type II or III decision, the applicant may request or the Director may require a preapplication conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Preapplication conferences may be subject to fees as established in SMC Chapter 22.90((~~θ~~))1A - T, Permit Fees, of the Seattle Municipal Code.

Section 27. Subsections A, C, D, E, F, and G of Section 23.76.010 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.010 Applications.

A. Applications for Master Use Permits shall be made by the property owner, lessee, contract purchaser, or a City agency, or by an authorized agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive determinations and notices from the Director.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapter 22.90((~~0~~))1A - T, Permit Fees.

((~~D. All Master Use Permit decisions necessary for a project shall be included in the same application; provided that, at the applicant's discretion, a separate Master Use Permit application may be filed for a variance, lot boundary adjustment and/or short subdivision approval if no environmental review pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, is required for the proposed project.~~))

D. ((~~E.~~)) All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures, ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines:

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

2. Evidence of ownership or authorization from the property owner;

3. Statement of financial responsibility, a signed statement of the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the subject property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees.

4. Plan sets that include, but are not limited to, the following information:

a. Existing site conditions;

b. Plot plan;

c. Elevations;

d. Floor plans;

e. Drainage plan;

f. Landscape plan;

g. Right-of-way information; and

h. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable'

5. A statement whether or not the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is

within a City of Seattle landmark or special review district, then the applicant must provide a copy of an application for a certificate of approval that has been filed with the Department of Neighborhoods, according to the applicable ordinance. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

a. Date the buildings on the site were constructed;

b. Name of the architect(s); and

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

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

The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.

E. ((~~F.~~)) Notice of Complete Application.

1. Within twenty-eight (28) days after receiving a ((~~For all~~)) Master Use Permit application((~~s~~)), the Director shall determine whether the application is complete and provide a written request for corrections if the application is incomplete ((~~notice to or otherwise notify the applicant within twenty (20) working days of application if additional information is required to commence application review~~)). If the Director does not provide a written determination within the twenty-eight (28) days, the application shall be deemed complete by five p.m. (5:00 p.m.) of the twenty-eighth (28) day.

2. If additional information is needed to make the application complete, the applicant shall provide the information requested by the Director within sixty (60) days of a written request for corrections from the Director. Within fourteen (14) days after an applicant has submitted the information requested by the Director, the Director shall notify the applicant in writing if the application is determined to be complete or if additional information is necessary.

3. A Master Use Permit application is complete for purposes of this section when it meets the submittal requirements established by the Director in subsection D of this Section, and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time of the notice of completeness or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. A determination under this section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable laws after the date of application and shall entail substantive review of the application for compliance with the standards of RCW 19.27.095, RCW 58.17.033, and SMC 23.76.026.

F. ((~~G.~~)) ~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required data within sixty (60) days of a written request for it ; provided that the Director may extend the period for such submission if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days may result in a notice of intent to cancel. When a M((~~m~~))aster U((~~u~~))se P((~~p~~))ermit application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being

reviewed, cancellation of the Master Use Permit application under the provisions of this subsection shall cause the concurrent cancellation of the building permit application.

Section 28. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance 116909, is amended as follows:

23.76.012 Notice of complete application.

A. Notice ((~~Required~~)). When a Master Use Permit application requiring a Type II or III decision is submitted, the Director shall provide notice of complete application and an opportunity for public comment as described in this section. Notice of application for Type II and III decisions shall be provided within fourteen (14) days of a determination of completeness. To the extent known by the Director, other agencies of local, state or federal governments that may have jurisdiction over some aspect of the project will also receive notification. No notice or public comment period shall be required for Type I decisions.

B. Types of Notice Required.

1. For projects subject to design review or environmental review, the applicant shall post a large sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The large sign shall be located as to be clearly visible from the adjacent street or sidewalk, and shall remain posted until final City action on the application has been completed.

a. In the case of submerged land, the large sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land owned or controlled by the applicant, notice shall be provided according to subsection B1c.

b. Projects limited to interior remodeling, or which are subject to environmental review only because of location over water or location in an environmentally critical ((~~sensitive~~)) area, are exempt from the large sign requirement.

c. As an alternative to the large sign requirement, the Director shall post ten (10) placards within three hundred feet (300') of the site and at the closest street intersections when one (1) or more of the following conditions exist:

(1) The project site is over five (5) acres;

(2) The applicant is not the property owner, and the property owner does not consent to the proposal;

(3). The site is subject to physical characteristics such as steep slopes or is located such that the large sign would not be highly visible to neighborhood residents and property owners or interested citizens.

d. The Director may require both a large sign and the alternative posting measures described in subsection B1c, or may require that more than one (1) large sign be posted, when necessary to assure that notice is clearly visible to the public.

2. For projects which are categorically exempt from environmental review, the Director shall post four (4) placards on or near the site.

3. For all projects requiring notice of application, the Director shall provide notice by general mailed release. For projects subject to the large sign requirement, notice in the general mailed release shall be published after certification is received by the Department that the large sign has been posted.

4. In addition, for variances, administrative conditional uses, temporary uses for more than four 4 ((~~three (3)~~)) weeks, shoreline variances and shoreline conditional uses, the Director shall provide mailed notice.

5. Mailed notice of application for a project subject to design review shall be provided to all persons establishing themselves as parties of record by attending the pre-design public meeting for the project or by corresponding with the Department about the proposed project before the date of publication.

6. Additional notice for subdivisions includes mailed notice and publication in at least one (1) community newspaper in the area affected by the subdivision.

C. Contents of Notice.

1. The City's official notice of application shall be the notice placed in the General Mailed Release, which shall include ((~~identify~~)) notice requirements as specified in RCW 36.70B.110, as follows:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested by the Director;

c. The identification of other permits not included in the application to the extent known by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, place, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations; and

h. Any other information determined appropriate by the Director.

2. All other additional forms of notice, including, but not limited to signs, placards and mailed notice, shall include the following information: the project description, ((~~nature and~~)) location of the project, date of application, location where the complete application file may be reviewed, and ((~~shall include~~)) a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection D. The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large sign requirement, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large signs.

D. Comment Period. The Director shall provide a fourteen (14) ((~~fifteen (15)~~)) day public comment period prior to making a threshold determination of nonsignificance (DNS) or issuing a decision on the project; provided, that the comment period shall be extended by

seven (7) ((~~to thirty (30)~~)) days if a written request for extension is submitted within the initial fourteen (14) ((~~fifteen (15)~~)) day comment period ((~~; provided further, that the comment period shall be thirty (30) days for applications requiring shoreline decisions~~)). The comment period shall begin on the date notice is published in the general mailed release. Comments shall be filed with the Director by five p.m. (5:00 p.m.) of the last day of the comment period. When the last day of the comment period is a ((~~Saturday, Sunday or~~)) federal or City holiday, the comment period shall run until five p.m. (5:00 p.m.) of the next business day. Comments will be accepted after the end of the official comment period, and will be considered if material to review that has not taken place.

Section 29. Section 23.76.014 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.014 Notice of scoping and draft EIS.

When a Determination ((~~Declaration~~)) of Significance (DS) is issued on a Master Use Permit application, the following notice and comment procedures shall apply:

A. Scoping.

1. The Director shall determine the range of proposed actions, alternatives and impacts to be discussed in an EIS, as provided by SMC Section 25.05.408, Scoping, and/or Section 25.05.410, Expanded scoping. A comment period at least twenty-one (21) days from the date of DS issuance shall be provided.

2. Notice of scoping and of the period during which the Director will accept written comments shall be provided by the Director in the following manner:

a. General mailed release;

b. Publication in the City official newspaper;

c. Submission of the general mailed release to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice to those organizations and individuals who have submitted a written request for it;

e. Posting in the Department; and

f. Filing with the SEPA Public Information Center.

3. The Director shall also circulate copies of the DS as required by SMC Section 25.05.360.

B. Draft EIS's.

1. Notice of the availability of a draft EIS, of the thirty (30) day period during which the Department will accept comments, of the public hearing on the draft EIS and any other Department public hearing as provided in SMC Section 23.76.016 shall be provided by the Director in the following manner:

a. General M((~~m~~))ailed R((~~r~~))elease;

b. Publication in the City official newspaper;

c. Submission of the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease to at least one (1) community newspaper in the area affected by the proposal;

d. Mailed notice, including notice to those organizations and individuals who have submitted a written request for it;

e. Posting notice in the Department; and

f. Filing with the SEPA Public Information Center.

2. Notice of the public hearing shall be given by the Director at least twenty-one (21) days prior to the hearing date.

3. The Director shall also distribute copies of the draft EIS as required by SMC Section 25.05.455.

Section 30. A new Section 23.76.015 of the Seattle Municipal Code is hereby added as follows:

23.76.015 Public meetings.

A. Type II and III Decisions. The Director may hold a public meeting on Master Use Permit applications requiring Type II and/or III decisions when:

1. The proposed development is of broad public significance; or

2. Fifty (50) or more persons file a written request for a meeting not later than the fourteenth (14th) day after notice of the application is provided;

3. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000.00); or

4. The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency provided that the meeting is held within the City of Seattle. Meeting shall be combined if requested by an applicant, as long as the joint meeting can be held within the time periods specified in RCW 36.70B.090 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the meetings.

Section 31. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.016 Public hearings.

A. Draft EIS. As required by Chapter 25.05, SEPA Policies and Procedures, a public hearing shall be held by the Director on all draft EIS's for which the Department is the Lead Agency. The hearing shall occur no earlier than twenty-one (21) days from the date the draft EIS is issued nor later than fifty (50) days from its issuance. The Director may hold the hearing near the site of the proposed project.

((~~B. Type II and III Decisions. The Director may hold a public hearing on Master Use Permit applications requiring Type II and/or III decisions when:~~

~~1. The proposed development is of broad public significance; or~~

~~2. Fifty (50) or more persons file a written request for a hearing not later than the fifteenth day after notice of the application is provided posted or the thirtieth day following the date of the second publication of notice of the application for a shoreline substantial development; or~~

~~3. The cost of the proposed development, exclusive of land, will exceed Five Hundred Thousand Dollars ($500,000.00); or~~

~~4. The proposed development will require a shoreline conditional use or a shoreline variance or other extraordinary relief from the provisions of the Seattle Municipal Code, Chapter 23.60, Shoreline Master Program Regulations.~~))

((~~C. Combined Hearings. The Director may hold a combined public hearing on a Draft EIS and a Master Use Permit application. If a combined hearing is held, notice shall be given by the Director at least twenty (20) days prior to the hearing.~~))

B. The Director may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. Hearing shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in RCW 36.70B.090 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.

Section 32. Section 23.76.019 of the Seattle Municipal Code, adopted by Ordinance 117430, is amended as follows:

23.76.019 Time required for preparation of an EIS ((~~Turnaround time for decisions~~)).

The time required to prepare an environmental impact statement associated with a Master Use Permit application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact state shall be issued by the Director within two hundred and seventy (270) days following the issuance of a Determination of Significance for the proposal, unless the Director determines at the time of issuance of the Determination of Significance that a longer time period will be required because of the extraordinary size or the proposal or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety (90) days unless agreed to be the applicant. ((~~For all Master Use Permits the Director shall publish the decision to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 33. Subsection C of Section 23.76.020 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.020 Director's decisions.

C. Notice of Decisions.

1. Type I. No notice of decision is required for Type I decisions.

2. Type II ((~~and III~~)). The Director shall provide notice of all Type II and III decisions as follows:

a. A list of all ((~~appealable Master Use Permit~~)) Type II decisions shall be compiled and published in the City official newspaper within seven (7) days of the date the decision is made. This list and the date of its publication shall also be posted in a conspicuous place in the Department and shall be included in the G((~~g~~))eneral M((~~m~~))ailed R((~~r~~))elease. Notice shall also be mailed to ((~~each~~)) the applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal, and shall be submitted in a timely manner to at least one (1) community newspaper in the area affected by the proposal.

b. DNS's shall also be filed with the SEPA Public Information Center.

c. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Chapter 25.05, SEPA Policies and Procedures, the notice of decision shall include notice of the comment period. The Director shall distribute copies of the DNS as required by SMC Section 25.05.340.

d. Any shoreline decision in a Master Use Permit shall be filed with the Department of Ecology and the State Attorney General.

e. The notice of the Director's decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to appeal((~~,~~)) and shall describe the appropriate appeal procedure((~~, and shall indicate that any requests for Land Use Code interpretation as provided by SMC Section 23.88.020 must be submitted within the appeal period~~)).

Section 34. Subsections A and C of Section 23.76.022 of the Seattle Municipal Code, which Section was last amended by Ordinance 117263, are amended as follows:

23.76.022 Administrative appeals.

A. Appealable Decisions.

1. Type I decisions as listed in SMC Section 23.76.006 B are not subject to appeal.

2. All Type II ((~~and Type III~~)) decisions as listed in SMC Section 23.76.006 C ((~~and D~~)) shall be subject to an administrative open record appeal.

C. Hearing Examiner Appeal Procedures.

1. Consolidated Appeals. All appeals of Master Use Permit decisions other than shoreline decisions shall be considered together in a consolidated hearing before the Hearing Examiner.

2. Standing. Appeals may be initiated by any person significantly affected by or interested in the permit.

3. Filing of Appeals.

a. Appeals shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14) ((~~fifteenth~~)) calendar day following publication of notice of the decision; provided, that when a fifteen (15) day DNS comment period is required pursuant to SMC Chapter 25.05, appeals may be filed up to fourteenth (14) ((~~fifteen (15)~~)) days following the comment period. When the last day of the appeal period so computed is a ((~~Saturday, Sunday, or~~)) federal or City holiday, the period shall run until five p.m. (5:00 p.m.)

on the next business day. The appeal shall be in writing and shall clearly identify each component of a Master Use Permit being appealed. The appeal shall be accompanied by payment of the filing fee as set forth in the SMC Section 3.02.125, Hearing Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be stated in the written appeal.

b. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

5. Notice of Hearing. Notice of the hearing on the appeal shall be mailed by the Director at least twenty (20) days prior to the scheduled hearing date to parties of record and those requesting notice. Notice shall also be included in the next General Mailed Release.

6. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain issues cited in the appeal which relate to compliance with the procedures for Type II ((~~and III~~)) decisions as required in this chapter, compliance with substantive criteria, determinations of nonsignificance (DNS's), adequacy of an EIS upon which the decision was made, or failure to properly approve, condition or deny a permit based on disclosed adverse environmental impacts.

7. Standard of Review. The Director's decisions made on a Master Use Permit shall be given substantial weight, except for determinations on variances, conditional uses, and special exceptions, which shall be given no deference.

8. The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument or exhibits.

9. Postponement or Continuance of Hearing. The Hearing Examiner shall not grant requests for postponement or continuance of an appeal hearing to allow an applicant to proceed with an alternative development proposal under separate application, unless all parties to the appeal agree in writing to such postponement or continuance.

10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written decision within fourteen (14) ((~~fifteen (15)~~)) days after closing the record. The Hearing Examiner may affirm, reverse, remand or modify the Director's decision. Written findings and conclusions supporting the Hearing Examiner's decision shall be made. The Director and all parties of record shall be bound by the terms and conditions of the Hearing Examiner's decision.

11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall be mailed by the Hearing Examiner on the day the decision is issued to the ((~~parties of record and to all those requesting notice~~)) applicant and to interested persons who have requested specific notice in a timely manner or who have submitted substantive comments on the proposal. If environmental issues were raised in the appeal, the decision shall also be filed with the SEPA Public Information Center. The decision shall contain information ((~~regarding Council appeal procedures, if any, and~~)) regarding judicial review. To the extent such information is available to the Hearing Examiner, the decision shall contain the name and address of the owner of the property at issue, of the applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision shall be final and conclusive unless((~~:~~

~~a. T~~))the Hearing Examiner((~~'s decision specifically states that the Hearing Examiner~~)) retains jurisdiction((~~;~~

~~b. The decision is appealed to the Council pursuant to Seattle Municipal Code Section 23.76.024;~~)) or

((~~c.~~)) the decision is reversed or remanded on judicial appeal. Judicial review must be commenced ((~~A person with standing to file a land use petition in King County Superior Court files such a petition~~)) within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040 ((~~Section 705 of Chapter 347 of the Laws of 1995, provided that, if an appeal pursuant to Section 23.76.024 is submitted to the Council, the period for requesting judicial review of the Hearing Examiner's decision shall not begin until the Council issues its final decision on the appeal~~)).

Section 35. A new Section 23.76.023 of the Seattle Municipal Code is hereby adopted as follows:

23.76.023 Report and recommendation of the Director on subdivisions.

A. The Director shall prepare a written report on subdivision applications. The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens;

3. An evaluation of the proposal based on the standards and criteria for subdivisions contained in SMC 23.22, its consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.12, the City's SEPA policies and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS; and

5. The Director's recommendation to approve, approve with conditions, or deny the application.

B. A DNS or the Director's determination that an EIS is adequate shall be subject to appeal pursuant to the procedures in subsection C of Section 23.76.022.

C. The Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least fifteen (15) days prior to the Hearing Examiner's public hearing described in Section 23.76.024.

Section 36. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 116909, is amended as follows:

((~~**23.76.024 Appeals to Council.**~~

~~A. Appealable Decisions. Only Type III decisions as listed in SMC Section 23.76.006 D (SEPA appeals) may be appealed to the Council, according to the procedures and criteria set forth in this section.~~

~~B. Right to Appeal. Appeals may be initiated by any party to the Hearing Examiner hearing.~~

~~C. Time Limits on Appeals. Appeals shall be filed with the City Clerk no later than fifteen (15) days after the decision is filed with the SEPA Public Information Center. The City Clerk shall transmit appeals to the Council and shall notify the Director and the Hearing Examiner of the appeal.~~

~~D. Content of Appeal. Appeals shall be in writing and shall cite specific alleged errors in the facts or conclusions and issues meeting the criteria for Council review of an appeal, as described in subsection G below.~~

~~E. Council Acceptance of an Appeal. The Council shall accept for review those appeals which meet the criteria of subsection G.~~

~~F. Notice. Notice of appeals shall be mailed to all parties of record not less than seven (7) days prior to the date of the public meeting to consider the appeal.~~

~~G. Procedures on Appeal.~~

~~1. For projects subject to design review the decision of the Hearing Examiner on SEPA height, bulk and scale issues shall be final and not subject to further appeal to the Council. On appeal on issues other than height, bulk and scale, the Council's review of SEPA conditioning of a project subject to design review shall be limited to the unsupplemented record established before the Hearing Examiner; provided that members of the committee or of the full Council may make site visits. The committee may allow written argument but shall not hear oral argument.~~

~~2. For projects not subject to design review, the Council's review shall be based on the record from the Hearing Examiner's hearing, provided that the Council may allow oral or written arguments and may permit the record to be supplemented; and, provided further, that members of the committee or of the full Council may make site visits.~~

~~H. Scope of Review. Council review shall be limited to the following issues related to compliance with the City's substantive SEPA Policies pursuant to SMC Section 25.05.660:~~

~~1. Issues of Council intent with respect to interpretation of the substantive SEPA Policies;~~

~~2. Issues raised concerning the sufficiency and the appropriateness of the mitigation imposed; and~~

~~3. The appropriateness of denial of a project based on the substantive SEPA Policies.~~

~~I. Standard of Review for Type III Appeals. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.~~

~~J. Council Action. The Council may affirm, modify or reverse the Hearing Examiner's decision, remand cases to the Hearing Examiner or the appropriate department with directions for further proceedings, or grant other appropriate relief. If the Council reverses or modifies the Hearing Examiner's decision, the Council shall enter findings and/or conclusions into the record to support the decision.~~

~~K. Judicial Review. A Type III decision by the Council shall be final and conclusive unless within fifteen (15) calendar days of the date of decision a party of record makes application to King County Superior Court for a writ of review.~~

~~L. Notice of Decision. The written decision of the Council shall be promptly transmitted to all parties of record.~~

~~M. Interlocutory Review.~~

~~1. The Council shall accept review of Hearing Examiner interlocutory orders and decisions pending final resolution of an appeal when:~~

~~a. Appeal to the Council of the Hearing Examiner's final decision on the issue is permitted by ordinance; and~~

~~b. The Hearing Examiner certifies the issue for Council review.~~

~~2. The Hearing Examiner shall certify for interlocutory review only those issues which meet the following criteria:~~

~~a. Because of ambiguity in language, the meaning to be given a Council resolution or ordinance cannot readily be determined without knowing the intent of the Council when it adopted the resolution or ordinance; and~~

~~b. The issue results in disagreement between the Director and the Hearing Examiner as to interpretation of Council intent; and~~

~~c. The review involves an issue not previously decided by the Council; and~~

~~d. The issue to be reviewed is of general applicability and its resolution will affect a class of permit applicants; and~~

~~e. Early resolution of the issue will substantially reduce the expenditure of time or money by the City and/or other interested parties.~~))

23.76.024 Hearing Examiner open record hearing and decision for subdivisions.

A. General Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council on the application for preliminary approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any appeals of the Director's environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement).

B. The Hearing Examiner may combine a public hearing on a project application with any other public hearings that may be held on the project by another local, state, regional, federal or other agency provided that the hearing is held within the City of Seattle. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time periods specified in RCW 36.70B.090 or the applicant agrees to the schedule in the event that additional time is needed in order to combine the hearings.

C. Notice

The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) days prior to the hearing by:

1. General Mailed Release;

2. Publication in the City official newspaper and in at least one community newspaper in the area affected by the proposal;

3. Mailed notice, which shall include mailed notice to:

a. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024; and

b. all owners of real property located within three hundred feet (300') of any portion of the boundaries of another parcel or other parcels of real property lying adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcel or parcels.

4. Posting in the Department;

D. Request for Further Consideration and Appeal. Any person significantly interested in or affected by the proposed subdivision may request further consideration of the Director's recommendation and may appeal the Director's environmental determination. Such request for further consideration or appeal:

1. Shall be in writing, shall clearly state specific objections to the recommendation or environmental determination, and shall state the relief sought;

2. Shall be submitted to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14th) calendar day following publication of notice of the Director's report, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05.340, such request or appeal may be filed up to fourteen (14) days following the comment period. What the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The request or appeal shall be accompanied by payment of the filing fee set forth in SMC Section 3.02.125, Hearing Examiner filing fees, and in form and content shall conform with the rules of the Hearing Examiner.

E. Notice of Consolidated Hearing. The Hearing Examiner promptly shall mail notice of the filing of all requests for further consideration and appeals to all parties of record and to those requesting notice.

F. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may conduct a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

G. Written Comments. Written comments on the proposed subdivision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. Hearing.

1. The Hearing Examiner shall limit the evidence, comments, and argument at the combined hearing to those issues that are fairly raised in any written request for further consideration or appeal, as clarified at any pre-hearing conference, and that are relevant to

a. the compliance of the proposed subdivision with the procedures and standards of this chapter and SMC Chapter 23.22;

b. the appropriateness of any mitigation or denial pursuant to the City's SEPA policies; and

c. the correctness of the Director's environmental determination. Appeals of the Director's environmental determination shall be considered de novo, but the Director's determination shall be given substantial weight.

2. The Hearing Examiner shall establish the record at the hearing. The Hearing Examiner may either close the record after the hearing or leave it open to a specified date to receive additional testimony, exhibits, or written argument.

I. Decision. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a decision to approve, approve with conditions, remand, or deny the proposed subdivision. The decision shall be in writing, include findings and conclusions, and be issued within ten (10) working days of the close of the evidence, unless a longer period is agreed to between the parties.

J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed or remanded on appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the decision, as provided by RCW 36.70C.040. Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision shall have the effect of a final decision of the City Council.

K. Distribution of Decision. On the same date that the Hearing Examiner files its decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy.

Section 37. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 117598, is amended as follows:

23.76.026 Vesting of development rights.

A. Master Use Permit Components Other Than Subdivisions and Short Subdivisions. Applications for all Master Use Permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application, meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available. An application for a building permit submitted for part of a building or structure shall be considered a complete building permit application for the purpose of this section only if the partial building permit application is for a highrise structure regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, and it includes the complete structural frame of the building or structure and schematic plans for the exterior shell of the building.

B. Subdivision and Short Subdivision Components of Master Use Permits. An application for approval of a subdivision or short subdivision of land, as defined in Section 23.84.036 "S," shall be considered under the Land Use Code and other land use control ordinances in effect on the land when a fully complete Master Use Permit application for such

approval which satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

C. Design Review Component of Master Use Permits.

1. If a complete application for a Master Use Permit is filed prior to the effective date of a design review phase for a corresponding type of project, as provided in Section 23.41.004.B, no design review component shall be required.

2. If a complete application for a Master Use Permit that contains a design review component is filed within ninety (90) days of the date of the first design review pre-design public meeting, such application shall be considered under the Land Use Code and other land use control ordinances that were in effect on the date a complete application for the design review pre-design process was submitted to the Director.

Section 38. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance 117570, is amended as follows:

23.76.028 Master Use Permit issuance.

A. When a Master Use Permit is approved for issuance, the applicant shall be so notified. Master Use Permits which are not subject to appeal shall be approved for issuance at the time of the Director's decision that the application conforms to all applicable laws (Section 23.76.020). A Master Use Permit which includes appealable decisions may ((~~shall~~)) be approved for issuance on the day following expiration of the applicable appeal period or, if appealed, on the fourth (4th) ((~~sixth~~)) day following a final appeal decision to grant or conditionally grant the permit. Master Use Permits shall not be issued to the applicant until all outstanding fees are paid.

B. When a Master Use Permit is approved for issuance according to subsection A, and a condition of approval requires revisions of the Master Use Permit plans, the revised documents shall be submitted within sixty (60) days of the date the permit is approved for issuance((~~, or the permit shall be deemed abandoned and void and shall be revoked~~)). The Director may extend the period for submittal of the revised documents if it is determined that there are good reasons for the delay which are satisfactory to the Director, or if a different schedule is agreed upon ((~~in writing before the end of the sixty (60) day period. A request for the extension must be submitted in writing before the end of the sixty (60) day period~~)).

C. Once a Master Use Permit is approved for issuance according to subsection A, and any required revisions have been submitted and approved according to subsection B, the applicant shall pay any required fees and pick up the Master Use Permit within sixty (60) days of notice that the permit is ready to be issued. Failure to pick up the permit within sixty (60) days may ((~~will~~)) result in a written notice of intent to cancel. If the Master Use Permit is not picked up within thirty (30) days from the date of written notice of intent to cancel, the approval shall be revoked and the Master Use Permit application shall be canceled. When a Master Use Permit is for a project vested to prior Land Use Code provisions because of an associated building permit application, and the project does not conform with the codes in effect at the time it is ready to issue, then no notice that the Master Use Permit is ready to issue shall be given until the building permit associated with the project is also ready to issue.

Section 39. Section 23.76.030 of the Seattle Municipal Code, last amended by Ordinance 113079, is hereby repealed.

Section 40. Subsection A of Section 23.66.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 11798, is amended as follows:

23.76.032 Expiration and renewal of Master Use Permits.

A. Expiration.

1. A Master Use Permit shall expire eighteen (18) months from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

a. Expiration of the shoreline component of a Master Use Permit shall be governed by WAC 173-14-060.

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

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

(2) Variances granted as separate Master Use Permits pursuant to Section 23.76.010 D shall expire eighteen (18) months from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is granted within this period, the variance's expiration date shall be extended until the expiration date established for the use approval.

c. The time during which pendency of litigation related to the Master Use Permit made it reasonable not to submit an application for a building permit, or to establish a use where a building permit is not required, shall not be included in the eighteen (18) month term of the Master Use Permit.

d. Master Use Permits entered in the competition for office space downtown established under Section 23.49.011 shall expire as follows:

(1) Eighteen (18) months from the date that the project is chosen to receive an office space allocation; or

(2) If the project is not chosen to receive an office space allocation in the first year that it is entered in the competition, it shall expire either:

-- On the date that the opportunity to enter the next competition has passed, and the project has not been entered; or

-- If it is chosen in the next competition to receive an office space allocation, eighteen (18) months from the date that the project is chosen; or

-- On the date that it is not chosen to receive an office allocation in the next competition; or

-- Eighteen (18) months from the date that the permit is approved for issuance as described in Section 23.76.028, whichever is greater.

(3). Master Use Permits entered in the competition for office space downtown may be renewed pursuant to subsection B.

e. Expiration of use approval to legalize previously unauthorized accessory dwelling units when final inspection approval for modifications required for Building or Housing Code compliance is not obtained within two (2) years from the date of application for the Master Use Permit is governed by Section 23.44.025 B.

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

(1) For the first phase, twenty-four (24) months from the date the permit is approved for issuance, except as provided in subsection B;

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

g. Master Use Permits that have a design review component and are vested pursuant to Section 23.76.026.C.2 of the Land Use Code or other land use control ordinances no longer in effect shall expire four (4) months from the date the Master Use Permit is approved for issuance, unless a completed application for a building permit meeting the requirements of Section 106 of the Seattle Building Code is submitted before the end of the four (4th) month period.

2. At the end of the eighteen (18) month term, Master Use Permits shall expire unless:

a. A building permit is issued before the end of the eighteen (18) month term, or a completed application for a building permit meeting the requirements of Section 106 ((~~302~~)) of the Seattle Building Code which is subsequently issued is submitted at least sixty (60) days before the end of the eighteen (18) month term. In such cases, the Master Use Permit shall be extended for the same term as the building permit is issued. For highrise structures regulated under Section 403 ((~~1807 or 1907~~)) of the Seattle Building Code, the building permit application may be a partial one, provided that it includes the complete structural frame of the building, and schematic plans for the exterior shell of the building. If a building permit is issued and renewed within the original eighteen (18) month term of a Master Use Permit, the Master Use Permit shall be extended in the same manner; or

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

c. The Master Use Permit is extended pursuant to subsection A3; or

d. The Master Use Permit is renewed as provided in subsection B; or

e. A Major Phased Development component is part of the Master Use Permit, in which case subsection A1f shall apply.

3. When a building permit is issued and construction is substantially underway and progressing at a satisfactory rate, as evidenced by the applicant's demonstrating to the Director's satisfaction that a construction step is ready for an inspection required by Section 108.5 ((~~305(e)~~)) of the Seattle Building Code Supplement prior to the expiration of a Master Use Permit, the Master Use Permit shall be automatically extended for the life of the building permit and no Master Use Permit renewal shall be required.

Section 41. Subsection A of Section 23.76.036 of the Seattle Municipal Code, which Section was last amended by Ordinance 116744, is amended as follows:

23.76.036 Council decisions required.

A. The Council shall make the following Type IV Council Land Use decisions along with any associated Type II decisions ((~~variances, special exceptions and administrative conditional uses~~)):

((~~1. Subdivision preliminary plats, including replats requiring subdivision approval (supplemental procedures for preliminary plats are established in SMC Chapter 23.22);~~))

1. ((~~2.~~)) Amendments to the Official Land Use Map, including changes in overlay districts and shoreline environment redesignations, except those initiated by the City to implement new land use policies adopted by ordinance, and except boundary adjustments caused by the acquisition, merger or consolidation of two (2) major institutions pursuant to Section 23.69.023;

2. ((~~3.~~)) Public projects proposed by applicants other than The City of Seattle that require Council approval;

3. ((~~4.~~)) Major Institution master plans (supplemental procedures for master plans are established in SMC Chapter 23.69);

4. ((~~5.~~)) Council conditional uses; and

5. ((~~6.~~)) Downtown planned community developments.

Section 42. Section 23.76.038 of the Seattle Municipal Code, adopted by Ordinance 112522, is amended as follows:

23.76.038 Pre-application conferences.

Prior to official filing with the Director of an application for a Type IV decision, the applicant may request or the Director may require a pre-application conference. The conference shall be held in a timely manner between a Department representative(s) and the applicant to determine the appropriate procedures and review criteria for the proposed project. Pre-application conferences may be subject to fees as established in SMC Chapter 22.90((~~0~~))1A - T, Permit Fees.

Section 43. Subsections C, D, E and F of Section 23.76.040 of the Seattle Municipal Code, which Section was last amended by Ordinance 117570, are amended as follows:

23.76.040 Applications.

C. Applications shall be accompanied by payment of the applicable filing fees, if any, as established in SMC Chapter 22.901A - T, Permit Fees.

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; SMC Title 15, Street and Sidewalk Use; SMC Chapter 25.05, SEPA Policies and Procedures, ((~~and~~)) SMC Chapter 25.09, Regulations for Environmentally Critical Areas, SMC Chapter 25.12, Landmark Preservation, and other codes as determined applicable by the Director. The following information shall also be required as further specified in the Director's Rule on Application Submittal Guidelines:

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

2. Evidence of ownership or authorization from the property owner for Council Conditional Uses, and Downtown Planned Community Developments;

3. Statement of financial responsibility, a signed statement of the applicant acknowledging financial responsibility for all applicable permit fees. If the application is made, in whole or in part, on behalf of the subject property's owner, lessee, and/or contract purchaser, then the statement of financial responsibility must also include a signed statement of the owner, lessee, and/or contract purchaser acknowledging financial responsibility for all applicable permit fees.

4. Plan sets that include, but are not limited to, the following information:

a. Existing site conditions; and

b. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable.

5. A statement whether or not the site includes or is adjacent to a nominated or designated City of Seattle landmark, or has been listed as eligible for landmark status by the state or federal governments, or is within a City of Seattle landmark or special review district. If the site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle landmark or special review district, then the applicant must provide a copy of an application for a certificate of approval that has been filed with the Department of Neighborhoods, according to the applicable ordinance. If the site does not include a landmark and is not within a landmark or special review district, then the applicant must provide the following information:

a. Date the buildings on the site were constructed;

b. Name of the architect(s); and

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

6. Confirmation that any required notification sign has been installed according to the Director's specifications. The Director may require additional material from the applicant such as maps, text, or models when the Director determines that such material is needed to accurately assess the proposed project.

E. Notice of Complete Application.

1. Within twenty-eight (28) days after receiving a ((~~For all~~)) Council Land Use application((s)), the Director shall determine whether the application is complete and provide a written request for corrections if the application is incomplete ((~~notice to or otherwise notify the applicant within twenty (20) working days of application if additional information is required to commence application review~~)). If the Director does not provide a written determination within the twenty-eight (28) days, the application shall be deemed complete by five p.m. (5:00 p.m.) of the twenty-eighth (28) day.

2. If additional information is needed to make the application complete, the applicant shall provide the information requested by the Director within sixty (60) days of a written request for corrections from the Director. Within fourteen (14) days after an applicant has submitted the information requested by the Director, the Director shall notify the applicant in writing if additional information is necessary.

3. A Council Land Use application is complete for purposes of this Section when it meets the submittal requirements established by the Director in subsection D. and is sufficient for continued processing even though additional information may be required or project modifications are undertaken subsequently. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the

time of the notice of completeness or subsequently, if additional information is required to complete review of the application or if substantial changes in the permit application are proposed. A determination under this Section that an application is complete for purposes of continued processing is not a determination that the application is vested. A vesting determination shall be made only when needed because of a change in applicable law after the date of application and shall entail substantive review of the application for compliance with the standards of RCW 19.27.095 and SMC 23.76.026.

F. ((~~An application shall be deemed abandoned and void if the applicant has failed without reasonable justification to supply all required information or data within thirty (30) days of a written request for it; provided that the Director may extend the period for submission of the information if it is determined that the delay was not the fault of the applicant~~)). Failure to supply all required information or data within sixty (60) days may result in a notice to cancel. When a Council Land Use application and a building permit application for a project are being reviewed concurrently, and the applications are for a project vested to prior Land Use Code provisions, and the project does not conform with the codes in effect while it is being reviewed, cancellation of the Council Land Use application under the provision of this subsection shall cause the concurrent cancellation of the building permit application.

Section 44. Subsection A of Section 23.76.046 of the Seattle Municipal Code, which Section was last amended by Ordinance 115002, is amended as follows:

23.76.046 Public meetings and hearings.

A. Preliminary Council Meeting ((~~Hearing~~)) on City Facilities Requiring Council Approval. When a City agency proposing a new City facility or expansion of an existing City facility determines that an EIS is required for the project, the Council shall hold an early public meeting ((~~hearing~~)) to determine the need for and functions of the proposed facility, identify the source of funding, and establish site selection criteria. The meeting ((~~hearing~~)) shall be held as part of the scoping process as required by SMC Chapter 25.05, SEPA Policies and Procedures.

Section 45. Section 23.76.049 of the Seattle Municipal Code, as adopted by Ordinance 117430, is amended as follows:

23.76.049 Time required for preparation of an EIS. ((~~Turnaround time for recommendations~~)).

The time required to prepare an environmental impact statement associated with a Council Land Use application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact state shall be issued by the Director within two hundred and seventy (270) days following the issuance of a Determination of Significance for the proposal, unless the Director determines at the time of issuance of the Determination of Significance that a longer time period will be required because of the extraordinary size or the proposal or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety (90) days unless agreed to be the applicant. ((~~For all Type IV applications the Director shall publish the recommendation to grant, condition or deny approval of a Master Use Permit within ninety (90) working days of receipt of all information and corrections requested of the applicant.~~))

Section 46. Subsections A and C of Section 23.76.050 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.050 Report of the Director.

A. The Director shall prepare a written report on applications for Type IV and V decisions and any associated variances, special exceptions and administrative conditional uses, provided that in the case of a text amendment sponsored by a member of the City Council, the Director shall prepare a written report only if such report is requested by a member of the City Council.

The report shall include:

1. The written recommendations or comments of any affected City departments and other governmental agencies having an interest in the application;

2. Responses to written comments submitted by interested citizens in response to any notice of application;

3. An evaluation of the proposal based on the standards and criteria for the approval sought and consistency with the applicable goals and objectives of Seattle's land use policies as referenced in SMC Chapter 23.16, the City SEPA policies((~~, as referenced in SMC Section 25.05.660,~~)) and any other applicable official City policies;

4. All environmental documentation, including any checklist, EIS or DNS;

5. The Director's recommendation to approve, approve with conditions, or deny a proposal.

C. For Type IV Decisions, the Director's report shall be submitted to the Hearing Examiner and made available for public inspection at least fifteen (15) ((~~thirty (30)~~)) days prior to the Hearing Examiner's open record predecision public hearing described in Section 23.76.052.

Section 47. Section 23.76.052 of the Seattle Municipal Code, as adopted by Ordinance 112522, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation.

A. General - Consolidation With Environmental Appeal. The Hearing Examiner shall conduct a public hearing, which shall constitute a hearing by the Council, on all applications for Type IV (quasi-judicial) Council land use decisions. At the same hearing, the Hearing Examiner shall also hear any appeals of the Director's environmental determination (determination of non-significance or determination of adequacy of a final environmental impact statement).

B. The Director and Hearing Examiner may combine a public hearing on a project application with any other public hearing that may be held on the project by another local, state, regional, federal or other agency. When this occurs, the public hearings shall be held in the City of Seattle and within the time periods specified in RCW 36.70B.090 unless the applicant agrees to a different schedule.

C. ((~~B.~~)) Notice of Hearing.

1. The Director shall give notice of the Hearing Examiner's hearing, the Director's environmental determination, and of the availability of the Director's report at least fifteen (15) ((~~thirty (30)~~)) days prior to the hearing by:

a. General mailed release;

b. Publication in the City official newspaper;

c. Submission of the general mailed release to at least one (1) community newspaper in the area affected by the proposal;

d. At least four (4) placards posted at places visible to the public, including street intersections, within three hundred feet (300') of the boundaries of the project. For hearings on Major Institution Master Plans, a minimum of ten (10) placards shall be posted;

e. Mailed notice; and

f. Posting in the Department; ((~~and~~)).

2. DNSs shall also be filed with the SEPA Public Information Center. If the Director's decision includes a mitigated DNS or other DNS requiring a fifteen (15) day comment period pursuant to SMC Section 25.05.340, the notice of DNS shall include notice of the comment period. The Director shall distribute copies of such DNSs as required by SMC Section 25.05.340.

((~~3. For preliminary plats, the Director shall provide additional notice as follows:~~

~~a. If the owner of the property to be subdivided owns another parcel or parcels of real property lying adjacent to the property to be subdivided, mailed notice shall be provided to all owners of real property located within three hundred feet (300') of any portion of the boundaries of the adjacently located parcel(s) owned by the subdivider.~~

~~b. Notice shall be published not less than thirty (30) days prior to the hearing in a newspaper of general circulation within the county and a newspaper of general circulation in the area where the real property proposed to be subdivided is located; and~~

~~c. The applicant and each of the recipients of the preliminary plat listed in Section 23.22.024 shall be notified.~~))

3. ((~~4.~~)) The notice shall state the project description, type of land use decision under consideration, a description sufficient to locate the subject property, where the complete application file may be reviewed, and the Director's recommendation and environmental determination. The notice shall also state that the environmental determination is subject to appeal and shall describe the appeal procedure.

D. ((~~C.~~)) Appeal of Environmental Determination. Any person significantly interested in or affected by the Type IV decision under consideration may appeal the Director's environmental determination subject to the following provisions:

1. Filing of Appeals. Appeals shall be submitted in writing to the Hearing Examiner by five p.m. (5:00 p.m.) of the fourteenth (14) ((~~fifteenth~~)) calendar day following publication of notice of the determination, provided that when a fifteen (15) day DNS comment period is required pursuant to SMC Section 25.05.340, appeals may be filed up to fourteen (14) ((~~fifteen (15)~~)) days following the comment period. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal shall be in writing and shall state specific objections to the environmental determination and the relief sought. The appeal shall be accompanied by payment of the filing fee as set forth in the Seattle Municipal Code Section 3.02.125, Hearing E((e))xaminer filing fees. In form and content, the appeal shall conform with the rules of the Hearing Examiner.

2. Pre-Hearing Conference. At the Hearing Examiner's initiative, or at the request of any party of record, the Hearing Examiner may have a conference prior to the hearing in order to entertain and act on motions, clarify issues, or consider other relevant matters.

3. Notice of Appeal. Notice of filing of the appeal and of the date of the consolidated hearing on the appeal and the Type IV land use decision recommendation shall be promptly mailed by the Hearing Examiner to parties of record and those requesting notice.

4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner shall entertain only those issues cited in the written appeal which relate to compliance with the procedures for Type IV decisions as required in this chapter and the adequacy of the environmental documentation upon which the determination was made.

5. Standard of Review. The Director's environmental determination shall be given substantial weight.

E. ((~~D.~~)) Conduct of Hearing. The Hearing Examiner at the public hearing will accept evidence and comments regarding:

1. The Director's report, including an evaluation of the project based on applicable City ordinances and polices and the Director's recommendation to approve, approve with conditions, or deny the application; and

2. Specific issues related to the Director's environmental determination, if appealed.

F. ((~~E.~~)) The Record. The record shall be established at the hearing before the Hearing Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open to a specified date for additional testimony, written argument, or exhibits.

G. ((~~F.~~)) Written Comments. Written comments on the application for a Type IV land use decision and the Director's report and recommendation may be sent to the Department or the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

H. ((G.)) Recommendation. From the information gained at the hearing, from timely written comments submitted to the Department or the Hearing Examiner, and from the report and recommendation of the Director, the Hearing Examiner shall submit a recommendation to the Council by filing it together with the record with the City Clerk within fifteen (15) days after the close of the hearing record((~~, provided, that the Hearing Examiner shall submit a recommendation on an application for subdivision preliminary plat approval within ten (10) days from the close of the record and,~~)) provided ((~~further~~)), that the Hearing Examiner's report on a major Institution Master Plan shall be submitted within thirty (30) days. The recommendation to approve, approve with conditions, or deny an application shall be based on the written findings and conclusions.

I. ((~~H.~~)) Environmental Appeal Decision. If the Director's environmental determination is appealed, the Hearing Examiner shall affirm, reverse, remand or modify the Director's determination that an EIS is not required (DNS) or that an EIS is adequate, based on written findings and conclusions. The Director shall be bound by the terms and conditions of the Hearing Examiner's decision. If the environmental determination is remanded, the Hearing Examiner shall also remand the Director's recommendation for reconsideration. The Hearing Examiner's decision on a DNS or EIS adequacy appeal shall not be subject to Council appeal. The time period for requesting judicial review of the environmental determination shall not commence until the Council has completed action on the Type IV decision for which the DNS or EIS was issued.

J. ((~~I.~~)) Distribution of Decision and Recommendation. On the same date that the Hearing Examiner files a recommendation with the City Clerk, copies of the recommendation and environmental appeal decision, if any, shall be mailed by the Hearing Examiner to the applicant, to the Director, to all persons testifying or submitting information at the hearing, to all persons who submitted substantive comments on the application to either the Director or the Hearing Examiner, and to all those who request a copy in a timely manner. Notice of the Hearing Examiner's recommendation to the Council shall include instructions for requesting the Council to further consider the recommendation on the Type IV decision.

K. ((~~J.~~)) File to Council. The City Clerk shall file the recommendation and record with the original application and transmit the same to the Council.

Section 48. Subsections B, D and E of Section 23.76.054 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.054 Council consideration of Hearing Examiner recommendation.

B. Requests for further consideration shall be filed with the Council by five p.m. (5:00 p.m.) of the fourteenth (14th) ((~~fifteenth~~)) calendar day following the date of issuance ((~~mailing~~)) of the Hearing Examiner's recommendation. When the last day of the request period so computed is a ((~~Saturday, Sunday or~~)) federal or City holiday, the request period shall run until five p.m. (5:00 p.m.) on the next business day. The request shall clearly identify specific objections to the Hearing Examiner's recommendation, facts missing from the record, and the relief sought.

D. ((~~If there is no request for further consideration,~~)) Council action shall be based on the record established by the Hearing Examiner; provided, however, that if a request for further consideration includes a request to supplement the record, the Council may supplement the record with new evidence or information if the Council determines that the new evidence or information is information that was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner. ((~~, except as provided for subdivisions in Chapter 23.22.~~)) The Council may remand an application for a Type IV land use decision only when the Council has voted to supplement the record and the Council determines that it is necessary for the Director or the Hearing Examiner to receive the new evidence and reconsider the application in light of it. The Council may allow oral or written arguments based on the record.

((~~E. If the Council examines the record and determines that a factual error exists or that essential information is missing from the record, the Council may:~~

~~1. Remand the request and record to the Director for further consideration and report; or~~

~~2. Remand the request to the Hearing Examiner and direct the Hearing Examiner to conduct another hearing, limited to the consideration of perceived factual error or new information, and to reconsider the recommendation; or~~

~~3. Open the record to correct the factual error or receive the new information. The Council shall conduct a hearing on the new or corrected information. The Council may hear testimony from those who testified before the Hearing Examiner, and may accept written or oral argument based on the record. Notice of the hearing shall be mailed at least seven (7) days prior to the hearing to those individuals who received written notice of the Hearing Examiner action.~~))

Section 49. Subsections A and C of Section 23.76.056 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, are amended as follows:

23.76.056 Council decision on Hearing Examiner recommendation.

A. The Council's decision to approve, approve with conditions, remand, or deny the application for a Type IV land use decision shall be based on the record established pursuant to SMC 23.76.054 ((~~,supplemented as appropriate if the Council determines that the recommendation was based upon an error in judgment, an error in conclusions, or a factual error in the record~~)).

C. Any Type IV decision shall be final and conclusive unless Council retains jurisdiction or the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced within twenty-one (21) days of issuance of the Council's decision, as provided by RCW 36.70C.040. ((~~unless a person with standing to file a land use petition in King County Superior Court files such a petition with twenty one (21) days of issuance of the decision, as provided by Section 705 of Chapter 347 of the Laws of 1995~~)).

D. A copy of the Council's findings, conclusions and decision shall be transmitted to the City Clerk who shall promptly send a copy to the Director and the Hearing Examiner, and shall promptly mail copies to all parties of record and to any person who has submitted substantive comments on the proposal. The Clerk's transmittal letter shall include official notice of the time and place for seeking judicial review. The Director shall be bound by and incorporate the terms and conditions of the Council's decision in permits issued to the applicant or on approved plans.

Section 50. Subsections B and D of Section 23.76.058 of the Seattle Municipal Code, which Section was last amended by Ordinance 117242, are amended as follows:

23.76.058 Rules for specific decisions.

B. Contract Rezones.

1. When a property use and development agreement is required as a condition to an amendment of the official Land Use Map, the ordinance rezoning the property shall provide for acceptance of the agreement and shall not be passed by the Council until the agreement has been executed by the owner. The executed agreement shall be recorded in the real property records of King County and filed with the City Clerk within one hundred twenty (120) days of adoption of the ordinance accepting the agreement.

2. Amendment of Contract Rezone. Agreements required as a condition to map amendments may be amended by agreement between the owner and the City, provided the amended agreement shall be approved by the Council. Amendments which are within the spirit and general purpose of the prior decision of the Council may be approved by the Council by ordinance after receiving any advice which it deems necessary. Written notice and an opportunity to comment shall be provided by the Council at least fourteen (14) ((~~fifteen (15)~~)) days prior to Council consideration of the requested amendment ((~~request~~)) to persons who submitted written or oral comments on the original rezone decision. Amendments which in the judgment of the Council represent a major departure from the terms of the agreement shall not be approved until the Council has received a ((~~the~~)) recommendation((~~s~~)) from the Hearing Examiner after a public hearing held as ((~~in the same manner and pursuant to the same notice~~)) provided for rezones ((~~map amendments~~)) in Section 23.76.052, Hearing E((~~e~~))xaminer open record predecision hearing and recommendation.

((~~D. Subdivisions. Following preliminary plat approval by the Council, final plats shall be submitted to the Director of Engineering and approved according to the procedures established in Chapter 23.22.~~))

Section 51. Subsections C, D and E of Section 23.76.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 114473, are amended as follows:

23.76.060 Expiration of Council land use approvals.

((~~C. Subdivisions. Expiration and extension of subdivision approvals shall be governed by Chapter 23.22.~~))

C. ((~~D.~~)) Variances. Variances granted as part of a Council land use approval shall remain in effect for the same period as the land use approval granted, except those variances granted as part of a rezone which shall expire on the date the rezone expires or the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner.

D. ((~~E.~~)) Extensions. The Council may extend the time limits on Type IV land use approvals upon an applicant's request for an extension filed with the Council at least thirty (30) days before the approval's expiration. The Council may request a recommendation on the extension request from the Director.

Section 52. Section 23.76.066 of the Seattle Municipal Code, which Section was adopted by Ordinance 112522, is amended as follows:

23.76.066 Shoreline Master Program amendments.

Council decisions approving an amendment to the text of SMC Chapter 23((4)).60, Shoreline Master Program Regulations, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective only upon approval of the amendment by the State Department of Ecology pursuant to WAC 173-19-060.

Section 53. Section 23.84.002 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended as follows:

23.84.002 "A"

"Appeal, Open Record" see Hearing, Open Record.

Section 54. Section 23.84.008 of the Seattle Municipal Code, which was last amended by Ordinance 117263, is amended as follows:

23.84.008 "D"

"Development Regulations" see RCW 36.70A.030.

Section 55. Section 23.84.016 of the Seattle Municipal Code, which was last amended by Ordinance 117202, is amended as follows:

23.84.016 "H"

"Hearing, Open Record" see RCW 36.70B.020.

Section 56. Section 23.84.025 of the Seattle Municipal Code, which was last amended by Ordinance 117598, is amended as follows:

23.84.025 "M"

"Meeting, Public" see RCW 36.70B.020.

Section 57. Section 23.84.030 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.84.030 "P"

"Project Permit" or "Project Permit Application" see RCW 36.70B.020.

Section 58. Section 23.88.020 of the Seattle Municipal Code, which was last amended by Ordinance 112522, is amended as follows:

23.88.020 Land use interpretations.

A. Interpretations Generally.

A decision by the Director as to the meaning, application or intent of any ((~~provision of~~)) development regulation in Title 23, Land Use Code, ((~~or Title 24, Zoning and Subdivisions,~~)) or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific ((~~piece of~~)) property is known as an "interpretation". Procedural provisions and statements of policy shall not be subject to the interpretation process. An interpretation may be requested in writing by any person or may be initiated by the Director.

B. Timing of Request.

((~~When public notice is required for a project, a request for an interpretation concerning that project shall be made before the expiration of any applicable appeal period. Notice of the Director's decision as required by SMC 23.76.020 shall include notice of the deadline for requesting Code interpretations. When public notice is not required for a project, a request for an interpretation concerning that project may be made any time, provided that~~)) ((~~i~~))Issued permits shall not be affected by subsequent Code interpretations. An interpretation that is not related to any pending project application under consideration by the Department may be requested at any time, by any party. If an interpretation relates to a particular project application, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:

1. If the interpretation is related to a project that requires public notice pursuant to the provisions of Chapter 23.76:

a. Any person may request an interpretation prior to the end of the public comment period for the project.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision, if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

2. If the interpretation is related to a project requiring no public notice pursuant to the provisions of Chapter 23.76:

a. Any person may request an interpretation within fourteen (14) days after the date the project application was determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC 23.76.005 shall be calculated from the day the interpretation is requested.

C. Notice of Interpretation.

((~~Notice of a request for interpretation shall be provided by the posting of four (4) placards on or near the site and in the general mailed release. The notice shall include a statement that any person who desires to submit comments on the application or who requests notification of the decision may submit comments or requests in writing within fourteen (14) days of the posting of notice.~~)) If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a major institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that major institution.

D. Notice of Decision.

((~~Notice that a code interpretation has been made shall be published in the City official newspaper within seven (7) days of the date the decision is made. Notice, including the date of its publication, shall also be posted in a conspicuous place in the office of the Department and shall be included in the general mailed release. Notice shall also be mailed on the date of publication to the applicant, property owner, and to interested persons who have requested specific notice in a timely manner.~~

~~The notice of the Director's decision shall state the address of the property and briefly state the decision made by the Director. The notice shall also state that the interpretation is subject to appeal and shall describe the appropriate appeal procedure.~~))

Notice of an interpretation decision shall be provided to the party requesting the interpretation, and to the applicant or applicants for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60 (Seattle Shoreline Master Program), notice of the decision shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation decision subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by General Mailed Release.

E. Availability and venue of appeals.

1. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

2. An interpretation that is unrelated to any specific project application may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth (14th) calendar day following publication of the notice of the decision. When the last day of the appeal period

so computed is a federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day.

3. An interpretation relating to a project application requiring public notice shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. Interpretations related to projects which are appealed to the Hearing Examiner shall also be appealable to the Hearing Examiner, and, the appeal of the interpretation and the project decision shall be consolidated. Interpretations relating to projects that are appealed to the Shoreline Hearings Board shall be consolidated with the Shoreline decision and reviewed by that board.

4. An interpretation related to a Type IV Council Land Use decision shall be issued in the form of a recommendation, to accompany the Director's recommendation on the related action, and shall not be subject to administrative appeal.

((~~The Director's interpretation may be appealed subject to the following:~~

~~1. Any person significantly affected by or interested in a code interpretation may appeal to the Hearing Examiner within a period extending to five p.m. (5:00 p.m.) of the fifteenth calendar day following the date of publication of the interpretation. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five (5:00 p.m.) on the next business day.~~))

F. **Appeals to Hearing Examiner, Process and Standard of Review.**

1. The appeal of a code interpretation, where permitted, shall be in writing and shall state specifically why the applicant believes the interpretation to be incorrect.

2. Appeals ((~~of code interpretations~~)) submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02 ((~~the Permit Fee Ordinance, Chapter 22.900~~)).

3. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made.

4. In the event of an appeal of an interpretation not related to specific projects, all such appeals shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner. (~~Notice of the hearing date shall be given not less than twenty (20) days prior to hearing~~)).

5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.

((~~6. All appeals shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.~~))

6. ((~~7.~~)) ((~~The decision of t~~))The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part or ((~~. The Hearing Examiner~~)) may ((~~also~~)) remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final, and the applicant, appellant and Director shall be bound by it.

Section 59. Subsection C of Section 25.05.310 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.310 Threshold determination required.

C. In most cases, the time to complete a threshold determination should not exceed fifteen (15) ((~~seven (7)~~)) days. Threshold determinations on complex proposals, those where additional information is needed, and/or those accompanied by a inaccurate checklist may require additional time. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

Section 60. Subsection E of Section 25.05.335 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 61. Subsection E of Section 25.05.420 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is repealed.

Section 62. Subsection E of Section 25.05.665 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.665 SEPA policies-Overview.

E. Relationship to Federal, State and Regional Regulations. Many of the environmental impacts addressed by these SEPA policies are also the subject of federal, state and regional regulations. ((~~Where applicable, federal state and regional environmental regulations will be presumed to~~)) In deciding whether these regulations provide sufficient impact mitigation, the City shall consult orally or in writing with the responsible federal, state or other agency and may expressly defer to that agency unless the City finds that such regulations did not anticipate or are otherwise inadequate to address a particular impact of a project, and the regulations do not preempt the substantive authority of these policies.

Section 63. Subsections A, B and C of Section 25.05.680 of the Seattle Municipal Code, which was last amended by Ordinance 117789, is amended as follows:

25.05.680 Appeals.

(See WAC 197-11-680, RCW 43.21C.060, 43.21C.075, and 43.21C.080).

A. Master Use Permits and Council Land Use Decisions. For proposals requiring a master use permit under SMC Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, SEPA appeal procedures shall be as provided in Chapter 23.76.

B. Appeal to Hearing Examiner of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. The following agency decisions on proposals not requiring a master use permit shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

a. Threshold Determination. On appeal of a threshold determination, a party may also challenge the preliminary determinations.

b. Adequacy of the Final EIS as Filed in the SEPA Public Information Center. 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 fourteenth (14) ((~~fifteenth~~)) 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 appeal notice 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. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. 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) 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. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this section. The rules shall be promulgated pursuant to Chapter 3.02 of this code.

5. If the agency has made a decision on a proposed action, the Hearing Examiner shall consolidate any allowed appeals of procedural and substantive determinations under SEPA. For example, an appeal of the adequacy of an EIS must be consolidated with an appeal of the agency's decision on the proposed action, if both appeals are allowed by ordinance.

C. Appeal to the City Council of Decisions Not Related to Master Use Permits or Council Land Use Decisions.

1. Any decision of the Hearing Examiner or of any other authorized official or body concerning the approval, conditioning or denial of proposals pursuant to Section 25.05.660 (substantive authority and mitigation) on proposals not requiring a master use permit may be appealed to the City Council according to the procedures and criteria set forth in this subsection.

2. An appeal to the City Council 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 fifteenth day after the date the decision appealed from is filed with the SEPA Public Information Center.

3. Any person who supports the responsible official's decision regarding the approval, conditioning, or denial of a proposal pursuant to Section 25.05.660 may become a party to the appeal hearing before the Hearing Examiner or other authorized official or body by requesting intervenor status. Written requests for intervenor status must be filed with the Hearing Examiner not less than five (5) days before the date of the hearing. In their written request, intervenors shall indicate the grounds for their support of the responsible official's decision, including grounds not relied upon by the responsible official. Intervenors may provide testimony at the hearing regarding the grounds for their support of the decision as specified in their written request. Individuals in support of the responsible

official's decision who do not request intervenor status shall not have the right to appeal the Hearing Examiner's decision to the City Council pursuant to subsection C of this section.

4. The Council shall accept for review those appeals which raise issues regarding: (a) Council intent with respect to interpretation of the City's substantive SEPA policies; or (b) the sufficiency or appropriateness of mitigation or denial of a proposal.

5. The City Council's review on appeal shall be limited to the issues identified under subsection C4 including issues of factual dispute. The Council's review shall be based 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 and may permit the record to be supplemented; and provided further, that members of the committee or of the full Council may make a site visit.

6. Findings of fact in the Hearing Examiner's decision and discretionary determinations regarding the sufficiency of and appropriateness of mitigation or denial shall be accorded substantial weight and shall be accepted by the Council unless clearly erroneous. The burden of establishing the contrary shall be upon the appealing party.

7. 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 is authorized to promulgate rules to implement the provisions of this section pursuant to the Administrative Code (SMC Chapter 3.02.))

Section 64. Subsection A of Section 25.05.714 of the Seattle Municipal Code, which Section was last amended by Ordinance 114057, is amended as follows:

25.05.714 Agency.

A. "Agency" as defined in WAC 197-11-174(1) means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in Section 25.05.704, except the judiciary and state legislature. An agency is any state agency (Section 25.05.796) or local agency (Section 25.05.762) <u>or</u> ((~~In this chapter "agency" means~~)) the City or a City department or organizational unit of the City established by charter or ordinance.

Section 65. Section 25.12.160 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.160 Landmark.

"Landmark" is an improvement<u>, site,</u> or object <u>that the Board has approved for designation</u> ((~~designated as a landmark~~)) pursuant to this chapter, or <u>that</u> <u>was</u> <u>designated</u> pursuant to Ordinance 102229.1

Section 66. Section 25.12.170 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 67. Section 25.12.180 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.180 Nomination.

"Nomination" is the act of proposing that any object, site or improvement be designated a landmark-((~~or landmark site~~)).

Section 68. Section 25.12.210 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.12.210 Party of record.

"Party of record" includes the Board, the owner, ((~~the person in charge,~~)) and the nominator of any proposed landmark ((~~or landmark site~~)), and the Hearing Examiner, when appropriate.

Section 69. Section 25.12.230 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 70. Section 25.12.260 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is repealed.

Section 71. Section 25.12.280 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.280 Membership.

~~Members of the Landmarks Preservation Board established under Ordinance 102229 are appointed members of the Board established pursuant to this chapter to serve for the remainder of the terms to which they were originally appointed, and in addition, one (1) new member shall be appointed for a three (3) year term and one (1) new member shall be appointed for a two (2) year term. Thereafter a~~)) All members of the Board shall be appointed by the Mayor, subject to confirmation by the Council, for a term of three (3) years, which appointments shall be made in such a manner that the composition specified in this subchapter is maintained. The Board shall elect a Chairperson from among its members.

Section 72. Section 25.12.300 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.300 Rules and regulations.

((~~The Board shall elect a Chairperson from among its members, and shall within six (6) months adopt in accordance with the Administrative Code (Ordinance 102228),1 and file with the City Comptroller rules and regulations, including a code of ethics for its members, for its organization and procedures consistent with this chapter. The Board shall not conduct any public hearing required under this chapter until rules and regulations have been filed.~~)) The Board shall adopt rules and regulations in accordance with the Administrative Code to govern the Board's organization and procedures, to implement the provisions of this chapter, and to set a code of ethics for its members.

Section 73. Section 25.12.310 of the Seattle Municipal Code, as adopted by Ordinance 106348, is amended as follows:

25.12.310 Quorum-Voting.

A majority of the current appointed and confirmed members of the Board shall constitute a quorum and must be present for the transaction of business. All official actions of the Board, with the exception of votes on approval of designation, shall require a majority vote of the members present and voting. Votes on approval of designation shall require a majority vote of the then current appointed and confirmed members of the Board. No member shall be eligible to vote upon any matter required by this chapter to be determined after a ((~~hearing~~)) public meeting unless that member has attended the ((~~hearing~~)) meeting or familiarized him or herself with the record.

Section 74. Section 25.12.320 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.12.320 Staff-Historic Preservation Officer.

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, ((~~conduct official correspondence,~~)) organize and supervise the Board staff and the clerical and technical work of the Board to the extent required to administer this chapter. In addition, the Historic Preservation Officer shall:

A. Carry out, assist and collaborate in studies and programs designed to identify and evaluate objects, improvements and sites worthy of preservation;

B. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

C. Inspect and investigate objects, improvements and sites which are believed worthy of preservation;

D. Officially recognize design excellence in the rehabilitation of objects, improvements and other features deemed deserving of official recognition although not designated as landmark sites or landmarks and encourage appropriate measures for such recognition;

E. Disseminate information to the public concerning those objects, improvements and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement and perpetuation of such objects, improvements and sites;

F. Consider methods other than those provided for in this chapter for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this chapter;

H. Subject to such limitations and within such standards as the Board may establish from time to time, grant certificates of approval all without prejudice to the right of the owner at any time to apply directly to the Board for its consideration and action on such matters;

I. Review and comment upon environmental analyses being performed by other agencies;

J. Upon request by the Department of Construction and Land Use, review permit applications to determine whether the site, improvement, or object appears to meet the criteria for designation;

K. Respond to requests for interpretations of the codes relating to landmarks and to special review districts, as provided in them.

Section 75. Section 25.12.340 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.340 Electronic record of hearings.

At all ((~~hearings before the~~)) Board meetings to consider approval of designation, to make a decision on an application for a Certificate of Approval, and to make the Board's recommendation on controls and incentives, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A copy of the electronic record or any part thereof, ((~~whether recorded stenographically or electronically,~~)) shall be ((~~transcribed and~~)) furnished to any person upon request therefor and payment of the reasonable costs thereof.

Section 76. Section 25.12.360 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.360 Separate nomination and designation of site and object or improvement.

The nomination or designation of a site as a landmark ((~~site~~)) shall not constitute nomination or designation of any object or improvement located on the site as a landmark unless the object or improvement is expressly included in the description of the nominated or designated ((~~as a~~)) landmark. The nomination or designation of an object or improvement as a landmark shall not constitute nomination or designation of the site on which the object or improvement is located as a landmark ~~site~~ unless the site is expressly included in the description of the nominated or designated ((~~as a~~)) landmark ((~~site~~)).

Section 77. Section 25.12.370 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.370 Nomination.

A. Any person including the Historic Preservation Officer and any member of the Board may nominate any site, improvement or object for designation as a landmark or landmark site. Nominations may be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Board.

B. The Department of Construction and Land Use shall refer improvements, sites, or objects to the Landmarks Board that are subject to environmental review for a pending permit application, and that appear to meet criteria set forth in this ordinance for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found ((~~to be in order~~)) by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. ((~~A~~

~~copy of any nomination and of any amendments thereto shall be given the owner promptly.~~)) The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Department of Construction and Land Use as part of its environmental review of pending permit applications.

Section 78. A new Section 25.12.375 is added to the Seattle Municipal Code as follows:

25.12.375 Exemption from permit timelines.

Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from nomination through the City Council's decision whether to enact a designating ordinance, including any review of the Board's decisions by the Hearing Examiner or the City Council, from the time limits and the other provisions of RCW 36.70B.060 through 36.70B.090 and the provisions of 36.70B.110 through 36.70B.130.

Section 79. Section 25.12.380 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.380 Notice of Board meeting on approval of nomination.

The Board may approve a nomination for further designation proceedings only at a public meeting. The Board shall make a reasonable effort to serve the owner of a nominated site, improvement or object with thirty (30) days notice of any Board meeting at which such nomination shall be considered for approval by the Board, including a copy of the nomination, however, failure to serve such notice shall not invalidate any proceedings with respect to such nomination. Neither the attendance, and participation of the owner at the meeting to consider the nomination nor the owner's failure to so attend or participate shall prejudice the right of the owner to resist designation or the imposition of controls if the nomination is approved.

Section 80. Section 25.12.390 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.390 Board approval of nomination.

A. If the Board~~,~~ ((~~in whole or in part,~~)) approves a nomination, in whole or in part, for further designation proceedings, it shall in such approval:

1. Specify the legal description of the site, the particular features and/or characteristics proposed to be ((~~preserved~~)) designated, and such other description of the site, improvement or object as it deems appropriate;

2. Set a date, which is not less than thirty (30) nor more than ((~~forty-five (45)~~)) sixty (60) days from the date of approval of nomination, at which a public ((~~hearing~~)) meeting on approval of designation shall be held as provided in Section D7026 25.12.420/D.

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through 25.12.780 shall apply.

Section 81. Section 25.12.400 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.400 Notification of approval of nomination.

If the Board approves a nomination in whole or in part for further designation proceedings, the Historic Preservation Office shall within ((~~three (3)~~)) five (5) working days file a written notice of such action with the ((~~Superintendent~~)) Director of Construction and Land Use and serve a copy of the same on the owner and interested persons of record. Such written notice shall include:

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this chapter are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board ~~hearing~~ meeting on approval of designation;

D. A statement that ~~all~~ the Board meeting on designation is the sole proceedings to consider whether the criteria for designation are met, ~~review the action of the Board at the hearing on approval of designation will be based on the record made at such hearing~~ and that no further opportunity ~~right~~ to present information regarding the criteria for ~~evidence on the issue of~~ designation is afforded pursuant to this chapter.

Section 82. Section 25.12.410 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.410 Disapproval of nomination.

If the Board disapproves the nomination, the proceedings shall terminate as provided in Section 25.12.850A, and the Board shall set forth its reasons why approval of nomination is not warranted, with specific reference to the criteria in Section 25.12.350.

Section 83. Section 25.12.420 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.420 Board meeting ((~~hearing~~)) on approval of designation.

Except as otherwise provided in Section 25.12.470 the Board may approve or deny designation of a site, improvement or object only at a public meeting ((~~hearing~~)). At the meeting ((~~hearing~~)) on approval of designation the Board shall receive information ((~~evidence~~)) and hear comments ((~~arguments~~)) on whether the site, improvement or object meets the criteria for designation of landmarks and landmark sites specified in Section 25.12.350 and merits designation as a landmark or landmark site.

Section 84. Section 25.12.440 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.440 Notice of report on designation.

A copy of the Board's report on designation shall be served on the owner and mailed to interested persons of record within ((~~three (3)~~)) five (5) working days after it is issued. If

the Board acts to approve designation, the owner, at the time of service of the report shall also be served with a notice that:

A. States a date, which is not later than seventy-five (75) days after mailing of the report on designation, when the Board will consider controls and incentives, if any, to be applied ((~~for preservation of~~)) to specific features or characteristics of the site, improvement or object in question.

B. Requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives; and

C. Informs the owner of the procedures of Sections D7033 25.12.490 /D through D7036 25.12.520 /D.

Section 85. Section 25.12.450 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.450 Disapproval of designation.

If the Board disapproves designation, the proceedings shall terminate as provided in Section 25.12.850A and the Board shall set forth its reasons why approval of designation is not warranted, with specific reference to the criteria in Section 25.12.350.

Section 86. Section 25.12.460 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 87. Section 25.12.470 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 88. Section 25.12.480 of the Seattle Municipal Code, adopted by Ordinance 106348, is repealed.

Section 89. Section 25.12.490 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.490 Negotiation with owner.

Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence ((~~to negotiate~~)) negotiations with the owner on the application of controls and incentives to ~~on~~ the site, improvement, or object, ((~~designed to preserve~~)) regarding the specific features or characteristics identified in the Board's report on designation ((~~and the application of economic incentives, if any, to the owner of the site, improvement or object~~)). If within fifteen (15) days of the commencement of the negotiation period, the owner fails to ((~~contact the Board staff~~)) participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall ((~~promptly~~)) prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

Section 90. Section 25.12.500 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.500 Negotiations-Procedure and time requirements.

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing. ((~~and if the other party does not object within seven (7) days after receipt of such notice.~~)) If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall ((~~promptly~~)) submit the agreement to the Board for approval at a Board meeting to be held not later than ((~~twenty (20)~~)) thirty (30) days after the written agreement is signed by the owner. ((~~reached, or within such further time as the Board and owner may stipulate in writing.~~))-Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within ((~~three (3)~~))-five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

Section 91. Section 25.12.520 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.520 Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement-((~~by negotiation~~)), or ((~~in the event~~)) the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and ((~~economic~~)) incentives,((~~if any,~~)) with the Hearing Examiner, ((~~and~~)) serve ((~~same~~)) it on the owner, and mail a copy to interested persons of record. ((~~and the owner shall have an opportunity to file objections thereto.~~)) The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are ((~~to be preserved~~)) identified in the Board's report on designation. The recommendation shall set forth the reasons ((~~and the need~~)) for ((~~each~~)) the proposed ((~~specific~~)) controls and for any proposed ((~~economic~~)) incentives. The recommendation ((~~and~~)) shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed. ((~~The Board may hold a public hearing prior to the making of its recommendation.~~))

Section 92. Section 25.12.530 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.530 Filing of recommendation and objections with Hearing Examiner.

((~~As provided in Section 25.12.520, in the event of a failure to agree on proposed controls and incentives or in the event of disapproval of an agreement, the Board shall file with the Hearing Examiner and serve upon the owner recommendations for proposed controls and incentives and the owner may file objections thereto.~~)) The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement was signed by the Board staff and the owner, or if an agreement, was signed within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500. ((~~The owner's objections shall be filed not later than fifteen (15) days after receipt of the Board's recommendation on proposed controls and incentives. For good and sufficient cause shown by either the Board or owner, the Hearing Examiner may grant an extension of time not to exceed thirty (30) days. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and economic incentives.~~))

Section 93. A new Section 25.12.535 is hereby added to the Seattle Municipal Code as follows:

25.12.535 Owner's objections to Board recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendation on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.

Section 94. Section 25.12.540 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.540 Scheduling of hearing.

A. If no objections are filed with the Hearing Examiner within the time provided, then the Board shall transmit its recommendation to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660. The Hearing Examiner shall take no action on the recommendation.

B. If objections are timely filed with the Hearing Examiner, then((~~After the Board's recommendations and the owner's objections, if any, are filed with the Hearing Examiner,~~))the Hearing Examiner shall set the matter for a hearing which shall be held within seventy (70) days of the ~~receipt~~ filing of the ((~~owners)~~) latest objections ((~~or the receipt of the Board's recommendations, whichever is later~~)), and promptly notify the Board, owner and any other person who filed objections ((~~all interested persons of record~~)) of the date and time for the hearing.

Section 95. Section 25.12.550 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 96. Section 25.12.560 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.560 Hearing Examiner procedure.

Proceedings before the Hearing Examiner shall be in accordance with the procedures for hearings in contested cases pursuant to the Administrative Code (Ordinance 102228), except as such procedures are modified by this chapter. ((~~Any person may testify at the hearing.~~))

Section 97. Section 25.12.610 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.610 Hearing Examiner recommendations-Referral to Council.

Within thirty (30) days after the hearing, the Hearing Examiner shall serve on the Board and the owner and file with the Council ((~~for such action as the Council may deem appropriate,~~)) a decision setting forth a recommendation of ((~~the~~)) proposed controls and ((~~any economic~~)) incentives, ((~~findings with respect to the specific controls so~~

~~recommended,~~)) and the reasons ((~~and need~~)) for the controls and ((~~any~~)) incentives recommended ((~~and the effect of such controls and incentives~~.))

Section 98. Section 25.12.620 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.620 Right of appeal to Council.

Any party of record before the Hearing Examiner may appeal the ((~~findings and~~)) recommendations of the Hearing Examiner regarding controls and((~~/or economic~~)) incentives by filing with the Council and serving on all other parties of record a written notice of appeal within thirty (30) days after the Hearing Examiner's decision is served on the party appealing.

Section 99. Section 25.12.630 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.630 Procedure on appeal to Council.

A. Any appeal from the ((~~findings and~~)) recommendation of the Hearing Examiner shall be considered by the Council on the record only. The Hearing Examiner shall promptly prepare, certify and file with the Council such record which shall consist of all documents and exhibits submitted to the Hearing Examiner (except to the extent that the same are already before the Council) and a transcript of all oral proceedings before the Hearing Examiner, unless all parties waive submission of the transcript. The appellant shall be responsible for the reasonable costs of preparation of the record unless the appeal is successful, in which event the Council may apportion such reasonable costs as it deems appropriate.

B. The Council or committee to which such appeal is referred shall notify the Board and any appellant of the procedures established for such hearing and of the date and time when it will hear oral argument, if any, from the parties or their representatives upon the issues which are the subject of such appeal. Such notice shall be served upon the Board and the owner not less than twenty (20) days before the date of such oral argument.

Section 100. Section 25.12.640 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.640 Council action on appeal.

A. The Council shall act upon the appeal within ninety (90) days of receiving the Hearing Examiner's recommendation. ((~~The Council may conclude such an appeal by enacting a designating ordinance as provided in Sections 25.12.650 and 25.12.660, adopting a committee report denying designation, or by such other action it deems appropriate.~~))

B. Council action is necessary to complete the process for designation of a landmark. The Council may:

1. Enact a designating ordinance that specifies the controls and incentives being imposed on a site, improvement, or object approved for designation by the Board;

2. Modify controls and incentives negotiated by the owner and the Board or recommended by the Board or the Hearing Examiner, and enact a designating ordinance embodying such modifications; or

3. May decide not to enact a designating ordinance and thereby decline to impose controls and incentives. A Council decision not to enact a designating ordinance shall terminate the proceedings pursuant to Section 25.12.850 of this chapter.

Section 101. Section 25.12.650 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.650 Designating ordinance- ((~~Generally~~))Amendment or Repeal.

((~~Pursuant to the procedures set forth in this chapter, the Council may by ordinance specify controls and economic incentives with respect to sites, improvements or objects designated by the Board and pursuant to such procedures. t~~))~~T~~he Council may by ordinance amend or repeal any ~~such~~ designating ordinance; provided:

((~~A.~~))That if ~~an~~ a designating ordinance is enacted ((~~designating a landmark or a landmark site imposes specific controls upon such landmark or landmark site~~)), no proceedings may be commenced under this chapter to impose other or further controls on ((~~such~~)) the landmark or landmark site that is covered by the designating ordinance within four (4) years from the effective date of such designating ordinance without the agreement of the owner in writing.((~~; and~~

~~B. That if any landmark or landmark site is substantially destroyed by fire, earthquake or other casualty not envisioned at the time of designation, the owner may petition the Board to revoke the designation.~~))

Section 102. Section 25.12.660 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.660 Designating ordinance-Information required.

A. Each designating ordinance, and each ordinance amendatory thereof, shall include:

1. The legal description of the site, improvement or object;

2. The specific features or characteristics which are designated ((~~to be preserved~~));

3. The criteria in Section 25.12.350 that are the((~~reasons and~~)) basis for such designation; and

4. The specific controls imposed and any ((~~economic~~)) incentives granted or to be granted or obtained with respect to such site, improvement or object.

B. A certified copy of each such ordinance shall be recorded with the King County Director of Records and Elections and served on the owner ((~~and on the person in charge~~)) of ((~~such~~)) the ((~~landmark site or~~)) landmark.

Section 103. Section 25.12.670 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.670 Requirement of certificate of approval.

After the filing of an approval of nomination with the ((~~Superintendent~~)) Director of Construction and Land Use and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may:

A. Make alterations or significant changes to specific features or characteristics of the site, improvement or object identified in the approved nomination or the Board report on designation, whichever is most recent; ((~~suggested for preservation in the approval of nomination, or thereafter specified in the report on approval of designation of the decision of the Hearing Examiner, whichever was issued most recently, while proceedings under this chapter are pending;~~)) or

B. Make alterations or significant changes which would be in violation of specific controls imposed by a designating ordinance.

Section 104. Section 25.12.680 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.680 Application for certificate of approval-Filing.

A. Application for a certificate of approval ((~~may~~)) shall be made by filing an application for such certificate with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required because of the pendency of designation proceedings, or the terms of a designating ordinance.~~))

B. The following information must be provided in the application in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application, or the applicant makes a written request to submit an application for a preliminary design as set forth in subsection E below, and the staff agrees to accept the application:

1. Building name and building address;

2. Name of business located at the site of the proposed work;

3. Applicant's name and address;

4. Property owner's name and address;

5. Applicant's telephone number;

6. The property owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

7. Payment of the fee amount authorized by the Permit Fee Ordinance, Chapter 22.901A -T of the Seattle Municipal Code;

8. A detailed description of the proposed work, including any changes it will make to a landmark;

9. Four (4) sets of scale drawings, with all dimensions shown, of:

a. The site plan, with adjacent streets and buildings;

b. The floor plan, with both the proposed new features and the existing features;

c. Elevations and sections, with both the proposed new features and the existing features;

d. Construction details;

e. Landscape plan, with both the new proposed site features and planting and the existing site features and planting;

10. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

11. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

12. If the proposal includes new signage, awnings, or exterior lighting:

a. Four (4) sets of scale drawings showing the proposed overall dimensions, material, graphic designs, typeface, letter size, and colors;

b. Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning or sign;

c. Four (4) copies of details showing the proposed method of attaching the new awning, sign, or proposed exterior lighting;

d. One (1) sample of proposed sign colors or awning material and color;

e. The wattage and specifications of the proposed lighting;

13. If the proposal includes demolition of a structure or object:

a. A statement of the reason(s) for demolition;

b. A description of the replacement structure or object;

14. If the proposal includes replacement, removal, or demolition of existing features, a survey of existing conditions;

15. If the proposal includes new construction:

a. A shadow study; and

b. A traffic study.

C. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in

writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

D. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a board decision on the final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for preliminary design must include the information listed above in subparagraphs a through h, (I)(i) through (I)(iii), and m of subsection 2. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal and Board approval of the final design, including all of the information listed above in subsection B, prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted by the Department of Construction and Land Use.

Section 105. Section 25.12.690 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.690 Application for certificate of approval-In conjunction with permit application.

If ((~~before a certificate of approval is obtained,~~)) an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for an action which requires a certificate of approval ((~~is required~~)), the ((~~Superintendent~~)) Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval.~~)) The ((~~Superintendent~~)) Director of Construction and Land Use shall continue to process the permit ((~~such~~)) application, but shall not issue any such permit until the time has expired for acting upon the ((~~filing with the Superintendent the notice of denial of a~~)) certificate of approval or a certificate of approval has been issued pursuant to this chapter.((~~;provided that if by its terms or the provisions of Section 25.12.810 the operation of such certificate of approval is suspended the Superintendent shall not issue such permit until the suspension terminates.~~))

Section 106. Section 25.12.700 of the Seattle Municipal Code, which was last amended by Ordinance 106985, is amended as follows:

25.12.700 Application for certificate of approval-Similar changes.

An application for a certificate of approval shall not be accepted for filing while another application for the same or similar action is pending before the Board or on appeal.

((~~After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a hearing pursuant to Section 25.12.720 or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom pursuant to this chapter have been concluded.~~))

Section 107. Section 25.12.720 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.720 Board ((~~hearing~~)) meeting on certificate of approval.

Within thirty (30) days after ((~~the filing of~~)) an application for a certificate of approval is determined to be complete ((~~with the Board or the referral of an application to the Board pursuant to Sections 25.12.680 or 25.12.690~~)), the Board shall hold a ~~hearing~~ meeting thereon and shall serve notice of the ~~hearing~~ meeting on the owner and the applicant not less than ~~ten (10)~~ five (5) days before the date of the ((~~hearing~~)) meeting.((~~; provided that no hearing shall be required if the Board, the owner and the applicant agree in writing to a stipulated certificate of approval approving the requested alterations or changes with such modifications as may be agreed upon. If an agreement on a stipulated certificate of approval is reached or if, after a hearing, the Board orders a certificate of approval, such certificate shall be issued forthwith and the Board shall file a certified copy of such certificate with the Superintendent.~~)) The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

Section 108. Section 25.12.730 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.730 Board decision on certificate of approval.

The Board shall issue a written decision ((~~either~~)) granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of Construction and Land Use, not later than forty-five (45) days after ((~~the filing of the application for permit with the Superintendent or after the filing of~~)) an application for a certificate of approval is determined to be complete ((~~with the Board;~~)). ((~~and shall serve a copy thereof upon the owner, the applicant and the Superintendent within three (3) working days after such grant or denial.~~)) Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision ((~~A decision denying a certificate of approval or attaching conditions to the grant of a certificate of approval)) shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.((~~Except by written agreement with the owner and the applicant, neither the Board nor the Hearing Examiner may attach any conditions to the grant or denial of the certificate of approval, if the effect of such conditions would be to impose controls which are prohibited by this chapter, or if such conditions would otherwise be inconsistent with the provisions of this chapter or any applicable designating ordinance.~~))

Section 109. Section 25.12.740 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.740 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the

Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits has expired. If appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions are not appealable, then the appeal of the certificate of approval decision shall proceed immediately, and, pursuant to RCW 3670B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.((~~Except as otherwise specified in Sections 25.12.670 through 25.12.780, the Hearing Examiner shall hold a hearing in the same manner as provided in Sections 25.12.530 through 25.12.610 for hearings on the application of controls and economic incentives.~~))

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit decisions, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

Section 110. Section 25.12.760 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.760 Hearing Examiner procedure.

A. When the appeal of a certificate of approval is consolidated with appeals of related permits, then the time frames applicable to the appeals of the other permits shall apply to the appeal of the certificate of approval.

B. In all other instances, t((~~T~~))he Hearing Examiner shall serve notice of the date of the hearing on the parties not less than twenty (20) days before the hearing and shall hold a hearing not later than ((~~eighty (80)~~)) forty-five (45) days after the filing of the ~~application for a certificate of approval~~ appeal. The Hearing Examiner shall issue a decision within ((~~fourteen (14) days after the conclusion of the hearing~~)) fifteen (15) days after closing of the record, and shall serve the decision on the Board, the owner and the applicant and file the same with the ((~~Superintendent~~)) Director of Construction and Land Use ((~~within three (3) working days thereafter.~~)) The Hearing Examiner's decision shall be issued no later than ninety (90) days after filing of the appeal, unless the parties to the appeal agree to a longer period of time.

((~~B. The Hearing Examiner may appoint an expert or experts to provide advice or report concerning the economic effect of the denial of a certificate of approval or the imposition of proposed conditions.~~)) The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

C. If the Hearing Examiner determines that there is no showing of a significant change in circumstances since a ~~previous~~ denial or conditioning of a prior application for a similar certificate, the appeal shall be denied.

D. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 111. Section 25.12.770 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.770 Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the ((~~Superintendent~~)) Director of Construction and Land Use, the owner, and the applicant within the times specified in ((~~Section 25.12.730, of as the same may be extended in accordance with Section 25.12.850,~~)) this Chapter or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the ((~~Superintendent~~)) Director of Construction and Land Use shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.

Section 112. Section 25.12.780 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 113. Section 25.12.790 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 114. Section 25.12.800 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 115. Section 25.12.810 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 116. Section 25.12.820 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 117. Section 25.12.830 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is repealed.

Section 118. Section 25.12.835 of the Seattle Municipal Code, which was adopted by Ordinance 106540, is amended as follows:

25.12.835 Demolition.

A. It is the policy of The City of Seattle to prevent the unnecessary demolition of Landmarks. Even when a certificate of approval to demolish a Landmark has been issued because its owner is unable to make reasonable economic use of the Landmark, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the presence of Landmarks within the City.

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Department of Construction and Land Use pursuant to the requirements of SMC Section 23.40.008, the Department of Construction and Land Use may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal~~, ((and after the expiration of any period of suspension under Sections 25.12.800 through 25.12.820))~~; and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of the State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A master use permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under subparagraph B4a above) and available for such purpose.

C. Subsections B3 and B4 shall not apply if the owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that maintaining the landmark until the conditions described in subsections B3 and B4 are satisfied would be unduly burdensome and a violation of substantive due process. Among the facts the Director should consider in determining the burden on the owner are, on the one hand, the costs of maintenance until a replacement use is ready, and, on the other hand, the costs of demolition, the interest on such costs, and the costs of maintaining a vacant site.

D. The Director also may waive or modify the requirements of subsection B2 if the Director determines that compliance with this subsection would be unnecessary or inappropriate in light of the nature and value of the Landmark.

E. In making the determinations required under this section the D~~d~~irector of the Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer. The Director should consider all relevant information and should communicate with whomever the Director believes can provide useful information or expertise. The Director shall communicate his or her decision to the applicant in writing within (15) fifteen days of receiving the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through section .090, and the requirements of RCW 36.70B.110 through section .130.((~~The said decision shall be provisional and subject to comment for thirty (30) days, after which time it shall become finalized as revised, if at all, during the comment period.~~

~~F. A decision denying an owner permission to demolish a Landmark under subsection C may be appealed by the owner to the Hearing Examiner; all other decisions of the Director of the Department of Neighborhoods under this section shall be final. Written notice of appeal to the Hearing Examiner and the filing fee specified in Seattle Municipal Code Section 3.02.125 must be filed with the Examiner no later than five p.m. (5:00 p.m.) on the fifteenth day following the date of the Director's decision. Notice of the hearing on the appeal shall be mailed to the owner and Director no fewer than ten (10) days prior to the hearing. The Hearing Examiner shall conduct a hearing de novo and shall not defer to the decision of the Director, although the burden of persuasion shall be on the owner.))~~

((~~G~~))E. An owner may seek to meet his or her burden under subsection C at the same time that the owner seeks a certificate of approval to demolish under Sections 25.12.670 through 25.12.730. ((~~; in which case any appeal of the decision under subsection C shall be consolidated before the Hearing Examiner with any appeal of the certificate of approval, and, if the owner is entitled to an appeal to the Council under Section 25.12.780, with any appeal to the Council.~~)) An owner also may seek to meet his or her burden under subsection C at any time after a certificate of approval to demolish has been issued.

G. There is no administrative appeal of the decision of the Director of the Department of Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.

Section 119. Section 25.12.840 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.840 Service of notices.

A. Notices, decisions, and any other instruments or documents required to be served upon the owner pursuant to this chapter shall be served by mailing the same: (1) to the person shown to be the owner on the records of the Department of Finance of King County, Washington, to the address therein given and to such other addresses as may be ascertained from telephone or Polk directory listings for the City; and (2) to the owner's attorney where the files or records of the Board, the Hearing Examiner, or the Council, reveal representation in such proceedings by an attorney ((~~; and (3) to the person in charge of a site, improvement or object~~)). Notices, applications, other instruments or documents required to be served upon the Board shall be served by delivering the same to the Historic Preservation Officer or by mailing the same either to the Historic Preservation Officer or to the Landmarks Preservation Board at the then current address for such Officer or Board. Transmittals by mail shall be sent by first-class mail, certified with return receipt requested and with postage prepaid. Service shall be deemed to have been given when all of the steps specified above have been completed. Failure to send notice by mail to any owner whose address is not listed in the above sources, and failure to give actual notice to any owner whose name and address is unknown, shall not invalidate any proceedings in connection with the proposed designation.

B. Notice to parties of record shall include at least those documents sent to the owner. Such notice shall be served by first-class mail.

C. Notice to interested persons of record shall include at least the following: a description of the most recent action taken by the Board, the Hearing Examiner or Council; the time and place of the next public meeting or hearing, if any; the procedure to be followed at such meeting or hearing; the rights of appeal available, if applicable; and the time and place where documents in the record may be inspected. Such notice shall be served by first-class mail.

D. The Historic Preservation Officer may give such other notice as he may deem desirable and practicable.

Section 120. Section 25.12.845 is hereby added to the Seattle Municipal Code as follows:

25.12.845 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An owner of property that is approved for nomination may request an interpretation of the meaning of any part of this chapter as it relates to the nominated property. An interpretation shall not have any effect on certificates of approval that have already been granted, or on the provisions of an enacted designating ordinance.

B. An interpretation must be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests must be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval or another permit that is under review and subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval or other permit was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees in writing to suspend the time frame for permit review until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Ordinance, Chapter 22.901A - T.

F. An interpretation may be appealed in the same manner and according to the same time frame as a certificate of approval. If the interpretation is related to a certificate of approval, then the appeal of the interpretation shall not be heard until the time period for appealing the certificate of approval decision has expired, or, if the decision on the certificate of approval is appealed, the appeals shall be consolidated.

Section 121. Section 25.12.910 of the Seattle Municipal Code, which was adopted by Ordinance 106348, is amended as follows:

25.12.910 Designated.

The ((~~Superintendent~~)) Director of Construction and Land Use shall enforce this chapter and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229 and may, in addition to any other remedy or penalty provided in this chapter, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this chapter or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding Five Hundred Dollars ($500.00), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal

proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violation or failure to comply is charged.

Section 122. Section 25.16.080 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.080 Certificate of approval-Application.

A. Application.

1. All applications for a certificate of approval, and all applications for any permit requiring such a certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the District Board.

2. The following information must be provided in the application in order for the application to be complete, unless the board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Payment of the fee amount authorized by the Permit Fee Ordinance, Chapter 22.901A - T of the Seattle Municipal Code;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

(4) Any proposed change of use or newly established use;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) The site plan, with adjacent streets and buildings, and, if the proposal includes any work in the public right of way, the existing and proposed street uses, such as street trees and sidewalk displays;

(2) The floor plan, with both the proposed new features and the existing features;

(3) Elevations and sections, with both the proposed new features and the existing features;

(4) Construction details;

(5) The landscape plan, with both the new proposed site features and planting and the existing site features and planting;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings showing the proposed overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting;

(5) One (1) sample of proposed sign colors or awning material and color;

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of existing conditions;

o. If the proposal includes new construction:

(1) A shadow study; and

(2) A traffic study.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in

writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the board, or if the proposed work changes.

B. Decision on application. Within thirty (30) days after receipt of ((~~each such~~)) a complete application the District Board shall hold a public ((~~hearing~~)) meeting thereon and by duly approved motion recommend to the Director of the Department of Neighborhoods that the same be granted, denied or granted with conditions. ((~~be referred to the Landmarks Preservation Board. Within thirty (30) days after such referral of any such application, the Landmarks Preservation Board shall hold a public hearing thereon and recommend that the same be granted or denied.~~)) The Director of the Department of Neighborhoods shall issue a decision within fifteen (15) days of receiving the Board's recommendation.

Section 123. Section 25.16.090 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.090 Certificate of approval-Consideration by Board.

In considering such application, the District Board ((~~or the Landmarks Preservation Board~~)) shall ((~~each~~)) keep in mind the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, and among other things, the historical and architectural value and significance; architectural style and the general design; arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs; the relationship of such features to similar features of other buildings within the Ballard Avenue Landmark District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

Section 124. Section 25.16.100 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.100 Certificate of approval-Issuance or denial.

A. ((~~If after such hearing and upon consideration of the foregoing, the District Board or the Landmarks Preservation Board determines that the changes and any new construction proposed in any such application are consistent with the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, it shall recommend that a certificate of approval be granted and the Director shall forthwith issue such in accordance with such Board's recommendation. If the Board's recommendation is to deny such application, the Director shall issue a written notice of denial.~~)) If the Board does not recommend granting, granting with conditions, or denial ((~~or referral~~)) of ((~~any such~~)) an application within the time provided for such recommendation, the Director shall issue a decision without a recommendation from the District Board. If the Director does not issue a decision within the time provided by this chapter, then the ((~~such~~)) application shall be deemed approved. ((~~and the Director shall forthwith issue the certificate of approval in accordance with such application.~~)) Provided, however, that the applicant may waive the deadlines in writing for the Board to make a recommendation or the Director to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. ((~~unless the Board's action has been deferred in accordance with an agreement for consultation~~

~~as follows:~~)) Before issuing a recommendation of denial, the Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the Board shall make its recommendation ((~~such application shall be finally denied~~)) and the applicant shall be so notified by letter.

B. ((~~Whenever an applicant is denied, the~~)) The Director shall send copies of the ((~~notice of denial~~)) decision to the applicant, the property owner, the Director of Construction and Land Use, and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application. ((~~if such application has been referred to the Landmarks Preservation Board and recommendation of denial made by that Board.~~))

C. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 125. Section 25.16.110 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.16.110 Certificate of approval-Appeal if denied.

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within ((~~twenty (20)~~)) fourteen (14) days of the date of notice of the denials((~~,~~)). When the proposed action that is the subject of the certificate of approval is also the subject of related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits has expired. If appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions are not appealable, then the appeal of the certificate of approval decision shall proceed immediately, and, pursuant to RCW 3670B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

B. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

C. ((~~and the~~)) The Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code (unless all parties of record affected by such Board's decision consent to the review and decision without a public hearing) may affirm, reverse or modify the denial, but may reverse or modify only if ((~~he~~)) the Hearing Examiner finds that:

1. Such denial violates the terms of this chapter or guidelines adopted pursuant to the authority of this chapter; or

2. Such denial is based upon a recommendation made in violation of the procedures set forth in this chapter or procedures adopted pursuant to the authority of this chapter and such procedural violation operates unfairly against the applicant.

((~~B~~))D. The decision of the Hearing Examiner shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040. ((~~and copies thereof~~)) Copies of the decision shall be mailed to all parties of record and transmitted to the Director, the District Board, ((~~the Landmarks Preservation Board if it considered such application,~~)) and the property owner if (~~he~~)) the owner is not a party of record.

Section 126. A new Section 25.16.115 is hereby added to the Seattle Municipal Code as follows:

25.16.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation must be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests must be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval or another permit that is under review and subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval or other permit was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for permit review until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Ordinance, Chapter 22.901A - T.

F. An interpretation may be appealed in the same manner and according to the same time frame as a certificate of approval. If the interpretation is related to a certificate of approval , then the appeal of the interpretation shall not be heard until the time period for appealing the certificate of approval decision has expired, or, if the decision on the certificate of approval is appealed, the appeals shall be consolidated.

Section 127. Section 25.20.010 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.20.010 Definitions.

The following terms used in this chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

B. "Application Review Committee" is the committee established by this chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.

D. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

E. "Council" is the City Council of the City of Seattle.

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

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code of The City of Seattle (Ordinance 102228) or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

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

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

Section 128. Section 25.20.080 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.080 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing application for such certificates with the Board.((~~, or by filing with the Superintendent an application for a permit to make alterations or significant changes for which a certificate of approval is required.~~))

2. The following information must be provided in the application in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Payment of the fee amount authorized by the Permit Fee Ordinance, Chapter 22.900 of the Seattle Municipal Code;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) The site plan, with adjacent streets and buildings, and, if the proposal includes any work in the public right of way, the existing and proposed street uses, such as street trees and sidewalk displays;

(2) The floor plan, with both the proposed new features and the existing features;

(3) Elevations and sections, with both the proposed new features and the existing features;

(4) Construction details;

(5) The landscape plan, with both the new proposed site features and planting and the existing site features and planting;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings showing the proposed overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of existing conditions;

o. If the proposal includes new construction:

(1) A shadow study; and

(2) A traffic study.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes.

B. If before a certificate of approval is obtained, an application is made to the ((~~Superintendent~~)) Department of Construction and Land Use for a permit for which a certificate of approval is required, ((~~the Superintendent shall promptly refer such application to the Board and such application shall be deemed an application for a certificate of approval. The Superintendent~~)) the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time has expired for filing with the ((~~Superintendent~~)) Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a hearing pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom have been concluded.

Section 129. Section 25.20.090 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.090 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent,~~)) the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than (~~ten (10)~~) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structure in relation to the street or public way and to other buildings and structures.

Section 130. Section 25.20.100 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.100 Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than forty-five (45) days after the ~~filing of~~ the application ((~~for permit with the Superintendent or after the filing of an application~~)) for a certificate of approval ~~with the Board~~ is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the ((~~Superintendent~~)) Director of the Department of Construction and Land Use within three (3) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this chapter and adopted guidelines for the District.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 131. Section 25.20.110 of the Seattle Municipal Code, which was adopted by Ordinance 107679, is amended as follows:

25.20.110 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of related permit applications under review by the Department of Construction

and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits has expired. If appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions are not appealable, then the appeal of the certificate of approval decision shall proceed immediately, and, pursuant to RCW 3670B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. In all other instances, the Hearing Examiner shall issue a decision not later than ninety (90) days after filing of the appeal, unless the parties to the appeal agree to a longer period of time.

E. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.740 through 25.12.770 of this Code.

F. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 132. A new Section 25.20.115 of the Seattle Municipal Code is hereby added as follows:

25.20.115 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation must be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests must be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval or another permit that is under review and subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval or other permit was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for permit review until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Ordinance, Chapter 22.901A -T.

F. An interpretation may be appealed in the same manner and according to the same time frame as a certificate of approval. If the interpretation is related to a certificate of approval , then the appeal of the interpretation shall not be heard until the time period for appealing the certificate of approval decision has expired, or, if the decision on the certificate of approval is appealed, the appeals shall be consolidated.

Section 133. Section 25.22.020 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.020 Definitions.

The following terms used in this chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348 or any ordinance amendatory or successor thereto.

C. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code of The City of Seattle (Ordinance 102228)2 or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

~~G~~H. "Significant change" is any external alteration, new construction, restoration or demolition other than routine maintenance or repair.

Section 134. Section 25.22.100 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.100 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing applications for such certificates with the Board.((~~, or by filing with the Director an application for a permit to make alterations or significant changes for which a certificate of approval is required.~~))

2. The following information must be provided in the application in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Payment of the fee amount authorized by the Permit Fee Ordinance, Chapter 22.900 of the Seattle Municipal Code;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) The site plan, with adjacent streets and buildings, and, if the proposal includes any work in the public right of way, the existing and proposed street uses, such as street trees and sidewalk displays;

(2) The floor plan, with both the proposed new features and the existing features;

(3) Elevations and sections, with both the proposed new features and the existing features;

(4) Construction details;

(5) The landscape plan, with both the new proposed site features and planting and the existing site features and planting;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings showing the proposed overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting;

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of existing conditions;

o. If the proposal includes new construction:

(1) A shadow study; and

(2) A traffic study.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes.

B. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of the application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. ((~~the Director shall promptly refer the application to the Board and the application shall be deemed an application for a certificate of approval.~~)) The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

C. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change by giving notice of a hearing pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change at the same site may be made until such proceedings and all appeals therefrom have been concluded.

D. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 135. Section 25.22.110 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.110 Board ((~~hearing~~)) meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board ((~~or the referral of an application to the Board by the Superintendent~~)), the Board shall hold a ((~~hearing~~)) meeting thereon and shall serve notice of the ((~~hearing~~)) meeting on the owner and the applicant not less than (~~ten (10)~~) five (5) days before the date of the ((~~hearing~~)) meeting.

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structure or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.

Section 136. Section 25.22.130 of the Seattle Municipal Code, which was adopted by Ordinance 109388, is amended as follows:

25.22.130 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Board and by filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fifteen (15)~~)) fourteen (14) days after the date the Board's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits has expired. If appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions are not appealable, then the appeal of the certificate of approval decision shall proceed immediately, and, pursuant to RCW

3670B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing hat the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 12.05 through 12.08 of the Landmarks Preservation Ordinance (106348), and as prescribed under Section 25.22.110 B.

E. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

Section 137. A new Section 25.22.135 of the Seattle Municipal Code is added as follows:

25.22.135 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation must be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests must be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval or another permit that is under review and subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval or other permit was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for permit review until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Ordinance, Chapter 22.901A - T.

F. An interpretation may be appealed in the same manner and according to the same time frame as a certificate of approval. If the interpretation is related to a certificate of approval , then the appeal of the interpretation shall not be heard until the time period for appealing the certificate of approval decision has expired, or, if the decision on the certificate of approval is appealed, the appeals shall be consolidated.

Section 138. A new Section 25.24.015 of the Seattle Municipal Code is hereby added as follows:

25.24.015 Historic Preservation Officer.

The Historic Preservation Officer is the person described in the Landmarks Preservation Ordinance, SMC 25.12.320.

Section 139. Section 25.24.060 of the Seattle Municipal Code, which was last amended by Ordinance 111235,, is amended as follows:

25.24.060 Approval of changes to buildings, structures and other visible elements.

A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure, lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a certificate of approval authorized by the Commission which shall not be transferable; and no building permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries of the Historical District including public places except where areas have been reserved for groups of signs or for signs which identify the Market District as a whole, as determined by the Commission. The fee for certificates of approval shall be according to the Permit Fee Ordinance.

B. Application.

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. ((~~or to the Director of Construction and Land Use. If submitted to the Director it shall be forwarded immediately by the Director to the Commission for review.~~)) If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of approval to the Commission shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete.

2. The following information must be provided in the application in order for the application to be complete, unless the commission's staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Building owner's name and address;

f. Applicant's telephone number;

g. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

h. Payment of the fee amount authorized by the Permit Fee Ordinance, Chapter 22.900 of the Seattle Municipal Code;

i. A detailed description of the proposed work, including:

(1) Any changes it will make to the site;

(2) Any effect that the work would have on the public right of way or other public spaces;

(3) Any new construction;

(4) Any proposed change of use, newly established use, or expansion of use;

(5) Any change of ownership or location;

(6) Any proposed increase in the business area;

j. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) The site plan, with adjacent streets and buildings, and, if the proposal includes any work in the public right of way, the existing and proposed street uses, such as street trees and sidewalk displays;

(2) The floor plan, with both the proposed new features and the existing features;

(3) Elevations and sections, with both the proposed new features and the existing features;

(4) Construction details;

(5) The landscape plan, with both the new proposed site features and planting and the existing site features and planting;

k. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

l. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

m. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings showing the proposed overall dimensions, material, design graphics, typeface, letter size, and colors;

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting;

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting;

(4) The wattage and specifications of the proposed lighting;

(5) One (1) sample of proposed sign colors or awning material and color;

n. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition;

(2) A description of the replacement structure or object, and the replacement use;

o. If the proposal includes replacement, removal, or demolition of existing features, a survey of existing conditions;

p. If the proposal includes new construction:

(1) A shadow study; and

(2) A traffic study.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Commission, or if the proposed work changes.

C. The Commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the Commission as provided in this chapter. The Commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building or other structure in the Historic District, including structures to be located in public places, shall refer to the purpose of this chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the Historical District and the position of such building or structure in relation to the street, public way, or semipublic way and to other buildings and structures. The Commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this chapter. Where modification of the appearance of a structure within the Historical District does not require a building or demolition permit, an application for a certificate of approval shall nonetheless be filed with the Commission ((~~or with the Director of Construction and Land Use, who shall forward the same to the Commission~~)).

((~~C~~))D. The Commission shall have sole responsibility for determining the appropriate location, design and use of signs and structures to be located on or above the surface of public places in the Historical District and the sole responsibility for licensing and determining the

appropriate locations for performers as defined in Section 17.32.010 H of the Seattle Municipal Code, in the Historical District; provided, that property owned by the Pike Place Market Preservation and Development Authority shall not be considered a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of public places in the District by performers, may assess reasonable permit fees, and may utilize the services of the Pike Place Market Preservation and Development Authority (PDA) or should the PDA decline to make its services available, with any other organization appropriate for implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit donations by word of mouth, gestures, mechanical devices, second parties. It shall also be unlawful for any performer or other person to use any device for the reproduction or amplification of sound without the express written approval of the Commission secured in advance. ((~~All matters involving construction in public places in the Historical District, including, but not limited to, the strength and quality of materials to be used for signs or structures, shall be the responsibility of the Board of Public Works as provided in Title 15 of the Seattle Municipal Code. The Board of Public Works shall secure the approval of the Historical Commission before authorizing any activity in any public place in the Historical District except in emergencies in which life or property are imminently threatened and a quorum of Commission members cannot be assembled prior to the emergency action to be taken.~~.))

Section 140. Section 25.24.070 of the Seattle Municipal Code, which was last amended by Ordinance 109125, is amended as follows:

25.24.070 Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this chapter not later than thirty (30) days after ~~receipt of~~ any such application is determined to be complete, and a public ((~~hearing~~)) meeting shall be held on each such application. If after such ((~~hearing~~)) meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval ((~~at this time~~)) within forty-five (45) days of the determination that the application is complete, and shall provide notice of its decision to the applicant and to the Department of Construction and Land Use, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. ((~~and after~~)) After such a decision, the Director of Construction and Land Use is then authorized to issue a permit.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Commission's decision granting it unless the Commission grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the same time period as the permit, including any extensions granted in writing by the Department of Construction and Land Use.

Section 141. Section 25.24.080 of the Seattle Municipal Code, which was last amended by Ordinance 115958, is amended as follows:

25.24.080 Appeal to Hearing Examiner.

A. ((~~Any party of interest appearing before the Commission at a public hearing on an application for a certificate of approval may appeal an action of the Commission on such application by filing an appeal with the Hearing Examiner within seventeen (17) days of the mailing of notice of such Commission action, citing applicable criteria of Section 25.24.040. Within ten (10) days of receiving notice of appeal, the Hearing Examiner shall set a date for hearing on appeal, such hearing to take place no later than thirty (30) days after filing of the~~

~~appeal. Such hearing shall be in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code (Ordinance 102228) unless all parties of record affected by the Commission's decision consent to such review and decision without a public hearing. The Hearing Examiner shall render his decision in writing within fourteen (14) days after the hearing, mailing copies of his decision to parties of record at the hearing, the Department of Neighborhoods Director, the Director of Construction and Land Use and the Commission.~~)) Any interested person of record may appeal to the Hearing Examiner the decision of the Commission to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Commission and by filing such notice and a copy of the Commission's decision with the Hearing Examiner within fourteen (14) days after the date the Commission's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits has expired. If appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals. If the related permit decisions are not appealable, then the appeal of the certificate of approval decision shall proceed immediately, and, pursuant to RCW 3670B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and the related permit applications.

C. The applicant for the certificate of approval may elect to have the appeal heard immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the appeal of the certificate of approval is completed.

D. The Hearing Examiner may reverse or modify an action of the Commission only if ((~~he~~)) the Hearing Examiner finds that:

1. Such action of the Commission violates the terms of this chapter or rules, regulations or guidelines adopted pursuant to the authority of this chapter: or

2. Such action of the Commission is based upon a recommendation made in violation of the procedures set forth in this chapter or procedures established by rules, regulations or guidelines adopted pursuant to the authority of this chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

((~~B. The decision of the Hearing Examiner shall be final.~~))

Section 142. A new Section 25.24.085 of the Seattle Municipal Code is hereby added as follows:

25.24.085 Requests for Interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval.

B. An interpretation must be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests must be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval or another permit that is under review and subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval or other permit was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for permit review until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party within five (5) days of issuance, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Ordinance, Chapter 22.901A - T.

F. An interpretation may be appealed in the same manner and according to the same time frame as a certificate of approval. If the interpretation is related to a certificate of approval , then the appeal of the interpretation shall not be heard until the time period for appealing the certificate of approval decision has expired, or, if the decision on the certificate of approval is appealed, the appeals shall be consolidated.

Section 143. The process of considering whether an improvement, site, or object should be designated a landmark, and of considering the specific controls and incentives that should be applied, presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) Landmark status is not related to a particular permit application, it relates to the building, site, or object and continues independently of whatever permits are granted; 2) Landmarks are public resources, therefore the public must be involved in considering whether landmark status should be assigned; 3) Historic resources require consideration of the long-term, not just the immediate use of a site; 4) Designation does not determine what can or cannot be done with the improvement, site, or object, rather designation requires that approval be given before significant changes or alterations are made; and 5) Controls and incentives result from negotiation, which requires a flexible process. Therefore, pursuant to RCW 36.70B.140, the City is excluding the entire designation process from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 144. SMC 25.12.835 and SMC 23.66.115 and SMC 23.66.318 require that the Director of the Department of Neighborhoods determine whether an applicant for a permit to demolish a landmark or a building in a special review district has a valid and binding commitment for financing sufficient for development of the proposed replacement use or sufficient financial resources for that purpose. This determination presents special circumstances that warrant a different process from that provided in RCW 36.70B. The special circumstances include: 1) An applicant may not be able to obtain a financial commitment until after other permit decisions have been made; 2) Information on financial resources is under the applicant's control. Therefore, pursuant to RCW 36.70B.140, the City is excluding the determination required in sections 25.12.835, 23.66.115, and 23.66.318 from the time limits and provisions of RCW 36.70B.060 through section .090, and the provisions of RCW 36.70B.110 through section .130.

Section 145. The Council determines that preliminary approval by the City of a subdivision presents special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) preliminary approval of subdivisions is excluded from such time limits. The City has defined a subdivision as a division of land into 10 or more lots, and the potential impacts from the creation of so many in-fill lots in one place in a highly developed urban area are such that an open record predecision hearing is needed to examine the public use and interest proposed to be served by the establishment of a subdivision. The Council further determines that a 90 day period, the same time provided by RCW 36.70B.090 for open record appeal hearings, is the minimum period that is reasonable for the Hearing Examiner to conduct such a hearing and issue a decision.

Section 146. The Council determines that Type IV Council land use decisions present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant to the authority of RCW 36.70B.140(1) Type IV Council land use decisions are excluded from such time limits. Type IV decisions are those in which the Council instead of DCLU or the Hearing Examiner makes the City's decision. The Council does so because of the public interests at issue in such proposals, or because of the potential scale and nature of the impacts of such proposals, or because such proposals present a need to interpret and apply fundamental City policies. Given the Council's other on-going responsibilities, it is not possible for the Council to conduct its own open record hearing or to review and act upon a recommendation from the Examiner within the time limits of RCW 36.70B.090. The Council determines that a 90 day period for the Hearing Examiner to conduct an open record predecision hearing and issue a recommendation, and an additional 90 day period for the Council to conduct a closed record review of the record and recommendation and issue its decision, are the minimum periods that are reasonable.

Section 147. The Council determines that Major Institution Master Plans are a unique feature of the Seattle Land Use Code and present special circumstances that warrant an entirely different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the adoption and amendment of Major Institution Master Plans are excluded from such provisions. The Major Institutions Overlay District allows major institutions such as hospitals and universities to develop more intensely than the underlying zone permits so long as the major institution develops consistently with the Master Plan. Not only does the time needed to review and approve a Master Plan depend in large part on the scope and ambition of the major institution's plans, but the creation of a master plan is essentially a legislative act that entails extensive review by and comment from the neighborhoods significantly affected by the institution's development, as well as comprehensive deliberation by the Council.

Section 148. The Council determines that the process for granting use and occupation permits for public streets and similar public places presents special circumstances that warrant a different review process from that provided in RCW 36.70B.060 through 36.70B.090 and 36.70B.110 through 36.70B.130, and pursuant to the authority of RCW 36.70B.140(1) the process for granting such use and occupation permits is excluded from such provisions. A street use permit is a permit to allow private use of public property, and in deciding whether to permit such use the City is not making a regulatory decision pursuant to the police power but is acting as steward of the public interest in public streets.

Section 149. The Council determines that applications for land use decisions that the Hearing Examiner or Council remand for further information or analysis present special circumstances that warrant exclusion from the time limits of RCW 36.70B.090, and pursuant

to the authority of RCW 36.70B.140(1) such applications are excluded from the time limits of RCW 36.70B.090 for the reasonable period of such remand. The existence of special circumstances such as newly discovered evidence gives rise to the need for a reasonable period of time to address such special circumstances, and such period of time should be excluded from the time limits that would apply absent such special circumstances.

Section 150. Pursuant to the authority of RCW 36.70B.140(2), the processing of applications for permits required by the following building and construction codes is excluded from the provisions of RCW 36.70B.060 and 36.70B.110 through 36.70B.130:

A. The Seattle Building Code as adopted in SMC Chapter 22.100;

B. The National Electrical Code as adopted in SMC Chapter 22.300;

C. The Seattle Mechanical Code as adopted in SMC Chapter 22.400;

D. The Seattle Boiler and Pressure Vessel Code as adopted in SMC Chapter 22.450;

E. The Seattle Plumbing Code as adopted in SMC Chapters 22.500 through 22.506;

F. The Seattle Fire Code as adopted in SMC Chapter 22.600 through 22.602;

G. The Washington State Energy Code as adopted in SMC Chapter 22.700

F. The Stormwater, Grading and Drainage Control Code as adopted in SMC Chapters 22.800 through 22.808, except as included as a component of a Master Use Permit pursuant to Section 22.802.020.

Section 151. Effective April 1, 1996, DCLU Director's Rule 8-91 is hereby repealed.

Section 152. Effective April 1, 1996, the "Interim Downtown Design Guidelines," attached hereto as Attachment B, are hereby adopted for use in implementation of the Early Project Implementation Program, Design Review Element, exclusively for projects in the Downtown zones.

Section 153. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 154. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 1996, and signed by me in open session in authentication of its passage this _____ day of _____, 1996.

_____
President of the City Council

Approved by me this _____ day of _____, 1996.

_____
Norman B. Rice, Mayor

KD
1/27/96
V1

Filed by me this _____ day of _____, 1996.

_____
Clerk

(SEAL)

kd
u:/common/mup-2
V1
1/27/96

ATTACHMENT A

TABLE 6 LAND USE FEES			
Type		Permit Fee	Project Review Fee
MASTER USE PERMIT APPROVALS			
1.	Administrative conditional uses (ACUs)	Base Fee x 3	Base Fee x 10
2.	Design review[1]	None	$1,300.00
3.	Environmental reviews (SEPA)[2] (including projects with more than one addressed site)		
	DNSs, mitigated DNSs, other lead agency project review	Base Fee x 3	Hourly (10-hour deposit)
	DSs and EISs		
	Regular value	Base Fee x 3	Per Table 7 (50% at scoping; balance prior to DEIS publication)
	Valuation not reflective of conditions	Base Fee x 3	Hourly (10-hour deposit)
	EIS addenda/SEIS	Base Fee x 3	Hourly (10-hour deposit)
	EIS prepared by consultant	None	In addition to fees above, the contract amounts plus administration charge equal to 3.5% of total EIS contract amount including addenda and SEIS work.
	PEIS Latecomers fees		Reserved
4.	Lot boundary adjustment	Base Fee x 3	Base Fee x 2
5.	Open space remainder lots and surplus State property	Base Fee x 3	Base Fee x 2
6.	Plan shoreline permit		See Council approvals
7.	School use and school development advisory committee reviews	Base Fee x 3	Hourly (10-hour deposit)
8.	Shoreline Permits		
	Substantial development permits	Base Fee x 3	Per Table 8 (including portions outside shoreline)
	Variances[3] and conditional uses	Base Fee x 3	Base Fee x 10
	Renewals	Base Fee X 1.5	
	Revisions (not due to required conditions)	Base Fee x 2	Hourly (2-hour deposit)
9.	Short Subdivisions		
	Less than 5 lots	Base Fee x 3	Base Fee x 10
	5 or more lots	Base Fee x 3	Base Fee x 10 plus Base Fee x 2 for each lot
10.	Sidewalk cafés	Base Fee x 3	Base Fee x 5

Table 6, CONTINUED LAND USE FEES		
Type	**Permit Fee**	**Project Review Fee**
11. Special exceptions	Base Fee x 3	Base Fee x 10
12. Structural building overhangs and areaways	Base Fee x 3	Base Fee x 5
13. Temporary Uses >3 weeks	Base Fee x 3	Base Fee x 10
14. Variances[3]	Base Fee x 3	Base Fee x 10
COUNCIL APPROVALS		
1. Concept approvals (*e.g.*, planned community/ residential development, public projects, City facilities, plan shoreline developments, other general development plans)	Base Fee x 3	Hourly (10-hour deposit)
2. Council conditional uses	Base Fee x 3	Hourly (10-hour deposit)
3. Full subdivisions	Base Fee x 3	Hourly (10-hour deposit)
4. Major Institution[4] Master Plans Designation	 Base Fee x 3 Base Fee x 3	 Per Table 9 Hourly (10-hour deposit)
5. Zoning map changes and rezones	Base Fee x 3	Hourly (10-hour deposit)
MISCELLANEOUS REVIEWS, RESEARCH, & SERVICES		
1. Accessory Dwelling Unit Notification Fee	None.	$150.00
2. Certificate of Land Use	None	Base Fee x 1
3. Concurrency	(Reserved)	
4. Curbcuts[5]	None	$55.00 each commercial $26.00 each residential
5. Development potential analysis	None.	Hourly (1-hour deposit)
6. Greenbelt preserves	None	Hourly (1-hour deposit)
7. House Barge License	None	Base Fee x 3
8. House Barge License Renewal	None	Base Fee x 1.5
9. Interpretations Interpretations ((~~Land Use Code~~)) and legal building site letters Major Institution Master Plan	 Base Fee x 2 Base Fee x 3	 Hourly up to a 5-hour maximum (5-hour deposit) Hourly (5-hour deposit)
10. Legal building site and rebuild letters	None	Base fee x 1

Table 6, CONTINUED LAND USE FEES		
Type	Permit Fee	Project Review Fee
11. Neighborhood Planning	(Reserved)	
12. Notice (additional)[6]		
Land Use information bulletin and reposting large sign or placards	None	Base Fee x 1.5
Land Use information bulletin plus mailed notice	None	Base Fee x 2.5
13. Preapplication Conference[7]	None	Base Fee x 1.5
14. Public benefit feature review	Base Fee x 2	Hourly (5-hour deposit)
15. Records research	None.	Hourly (1-hour deposit)
16. Renewals other than Shorelines	Base Fee X 1.5	
17. Revisions other than Shorelines	Base Fee X 1.5	Hourly (2 hour deposit)
18. Single-family access	None.	Hourly (1-hour deposit)
19. Soils analyses with M.U.P.		
Projects less than $1,000,000	None	Base Fee x 1
Projects greater than $1,000,000 with EISs	None	Base Fee x 4
Projects greater than $1,000,000, all others	None	Base Fee x 2
20. Special accommodation	Base Fee x 2	Base Fee x 2

Notes to Table 6:

1. Design Review shall be collected as follows: 50% upon application for predesign process and 50% upon Master Use Permit application.

2 Fees for Declaration of Non-Significance (DNS) and a Mitigated Declaration of Non-Significance (MDNS) shall be collected by the Director of the Department of Neighborhoods for projects that include City of Seattle landmarks and projects located within a special review or landmark district. Fees collected shall be deposited in the General Fund, provided that DCLU shall assess and receive the permit fee.

3 A fee for one variance shall be charged for all variances associated with a project.

4. The portion of the fee based on floor area shall be collected at publication of the Draft Master Plan and EIS. The SEPA fee for Major Institution Master Plans (MIMPs) shall be based on the greater of 75% of value of the projects proposed in the maximum development alternative, or 100% of the value of the projects in the preferred alternative which are planned to be started within five (5) years of MIMP approval, according to Table 9.

5. Curbcut fees are charged only when a separate curbcut permit is applied for, not when the curbcut is part of a development permit application.

6. Additional notice may be given in circumstances including but not limited to the following: inaccurate large signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.

7. To be paid no later than the time of the conference. This fee shall be applied towards the permit application fee if an application for a permit is made within six (6) months of the date of the preapplication conference and if the project is identified by address at the time of the preapplication conference.

Seattle City Council

(01/08/96

PUBLIC HEARING SIGN-UP SHEET

~~(Bitter Lake Community Center Project)~~ Reg Reform

INFORMATION ON THIS SIGN-UP SHEET IS **PUBLIC RECORD**

(PLEASE PRINT)

#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
1	KEN YEAGER	KEY ACCTS	2112 N 64th	98103	—
2	Lynn Schroder	NNTA	1900 N. Northlake	98103	6321-0911
3	~~Jan O'Connor~~	~~LWV/S~~			
4	~~Brian Peyton~~	~~Seattle Comm. Council Fed~~			
5	~~[illegible]~~				
6	~~Jim Pollel~~				
7					
8					
9					
10					
11					
12					

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PAGE 1

ATTACHMENT B

DCLU

Director's Rule 5-94

Applicant	Page 1 of 6	Supersedes 15-89
CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	Publication 3-3-94	Effective 4-22-94
	Code and Section Reference Seattle Municipal Code 23.49.011	
Subject Allotment of Office Square Footage Downtown	Type of Rule Procedure/Review Criteria	
	Ordinance Authority 3.060.040 SMC	
Index Land Use Code/Technical Requirements/ Procedural Requirements	Approved R. F. Krochalis	Date 5/22/94

FILED
CITY OF SEATTLE
CITY CLERK

Introduction

Initiative 31, which is also known as the Citizen Alternative Plan or "CAP" Initiative, was approved by Seattle voters on May 16, 1989, and became effective on June 1, 1989. The initiative changed the Land Use Code to set an annual limit on the square footage of usable new office space for which permits can be issued downtown. "Downtown" means all downtown zoned property, as shown on Exhibit A.

The yearly limit is 500,000 square feet for 1989 through 1994, and 1,000,000 square feet for 1995 through 1999. If permits are not issued for the full amount allowed in a year, the remaining square footage can be carried over to following years, but permits can never be issued for more than double the yearly allotment.

The Initiative exempts projects with less than 50,000 square feet of office space from the annual limit. In addition, 85,000 square feet of the yearly limit are set aside per year for projects between 50,000 and 85,000 square feet in size. If this set aside amount is not used, it is carried over to the following years, and remains reserved for projects of this size.

In order to determine which office project(s) receive(s) a permit, Section 23.49.011D of the Land Use Code, as provided in Section 2 of the Initiative, states:

> D. Except as provided in Subsection E below, building permits will be issued on a first-come, first-served basis annually under rules adopted by the Department of Construction and Land Use, or pursuant to such other reasonable mechanism established by DCLU after public comment and hearing.

The purpose of this rule is to establish the process for issuing permits for office square footage downtown.

Exhibit A

Downtown Districts

DOC-1	Office Core-1	*Downzoned by CAP Initiative*
DOC-2	Office Core-2	
DRC	Retail Core	
DMC	Mixed Commercial	
DMR	Mixed Residential	
(R/R	Residential)	
(R/C	Residential/Commercial)	
PSM	Pioneer Square Mixed	
IDM	International District Mixed	
IDR	International District Residential	
PMM	Pike Market Mixed	
DH-1	Harborfront-1	
DH-2	Harborfront-2	

( ) height requires City Council approval

Downtown Classifications

Limit on office square footage applies to *ALL* Downtown zones.

RULE

Projects containing 50,000 to 85,000 square feet of usable new office space

Starting June, 1989, permits shall be issued for projects containing between 50,000 and 85,000 square feet of office space on a first-come, first-served basis based on the date that a complete building permit application is filed for the project, until the annual set aside amount of square footage for this type of project is used up. Once the set aside is used up, applicants may elect to wait until more set aside space becomes available, or may enter the competition process outlined in subsection B. Time spent waiting for space to become available shall not be used as the basis for cancelling a building permit application.

B. Projects containing more than 85,000 square feet of usable new office space

A competition shall be held annually to determine which projects with more than 85,000 square feet of usable office space may be given permits under the limits set by Section 23.49.011.

1. SQUARE FOOTAGE LIMIT

To be eligible to enter the competition, a project shall have no more square feet of office space than the allocation for the year for which the competition is held, including any carry-over available from previous years.

2. TIMING

The annual allotment of office space will occur once a year. The competition will be open to any project for which environmental review has been completed on or before September 1 of that year. To allow better planning of the competition, applicants shall submit to DCLU a "notice of intent to apply" by June 1. If two or more projects submit a notice of intent to apply the process will be as follows:

JUNE 1
Notice of intent to apply submitted to DCLU

SEPTEMBER 1
Projects with completed environmental review by DCLU (Publication of a Final Environmental Impact Statement [FEIS], or a Determination of Non-Significance [DNS], or a Determination of Non-Significance with conditions, or a Mitigated Determination of Non-Significance [MDNS] apply to enter the competition.)

SEPTEMBER 2 - NOVEMBER 30
Public, staff and Review Panel review and deliberations, including presentations by applicants and recommendations to DCLU Director

DECEMBER 1 - DECEMBER 31
DCLU Director review and decision

JANUARY 1
Decision announced.

If DCLU receives only one notice of intent to apply, the public, staff and review panel review may begin anytime after the June 1 deadline, upon completion of any required environmental review. DCLU Director review and decision and decision announcement will follow immediately after.

3. FEE

A fee for entering the design competition will be charged based on the cost of the process.

4. REVIEW PANEL

The Director of the Department of Construction and Land Use, upon the advice of a review panel, shall decide if and which project(s) receive(s) the allocation. A review panel shall be established for each completion. The Downtown Project review Panel will consist of the following members: The Directors of the Office for Long-Range Planning, the Department of Community Development, and the Engineering Department; a representative of the Seattle Design Commission; and four people, appointed by the Mayor and confirmed by the City Council. Three of the appointed members shall have expertise in one or more of the following or closely related fields: architecture, urban planning, design, transportation engineering or real estate development. The fourth appointed member shall be resident of downtown Seattle. Appointed Panel members shall serve two-year terms. However, the terms of the four appointed Panel members shall be staggered such that two seats will be replaced each year. In order to commence the staggering term system, a drawing among the four 1991 appointed Panel members will determine which two seats will serve a one-year term only. The remaining two seats will serve a full two-year term through 1992, and two new Panel members will be appointed in 1992.

5. REVIEW PROCESS

Applicants are encouraged to attend a pre-application conference about the competition with DCLU staff before applying for a Master Use Permit to discuss specific site constraints and considerations, the competition criteria and particular issues that the project design team will need to address.

The review of projects in the competition will be a quasi-judicial process. All meetings of the review panel will be open to the public, and shall be recorded.

In order to minimize costs and provide an equal footing for all projects, guidelines for the application materials required from each applicant shall be established by DCLU. Additional materials and information shall not be accepted for review, except when specifically requested by the Panel.

At the beginning of the competition there will be a one-month public review period. During this time, models and/or drawings of the entries will be placed in a public viewing area downtown, such as the Downtown Public Library or the lobby of the Municipal Building. Comment forms and a comment collection box will be provided, or comments may be sent directly to the Review Panel.

6. BASIS FOR EVALUATING PROJECTS

The staff and Review Panel shall consider the criteria in this Rule, which are based on the Urban Form Framework Policy of the Downtown Land Use and Transportation Plan, and comments from he public in advising the DCLU Director on which projects should receive permits. Where appropriate, specific policies from he Downtown Land Use and Transportation Plan can also be used for guidance. The projects will be evaluated first on an individual basis. Projects will then be evaluated in terms of their relative merits to determine which should be awarded the office space allocation, if there is more than one project. The criteria will not be given any particular predetermined width. Each panel member will be free to attach his or her own importance to them. The panel's analysis and recommendation shall be given to the DCLU Director in writing. Substantial weight shall be given to the Review Panel's analysis and conclusions. The Director's decision shall be based on the criteria in this Rule, and shall be in writing. If the Director does not adopt the Panel's recommendation, the Director's report shall outline the reasons for reaching a different decision, and show how the criteria led the Director to a different conclusion.

For any year, the Director may allot all of the available square footage to projects; allocate only part of the space; or, if all projects are rated "fair" or "poor" for a majority of the applicable criteria, allocate none of the space. If space is not awarded in a particular year it shall be carried forward and allocated in a future year's competition.

Projects shall be evaluated on an individual basis according to the following criteria:

CONTEXT

a. The project is superior in terms of establishing a superior pedestrian street environment.

b. The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

SITING

c. The project is superior in that it preserves downtown's historic and noteworthy buildings and/or respects the character of such nearby structures in its design.

d. The project is superior in the way it provides or preserves light at street level and in the surrounding areas.

e. The project is superior due to the quality of the public spaces it enhances or creates, and the appropriateness of its public spaces for the location of the project.

DESIGN

f. The design of the project is superior in its appearance, through the use of materials, building composition and scale, and fenestration, color and detailing.

ENVIRONMENTAL AND TRANSPORTATION IMPACTS

g. The project is superior in the way it minimizes impacts on traffic congestion by accommodating growth in peak hour travel primarily by transit and other non-single occupancy-vehicle modes of travel, and in its relationship to the downtown transportation system.

h. The project is superior because it minimizes adverse impacts on the environment, as disclosed in the environmental review process.

i. The project is superior in that it does not result in the demolition of low-income housing, or a net reduction in the supply of low-income housing downtown. Low-income housing shall be as defined in the Housing Preservation Ordinance.

7. APPLICATION OF REVIEW CRITERIA

The analysis of the review criteria shall be made on the basis of the following descriptions:

The project shall be ranked "Excellent," "Fair" or "Poor" for each criterion. In each case, "Excellent" and "Poor" are described. A "Good" rating shall be given when the project is generally positive but not outstanding, or

has some minor negative qualities that keep it from achieving the "Excellent" rating. A "Fair" rating shall be given when the project has neither notable strengths or weaknesses, or the positive and negative features tend to cancel each other out.

a. The project is superior in terms of establishing a high quality pedestrian street environment.

EXCELLENT: Creates a very pleasing and inviting human scale pedestrian environment through the scale and texture of building materials, size and spacing of windows, street furniture, landscaping, overhead weather protection and ease height; enhances pedestrian comfort and ease of circulation for people of all abilities, especially up steep hillsides; vehicular access to the project minimizes conflicts with pedestrians; and the project contributes in an outstanding way to a well proportioned and well defined street space for pedestrians.

POOR: Negative qualities clearly dominate the design at street level, such as blank facades, limited, monumental entrances, difficult or disorienting pedestrian access, awkward or circuitous barrier-free access, conflict between vehicular and pedestrian access, or disruption of an existing well-defined streetscape or common ease line.

b. The project is superior in terms of reinforcing the vitality and special character of the part of downtown in which it is located.

EXCELLENT: Scale, design and proposed uses of structures are compatible with and enhance the surrounding area, help unify an area that currently does not have strong consistency of scale, activity or character, or help change the character of an are in a positive way when such a change would further the goals of the Downtown Plan.

POOR: The project disrupts the development of a cohesive streetscape or the special character of its surroundings and relates poorly to surrounding buildings, failing to either harmonize or complement.

c. The project is superior in that it preserves downtown's historic or noteworthy buildings and/or respects the character of such nearby structures in its design.

EXCELLENT: Provides an outstanding supportive context for nearby historic or noteworthy buildings which are likely to remain, through sympathetic architectural treatment, building massing, and scale; or through preservation of a historic structure, use, or the facade of a historic structure as a part of the project or through a transfer of development rights.

POOR: Detracts from the character of nearby historic or noteworthy buildings, or results in the demolition of such structures.

d. The project is superior in the way it insures light at street level and in the surrounding area.

EXCELLENT: Provides for ample amount of sunlight at street level and preserves light for surrounding structures, especially historic or noteworthy ones. Uses slenderness and profile of building mass to avoid or minimize shadow impacts on nearby public spaces or parks.

POOR: Contributes to a dark canyon-like effect, walling of the street from sunlight most of the day, or substantially shades a public space or parks.

e. The project is superior to other projects due to the quality of the public spaces it enhances or creates, and the appropriateness of its public spaces for the location of the project.

EXCELLENT: Accessible, inviting, usable, well-organized and comfortable public space, providing a variety of experiences and generously fulfilling all the requirements. Fits well with its surroundings and represents a desirable addition to the city's public spaces.

POOR: Poorly conceived public space where important elements have been badly designed or left out. The public spaces are residual, and/or not appropriate to the character of the area, such as an open space that inappropriately breaks up the street frontage of the retail core or a historic district. Will detract from the ambience of the city and the hierarchy of public and private spaces.

f. The design of the project is superior in its appearance, through the use of materials, building composition and scale, and fenestration, color and detailing.

EXCELLENT: Outstanding qualities of composition, scale, materials, fenestration, and detailing. Few, if any negative qualities. The building fits into the skyline with grace and harmony, and will make an outstanding contribution to the visual quality of the city from close, middle and distant vantages.

POOR: Negative qualities clearly dominate the overall effect such as: awkward or graceless facades, excessive bulkiness, excessively bland, dull appearance, poor quality of detailing and/or materials. Building will degrade the visual quality of the city.

g. **The project is superior in the way it minimizes impacts on traffic congestion by accommodating growth in peak hour travel primarily by transit and other non-single-occupancy-vehicle modes of travel, and in its relationship to the downtown transportation system.**

EXCELLENT: The project is located in an area with high transit access as defined in the Downtown Land Use and Transportation Plan, and the project developer demonstrates a commitment to a transportation management program which provides incentives or disincentives to reaching a performance standard of no more than 20% of employees commuting by single occupancy vehicles, minimizes stalls for single occupancy vehicles, requires charging market rate for all single occupancy vehicle stalls, provides discounts for carpools and van pools, and provides full disclosure of parking costs in tenant leases. The project would create relatively few traffic impacts and/or cause minimal congestion of streets; and delivery truck access and loading zones are designed to minimize disruption of traffic flow.

POOR: The project is located in a congested area with moderate transit access as defined in the Downtown Land Use and Transportation Plan, and the project developer demonstrates little or no commitment to providing incentives or disincentives to encourage use of transit, vanpools, carpools and bicycles as alternatives to commuting by single occupancy vehicles. The project's performance standard will be less than 55% of employees using high occupancy vehicles; the number of permitted parking spaces is maximized; and/or no transportation management program is proposed. The project would create major traffic impacts or would cause severe congestion of streets; loading zones and delivery truck access are poorly located and would disrupt smooth flow of traffic.

h. **The project is superior because it minimizes adverse impacts on the environment, as disclosed in the environmental review process.**

EXCELLENT: Has many positive impacts on the environment, and adverse impacts are mitigated to the greatest extent possible.

POOR: Adverse impacts on the environment are not adequately mitigated and far outweigh positive impacts.

i. **The project is superior in that it does not result in the demolition of low-income housing, or a net reduction in the supply of low-income housing downtown. Low income housing shall be as defined in the Housing Preservation Ordinance.**

EXCELLENT: Does not result in low-income housing demolition or a net reduction in the supply of low-income housing downtown.

POOR: Results in the demolition of low-income housing or a net reduction in the supply of low-income housing downtown.

8. WITHDRAWAL AND CARRY-OVER OF PERMITS

Projects that are not approved may be withdrawn by the applicant, or, if the applicant requests it in writing, may be considered for office space allocation in future years. If the project applicant chooses to carry the application forward for the following year's allocation, no new filing shall be required and no further analysis will be undertaken in future review periods. However, and applicant may modify a continued project prior to filing date of future competitions. If the modifications are deemed substantial, as determined by the Director of DCLU, new environmental review and filing fees may be required.

118012

Seattle City Council

(01/08/96

PUBLIC HEARING SIGN-UP SHEET

~~(Bitter Lake Community Center Project)~~ Regulatory Reform

INFORMATION ON THIS SIGN-UP SHEET IS **PUBLIC RECORD**

(PLEASE PRINT)

#	NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
1	KEN YEAGER	KEY ACCTS	2112 A Cyr	98109	—
2	Lynn Schroder	NNTA	1900 N. Northlake	98103	6321-0911
~~3~~	~~Jan O'Connor~~	~~LWV/S~~			
~~4~~	~~Brian Fenton~~	~~Seattle Comm. Grand Jeal~~			
~~5~~	~~[illegible]~~				
~~6~~	~~Jim Pottel~~				
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PAGE 1

Issue: Regulatory Reform Implementation

Date/Time: Jan. 30th, 1996

File/Bill: _____

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ROSTER OF SPEAKERS FOR PUBLIC HEARING

NAME	POSITION	ORGANIZATION	ADDRESS	ZIP	PHONE
1 Richard Ellison		Citizen	1938 10th Ave E	98102	328-7265
2					
3 Jan O'Connor	Land Use Ch.	League of Women Voters			
4 BRIAN LIVINGSTON	EXEC. DIR.	SEA. COMMUNITY FORUM	300 Q.A. AVE. #456	98109	282-1069
5. Brian Peyton	Representative	Seattle Comm. Council Federation			
6. Jim Potter	President	Kaiser Investments	4464 Aurora Ave N #500	98103	633-8505
7. Kirk Robbins	Treas. Spokesperson	Queen Anne Community Council	1302 Queen Anne Ave N #5	98109	284-1742

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6. Jim Potter	President	Kauri Investments	4464 Fremont Ave N #300	98103	632-8505
7. Kirk Robbins	Treas. Potter's Person	Queen Anne Community Council	1302 Queen Anne Ave N #5	98109	284-1742

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NAME	POSITION	ORGANIZATION	ADDRESS	ZIP	PHONE
Tim O'Brian	Boardmember	DVNPC Georgetown Community	6420 Carleton Ave S	98108	7675761
Sally Clark	Chair, Land Use	Development Committee of Greater Seattle Chamber of Commerce	1301 5th Ave Seattle 98101	98101	623-1745
Jack McCullough	Chair	DSA LUTP Subcommittee	2025 1st Ave #1150 Sea 98121		
Carol Eychaner		self	2348 Franklin Ave E	98102	324-1716
Chris Leman		self	85 E. Roanoke St.	98102	

Seattle City Council

(01/08/96

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STATE OF WASHINGTON - KING COUNTY

64916
City of Seattle,City Clerk

—ss.

No. IN FULL

Affidavit of Publication

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

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

CT:ORD 118012

was published on

02/29/96

The amount of the fee charged for the foregoing publication is the sum of $, which amount has been paid in full.

Subscribed and sworn to before me on

02/29/96

Notary Public for the State of Washington,
residing in Seattle

appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, and that the public use and interest will be served by the platting of subdivision, then it shall be approved. If the Hearing Examiner ((it)) finds that the proposed plat does not provide the appropriate elements or that the public use and interest will not be served, then the Hearing Examiner ((Council)) may disapprove the proposed plat. Dedication of land to any public body may be required as a condition of subdivision approval and shall be clearly shown on the final plat. The Hearing Examiner ((Council)) shall not as a condition to the approval of any plat require a release from damages to be procured from other property owners.

Section 7. Section 23.22.064 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.064 Filing with Director of Engineering.

A. Time of Filing.

1. A final plat meeting all the requirements of RCW Chapter 58.17 and of this C((e))hapter, shall be filed with the Director of Engineering within five (5) ((three (3))) years of the date of preliminary plat approval. ((As required by RCW 58.17.140, an applicant who files a written request with the City Council at least thirty (30) days before the expiration of the three (3) year period shall be granted one (1) one (1) year extension upon a showing that the applicant has attempted in good faith to submit the final plat within the three (3) year period.))

2. Within thirty (30) days of the date of filing of the final plat, unless the applicant consents to an extension of the time period, final plats shall be approved or disapproved by action of the Council, or returned to the applicant. This approval shall proceed pursuant to the procedures of this Chapter.

B. Submittal Requirements. The following shall be submitted for final plat review:

1. A final plat consistent with the technical requirements of Section 23.22.066 and ((S))subchapter((s)) V ((and VI));

2. A complete survey of the section or sections in which the plat or replat is located, or as many sections as may be necessary to properly orient the plat within the section or sections;

3. Complete field and computation notes as provided in Section 23.22.094;

4. A title report from a title company licensed to do business in the state showing the ownership and title of all parties of interest to the subdivision and confirming that title of the lands as described and shown on the final plat is in the name of the owners signing the certificate required in Section 23.22.068((6));

5. A guarantee deposit in an amount established by the Director of Engineering sufficient to cover the expense of the City in checking the plat, advertising the ordinance, and posting notices.

Section 8. Section 23.22.070 of the Seattle Municipal Code, which was adopted by Ordinance 110570, is amended as follows:

23.22.070 Director's action on final plat.

The Director of Engineering shall refer the final plat to the Director who shall review the final plat for substantial conformance to the approved preliminary plat, including any requirements or conditions imposed by the ((Council)) Hearing Examiner, and to the standards established by RCW Chapter 58.17 and this ((e))Chapter. The Director shall within ten (10) days furnish the Director of Engineering with a report regarding the conformance of the plat. The Director of Engineering shall review the final plat for the following:

A. That the proposed final plat bears the certificates and statements of approval required by state law and this ((e))Chapter;

B. That title insurance report furnished by the subdivider confirms the title of the land and the proposed subdivision is vested in the name of the owners whose signatures appear on the plat certificate;

Chapters 22.90((9))1A - 1. The application is subject to procedural requirements established in Chapter 23.76, the Master Use Permit Process. ((Within thirty (30) days of the date of filing, a short plat shall be approved or disapproved or returned to the applicant, unless the applicant consents to an extension of this time period.))

Section 13. Section 23.41.004 of the Seattle Municipal Code, which was last amended by Ordinance 117430, is amended as follows:

23.41.004 Applicability and phasing.

A. Design Review Required.

1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by The City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1, 2, 3) zones.

2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR) and Highrise (HR) zones.

3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.

4. Design Review shall also be required for all new structures containing more than 50,000 (fifty thousand) square feet of usable new office space in all Downtown zones.

5. ((4.)) Design review is optional for all new multifamily and commercial structures not otherwise subject to this C(e)hapter, in all multifamily, ((and)) commercial, and downtown zones.

B. Phasing. The following development shall be subject to the provisions of this ((e))Chapter:

1. All new structures described in subsection A1-3 that abut or are directly across a street or alley from any lot zoned single family.

2. As of April 15, 1995 - All new structures described in subsection A2 that abut or are directly across a street or alley from any lot zoned single family, and all new structures described in subsections A1 and A3.

3. As of October 15, 1995 - All new structures as described in subsections A1-3.

4. Beginning April 1, 1996 - All new structures as described in subsection A4.

C. Exemptions. New structures located within Special Review Districts as regulated by Chapter 23.66, within Landmark Districts as regulated by SMC Title 25, Environmental Protection and Historic Preservation, or which are required to undergo Shoreline Design Review as regulated by Chapter 23.60, shall be exempt from requirements for design review under this ((e))Chapter.

Section 14. Section 23.41.006 of the Seattle Municipal Code, which was adopted by Ordinance 116909, is amended as follows:

23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into six (6) ((five (5))) geographic areas, five (5) of which shall be ((and)) further divided into twelve (12) subareas, as depicted on the Design Review Map, Exhibit 23.41.006A.
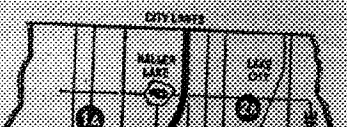
Exhibit 23.41.006A
Design Review Map