

Ordinance No. 123913

### The City of Seattle – Legislative Department

Council Bill No. 117456

Council Bill/Ordinance sponsored by: Richard Cook

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.34.004, 23.69.032, 23.76.004, 23.76.005, 23.76.006, 23.76.008, 23.76.010, 23.76.012, 23.76.014, 23.76.015, 23.76.016, 23.76.018, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.028, 23.76.032, 23.76.034, 23.76.036, 23.76.038, 23.76.040, 23.76.042, 23.76.046, 23.76.050, 23.76.052, 23.76.054, 23.76.056, 23.76.058, 23.76.060, 23.76.062, 23.78.002, 23.78.006,

23.78.012, 23.78.014, 23.79.006, 23.79.010, 23.79.012, 23.84A.014, 23.84A.024, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.036, 25.05.355, and 25.05.680 of the Seattle Municipal Code, repealing Sections 23.76.019, 23.76.049, and 23.76.068, and adding a new Section 23.76.067, to improve and clarify procedures for Master Use Permits and Council land use decisions.

### Committee Action:

Recommendation

Vote

6/27/12  
Pass

3-0 RC, TB, MO

Related Legislation File:

CF 312315, Res 31375

Date Introduced and Referred: <u>4.30.12</u>	To: (committee): <u>Planning, Land Use + Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>7.2.12</u>	Date Presented to Mayor: <u>7.3.12</u>
Date Signed by Mayor: <u>7.9.12</u>	Date Returned to City Clerk: <u>7.10.12</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

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

RC 6/27/12

### Full Council Action:

Date

Decision

Vote

7.2.12

Passed

8-0

as amended excused: SB

*Law Department*

**CITY OF SEATTLE**

**ORDINANCE** 123913  
**COUNCIL BILL** 117456

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.34.004, 23.69.032, 23.76.004, 23.76.005, 23.76.006, 23.76.008, 23.76.010, 23.76.012, 23.76.014, 23.76.015, 23.76.016, 23.76.018, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.028, 23.76.032, 23.76.034, 23.76.036, 23.76.038, 23.76.040, 23.76.042, 23.76.046, 23.76.050, 23.76.052, 23.76.054, 23.76.056, 23.76.058, 23.76.060, 23.76.062, 23.78.002, 23.78.006, 23.78.012, 23.78.014, 23.79.006, 23.79.010, 23.79.012, 23.84A.014, 23.84A.024, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.036, 25.05.355, and 25.05.680 of the Seattle Municipal Code, repealing Sections 23.76.019, 23.76.049, and 23.76.068, and adding a new Section 23.76.067, to improve and clarify procedures for Master Use Permits and Council land use decisions.

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

Section 1. Subsection B of Section 23.04.010 of the Seattle Municipal Code, which section was last amended by Ordinance 120117, is amended as follows:

**23.04.010 Transition to the Land Use Code((=))**

\* \* \*

B. Existing Contract Rezones. Contract rezones approved under Title 24 shall remain in effect until the date specified in the rezone property use and development agreement (PUDA). If no expiration date is specified, the rezone shall remain in effect for two ((2)) years from the effective date of Title 23 zoning for the property or, in the case of downtown, from the effective date of Ordinance 112303 adopting permanent Title 23 zoning for downtown. When Title 23 zoning goes into effect, the property may, at the election of the property owner, be developed pursuant to either the existing rezone property use and development agreement or Title 23. When the contract rezone expires the property shall be regulated solely by the requirements of Title 23. If a property is subject to a PUDA approved under Title 24 and the owner wishes to develop



1 under Title 23, the property may be released from the conditions of the PUDA by the City  
2 Council without following the PUDA amendment procedures in 23.76.058.

3 \* \* \*

4 Section 2. Section 23.34.004 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 122497, is amended as follows:

6 **23.34.004 Contract rezones((:))**

7  
8 A. Property Use and Development Agreement ~~((PUDA))~~. The Council may approve a  
9 map amendment subject to the execution, delivery, and recording of ~~((an))~~ a property use and  
10 development agreement (PUDA) executed by the legal or beneficial owner of the property to be  
11 rezoned ~~((to))~~ containing self-imposed restrictions upon the use and development of the property  
12 in order to ameliorate adverse impacts that could occur from unrestricted use and development  
13 permitted by development regulations otherwise applicable after the rezone. All restrictions  
14 imposed by the PUDA shall be directly related to the impacts that may be expected to result from  
15 the ~~((amendment))~~ rezone. A contract rezone shall be conditioned on performance or compliance  
16 with the terms and conditions of the ~~((property use and development agreement))~~ PUDA. Council  
17 may revoke a contract rezone or take other appropriate action allowed by law for failure to  
18 comply with a PUDA. The ~~((agreement))~~ PUDA shall be approved as to form by the City  
19 Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

20  
21  
22 B. Waiver of Certain Requirements. The ordinance accepting the ~~((agreement))~~ PUDA  
23 may waive specific bulk or off-street parking and loading requirements if the Council determines  
24 that the waivers are necessary under the agreement to achieve a better development than would  
25 otherwise result from the application of regulations of the zone. No waiver of requirements shall  
26 be granted ~~((which))~~ that would be materially detrimental to the public welfare or injurious to  
27



1 property in the zone or vicinity in which the property is located.

2 Section 3. Subsections H, I, and J of Section 23.69.032 of the Seattle Municipal Code,  
3 which section was last amended by Ordinance 123649, are amended as follows:

4 **23.69.032 Master Plan Process**

5 \* \* \*

6 H. Hearing Examiner Consideration of the Master Plan.

7  
8 1. The Hearing Examiner shall review the Director's report and recommendation  
9 and the Advisory Committee's report on the Director's report, as provided in Section 23.76.052(  
10 ~~Hearing Examiner open record predecision hearing and recommendation~~)).

11 2. If the Hearing Examiner considers the proposed master plan and all  
12 recommendations for changes, alternatives, mitigating measures and conditions, and determines  
13 that a significant master plan element or environmental issue was not adequately addressed by  
14 the proposed master plan, the Hearing Examiner may request the institution to prepare new  
15 proposals on the issues identified, may request the Director to conduct further analysis or provide  
16 clarification, and may request the Advisory Committee to reconvene for the limited purpose of  
17 commenting on the new proposals. The new proposals shall also be submitted to the Director,  
18 Advisory Committee and parties of record for comment. After the new proposals and comments  
19 have been received, the Hearing Examiner may:  
20  
21

22 a. Remand the new proposals and Advisory Committee comments and  
23 recommendation to the Director for further consideration and report; or

24 b. Hold the hearing record open for evidence on the new proposals, the  
25 Advisory Committee comments and recommendation, and/or any comments pertaining to the  
26 limited issues which were presented by other parties of record.  
27



1                   3. The Hearing Examiner shall submit a recommendation to the Council on the  
2 proposed master plan within ~~((thirty-))~~30((3)) days following the hearing. In addition to the  
3 Hearing Examiner's recommendation, the Hearing Examiner shall transmit to the Council the  
4 proposed master plan, environmental documentation, the Advisory Committee's reports, and the  
5 report and recommendation of the Director.

6                   I. Council Consideration of the Hearing Examiner's Recommendation.

7                   1. The Council shall review and consider the Hearing Examiner's  
8 recommendation as provided in Section 23.76.054(~~(, Council consideration of Hearing Examiner~~  
9 ~~recommendation))~~). The goal of the Council shall be to take final action on the Hearing  
10 Examiner's recommendation no later than three ~~((3))~~ months after the date it receives the  
11 recommendation.

12                   2. If the Council examines the proposed master plan and all recommendations for  
13 changes, alternatives, mitigating measures and conditions, and determines that a significant  
14 master plan element was not adequately addressed by the proposed master plan, the Council may  
15 remand the master plan for submission of additional information and/or new proposal(s) on the  
16 issue determined to be inadequately addressed, in a time frame specified in the remand. The  
17 institution shall submit the additional information and/or new proposals to the Advisory  
18 Committee, to the parties of record to the Council decision to remand, and to the Director. The  
19 Advisory Committee shall prepare and submit comments and a report to the Director. The  
20 Director shall submit a report and recommendation on the additional information and/or new  
21 proposal(s) to the Hearing Examiner. The Hearing Examiner shall consider the additional  
22 information and/or new proposal(s) and submit a recommendation to Council pursuant to  
23 subsection 23.69.32.H ~~((above))~~.



J. Council Decision.

1  
2 1. The Council's decision to adopt, adopt with conditions, or deny an application  
3 for a Major Institution Master Plan shall comply with the requirements of Section 23.76.056(~~;~~  
4 ~~Council decision on Hearing Examiner recommendation~~)).

5 2. Adoption of a master plan shall be by ordinance. A master plan shall not  
6 become final until the ordinance approving it becomes law pursuant to the City Charter.

7 \* \* \*

8  
9 Section 4. Section 23.76.004 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 123649, is amended as follows:

11 **23.76.004 Land Use Decision Framework**

12 A. Land use decisions are classified into five categories (~~(based on the amount of~~  
13 ~~discretion and level of impact associated with each decision)~~). Procedures for the five different  
14 categories are distinguished according to who makes the decision, the type and amount of public  
15 notice required, and whether appeal opportunities are provided. Land use decisions are generally  
16 categorized by type in Table A for 23.76.004.

17  
18 B. Type I and II decisions are made by the Director and are consolidated in Master Use  
19 Permits. **Type I** decisions are decisions made by the Director (~~(that require the exercise of little~~  
20 ~~or no discretion and)~~) that are not appealable to the Hearing Examiner. **Type II** decisions are  
21 discretionary decisions made by the Director that are subject to an administrative open record  
22 appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in  
23 (~~(Section))~~subsections 23.76.006.C.2.c, d, f, and g, and SEPA decisions integrated with them as  
24 set forth in subsection 23.76.006.C.2.1, shall be made by the Council when associated with a  
25 Council land use decision and are not subject to administrative appeal. **Type III** decisions are  
26  
27  
28



made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

\* \* \*

H. If notice is required pursuant to this Chapter 23.76, except mailed notice as defined in Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail address to the Department. Notice to City agencies may be provided through the City's interoffice mail or by electronic means.

**Table A for 23.76.004  
LAND USE DECISION FRAMEWORK<sup>1</sup>**

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

<b>TYPE I Director's Decision (((No Administrative Appeal))) (Administrative review through land use interpretation as allowed by Section 23.88.020<sup>2</sup>)</b>	
•	Compliance with development standards
•	Uses permitted outright
•	Temporary uses, four weeks or less
•	Intermittent uses
•	Interim use parking authorized under subsection 23.42.040.G
•	Uses on vacant((A))or underused lots ((per)) pursuant to Section 23.42.038
•	Certain street uses
•	Lot boundary adjustments
•	Modifications of features bonused under Title 24
•	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
•	Temporary uses for relocation of police and fire stations
•	Exemptions from right-of-way improvement requirements
•	Special accommodation
•	Reasonable accommodation
•	Minor amendment to a Major Phased Development Permit
•	Determination of public benefit for combined lot FAR
•	Determination of whether an amendment to a ((Property Use and Development



- Agreement)) property use and development agreement is major or minor
- Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested
  - Shoreline special use approvals that are not part of a shoreline substantial development permit
  - Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
  - Other Type I decisions that are identified as such in the Land Use Code

**TYPE II Director's Decision  
 (Appealable to Hearing Examiner or Shorelines Hearing Board((\*)<sup>3</sup>))**

- Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
- Variances
- Administrative conditional uses
- Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit (((\*appealable to Shorelines Hearings Board along with all related environmental appeals)))<sup>3</sup>
- Short subdivisions
- Special Exceptions
- Design review decisions, except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested
- Light rail transit facilities
- The following environmental determinations:
  1. Determination of non-significance (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
  5. A decision ((~~by the Director~~)) that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)
- Major Phased Developments
- Downtown Planned Community Developments

**TYPE III Hearing Examiner's Decision  
 (No Administrative Appeal)**

- Subdivisions (preliminary plats)

**COUNCIL LAND USE DECISIONS**

**TYPE IV (Quasi-Judicial) Council Land Use Decisions**

- Amendments to the Official Land Use Map (rezones), except area-wide amendments((;))and correction of errors ((and adjustments pursuant to Section 23.69.023))
- Public projects that require Council ((approvals))approval
- Major Institution ((Master Plans))master plans, including major amendments, ((and)) renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions.



1 • Major amendments to ~~((Property Use and Development Agreements))~~ property use and development agreements

2 • Council conditional uses

3 **TYPE V (Legislative) Council Land Use Decisions**

4 • Land Use Code text amendments

5 • Area-wide amendments to the Official Land Use Map

6 • Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes

7 • Concept approvals for the location or expansion of City facilities requiring Council land use approval

8 • Major Institution designations and revocations of Major Institution designations

9 • Waivers or modifications of development standards for City facilities

10 • Planned Action Ordinances

11 Footnotes for Table A for 23.76.004:

12 (1) Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This table is intended to provide only a general description of land use decision types.

13 (2) Type I decisions are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.

14 (3) Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

15 \* \* \*

16  
17 Section 5. Section 23.76.005 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 122497, is amended as follows:

19 **23.76.005 Time for decisions(~~(-)~~)**

20 A. Except as otherwise provided in this Section 23.76.005 (~~((section))~~) or otherwise agreed  
21 to by the applicant, land use decisions on applications shall be made within (~~((one hundred twenty~~  
22 ~~(-))120(~~(-))~~) days after the applicant has been notified that the application is complete. In  
23 determining the number of days that have elapsed after the notification that the application is  
24 complete, the following periods shall be excluded:  
25~~

26 1. All periods of time during which the applicant has been requested by the  
27  
28



1 Director to correct plans, perform required studies, or provide additional required information,  
2 until the ~~((determination))~~ Director determines that the request has been satisfied;

3 2. Any extension of time mutually agreed upon by the Director and the applicant;

4 3. For projects for which an EIS has been required, the EIS process time period  
5 established in subsection 23.76.005.B; ~~((and))~~

6 4. Any time period for filing an appeal of the land use decision to the Hearing  
7 Examiner, and the time period to consider and decide the appeal ~~((:))~~; and

8 5. All periods of time during which the applicant has been requested by the  
9 Director to pay past-due permit fees, until the Director determines that the request has been  
10 satisfied or until the permit is cancelled for failure to pay fees.

11 B. The time required to prepare an EIS shall be agreed to by the Director and applicant  
12 in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement  
13 shall be issued by the Director within one year following the issuance of a Determination of  
14 Significance for the proposal, unless the EIS consultant advises that a longer time period is  
15 necessary. In that case, the additional time shall be that recommended by the consultant, not to  
16 exceed an additional year.

17 ~~((B))~~ C. The time limits established by subsections 23.76.005.A and B ~~((of this section))~~  
18 do not apply if a permit application:

19 1. ~~((Requires))~~ requires an amendment to the ~~((comprehensive~~  
20 plan)) Comprehensive Plan or the Land Use Code; or

21 2. ~~((Requires))~~ requires the siting of an essential public facility; or

22 3. ~~((Is))~~ is substantially revised by the applicant, in which case the time period  
23 shall start from the date at which the revised project application is determined to be complete.  
24  
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1            ~~((C))~~D. Exclusions (~~((Pursuant))~~pursuant to RCW 36.70B.140(1).

2            1. Type II decisions. There is no time limit for a decision on an application  
3 ~~((for))~~that includes an exception from the regulations for Environmentally Critical Areas,  
4 ~~((SMC))~~ Chapter 25.09.

5            2. Type III decisions.

6            a. The Director shall issue a recommendation within ~~((one hundred twenty~~  
7 ~~))~~120~~(( ))~~ days as that time is calculated pursuant to subsections 23.76.005.A, B, and C ~~((of this~~  
8 ~~section))~~; and

9            b. The Hearing Examiner shall issue a decision within ~~((ninety ))~~90~~(( ))~~  
10 days of issuance of the Director's recommendation~~(( ))~~, except that in determining the time limits  
11 for Type III decisions established in this subsection 23.76.005.D.2.b, the following periods shall  
12 be excluded:

13            1) The time during which a Type III decision is remanded by the  
14 Hearing Examiner for further information or analysis. The Hearing Examiner shall set a  
15 reasonable period for the remand after consideration of the nature and complexity of the issues,  
16 and, if practicable, after consultation with the parties about the reasonableness of the remand  
17 period;

18            2) All periods of time during which the applicant has been  
19 requested by the Director to pay past-due permit fees, until the Director determines that the  
20 request has been satisfied; and

21            3) Any extension of time mutually agreed upon by the Hearing  
22 Examiner and the applicant.

23            3. Type IV Council land use decisions.



1 a. There is no time limit for decisions on Major Institution master plans.

2 b. All other Type IV Council land use decisions and any associated Type  
3 II decisions listed in ~~((Section))~~ subsection 23.76.006((-)).C.2, except for the exclusions listed in  
4 subsections 23.76.005.D.1 ((C-1)) and 23.76.005.D.3.c ((of this section)), shall be made within  
5 the following time periods:

6 ((f))1) The Director shall issue a recommendation within ~~((one~~  
7 ~~hundred twenty-))~~120((f)) days as that time period is calculated pursuant to subsections  
8 23.76.005.A, B, and C ((of this section));

9 ((f))2) The Hearing Examiner shall issue a  
10 ~~((decision))~~ recommendation within ~~((ninety-))~~90((f)) days of issuance of the Director's  
11 recommendation; and

12 ((f))3) The Council shall issue its decision within ~~((ninety~~  
13 ~~))~~90((f)) days of receipt of the Hearing Examiner recommendation, except that if a timely  
14 appeal is filed with the City Clerk, the Council shall issue its decision within ~~((one hundred-~~  
15 ~~twenty-))~~120((f)) days of receipt of the Hearing Examiner recommendation.

16 ((4))c. In determining the time limits for Type IV Council land use  
17 decisions established in this subsection 23.76.005.D, the following periods shall be excluded:

18 ((a.))1) ~~((Any))~~ The time during which a Type IV ((application for  
19 a land use)) Council land use decision ((that)) is remanded by the Hearing Examiner or Council  
20 for further information or analysis ((shall be excluded from the time periods of subsection A for  
21 the period of the remand)). The Hearing Examiner or the Council shall set a reasonable period  
22 for the remand after consideration of the nature and complexity of the issues, and, ~~((when))~~ if  
23 practicable, after consultation with the parties about the reasonableness of the remand period((-));





1 street drainage, sidewalks, and paving;

2 c. Structural building overhangs associated with a development proposal;

3 d. Areaways associated with a development proposal;

4 4. Lot boundary adjustments;

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

6 a. Plazas;

7 b. Shopping plazas;

8 c. Arcades;

9 d. Shopping arcades;

10 e. Voluntary building setbacks;

11 6. Determinations of Significance (determination that an environmental impact  
12 statement is required) for Master Use Permits and for building, demolition, grading and other  
13 construction permits (supplemental procedures for environmental review are established in  
14 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of  
15 Significance based solely on historic and cultural preservation;  
16  
17

18 7. Discretionary exceptions for certain business signs authorized by subsection  
19 23.55.042.D;

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

21 9. Special accommodation pursuant to Section 23.44.015;

22 10. Reasonable accommodation;

23 11. Minor amendment to Major Phased Development Permit;

24 12. Determination of public benefit for combined lot development;

25 13. Streamlined design review pursuant to Section 23.41.018, if no ((development  
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standard)) departures are requested pursuant to Section 23.41.012; ((and))

1  
2 14. Shoreline special use approvals that are not part of a shoreline substantial  
3 development permit; and

4 ((14))15. Other Type I decisions.

5 C. The following are Type II decisions:

6  
7 1. The following procedural environmental decisions for Master Use Permits and  
8 for building, demolition, grading and other construction permits are subject to appeal to the  
9 Hearing Examiner and are not subject to further appeal to the City Council (supplemental  
10 procedures for environmental review are established in Chapter 25.05, Environmental Policies  
11 and Procedures):

12 a. Determination((s)) of Nonsignificance (DNS), including mitigated  
13 DNSs;

14 b. Determination that a final EIS is adequate; and

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

17  
18 2. The following decisions(~~(, including any integrated decisions to approve,~~  
19 ~~condition or deny based on SEPA policies,)) are subject to appeal to the Hearing Examiner  
20 (except shoreline decisions and related environmental determinations, which are appealable to  
21 the Shorelines Hearings Board):~~

22 a. Establishment or change of use for temporary uses more than four  
23 weeks not otherwise permitted in the zone or not meeting development standards, including the  
24 establishment of temporary uses and facilities to construct a light rail transit system for so long  
25 as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting  
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28



temporary relocation of police and fire stations for 24 months or less;

b. Short subdivisions;

c. Variances; provided that ~~((;))~~ the decision on variances sought as part of a ~~((Type-IV))~~ Council land use decision ~~((may))~~ shall be ~~((granted))~~ made by the Council pursuant to Section 23.76.036;

d. Special exceptions; provided that ~~((;))~~ the decision on special exceptions sought as part of a ~~((Type-IV))~~ Council land use decision ~~((may))~~ shall be ~~((granted))~~ made by the Council pursuant to Section 23.76.036;

e. Design review, including streamlined design review pursuant to Section 23.41.018 if ~~((development standard))~~ departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses ~~((;))~~, provided that ~~((;))~~ the decision on administrative conditional uses sought as part of a ~~((Type-IV))~~ Council land use decision ~~((may))~~ shall be ~~((approved))~~ made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions; provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60):

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance and EIS;



1 j. Establishment of light rail transit facilities necessary to operate and  
2 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

3 ((and))

4 k. Downtown planned community developments((-)); and

5 l. Decisions to approve, condition, or deny based on SEPA policies if such  
6 decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a.through k;  
7 provided that, for decisions listed in subsections 23.76.006.C.2.c, d, f, and g that are made by the  
8 Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by  
9 the Council pursuant to Section 23.76.036.

11 \* \* \*

12 E. The requirement for the Council to make the shoreline decisions listed in subsection  
13 23.76.006.C.2.g if they are sought as part of a Council land use decision shall also apply for  
14 purposes of Chapter 23.60.

15  
16 Section 7. Subsection A of Section 23.76.008 of the Seattle Municipal Code, which  
17 section was last amended by Ordinance 118012, is amended as follows:

18 **23.76.008 Preapplication conferences for Type II and Type III decisions((-)**

19 A. Prior to official filing with the Director of an application for a Master Use Permit  
20 requiring a Type II or III decision, the applicant may request or the Director may require a  
21 preapplication conference. The conference shall be held in a timely manner between a  
22 Department representative(s) and the applicant to determine the appropriate procedures and  
23 review criteria for the proposed project. Preapplication conferences may be subject to fees as  
24 established in ~~((Chapters 22.901A-22.901T, Permit Fee Subtitle))~~ Subtitle IX of Title 22.

25 \* \* \*



1 Section 8. Section 23.76.010 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123649, is amended as follows:

3 **23.76.010 Applications for Master Use Permits**

4 A.1. Applications for Master Use Permits shall be made by the property owner,  
5 lessee, contract purchaser, a City agency, or other public agency proposing a project the location  
6 of which has been approved by the City Council by ordinance or resolution, or by an authorized  
7 agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive  
8 determinations and notices from the Director.  
9

10 2. A claim made by a person that the person possesses title to any portion of the  
11 property for which a Maser Use Permit application has been submitted, whether the claim is  
12 made by a judicially-filed pleading or not, is not grounds for the Department to suspend  
13 processing the application unless:

14 a. a court injunction has been issued and is delivered to the Department; or

15 b. the application is for a subdivision or short subdivision, the claim is  
16 made in a pleading to quiet title to a portion of the property that has been filed in court, and a  
17 copy of the pleading has been delivered to the Department.  
18

19 B. All applications for Master Use Permits shall be made to the Director on a form  
20 provided by the Department.  
21

22 C. Applications shall be accompanied by payment of the applicable filing fees, if any, as  
23 established in (~~Chapters 22.901A-22.901T, Permit Fee Subtitle~~) Subtitle IX of Title 22.

24 D. All applications shall contain the submittal information required by the applicable  
25 sections of this Title 23, Land Use Code; Title 15, Street and Sidewalk Use; Chapter 25.05,  
26 Environmental Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical  
27



1 Areas; Chapter 25.12, Landmarks Preservation; Chapter 25.16, Ballard Avenue Landmark  
2 District; Chapter 25.20, Columbia City Landmark District; Chapter 25.22, Harvard-Belmont  
3 Landmark District; Chapter 25.24, Pike Place Market Historical District; and other codes as  
4 determined applicable and necessary for review by the Director. All shoreline substantial  
5 development, conditional use, or variance applications shall also include applicable submittal  
6 information as specified in WAC 173-27-180. The Director shall make available, in writing, a  
7 general list of submittal requirements for a complete application. ~~((The following information~~  
8 ~~shall also be required as further specified in the Director's Rule on Application Submittal~~  
9 ~~Guidelines, unless the Director indicates in writing that specific information is not necessary for~~  
10 ~~a particular application:~~

11  
12 1. ~~Property information including, but not limited to, address, legal description,~~  
13 ~~Assessor's Parcel number, and project description;~~

14  
15 2. ~~A signed statement of financial responsibility from the applicant~~  
16 ~~acknowledging financial responsibility for all applicable permit fees. If the application is made,~~  
17 ~~in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the~~  
18 ~~statement of financial responsibility must also include a signed statement of the owner, lessee,~~  
19 ~~and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;~~

20  
21 3. ~~Scale drawings with all dimensions shown that include, but are not limited to,~~  
22 ~~the following information:~~

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

26  
27 b. ~~Elevations and sections of the proposed new features;~~



1 ~~e. Floor plans showing the proposed new features;~~

2 ~~d. Drainage plan;~~

3 ~~e. Landscape plan;~~

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

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

9 ~~h. Parking layout and vehicular access;~~

10 ~~i. Vicinity map;~~

11 ~~j. Topographic map; and~~

12 ~~k. Open space plan.~~

13  
14 ~~4. A statement whether the site includes or is adjacent to a nominated or~~  
15 ~~designated City of Seattle landmark, or has been listed as eligible for landmark status by the state~~  
16 ~~or federal governments, or is within a City of Seattle landmark or special review district. If the~~  
17 ~~site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle~~  
18 ~~landmark or special review district, then the applicant must provide a copy of any application for~~  
19 ~~any required certificate of approval that has been filed with the Department of Neighborhoods. If~~  
20 ~~the site does not include a landmark and is not within a landmark or special review district, then~~  
21 ~~the applicant must provide the following information:~~

23 ~~a. Date the buildings on the site were constructed;~~

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

25 ~~c. For any building 50 or more years old, clear exterior photos of all~~  
26 ~~elevations of the building.~~  
27



1                   5. ~~For all transmitting antennas, the applicant shall submit a signed copy of the~~  
2 ~~Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the~~  
3 ~~transmitting antenna requires Public Health — Seattle & King County review, the applicant~~  
4 ~~must also submit a letter from the Public Health Department certifying that the facility does not~~  
5 ~~exceed radio frequency radiation levels allowed by the FCC;~~

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

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

11                                   a. ~~Soils and geology;~~

12                                   b. ~~Grading;~~

13                                   c. ~~Drainage;~~

14                                   d. ~~Construction impacts;~~

15                                   e. ~~Air quality;~~

16                                   f. ~~Water quality;~~

17                                   g. ~~Water discharge;~~

18                                   h. ~~View impairment;~~

19                                   i. ~~Energy consumption;~~

20                                   j. ~~Animal habitat impacts;~~

21                                   k. ~~Plant ecology, botany and vegetation;~~

22                                   l. ~~Noise;~~

23                                   m. ~~Release and disposal of toxic and hazardous materials;~~



1                   n. ~~Soil contamination;~~

2                   o. ~~Dredging;~~

3                   p. ~~Land use;~~

4                   q. ~~Housing;~~

5                   r. ~~Light and glare;~~

6                   s. ~~Shadow;~~

7                   t. ~~Aesthetics;~~

8                   u. ~~Use and demand on recreation facilities;~~

9                   v. ~~Vehicular traffic and circulation;~~

10                  w. ~~Parking;~~

11                  x. ~~Pedestrian circulation;~~

12                  y. ~~Circulation and movement of goods;~~

13                  z. ~~Traffic hazard;~~

14                  aa. ~~Demand on public service and utilities; and~~

15                  bb. ~~Identification of all development departures requested through the~~  
16 ~~design review process.))~~

17                  E. Notice of Complete Application.

18                  1. The Director shall determine whether an application is complete and shall  
19 notify the applicant in writing within ~~((twenty-eight (28)))~~28((~~28~~)) days of the date the application  
20 ~~((being))~~is filed whether the application is complete or that the application is incomplete and  
21 what additional information is required before the application will be complete. Within  
22 ~~((fourteen (14)))~~14((~~14~~)) days of receiving the additional information, the Director shall notify the  
23 applicant in writing ~~((whether))~~if the application is ~~((now complete or))~~still incomplete and what  
24  
25  
26  
27  
28



1 additional information is necessary. An application shall be deemed to be complete if the  
2 Director does not notify the applicant in writing that the application is incomplete by the  
3 deadlines in this ~~((section))~~ subsection 23.76.010.E ~~((that the application is incomplete))~~. A  
4 determination that the application is complete is not a determination that the application is  
5 vested.

6  
7 2. A Master Use Permit application is complete for purposes of this ~~((section))~~  
8 Section 23.76.010 ~~((when))~~ if it meets the submittal requirements established by the Director in  
9 subsection 23.76.010.D ~~((of this section))~~ and is sufficient for continued processing even though  
10 additional information may be required or project modifications may be undertaken  
11 subsequently. The determination of completeness shall not preclude the Director from requesting  
12 additional information or studies either at the time the application is determined complete or  
13 subsequently, if additional information is required to complete review of the application or  
14 substantial changes in the permit application are proposed.

15  
16 3. A determination under this ~~((section))~~ Section 23.76.010 that an application is  
17 complete ~~((for purposes of continued processing))~~ is not a determination that the application is  
18 vested. A vesting determination shall be made only ~~((when))~~ if needed because of a change in  
19 applicable laws and shall entail review of the application for compliance with RCW 19.27.095,  
20 RCW 58.17.033, and ~~((SMC))~~ Section 23.76.026.

21  
22 F. ~~((Failure))~~ If the applicant fails to supply all required information or data within ~~((sixty~~  
23 ~~))60((9))~~ days of a written request from the Director, the Director may ~~((result in))~~ provide the  
24 applicant a notice of intent to cancel. The Director may cancel the application if the requested  
25 information is not provided within the time required by the notice of intent to cancel. ~~((When a~~  
26 ~~Master Use Permit application and a building permit application for a project are being reviewed~~



1 concurrently, and the applications are for a project vested to prior Land Use Code provisions,  
2 and the project does not conform with the codes in effect while it is being reviewed, cancellation  
3 of the Master Use Permit application under the provisions of this subsection shall cause the  
4 concurrent cancellation of the building permit application.)

5 Section 9. Section 23.76.012 of the Seattle Municipal Code, which section was last  
6 amended by Ordinance 123495, is amended as follows:

7 **23.76.012 Notice of application**

8 A. Notice.

9  
10 1. ~~((Type I Notification.))~~ No notice of application ~~((shall be))~~ is required for Type  
11 I decisions.

12 2. ~~((Type II and III Notification.))~~ Within 14 days after the Director determines  
13 that an application is complete ~~((When a Master Use Permit application requiring a Type II or~~  
14 ~~III)),~~ for the following types of applications, the Director shall provide notice of the application  
15 and an opportunity for public comment as described in this ~~((section))~~ Section 23.76.012;((-)  
16 ~~((Notice of application for Type II and III decisions shall be provided within fourteen (14) days~~  
17 ~~after a determination of completeness))~~

18  
19 a. Type II Master Use Permits;

20 b. Type III Master Use Permits;

21 c. Type IV Council land use decisions, provided that for amendments to  
22 property use and development agreements, additional notice shall be given pursuant to  
23 subsection 23.76.058.C; and

24  
25 d. The following Type V Council land use decisions:

26  
27 1) Major Institution designations and revocation of Major



Institution designations:

2) Concept approvals for the location or expansion of City facilities requiring Council land use approval; and

3) Waivers or modification of development standards for City facilities.

~~((a))~~3. Other Agencies with Jurisdiction. ~~((To the extent known by the Director,))~~The Director shall provide notice to other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the project ~~((shall be sent notice)) to the extent known by the Director.~~

~~((b))~~4. Early Review Determination of Nonsignificance (DNS). In addition to the requirements ~~((under))~~of subsection ~~((A2a))~~ A.3 of this Section 23.76.012~~((above))~~, the Director shall provide a copy of the early review DNS notice of application and environmental checklist ~~((shall also be sent))~~ to the following:

- ~~((1))~~a. State Department of Ecology;
- ~~((2))~~b. Affected ~~((Tribes))~~tribes;
- ~~((3))~~c. Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
- ~~((4))~~d. ~~((Anyone))~~Persons who submit a written request for ~~((requesting a copy of))~~ this information and who provide an address for notice.

B. Types of notice required.

1. For projects subject to environmental review, or design review pursuant to Section 23.41.014, the ~~((department))~~Department shall direct the installation of ~~((an environmental review))~~a large notice sign on the site, unless an exemption or alternative posting



1 as set forth in this subsection 23.76.012.B is applicable. The ~~((environmental review))~~ large  
2 notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and  
3 shall be removed by the applicant at the direction of the ~~((department))~~ Department after final  
4 City action on the application ~~((has been))~~ is completed.

5 a. In the case of submerged land, the ~~((environmental review))~~ large notice  
6 sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is  
7 no adjacent dry land owned or controlled by the applicant, notice shall be provided according to  
8 subsection 23.76.012.B.1.c.

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

14 c. ~~((When))~~ If use of ~~((an environmental review))~~ a large notice sign is  
15 neither feasible nor practicable to assure that notice is clearly visible to the public, the Director  
16 shall post ten placards within 300 feet of the site. ~~((and at the closest street intersections when~~  
17 ~~one or more of the following conditions exist:~~

18 (1) ~~The project site is over five acres;~~

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

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

26 d. The Director may require both ~~((an environmental review))~~ a large  
27 notice sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may



1 require that more than one (~~environmental review~~) large notice sign be posted, (~~when~~) if  
2 necessary to assure that notice is clearly visible to the public.

3           2. For projects that are categorically exempt from environmental review, the  
4 (~~department~~) Director shall post one land use sign visible to the public at each street frontage  
5 abutting the site except (~~, when~~) that if there is no street frontage or the site abuts an  
6 unimproved street, the Director (~~may~~) shall post more than one sign and/or use an alternative  
7 posting location so that notice is clearly visible to the public. The land use sign (~~may~~) shall be  
8 removed by the applicant (~~within 14 days~~) after final action on the application (~~has been~~) is  
9 completed.  
10

11           3. For all projects requiring notice of application, the Director shall provide notice  
12 in the Land Use Information Bulletin. For projects subject to (~~the~~) environmental review or to  
13 design review pursuant to Section 23.41.014, notice in the Land Use Information Bulletin shall  
14 be published after installation of the (~~environmental review~~) large notice sign required in  
15 subsection 23.76.012.B.1.  
16

17           4. (~~In addition,~~) The Director shall provide mailed notice of:

18           a. applications for variances, administrative conditional uses, temporary  
19 uses for more than ((4)) four weeks, shoreline variances, shoreline conditional uses, short plats,  
20 early design guidance process for administrative design review and streamlined administrative  
21 design review, subdivisions, Type IV Council land use decisions, amendments to property use  
22 and development agreements, Major Institution designations and revocation of Major Institution  
23 designations, concept approvals for the location or expansion of City facilities requiring Council  
24 land use approval, and waivers or modification of development standards for City  
25 facilities (~~School Use Advisory Committee (SUAC) formation and school development standard~~)  
26  
27  
28



1 ~~departure, the Director shall provide mailed notice)); and~~

2 b. the first early design guidance meeting for a project subject to design  
3 review pursuant to 23.76.014.

4 5. ~~((Mailed notice of application for))~~For a project subject to design review,  
5 except streamlined design review pursuant to Section 23.41.018 for which no development  
6 standard departure pursuant to Section 23.41.012 is requested, notice of application shall be  
7 provided to all persons ((establishing themselves as parties of record by attending)) who  
8 provided an address for notice and either attended an early design guidance public meeting for  
9 the project or ((by corresponding with)) wrote to the Department about the proposed project  
10 before the date ((of publication))that the notice of application is distributed in the Land Use  
11 Information Bulletin.

12  
13  
14 ~~((6. Additional notice for subdivisions shall include mailed notice and publication~~  
15 ~~in at least one community newspaper in the area affected by the subdivision.))~~

16 C. Contents of Notice.

17 1. The City's official notice of application ~~((shall be))~~is the notice placed in the  
18 Land Use Information Bulletin, which shall include the following required elements as specified  
19 in RCW 36.70B.110~~((5))~~:

20  
21 a. Date of application, date of notice of completion for the application, and  
22 the date of the notice of application;

23 b. A description of the proposed project action and a list of the project  
24 permits included in the application, including ((and,)) if applicable((5)):

25 1) a list of any studies requested by the Director;

26 2) a statement that the project relies on the adoption of a Type V  
27



Council land use decision to amend the text of Title 23;

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 an 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;

h. A statement that an advisory committee is to be formed as provided in Section 23.69.032, for notices of intent to file a Major Institution master plan application;

~~((h))~~i. Any other information determined appropriate by the Director; and

~~((i))~~j. The following additional information ~~((when))~~if the early review DNS process is used~~((;))~~:

~~((f))~~1) A statement that the early review DNS process is being used and the Director expects to issue a DNS for the proposal~~((;))~~;

~~((f))~~2) A statement that this is the only opportunity to comment on the environment impacts of the proposal~~((;))~~;



1 ((f))3 A statement that the proposal may include mitigation  
2 measures under applicable codes, and the project review process may incorporate or require  
3 mitigation measures regardless of whether an EIS is prepared((s)); and

4 ((f))4 A statement that a copy of the subsequent threshold  
5 determination for the proposal may be obtained upon written request.

6  
7 2. All other ((additional)) forms of notice, including((s)) but not limited to  
8 ((environmental review))large notice and land use signs, placards, and mailed notice, shall  
9 include the following information: the project description, location of the project, date of  
10 application, location where the complete application file may be reviewed, and a statement that  
11 persons who desire to submit comments on the application or who request notification of the  
12 decision may so inform the Director in writing within the comment period specified in  
13 subsection D of this ((section)) Section 23.76.012. The Director may, but need not, include other  
14 information to the extent known at the time of notice of application. Except for the  
15 ((environmental review))large notice sign ((requirement)), each notice shall also include a list of  
16 the land use decisions sought. The Director shall specify detailed requirements for  
17 ((environmental review))large notice and land use signs.

18  
19 D. Comment Period. The Director shall provide a ((fourteen-))14((s)) day public  
20 comment period prior to making a threshold determination of nonsignificance (DNS) or  
21 ((issuing))publishing a decision on the project; provided((s)) that the comment period shall be  
22 extended by ((fourteen-))14((s)) days if a written request for extension is submitted within the  
23 initial ((fourteen-))14((s)) day comment period; provided further that the comment period shall  
24 be ((thirty-))30((s)) days for applications requiring shoreline decisions except((s)) that for  
25 limited utility extensions and bulkheads subject to Section 23.60.065 ((of Title 23)), the  
26  
27  
28



1 comment period shall be ~~((twenty-))~~20~~((:))~~ days as specified in that section. The comment  
2 period shall begin on the date notice is published in the Land Use Information Bulletin.

3 Comments shall be filed with the Director by ~~((five-))~~5~~((:00))~~ p.m. of the last day of the  
4 comment period. ~~((When))~~If the last day of the comment period is a Saturday, Sunday, or federal  
5 or City holiday, the comment period shall run until ~~((five-))~~5~~((:00))~~ p.m. the next ~~((business))~~  
6 day that is not a Saturday, Sunday, or federal or City holiday. Any comments received after the  
7 end of the official comment period may be considered if material to review yet to be conducted.  
8

9 E. ~~((When))~~If a Master Use Permit application includes more than one ~~((1))~~ decision  
10 component, notice requirements shall be consolidated and the broadest applicable notice  
11 requirements imposed.

12 Section 10. Section 23.76.014 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 121477, is amended as follows:

14 **23.76.014 - Notice of scoping and draft EIS~~((:))~~**

15 ~~((When))~~If a Determination of Significance (DS) is issued on ~~((a))~~ an application for a  
16 Master Use Permit or Council land use decision~~((application))~~, the following notice and  
17 comment procedures ~~((shall))~~ apply:  
18

19 A. Scoping.

20 1. The Director shall determine the range of proposed actions, alternatives, and  
21 impacts to be discussed in an EIS, as provided by ~~((SMC))~~ Section 25.05.408, Scoping, and/or  
22 Section 25.05.410, Expanded scoping. A comment period at least ~~((twenty-one-))~~21~~((:))~~ days  
23 from the date of DS issuance shall be provided.  
24

25 2. Notice of scoping and of the period during which the Director will accept  
26 written comments shall be provided by the Director in the following manner:  
27



1 a. Inclusion in the Land Use Information Bulletin;

2 b. Publication in the City official newspaper;

3 c. ~~((Submission of the Land Use Information Bulletin to at least one ((1)))~~  
4 ~~community newspaper in the area affected by the proposal;~~

5 d. ~~Mailed notice))~~Notice provided to those ((organizations and  
6 ~~individuals))~~ persons who have submitted a written request for it and provided an address for  
7 notice;

8 ~~((e. Posting in the Department;))~~ and

9 ~~((f))~~d. Filing with the SEPA Public Information Center.

10 3. The Director shall also circulate copies of the DS as required by ~~((SMC))~~  
11 Section 25.05.360.

12 B. Draft EISs.

13 1. Notice of the availability of a draft EIS, ~~((of))~~ the ~~((thirty-))30((9))~~ day period  
14 during which the Department will accept comments, ~~((of))~~ the public hearing on the draft EIS,  
15 and any other Department public hearing as provided in ~~((SMC))~~ Section 23.76.016 shall be  
16 provided by the Director in the following manner:

17 a. Inclusion in the Land Use Information Bulletin;

18 b. Publication in the City official newspaper;

19 ~~((e. Submission of the Land Use Information Bulletin to at least one~~  
20 ~~community newspaper in the area affected by the proposal;))~~

21 ~~((d))~~c. Mailed notice~~((s)); ((including notice))~~

22 d. Notice provided to those ((organizations and individuals)) persons who  
23 provided an address for notice and either ((who have)) submitted a written request for it or who  
24



1 submitted written comments during the comment period on the scope of the EIS; and

2 ~~((e. Posting notice in the Department; and))~~

3 ~~((f))e. Filing with the SEPA Public Information Center.~~

4 2. Notice of the public hearing shall be given by the Director at least ~~((twenty-one~~  
5 ~~))21((+))~~ days prior to the hearing date.

6 3. The Director shall also distribute copies of the draft EIS as required by  
7 ~~((SMC))~~ Section 25.05.455.

8 Section 11. Section 23.76.015, which section was last amended by Ordinance 120157, is  
9 amended as follows:

10 **23.76.015 Public meetings~~((+))~~ for Type II and Type III Master Use Permits**

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

13 1. The meeting is otherwise provided for in this ~~((title))~~ Title 23, including  
14 meetings for projects subject to design review;

15 2. The proposed development is of broad public significance;

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

18 4. The proposed development will require a shoreline conditional use or a  
19 shoreline variance.

20 B. The Director may combine a public meeting on a project application with any other  
21 public meetings that may be held on the project by another local, state, regional, federal or other  
22 agency, and shall do so if requested by the applicant, provided that:

23 1. ~~((the))~~ The meeting is held within ((The City))the city of Seattle((-)); and



1                   2. ~~((If requested by an applicant, a joint meeting shall be held, provided that~~  
2                   ~~the))~~The joint meeting can be held within the time periods specified in ~~((SMC))~~  
3 Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the  
4 meetings.

5                   C. The Director shall provide notice of all public meetings by:

- 6                   1. Inclusion in the Land Use Information Bulletin;  
7  
8                   2. Posting of at least four placards within 300 feet of the site; and  
9  
10                  3. Provision of notice to all persons who provided an address for notice and either  
11 attended an early design guidance public meeting for the project or wrote to the Department  
12 about the proposed project before the date that notice of the meeting is distributed in the Land  
13 Use Information Bulletin.

14                  Section 12. Section 23.76.016, which section was last amended by Ordinance 120157, is  
15 amended as follows:

16 **23.76.016 - Public hearings for draft EISs~~((:))~~**

17                  A. Draft Environmental Impact Statements (EISs). As required by ~~((Chapter))~~Section  
18 25.05.535, ((SEPA Policies and Procedures,)) the Director shall hold a public hearing ~~((shall be~~  
19 ~~held by the Director))~~ on all draft EISs for Master Use Permit applications for which the  
20 Department is the Lead Agency. ~~((The hearing shall occur no earlier than twenty one (21) days~~  
21 ~~from the date the draft EIS is issued nor later than fifty (50) days from its issuance.))~~ The  
22 Director may hold the hearing near the site of the proposed project.

23  
24                  B. The Director may combine ~~((a))~~the public hearing on ~~((a project application))~~the draft  
25 EIS with any other public hearings that may be held on the project by another local, state,  
26 regional, federal, or other agency, and shall do so if requested by the applicant, provided that:  
27



1. ~~((the))~~ The joint hearing is held within ((The City)) the city of Seattle((:)); and

2. ~~((If requested by an applicant, a joint hearing shall be held, provided that the))~~

3. The joint hearing can be held within the time periods specified in ((SMC)) Section 23.76.005, or  
4. the applicant agrees in writing to additional time, if needed, to combine the hearings.

5. Section 13. Section 23.76.018 of the Seattle Municipal Code, which section was last  
6. amended by Ordinance 122522, are amended as follows:

7. **23.76.018 - Notice of final EISs((:))**

8. A. Notice of the availability of any final EIS on a proposed project shall be provided by  
9. the Director in the following manner:

10. 1. ~~((General Mailed Release))~~ Inclusion in the Land Use Information Bulletin;

11. 2. Publication in the City official newspaper;

12. 3. ~~((Submission of the General Mailed Release to at least one (1) community~~  
13. ~~newspaper in the area affected by the proposal;~~

14. 4. ~~((Mailed notice))~~ Notice provided to those ((organizations and individuals who  
15. have made a written request for it, and)) persons who provided an address for notice and either  
16. received the draft EIS, ((or)) submitted written comments ((commented)) on the draft EIS, or  
17. made a written request for notice; and

18. ~~((5. Posting in the Department; and))~~

19. ~~((6))~~ 4. Filing with the SEPA Public Information Center.

20. B. The Director shall also distribute copies of the final EIS as required by ((SMC))  
21. Section 25.05.460.

22. Section 14. Section 23.76.019 of the Seattle Municipal Code, which section was last  
23. amended by Ordinance 118012 and currently reads as follows, is repealed:



~~((23.76.019 – Time required for preparation of an EIS.~~

~~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.))~~

Section 15. Section 23.76.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

**23.76.020 - Director's decisions on Type I and Type II Master Use Permits**~~(( ))~~

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a Type II decision based on the applicant's compliance with the applicable ~~((City's))~~SEPA ~~((Policies))~~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))~~pursuant to 23.76.026. If an EIS is required, the application shall be subject to only those SEPA ~~((Policies))~~policies in effect when the ~~((Draft))~~draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

B. Timing of Decisions Subject to Environmental Review.

1. If an EIS ~~((has been))~~is required, the Director's decision shall not be issued until at least seven ~~((7))~~ days after publication of the final EIS, as provided by Chapter 25.05~~((SEPA Policies and Procedures))~~.



1 2. If no EIS is required, the Director's decision shall include issuance of a  
2 Determination of Nonsignificance (DNS) for the project if not previously issued pursuant to  
3 ~~((Section))~~subsection 25.05.310-C.2.

4 C. Notice of Decisions.

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

6 2. Type II. The Director shall provide notice of all Type II decisions ~~((as~~  
7 ~~follows))~~by:

8 a. Inclusion in the Land Use Information Bulletin;

9 b. Publication in ~~((A list of all Type II decisions shall be compiled and~~  
10 ~~published in))~~ the City official newspaper; ~~((within seven (7) days of the date the decision is~~  
11 ~~made. This list and the date of its publication shall also be posted in a conspicuous place in the~~  
12 ~~Department and shall be included in the Land Use Information Bulletin.))~~

13 c. Notice ~~((shall also be mailed))~~ provided to the applicant and to persons  
14 who provided an address for notice and either submitted written comments on the application, or  
15 ~~((interested persons who have requested specific notice in a timely manner))~~ made a written  
16 request for notice ~~((or who have submitted substantive comments on the proposal,)); and~~

17 ~~((shall be submitted in a timely manner to at least one (1) community~~  
18 ~~newspaper in the area affected by the proposal.~~

19 b)d. Filing of DNSs ~~((shall also be filed))~~ with the SEPA Public  
20 Information Center and distribution of DNSs as required by Section 25.05.340((?)); and

21 ~~((e. If the Director's decision includes a mitigated DNS or other DNS~~  
22 ~~requiring a fourteen (14) day comment period pursuant to SMC Chapter 25.05, Environmental~~  
23 ~~Policies and Procedures, the notice of decision shall include notice of the comment period. The~~

1 Director shall ~~distribute copies of the DNS as required by SMC Section 25.05.340.~~)

2                   ~~((e))~~e. Filing of ~~((Any))~~any shoreline decision in a Master Use Permit  
3 ~~((shall be filed))~~ with the Department of Ecology according to the requirements ~~((contained))~~ in  
4 WAC 173-27-130. ~~((A shoreline decision on limited utility extensions and bulkheads subject to~~  
5 ~~Section 23.60.065 shall be issued within twenty one (21) days of the last day of the comment~~  
6 ~~period as specified in that section.))~~

7  
8                   D. Contents of notice.

9                   ~~((e))~~1. The notice of the Director's decision shall state the nature of the applicant's  
10 proposal, a description sufficient to locate the property, and the decision of the Director. The  
11 notice shall also state that the decision is subject to appeal and shall describe the appropriate  
12 appeal procedure.

13  
14                   2. If the Director's decision includes a mitigated DNS or other DNS requiring a 14  
15 day comment period pursuant to Chapter 25.05, Environmental Policies and Procedures, the  
16 notice of decision shall include notice of the comment period.

17                   Section 16. Section 23.76.022 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 121477, is amended as follows:

19 **23.76.022 - Administrative reviews and appeals for Type I and Type II Master Use**  
20 **Permits**~~((:))~~

21  
22                   A. Appealable Decisions.

23                   1. Type I decisions ~~((as))~~ listed in ~~((SMC Section))~~subsection 23.76.006~~((-))~~ B are  
24 ~~((not subject to appeal.))~~ subject to administrative review through a land use interpretation  
25 pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.

26  
27                   2. All Type II decisions ~~((as))~~ listed in ~~((SMC Section))~~subsection 23.76.006 C



1 ~~((shall be))~~ are subject to an administrative open record appeal as described in this ~~((section))~~

2 Section 23.76.022.

3 B. Shoreline Appeal Procedures. ~~((Appeal))~~ An appeal of the Director's decision to issue,  
4 condition, or deny a shoreline substantial development permit, shoreline variance, or shoreline  
5 conditional use as a part of a Master Use Permit ~~((must))~~ shall be filed by the appellant with the  
6 Shorelines Hearings Board in accordance with the provisions of the Shoreline Management Act  
7 of 1971, RCW Chapter 90.58, and the rules established under its authority, WAC 173-27.

8 ~~((Appeal))~~ An appeal of related environmental actions, including a Determination of  
9 Nonsignificance (DNS(!)), determination that an EIS is adequate, and the decision to grant,  
10 condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to ~~((SMC))~~  
11 Section 25.05.660, shall be consolidated in the appeal to the Shorelines Hearings Board.

12 ~~((Appeal))~~ An appeal of a decision for limited utility extensions and bulkheads subject to Section  
13 23.60.065 ~~((of Title 23))~~ shall be finally determined within ~~((thirty-))~~ 30 ~~(( ))~~ days as specified in  
14 that section.

15  
16  
17 C. Hearing Examiner Appeal Procedures.

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

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

23 3. Filing of Appeals.

24 a. Appeals shall be filed with the Hearing Examiner by ~~((five-))~~ 5 ~~((:00))~~  
25 p.m. of the fourteenth calendar day following publication of notice of the decision ~~((; provided,))~~  
26  
27  
28



1 except that ~~((when))~~if a ~~((fourteen-))~~14~~(( ))~~ day DNS comment period is required pursuant to  
2 ~~((SMC))~~ Chapter 25.05, appeals ~~((may))~~shall be filed ~~((until five-))~~by 5~~((:00))~~ p.m. of the  
3 ~~((twenty-first))~~21<sup>st</sup> calendar day following publication of notice of the decision. ~~((When))~~If the  
4 last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the  
5 period shall run until ~~((five-))~~5~~((:00))~~ p.m. on the next ~~((business))~~ day that is not a Saturday,  
6 Sunday, or federal or City holiday. The appeal shall be in writing and ~~((shall))~~ clearly identify  
7 each component of ~~((a))~~the Type II Master Use Permit being appealed. The appeal shall be  
8 accompanied by payment of the filing fee as set forth in ~~((SMC))~~ Section 3.02.125, Hearing  
9 Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be  
10 stated in the written appeal.

11  
12 b. In form and content, the appeal shall conform with the rules of the  
13 Hearing Examiner.

14  
15 c. The Hearing Examiner shall not accept any request for an interpretation  
16 included in the appeal unless it complies with the requirements of ~~((Section))~~subsection  
17 23.88.020~~(( ))~~.C.3.c.

18  
19 4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request  
20 of any party of record, the Hearing Examiner may have a conference prior to the hearing in order  
21 to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

22  
23 5. Notice of Hearing. Notice of the hearing on the appeal shall be  
24 ~~((mailed))~~provided by the Director at least ~~((twenty-))~~20~~(( ))~~ days prior to the scheduled hearing  
25 date to parties of record and those ~~((requesting))~~who request notice writing and provide an  
26 address for notice. Notice shall also be included in the ~~((next))~~ Land Use Information Bulletin.

27  
28 6. Scope of Review. Appeals shall be considered de novo~~(( ))~~. The Hearing



1 Examiner shall entertain issues cited in the appeal (~~(which)~~)that relate to compliance with the  
2 procedures for Type II decisions as required in this (~~(chapter)~~)Chapter 23.76, compliance with  
3 substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which  
4 the decision was made, or failure to properly approve, condition, or deny a permit based on  
5 disclosed adverse environmental impacts, and any requests for an interpretation included in the  
6 appeal or consolidated appeal pursuant to Section 23.88.020(~~(-)~~)C.3.

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

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

14  
15 9. Postponement or Continuance of Hearing. The Hearing Examiner shall not  
16 grant requests for postponement or continuance of an appeal hearing to allow an applicant to  
17 proceed with an alternative development proposal under separate application, unless all parties to  
18 the appeal agree in writing to such postponement or continuance.

19  
20 10. Hearing Examiner's Decision. The Hearing Examiner shall issue a written  
21 decision, including written findings and conclusions supporting the decision, within (~~(fifteen~~  
22 ~~( ))15(9)) days after closing the record. The Hearing Examiner may affirm, reverse, remand, or  
23 modify the Director's decision. (~~Written findings and conclusions supporting the Hearing~~  
24 ~~Examiner's decision shall be made.)) The Director and all parties of record shall be bound by the  
25 terms and conditions of the Hearing Examiner's decision.~~~~

26  
27 11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall  
28



1 be (~~mailed~~)provided by the Hearing Examiner on the day the decision is issued to the parties of  
2 record and to all those (~~requesting~~) who request notice in writing and provide an address for  
3 notice. If environmental issues were raised in the appeal, the decision shall also be filed with the  
4 SEPA Public Information Center. The decision shall contain information regarding judicial  
5 review. To the extent such information is available to the Hearing (~~Examiner's~~)Examiner, the  
6 decision shall contain the name and address of the owner of the property at issue, of the  
7 applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person  
8 abandoned the appeal or such person's claims were dismissed before the hearing.  
9

10 12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision  
11 shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is  
12 reversed or remanded on judicial appeal. Any judicial review must be commenced within  
13 (~~twenty-one (21)~~)21(~~(30)~~) days of issuance of the Hearing Examiner's decision, as provided by  
14 RCW 36.70C.040, or if the appeal concerns a decision on personal wireless service, the appeal  
15 shall be filed within (~~thirty (30)~~)30(~~(30)~~) days of the Hearing Examiner's or Council's final decision.  
16

17 Section 17. Section 23.76.024 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 123046, is amended as follows:  
19

20 **23.76.024 Hearing Examiner open record hearing and decision for subdivisions**

21 A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a  
22 public hearing, which shall constitute a hearing by the Council on the application for preliminary  
23 approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any  
24 appeals of the Director's procedural environmental determination (determination of  
25 nonsignificance or determination of adequacy of a final environmental impact statement) and  
26 other Type II decisions.  
27



1 B. The Hearing Examiner may combine a public hearing on a ~~((project))~~ subdivision  
2 application with any other public hearings that may be held on the project by another local, state,  
3 regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

4 1. ~~((the))~~ The joint hearing is held within ((The City))the city of Seattle((-)); and  
5 2. ~~((If requested by an applicant, a joint hearing shall be held, provided that~~  
6 ~~the))~~ The joint hearing can be held within the time periods specified in ((SMC)) Section  
7 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the  
8 hearings.  
9

10 C. Notice. The Director shall give notice of the Hearing Examiner's hearing, the  
11 Director's environmental determination, and ~~((of))~~ the availability of the Director's report at least  
12 ~~((thirty (-)))~~ 30((+)) days prior to the hearing by:

13 1. Inclusion in the Land Use Information Bulletin;  
14 2. ~~((Publication in the City official newspaper and in at least one (1) community~~  
15 ~~newspaper in the area affected by the proposal;~~  
16 3. ~~))~~ Mailed notice; and  
17 3. ~~((and written notice mailed))~~ Notice provided to:

18 a. The applicant and each of the recipients of the preliminary plat listed in  
19 Section 23.22.024~~((, and))~~;

20 b. All persons who provided an address for notice and who either  
21 submitted written comments on the application to the Director or made a written request for  
22 notice; and  
23

24 c. ~~((b))~~ All owners of real property located within ((three hundred  
25 (-))300((+)) feet of;  
26



1) any portion of the boundaries of the property to be subdivided;

or

2) ~~((another parcel or other))~~ any parcels of real property ((lying))  
adjacent to the property to be subdivided ~~((,if))~~ that are owned by 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))~~ or 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 or other Type II decisions, and ~~((shall))~~ state the relief sought;

2. Shall be submitted to the Hearing Examiner by 5 p.m. of the fourteenth calendar day following publication of notice of the Director's report, provided that ~~((when))~~ if a 14-day DNS comment period is required pursuant to Chapter 25.05, appeals may be filed until 5 p.m. of the twenty-first calendar day following publication of notice of the ~~((decision))~~ Director's report. If the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period runs until 5 p.m. the next ~~((business))~~ day that is not a Saturday, Sunday, or federal or City holiday. The request or appeal shall be accompanied by payment of any filing fee set forth in 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



1 ((promptly)) shall promptly ((mail)) provide notice of the filing of all requests for further  
2 consideration and appeals to all parties of record and to those who have ((requesting)) requested  
3 notice in writing and have provided an address for notice.

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

7  
8 G. Written Comments. Written comments on the proposed subdivision and the Director's  
9 report and recommendation may be sent to the Hearing Examiner. Only those comments  
10 received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

11 H. Hearing.

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

15 a. The compliance of the proposed subdivision with the procedures and  
16 standards of this ((chapter)) Chapter 23.76 and ((SMC)) Chapter 23.22;

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

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

22 2. The Hearing Examiner shall establish the record at the hearing. The Hearing  
23 Examiner may either close the record after the hearing or leave it open to a specified date to  
24 receive additional testimony, exhibits, or written argument.  
25  
26  
27  
28



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

11 J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be  
12 final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed  
13 or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review of  
14 decisions not appealable to the Shorelines Hearings Board ~~((must))~~ shall be commenced within  
15 ~~((twenty one (21)))~~ 21 ~~((9))~~ days of issuance of the decision, as provided by RCW 36.70C.040.  
16 Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision  
17 shall have the effect of a final decision of the City Council.  
18

19 K. Distribution of Decision. On the same date that the Hearing Examiner files ~~((its))~~ the  
20 decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to  
21 the applicant, ~~((to))~~ the Director, ~~((to))~~ the Director of Transportation, ~~((to))~~ all persons testifying  
22 or submitting information at the hearing, ~~((to))~~ all persons who submitted ~~((substantive))~~ written  
23 comments on the application to either the Director or the Hearing Examiner, and ~~((to))~~ all those  
24 who have made a written request for a copy and provided an address for notice.  
25  
26

27 Section 18. Subsection A of Section 23.76.026 of the Seattle Municipal Code, which  
28



section was last amended by Ordinance 123649, is amended as follows:

**23.76.026 Vesting**

A. Master Use Permit (~~Components~~) components other than subdivisions and short subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for Master Use Permit components other than subdivisions and short subdivisions shall be considered vested under the Land Use Code and other land use control ordinances in effect on the date:

1. (~~Notice~~) That notice of the Director's decision on the application is published, if the decision (~~can be appealed~~) is appealable to the Hearing Examiner(~~;~~);

2. (~~The~~) Of the Director's decision, if (~~no~~) the decision is not appealable to the Hearing Examiner (~~appeal is available~~); or

(~~2~~) 3. A valid and fully complete building permit application is filed, as determined under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, (~~is filed~~) if it is filed prior to the date established in subsections 23.76.026.A.1 or A.2.

\* \* \*

Section 19. Section 23.76.028 of the Seattle Municipal Code, which section was last amended by Ordinance 121112, is amended as follows:

**23.76.028 Type I and II Master Use Permit issuance(~~;~~)**

A. The Director shall notify the applicant when(~~When~~) a Type I or II Master Use Permit is approved for issuance(~~, the applicant shall be so notified~~).

(~~4~~) B. Type I Master Use Permits. A Type I Master Use Permit (~~Permits shall be~~) is approved for issuance at the time of the Director's decision that the application conforms to all



1 applicable laws, ~~((Section 23.76.020))~~ except that for a project that requires both a Master Use  
2 Permit and a Council land use decision, the Master Use Permit is approved for issuance only  
3 after the Council land use decision is made.

4 ~~((2))~~ C. Type II Master Use Permits.

5 1. Except as provided in subsections 23.76.028.C.2 and C.3 ~~((for Type II permits~~  
6 ~~containing a shoreline component as defined in SMC Section 23.76.006C2g))~~, a Type II Master  
7 Use Permit ~~((may be))~~ is approved for issuance on the day following expiration of the applicable  
8 City of Seattle administrative appeal period or, if appealed, on the fourth day following a final  
9 City of Seattle administrative appeal decision to grant or conditionally grant the permit.

10 2. A Type II Master Use ~~((Permits))~~ Permit containing a shoreline component as  
11 defined in subsection 23.76.006.C.2.g ~~((may be issued))~~ is approved for issuance pursuant to  
12 ~~((SMC))~~ Section 23.60.072, except that a shoreline decision on limited utility extensions and  
13 bulkheads subject to Section 23.60.065 is approved for issuance within 21 days of the last day of  
14 the comment period as specified in that section.

15 3. For a Type II Master Use Permit that requires a Council land use decision, the  
16 Master Use Permit is approved for issuance only after the Council land use decision is made.

17 D. Master Use Permits shall not be issued to the applicant until all outstanding fees are  
18 paid.

19 ~~((B. When a Master Use Permit is approved for issuance according to subsection A, and a~~  
20 ~~condition of approval requires revisions of the Master Use Permit plans, the revised documents~~  
21 ~~shall be submitted within sixty (60) days of the date the permit is approved for issuance. The~~  
22 ~~Director may extend the period for submittal of the revised documents if it is determined that~~  
23 ~~there are good reasons for the delay which are satisfactory to the Director, or if a different~~  
24



1 ~~schedule is agreed upon.~~

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

13  
14  
15 ~~D. In no case may a Master Use Permit be issued beyond eighteen (18) months from the~~  
16 ~~date the project is approved for issuance.))~~

17 Section 20. Section 23.76.032 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 123566, is amended as follows:

19 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

20 **A. Type I and Type II Master Use Permit Expiration.**

21  
22 1. An issued Type I or II Master Use Permit expires three years from the date a  
23 permit is approved for issuance as described in Section 23.76.028, except as follows:

24 a. A Master Use Permit with a shoreline component expires pursuant to  
25 WAC 173-27-090.

26  
27 b. A variance component of a Master Use Permit expires as follows:



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

5 2) Variances granted as separate Master Use Permits pursuant to  
6 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as  
7 described in Section 23.76.028 or on the effective date of any text amendment making more  
8 stringent the development standard from which the variance was granted, whichever is sooner. If  
9 a Master Use Permit to establish the use is ~~((granted))~~ issued prior to the earlier of the dates  
10 specified in the preceding sentence ~~((within this period))~~, the ~~((variance's expiration date shall be~~  
11 ~~extended until the expiration date established for the use approval))~~ variance expires on the  
12 expiration date of the Master Use Permit.

13 c. The time during which pending litigation ~~((is pending))~~ related to the  
14 Master Use Permit or the property subject to the permit made it reasonable not to submit an  
15 application for a building permit, or to establish a use if a building permit is not required, is not  
16 included in determining the expiration date of the Master Use Permit.

17 d. Master Use Permits with a Major Phased Development or Planned  
18 Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015  
19 expire as follows:

20 1) For the first phase, the expiration date shall be three years from  
21 the date the permit is approved for issuance;

22 2) For subsequent phases, the expiration date shall be ~~((determined~~  
23 ~~at the time of permit issuance))~~ determined at the time of permit issuance for each phase, and the  
24



1 date shall be stated in the permit.

2 e. Permits for uses allowed under Section 23.42.038, and temporary,  
3 interim, or intermittent use permits issued pursuant to Section 23.42.040, expire on the date  
4 stated in the permit.

5 f. Except as otherwise provided in this subsection 23.76.032.A.1.f, Master  
6 Use Permits for development pursuant to Sections 23.49.180 and 23.49.181 expire on the date set  
7 by the Director in the Master Use Permit decision, which date may be a maximum of 15 years  
8 from the date the Master Use Permit is ~~((ready to issue))~~ approved for issuance. The Director  
9 shall consider the complexity of the project, economic conditions of the area in which the project  
10 is located, and the construction schedule proposed by the applicant in setting the expiration date.  
11 If no expiration date is set in the Master Use Permit decision, the expiration date is three years  
12 from the date a permit is approved for issuance.

13  
14  
15 1) In order for the Director to set the Master Use Permit expiration  
16 date, the applicant shall:

17 a) Submit with the application a site plan showing a level  
18 of detail sufficient to assess anticipated impacts of the completed project; and ~~((;))~~

19 b) Submit a proposed schedule for complying with the  
20 conditions necessary to gain the amount of extra floor area and the extra height sought for the  
21 project.

22  
23 2) The expiration date of the Master Use Permit may be extended  
24 past the expiration date set in the Master Use Permit decision or the date established in this  
25 subsection 23.76.032.A.1.f if:

26  
27 a) On the expiration date stated in the Master Use Permit



1 decision, a building permit for the entire development has been issued (~~and has not expired~~), in  
2 which case the Master Use Permit is extended for the life of (~~shall expire when~~) the building  
3 permit if the Master Use Permit would otherwise expire earlier (~~expires~~), or

4 b) A complete application for a building permit that either  
5 is for the entire development proposed pursuant to (~~section~~) Section 23.49.180, or is for  
6 construction to complete the entire development proposed pursuant to (~~section~~) Section  
7 23.49.180 is:

8 i) submitted (~~at least 60 days~~) before the  
9 expiration date of the Master Use Permit; and

10 ii) made sufficiently complete to constitute a fully  
11 complete building permit application as defined in the Seattle Building Code, or for a highrise  
12 structure regulated under Section 403 of the Seattle Building Code, made to include the complete  
13 structural frame of the building and schematic plans for the exterior shell of the building, in  
14 either case before the expiration date of the Master Use Permit, in which case the Master Use  
15 Permit is extended for the life of (~~shall expire when~~) the building permit issued pursuant to the  
16 application if the Master Use Permit would otherwise expire earlier (~~expires or when the~~  
17 ~~application for a building permit is canceled or withdrawn~~)).

18 g. For a Master Use Permit that is either issued or approved for issuance  
19 after June 1, 2006 and that is not subject to subsection 23.76.032.A.1.a, 23.76.032.A.1.c, or  
20 23.76.032.A.1.e, the applicant or permit holder may elect in writing to have the Master Use  
21 Permit expire pursuant to this subsection 23.76.032.A.1.g. A Master Use Permit subject to this  
22 subsection 23.76.032.A.1.g expires six years from the date a permit is or was approved for  
23 issuance as described in Section 23.76.028, except as follows:  
24  
25  
26  
27



1) A variance component of a Master Use Permit expires as follows:

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

b) Variances granted as separate Master Use Permits pursuant to ~~((Section))~~ subsection 23.76.004.G expire six years 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))~~ issued prior to the earlier of the dates specified in the preceding sentence ((within this period)), the variance expires on the expiration date of the use approval.

2) Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015 ~~((or 23.49.036))~~ expire as follows:

a) For the first phase, the expiration date shall be six years from the date the permit is approved for issuance;

b) For subsequent phases, the expiration date shall be determined ((at the time of permit issuance)) at the time of permit issuance for each phase and stated in the permit.

2. On the expiration date determined as provided in subsection 23.76.032.A.1, a Master Use Permit expires unless one of the conditions in this subsection 23.76.032.A.2 exists:



1 a. A building permit is issued before the expiration date, in which case the  
2 ~~((MUP))~~ Master Use Permit shall be extended for the life of the building permit~~((, or))~~.

3 b. ~~((An))~~ A valid and fully complete application for a building permit is~~((:~~  
4 ~~1))~~ submitted ~~((at least 60 days before the expiration date; and~~  
5 ~~2))~~ prior to the Master Use Permit expiration date and~~((:~~  
6 ~~i) made sufficiently complete to constitute a fully complete~~  
7 ~~building permit application as defined in the Seattle Building Code, or~~  
8 ~~ii) if the application is for construction of a part of a~~  
9 ~~building or structure pursuant to Exception 1 of Seattle Building Code Section 106.6.3, the~~  
10 ~~application includes plans for the complete structural frame of the building and schematic plans~~  
11 ~~for the exterior shell of the building; and))~~

12 ~~((3))~~ a building permit is subsequently issued. In such cases, the  
13  
14 Master Use Permit shall be extended for the life of the building permit.

15  
16 c. For projects that do not require a building permit, the use has been  
17 established prior to the expiration date ~~((of the Master Use Permit))~~ and is not terminated prior to  
18 that date by abandonment, change of use, or otherwise. In such cases the Master Use Permit  
19 expires when the use permitted by the Master Use Permit is terminated by abandonment, change  
20 of use, or otherwise ~~((does not expire))~~.

21  
22 d. The Master Use Permit is renewed pursuant to subsection 23.76.032.B.

23 e. A Major Phased Development or Planned Community Development  
24 component is part of the Master Use Permit, in which case subsection 23.76.032.A.1.d applies.

25  
26 f. The Master Use Permit ~~((was))~~ is for development subject to Section  
27 23.49.180, in which case the provisions in subsection 23.76.032.A.1.f apply.



1           B. If a Master Use Permit is issued for a project, a building permit is issued for the  
2 project, and the project is constructed pursuant to the building permit, conditions of or  
3 incorporated in the Master Use Permit shall remain in effect, notwithstanding expiration of the  
4 Master Use Permit pursuant to 23.76.032.A, until the project is demolished or until an earlier  
5 date on which (1) the condition by its terms expires or is fully satisfied, (2) the condition is  
6 removed through a permitting decision, or (3) if the condition was imposed as to a specific use  
7 within the project, that use is terminated.

9           ((B))C. Master Use Permit Renewal.

10           1. Except for ((major phased development))Major Phased Development permits,  
11 the Director shall renew issued Master Use Permits for projects that are in conformance with  
12 applicable regulations, including but not limited to land use and environmentally critical areas  
13 regulations and SEPA policies in effect at the time renewal is sought. Except as provided in  
14 subsections ((23.76.032.B.2)) 23.76.032.C.2 and ((23.76.032.B.3)) 23.76.032.C.3((below)),  
15 Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be  
16 renewed beyond a period of five years from the original date the permit is approved for issuance.  
17 The Director shall not renew issued Master Use Permits for projects that are not in conformance  
18 with applicable regulations((, including land use and environmentally critical areas regulations,  
19 or SEPA policies)) in effect at the time renewal is sought.

22           2. If an application for a building permit is ((;  
23           a.))submitted ((at least 60 days)) before the end of the two year term of  
24 renewal((;  
25           b. made sufficiently complete to meet the requirements of Section 106 of  
26 the Seattle Building Code or, if the application is for construction of a part of a building or  
27



1 structure pursuant to ~~Exception 1 of Seattle Building Code Section 106.6.3~~, the application is  
2 made to include plans for the complete structural frame of the building and schematic plans for  
3 the exterior shell of the building;), and

4 ~~((e-))~~is subsequently issued, the Master Use Permit shall be extended for  
5 the life of the building permit.

6 3. The Director may renew a Master Use Permit for the temporary relocation of  
7 police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12  
8 months.  
9

10 Section 21. Section 23.76.034 of the Seattle Municipal Code, which section was last  
11 amended by Ordinance 117263, is amended as follows:

12 **23.76.034 Suspension and revocation of Master Use Permits~~((r))~~**

13 A. A Master Use Permit may be revoked or suspended by the Director if any of the  
14 following conditions are found:  
15

- 16 1. The permittee has developed the site in a manner not authorized by the permit;  
17 ~~((o#))~~  
18 2. The permittee has not complied with the conditions of the permit; ~~((o#))~~  
19 3. The permittee has secured the permit with false or misleading information;  
20 ~~((o#))~~  
21 4. The permit was issued in error~~((r))~~; or  
22 5. The permittee has failed to pay past-due fees.

23 B. ~~((Whenever))~~If the Director determines upon inspection of the site that there are  
24 grounds for suspending or revoking a permit, the Director may order the work stopped; provided  
25 that any shoreline component of a Master Use Permit shall not be revoked until a public hearing  
26  
27  
28



1 has been held pursuant to the procedures set forth in ((SMC)) Section 23.60.078. A written stop  
2 work order shall be served on the person(s) doing or causing the work to be done. All work shall  
3 then be stopped until the Director finds that the violations and deficiencies have been rectified.  
4 The Director shall provide ((Written)) written notice of the stop work order ((shall be mailed)) to  
5 all persons who have expressed a complaint leading to the stop work order and provided an  
6 address for notice.

7  
8 C. The procedures for appealing a stop work order for all Master Use Permit components  
9 other than shoreline components ((shall be)) are as follows:

10 1. Persons who receive a stop work order issued under subsection 23.76.034.B  
11 ((above)) may appeal the order to the Hearing Examiner. Appeals shall be filed with the Hearing  
12 Examiner by ((five-))5((:00)) p.m. of the ((fifteenth))15<sup>th</sup> calendar day following service of the  
13 stop work order. ((When))If the last day of the appeal period so computed is a Saturday, Sunday,  
14 or federal or City holiday, the appeal period shall run until ((five-))5((:00)) p.m. on the next  
15 ((business)) day that is not a Saturday, Sunday, or federal or City holiday.

16  
17 2. The Hearing Examiner shall hold a ((public)) hearing on the appeal of the  
18 Director's decision in order to review the facts and determine whether grounds for revocation or  
19 suspension exist.

20  
21 3. The Hearing Examiner shall provide ((Notice)) notice of the hearing ((shall be  
22 provided)) at least ((twenty-))20((:)) days prior to the hearing ((by written notice)) to the  
23 permittee and to any persons who have expressed a complaint leading to the stop work order.

24  
25 4. The Hearing Examiner's decision shall be issued within ((fifteen-))15((:)) days  
26 following the hearing.

27 5. The Hearing Examiner shall ((give)) provide written notice of the decision ((in



1 writing)) to the permittee, the Director, and ((to)) persons who have made a written request for  
2 notice ((in a timely manner)) and provided an address for notice.

3 Section 22. Section 23.76.036 of the Seattle Municipal Code, which section was  
4 last amended by Ordinance 122497, is amended as follows:

5 **23.76.036 ((-)) Council decisions required((r))**

6 A. Quasi-judicial Type IV Council land use decisions.

7 ((1. ))The Council shall make the following quasi-judicial Type IV Council land  
8 use decisions((, including any integrated decisions to approve, condition or deny based on SEPA  
9 Policies)), ((and)) as well as any associated Type II decisions listed in ((Section)) subsections

10 23.76.006.C.2.c, d, f, and g and SEPA decisions integrated with such Type II decisions as set  
11 forth in Section 23.76.006.C.2.1 :

12 ((a))1. Amendments to the Official Land Use Map, including changes in overlay  
13 districts and shoreline environment redesignations, except ((area-wide amendments, and except  
14 adjustments pursuant to Section 23.69.023))those map amendments listed in subsection C.1 of  
15 this Section 23.76.036;

16 ((b))2. Public projects that require Council approval;

17 ((c))3. Major Institution master plans, including major amendments as defined in  
18 Section 23.69.035, ((and)) renewal of a master plan's development plan component pursuant to  
19 Section 23.69.036, and master plans prepared pursuant to subsection 23.69.023.C after an  
20 acquisition, merger, or consolidation of major institutions;

21 ((d))4. Council conditional uses; ((and))

22 ((e))5. Major amendments to ((Property Use and Development  
23 Agreements))property use and development agreements pursuant to Section 23.76.058; and



1                   6. Decisions to approve, condition, or deny based on SEPA Policies that are  
2 integrated with a Type IV decision listed in subsections 23.76.036.A.1 through A.5.

3            ~~((2))~~B. Other quasi-judicial Council land use decisions. The Council shall also make the  
4 following quasi-judicial decisions, which are not subject to the same procedures as Type IV  
5 Council land use decisions:

6                    ~~((a))~~1. Minor amendments to ~~((Property Use and Development~~  
7 ~~Agreements))~~property use and development agreements pursuant to Section 23.76.058; and

8                    ~~((b))~~2. Extensions of Type IV Council land use decisions pursuant to Section  
9 23.76.060.

10            ~~((B))~~C. Legislative Type V Council land use decisions. Council action is required for the  
11 following Type V Council land use decisions, as well as any associated Type II decisions listed  
12 in subsections 23.76.006.C.2.c, d, f, and g and SEPA decisions integrated with such Type II  
13 decisions as set forth in Section 23.76.006.C.2. 1:

14                    1. ~~((Area-wide amendments))~~ The following amendments to the Official Land  
15 Use Map~~((;))~~;

16                            a. Area-wide amendments; and

17                            b. Corrections of errors on the Official Land Use Map due to cartographic  
18 and clerical mistakes;

19                    2. Amendments to the text of this Title 23~~((, Land Use Code))~~;

20                    3. Concept approval for the location or expansion of City facilities requiring  
21 Council land use approval ~~((by Title 23, Land Use Code))~~;

22                    4. Waiver or modification of development standards for City facilities;

23                    ~~((4))~~5. Major Institution designations and revocations of Major Institution

1 designations; and

2 ~~((5. Waiver or modification of development standards for City facilities;))~~

3 6. Planned action ordinances. ~~((; and~~

4 ~~7. Corrections of errors on the official Land Use Map due to cartographic and~~  
5 ~~clerical mistakes.))~~

6 Section 23. Section 23.76.038 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 118012, is amended as follows:

8 **Section 23.76.038 Preapplication conferences for Council land use decisions** ~~((;))~~

9 A. Except as provided in subsection 23.76.038.B, a preapplication conference is required  
10 between Department representative(s) and an applicant for the following Council land use  
11 decisions ~~((Prior))~~ prior to official filing with the Director of an application;

12 1. All ~~((for a))~~ Type IV decisions;

13 2. Type V concept approval for the location or expansion of City facilities  
14 requiring Council land use approval; and

15 3. Type V decisions for waivers or modifications of development standards for  
16 City facilities.

17 B. The Director may waive the requirement for a preapplication conference if an  
18 applicant demonstrates, to the Director's satisfaction, experience with Council land use decision  
19 procedures that would render a preapplication conference unnecessary.

20 C. ~~((the applicant may request or the Director may require a pre-application conference.))~~  
21 The preapplication conference shall be held in a timely manner ~~((between a Department~~  
22 representative(s) and the applicant)) to determine the appropriate procedures and review criteria  
23 for the proposed project. Pre-application conferences may be subject to fees as established in  
24



1 ((~~Chapters 22.901A-22.901T, Permit Fee Subtitle~~)) Subtitle IX of Title 22.

2 Section 24. Section 23.76.040 of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 123495, is amended as follows:

4 **23.76.040 – Applications and requests for Council land use decisions**

5 A. Applications for Type IV ((and V)) Council land use decisions.

6 1. Applications for all Type IV Council land use decisions except rezones shall be  
7 made by the ((property owner, lessee, contract purchaser))holder of record of fee title, a City  
8 agency, or an authorized agent thereof((; provided that any interested person may make  
9 application for an amendment to the Official Land Use Map or an amendment to the text of Title  
10 23, Land Use Code)).

11 2. Applications for rezones shall be made by the holder(s) of record of fee title for  
12 all of the property or properties in the area proposed to be rezoned, or the authorized agent for  
13 such holder(s) of record of fee title.

14 B. Applications for other quasi-judicial Council land use decisions. Applications for  
15 quasi-judicial Council land use decisions that are not Type IV decisions shall be made by all  
16 holder(s) of record of fee title of the affected property or properties, or the authorized agent for  
17 such holder(s) of record of fee title.

18 C. Applications for Type V Council land use decisions.

19 1. Applications for concept approval for the location or expansion of City  
20 facilities requiring Council approval and for waiver or modification of development standards for  
21 City facilities shall be made by a City agency or authorized agent thereof.

22 2. Applications for Major Institution designations and revocations of Major  
23 Institution designations shall be made by a City agency, the holder of record of fee title of the  
24



1 affected major institution, or authorized agent thereof.

2 D. Requests for Type V Council land use decisions.

3 1. Requests for planned action ordinances shall be made by a City agency or the  
4 holder(s) of record of fee title for the property(ies) proposed to be addressed by the planned  
5 action ordinance, or authorized agent thereof.

6 2. Requests for an area-wide amendment to the Official Land Use Map, correction  
7 of errors in the Official Land Use Map due to cartographic or clerical mistakes, or an amendment  
8 to the text of this Title 23 may be made by any City department or interested person.

9 E. A claim made by a person that they possess title to any portion of the property for  
10 which an application for a Council land use decision has been submitted, whether the claim is  
11 made by a judicially-filed pleading or not, is not grounds to suspend processing the application  
12 unless a court injunction has been issued and is delivered to the Department.

13 ((B))F. All applications and requests for Council land use decisions shall be made to the  
14 Director on a form provided by the Department.

15 G. Notice to the City Clerk.

16 1. For Type IV Council land use decisions that do not include a design review  
17 component and are not ((applications for)) notices of intent to prepare Major Institution ((Master  
18 Plans))master plans, and for applications for quasi-judicial Council land use decisions that are  
19 not Type IV decisions, the Director shall ((transmit))provide notice of the application to the City  
20 Clerk ((for filing with the City Council)) promptly after the application is ((first)) submitted.

21 2. For Type IV Council land use decisions that include a design review  
22 component the Director shall((:

23 a. For applications subject to design review by the Design Review Board,



1 ~~transmit notice of the early design guidance public meeting to the City Clerk for filing with the~~  
2 ~~City Council promptly at the same time public notice is provided.~~

3           ~~b. For applications subject to a design review pursuant to Sections~~  
4 ~~23.41.016 or 23.41.018, transmit~~)provide notice of the application to the City Clerk ((for filing  
5 ~~with the City Council)) promptly after the applicant submits a complete application ((applies)) to~~  
6 ~~begin the early design guidance or ((SDR)) the streamlined design review design guidance~~  
7 ~~process.~~

8  
9           3. For ~~((applications for))~~notices of intent to prepare Major Institution ((Master  
10 ~~Plans))~~master plans, the Director shall ~~((transmit))~~ provide the notice of intent to prepare a  
11 master plan to the City Clerk ~~((for filing with the City Council))~~ promptly after the notice of  
12 intent is received.

13  
14           4. For Type V Council land use decisions, the Director shall provide notice of the  
15 application or request to the City Clerk promptly after the application or request is submitted.

16           ~~((C))~~H. Applications and requests for Council land use decisions shall be accompanied  
17 by payment of the applicable filing fees, if any, as established in ~~((SMC Chapters 22.901A-~~  
18 ~~22.901T, Permit Fee Subtitle))~~ Subtitle IX of Title 22.

19  
20           ~~((D))~~I. ~~((All applications))~~ Applications for Council land use decisions shall contain the  
21 submittal information required by the applicable sections of this Title 23, Land Use Code;  
22 ~~((SMC))~~ Title 15, Street and Sidewalk Use; ~~((SMC))~~ Chapter 25.05, SEPA Policies and  
23 ~~((SMC))~~ Chapter 25.09, Regulations for Environmentally Critical Areas; ~~((SMC))~~  
24 Chapter 25.12, Landmark Preservation; ~~((SMC))~~ Chapter 25.16, Ballard Avenue Landmark  
25 District; ~~((SMC))~~ Chapter 25.20, Columbia City Landmark District; ~~((SMC))~~ Chapter 25.22,  
26 Harvard-Belmont Landmark District; ~~((SMC))~~ Chapter 25.24, Pike Place Market Historical



1 District; and other codes as determined applicable by the Director. All shoreline substantial  
2 development, conditional use, or variance applications shall also include applicable submittal  
3 information as specified in WAC 173-27-180. The Director shall make available, in writing, a  
4 general list of submittal requirements for a complete application. In the case of unusual or  
5 unique applications the Director shall determine submittal requirements. ((The following  
6 information shall also be required as further specified in the Director's Rule on Application  
7 Submittal Guidelines, unless the Director indicates in writing that specific information is not  
8 necessary for a particular application:

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

12 2. ~~Evidence of ownership or authorization from the property owner for Council~~  
13 ~~Conditional Uses;~~

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

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

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

27 b. ~~Elevations and sections of the proposed new features,~~



1 e. ~~Floor plans showing the proposed new features,~~

2 d. ~~Drainage plan,~~

3 e. ~~Landscape plan,~~

4 f. ~~Right of way information showing any work proposed in the public~~  
5 ~~right of way,~~

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

9 h. ~~Parking layout and vehicular access,~~

10 i. ~~Vicinity map,~~

11 j. ~~Topographic map, and~~

12 k. ~~Open space plan;~~

13  
14 5. ~~A statement whether the site includes or is adjacent to a nominated or~~  
15 ~~designated City of Seattle landmark, or has been listed as eligible for landmark status by the state~~  
16 ~~or federal governments, or is within a City of Seattle landmark or special review district. If the~~  
17 ~~site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle~~  
18 ~~landmark or special review district, then the applicant must provide a copy of any application for~~  
19 ~~any required certificate of approval that has been filed with the Department of Neighborhoods. If~~  
20 ~~the site does not include a landmark and is not within a landmark or special review district, then~~  
21 ~~the applicant must provide the following information:~~

23 a. ~~Date the buildings on the site were constructed,~~

24 b. ~~Name of the architect(s) or builder(s), and~~

25 e. ~~For any building fifty (50) or more years old, clear exterior photos of all~~  
26 ~~elevations of the building;~~  
27



1                   6. Information, including technical reports, drawings, models or text, necessary to  
2 evaluate the development proposal, project site and potential environmental effects related to the  
3 following:

- 4                   a. ~~Soils and geology,~~
- 5                   b. ~~Grading,~~
- 6                   c. ~~Drainage,~~
- 7                   d. ~~Construction impacts,~~
- 8                   e. ~~Air quality,~~
- 9                   f. ~~Water quality,~~
- 10                  g. ~~Water discharge,~~
- 11                  h. ~~View impairment,~~
- 12                  i. ~~Energy consumption,~~
- 13                  j. ~~Animal habitat impacts,~~
- 14                  k. ~~Plant ecology, botany and vegetation,~~
- 15                  l. ~~Noise,~~
- 16                  m. ~~Release and disposal of toxic and hazardous materials,~~
- 17                  n. ~~Soil contamination,~~
- 18                  o. ~~Dredging,~~
- 19                  p. ~~Land use,~~
- 20                  q. ~~Housing,~~
- 21                  r. ~~Light and glare,~~
- 22                  s. ~~Shadow,~~
- 23                  t. ~~Aesthetics,~~



1 ~~u. Use and demand on recreation facilities,~~

2 ~~v. Vehicular traffic and circulation,~~

3 ~~w. Parking,~~

4 ~~x. Pedestrian circulation,~~

5 ~~y. Circulation and movement of goods,~~

6 ~~z. Traffic hazard, and~~

7 ~~aa. Demand on public service and utilities.))~~

8  
9 ((E))J. Notice of Complete Application.

10 1. The Director shall determine whether an application for a Council land use  
11 decision is complete and shall notify the applicant in writing within ~~((twenty-eight ()))~~28(( )) days  
12 of the date the application ~~((being))~~is filed whether the application is complete or that the  
13 application is incomplete and what additional information is required before the application will  
14 be complete. Within ~~((fourteen ()))~~14(( )) days of receiving the additional information, the  
15 Director shall notify the applicant in writing ~~((whether))~~if the application is ~~((now complete~~  
16 ~~or))~~still incomplete and what additional information is necessary. An application shall be deemed  
17 to be complete if the Director does not notify the applicant in writing that the application is  
18 incomplete by the deadlines in this ~~((section))~~ subsection 23.76.040.J ~~((that the application is~~  
19 ~~incomplete))~~. A determination that the application is complete is not a determination that the  
20 application is vested.  
21

22 2. An application for a Council land use decision is complete for purposes of this  
23 ~~((section))~~ Section 23.76.040 ~~((when))~~if it meets the submittal requirements established by the  
24 Director in subsection ~~((D))~~I of this ~~((section))~~ Section 23.76.040 and is sufficient for continued  
25 processing even though additional information may be required or project modifications are  
26  
27  
28



1 undertaken subsequently. The determination of completeness shall not preclude the Director  
2 from requesting additional information or studies either at the time of the notice of completeness  
3 or subsequently, if additional information is required to complete review of the application or if  
4 substantial changes in the permit application are proposed. A determination under this ~~((section))~~  
5 Section 23.76.040 that an application is complete for purposes of continued processing is not a  
6 determination that the application is vested. ~~((A vesting determination shall be made only when  
7 needed because of a change in applicable laws and shall entail review of the application for  
8 compliance with RCW 19.27.095 and SMC Section 23.76.026.))~~

10 ~~((F))~~K. Failure to supply all required information or data within ~~((sixty-))~~60~~((9))~~ days of  
11 a written request may result in a notice of intent to cancel. The Director may cancel the  
12 application if the requested information is not provided within the time required by the notice of  
13 intent to cancel. ~~((When a Council land use application and a building permit application for a  
14 project are being reviewed concurrently, and the applications are for a project vested to prior  
15 Land Use Code provisions, and the project does not conform with the codes in effect while it is  
16 being reviewed, cancellation of the Council land use application under the provision of this  
17 subsection shall cause the concurrent cancellation of the building permit application.))~~

20 Section 25. Section 23.76.042 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 122311, is amended as follows:

22 **23.76.042 Notice of Type IV applications~~((9))~~**

23 ~~((A-))~~ Notice Required. For all Type IV Council land use decisions, ~~((for Major  
24 Institution designations, and for City facilities requiring Council approval,))~~ notice of application  
25 shall be provided ~~((in the manner prescribed by))~~ pursuant to Section 23.76.012 ~~((for Master Use  
26 Permits.))~~, provided that, for amendments to property use and development agreements,



1 additional notice shall be given pursuant to subsection 23.76.058.C.

2 ~~((B. Additional Notice for Major Institutions. The Director shall provide the following~~  
3 ~~additional notice for Major Institution master plans and designation.~~

4 1. ~~For Major Institution master plans, notice of intent to file a master plan~~  
5 ~~application shall be published in the Land Use Information Bulletin and the City official~~  
6 ~~newspaper and mailed notice shall also be provided. The notice of intent to file a master plan~~  
7 ~~application shall indicate that an advisory committee is to be formed as provided in Section~~  
8 ~~23.69.032.~~

9  
10 2. ~~Mailed notice shall be provided for Major Institution designations and for~~  
11 ~~revocation of Major Institution designations, and notice shall also be published in the City~~  
12 ~~official newspaper once a week for two (2) consecutive weeks.~~

13  
14 ~~C. Additional Notice in the Southeast Seattle Reinvestment Area. The Director shall~~  
15 ~~provide additional notice for Type IV decisions in the Southeast Seattle Reinvestment Area~~  
16 ~~overlay district, by publishing the notice of application in at least one (1) community newspaper~~  
17 ~~in the area affected by the proposal.~~

18 ~~D. Additional Notice for Modification of Overlay Districts Established Pursuant to~~  
19 ~~Neighborhood Plans. When considering modifications to an overlay district established pursuant~~  
20 ~~to an adopted neighborhood plan that specifically addresses the overlay district, the Director~~  
21 ~~must directly solicit comment by mail, or e-mail from any City recognized stewardship group for~~  
22 ~~that neighborhood plan as well as established community groups and chambers of commerce for~~  
23 ~~the area of the overlay.))~~

24  
25  
26 Section 26. Section 23.76.046 of the Seattle Municipal Code, which section was last  
27 amended by Ordinance 118012, is amended as follows:



23.76.046 **Public meetings and hearings for draft EISs**~~((:))~~

1  
2 A. Preliminary Council Meeting on City Facilities Requiring Council Approval. When a  
3 City agency proposing a new City facility or expansion of an existing City facility determines  
4 that an EIS is required for the project, the Council shall hold an early public meeting to  
5 determine the need for and functions of the proposed facility, identify the source of funding, and  
6 establish site selection criteria. The meeting shall be held as part of the scoping process as  
7 required by ~~((SMC))~~ Chapter 25.05, SEPA Policies and Procedures.

9 B. Draft EISs on Type IV and V Decisions. A The Director shall hold a public hearing  
10 ~~((shall be held by the Director))~~ on all draft EIS~~((s))~~ for Type IV and Type V Council land use  
11 decisions for which the Department is the lead agency, pursuant to ~~((SMC Chapter))~~ Section  
12 25.05.535. ~~((The hearing shall occur no earlier than twenty-one (21) days from the date the draft~~  
13 ~~EIS is issued nor later than ~~((fifty (50) days from its issuance.))~~)~~ The Director may hold the  
14 hearing near the site of the proposed project. For Major Institution master plans, the draft EIS  
15 hearing shall be combined with a hearing on the draft master plan as required by Section  
16 23.69.032.

18 C. The Director may combine the public hearing on the draft EIS with any other public  
19 hearings that may be held on the project by another local, state, regional, federal, or other  
20 agency, and shall do so if requested by the applicant, provided that:

- 22 1. The joint hearing is held within the city of Seattle; and  
23 2. The joint hearing can be held within the time periods specified in Section  
24 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the  
25 hearings.

27 Section 27. Section 23.76.049 of the Seattle Municipal Code, which section was last



amended by Ordinance 118012 and currently reads as follows, is repealed:

~~((23.76.049 – Time required for preparation of an EIS.~~

~~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.))~~

Section 28. Subsections A and B of Section 23.76.050 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, are amended as follows:

**Section 23.76.050 Report of the Director((:))**

A. The Director shall prepare a written report on ~~((applications for))~~ Type IV and V decisions~~((, except Land Use Code text amendments,))~~ and any associated Type II decisions listed in ~~((Section 23.76.006 C2))~~ subsections 23.76.C.2.c, d, f, and g and SEPA decisions integrated with such Type II decisions as set forth in subsection 23.76.006.C.2.1, except that the Director shall prepare a written report for the Type V Council land use decisions listed in subsection 23.76.050.C only if work on the decision is sponsored by the Mayor or one or more members of the Council.

B. The Director's report for Type IV and V Council land use decisions other than those listed in subsection 23.76.050.C shall include:

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



1                   2. Responses to written comments (~~((submitted by interested citizens))~~)from the  
2 public;

3                   3. An evaluation of the proposal based on the standards and criteria for the  
4 approval sought and consistency with applicable City policies;

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

6                   5. The Director's recommendation to approve, approve with conditions, or deny a  
7 proposal.  
8

9                   ~~((B. The Director shall prepare a written report for Land Use Code text amendments  
10 sponsored by the City Council only if such a report is requested by a member of the City~~

11 ~~Council, and))~~C. For Land Use Code amendments, area-wide amendments to the Official Land  
12 Use Map, and Planned Action Ordinances, the Director's report shall include:

13                   1. An evaluation of the proposal based on the standards and criteria for the  
14 approval sought and consistency with applicable City policies;~~((, and))~~

15                   2. a summary of the public notice and outreach efforts undertaken to evaluate the  
16 proposal; and

17                   ~~((2))~~3. The Director's recommendation to approve~~((, approve with conditions, or~~  
18 ~~deny))~~ or reject a proposal.  
19

20                   ~~((C))~~D. A DNS or the Director's determination that an EIS is adequate shall be subject to  
21 appeal pursuant to the procedures in subsection C of Section 23.76.022.

22                   ~~((D))~~E. For Type IV Decisions, the Director's report shall be submitted to the Hearing  
23 Examiner and filed with the City Clerk on the same date the notice of availability of the  
24 Director's report is given pursuant to Section 23.76.052. The Director's report shall be made  
25  
26  
27



1 available for public inspection at least ~~((twenty-one-))~~21(( )) days prior to the Hearing

2 Examiner's open record predecision public hearing described in Section 23.76.052.

3 ~~((E))~~F. For Type V Council land use decisions, the Director's report shall be submitted to  
4 the Council and shall be made available to the public at least ~~((fifteen-))~~15(( )) days before the  
5 Council hearing described in Section 23.76.062.

6 Section 29. Section 23.76.052 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 122497, is amended as follows:

8  
9 **23.76.052 Hearing Examiner open record predecision hearing and recommendation for**  
10 **Type IV Council land use decisions**~~(( ))~~

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

16 B. The Hearing Examiner may combine a public hearing on a ~~((project))~~Type IV  
17 application with any other public hearings that may be held on the project by another local, state,  
18 regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

- 19  
20  
21 1. the joint hearing is held within ~~((The City))~~the city of Seattle~~(( ))~~; and  
22 2. ~~((If requested by an applicant, a joint hearing shall be held, provided that))~~ the  
23 joint hearing can be held within the time periods specified in ~~((SMC))~~ Section 23.76.005, or the  
24 applicant agrees in writing to additional time, if needed, to combine the hearings.

25 C. Notice.

- 26  
27 1. The Director shall give notice of the Hearing Examiner's hearing, the Director's



1 environmental determination, and ~~((of))~~ the availability of the Director's report at least ~~((twenty-~~  
2 ~~one-))~~21~~((3))~~ days prior to the hearing by:

3 a. Inclusion in the Land Use Information Bulletin;

4 b. Publication in the City official newspaper;

5 c. ~~((Submission of the Land Use Information Bulletin to at least one (1)~~  
6 ~~community newspaper in the area affected by the proposal;~~

7 ~~d.))~~One ~~((1))~~ land use sign visible to the public posted at each street  
8 frontage abutting the site except~~((, when))~~ that if there is no street frontage or the site abuts an  
9 unimproved street, the Director shall either post more than one ~~((1))~~ sign and/or select an  
10 alternative posting location so that notice is clearly visible to the public. For hearings on Major  
11 Institution ~~((Master Plans))~~master plans, one ~~((1))~~ land use sign posted at each street frontage  
12 abutting the site but not to exceed ten ~~((10))~~ land use signs;

13 ~~((e))~~d. Mailed notice; and

14 ~~f. Posting in the Department))~~ e. Provision of notice to the applicant and to  
15 those who have submitted written comments on the proposal, and to persons who have made a  
16 written request for specific notice and have provided an address for notice.

17 2. DNSs shall ~~((also))~~ be filed with the SEPA Public Information Center. If the  
18 Director's decision includes a mitigated DNS or other DNS requiring a ~~((fourteen-))~~14~~((3))~~ day  
19 comment period pursuant to ~~((SMC))~~ Section 25.05.340, the notice of DNS shall include notice  
20 of the comment period. The Director shall distribute copies of such DNSs as required by  
21 ~~((SMC))~~ Section 25.05.340.

22 3. The notice shall state the project description, type of land use decision under  
23 consideration, a description sufficient to locate the subject property, where the complete  
24



1 application file may be reviewed, and the Director's recommendation and environmental  
2 determination. The notice shall also state that the environmental determination is subject to  
3 appeal and shall describe the appeal procedure.

4 D. Appeal of Environmental Determination. Any person significantly interested in or  
5 affected by the Type IV Council land use decision under consideration may appeal the Director's  
6 procedural environmental determination subject to the following provisions:

7 1. Filing of Appeals. Appeals shall be submitted (~~(in writing)~~) to the Hearing  
8 Examiner by (~~(five-)~~5(~~(:00)~~)) p.m. of the fourteenth calendar day following publication of  
9 notice of the determination, provided that (~~(when)~~)if a (~~(fourteen-)~~14(~~(:)~~)) day DNS comment  
10 period is required pursuant to (~~(SMC)~~) Section 25.05.340, appeals may be filed until (~~(five~~  
11 ~~(-)~~5(~~(:00)~~)) p.m. of the twenty-first calendar day following publication of the notice of the  
12 determination. (~~(When)~~)If the last day of the appeal period so computed is a Saturday, Sunday,  
13 or federal or City holiday, the period shall run until (~~(five-)~~5(~~(:00)~~)) p.m. on the next  
14 (~~(business)~~) day that is not a Saturday, Sunday, or federal or City holiday. The appeal shall be in  
15 writing and shall state specific objections to the environmental determination and the relief  
16 sought. The appeal shall be accompanied by payment of the filing fee as set forth in (~~(the Seattle~~  
17 ~~Municipal Code)~~) Section 3.02.125(~~(, Hearing Examiner filing fees)~~). In form and content, the  
18 appeal shall conform with the rules of the Hearing Examiner.

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

22 3. Notice of Appeal. Notice of filing of the appeal and of the date of the  
23 consolidated hearing on the appeal and the Type IV Council land use decision recommendation  
24  
25  
26  
27  
28



1 shall be promptly ~~((mailed))~~ provided by the Hearing Examiner to parties of record and those  
2 ~~((requesting))~~ who have requested notice and provided an address for notice.

3 4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner  
4 shall entertain only those issues cited in the written appeal ~~((which))~~that relate to compliance  
5 with the procedures for Type IV Council land use decisions as required in this ~~((chapter))~~Chapter  
6 23.76 and the adequacy of the environmental documentation upon which the environmental  
7 determination was made.

8  
9 5. Standard of Review. The Director's environmental determination shall be given  
10 substantial weight.

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

13  
14 1. The Director's report, including an evaluation of the project based on applicable  
15 City ordinances and policies and the Director's recommendation to approve, approve with  
16 conditions, or deny the application; and

17 2. Specific issues related to any appeals of the Director's ~~((environmental~~  
18 ~~determination, if appealed))~~Type II decisions.

19  
20 F. The Record. The record shall be established at the hearing before the Hearing  
21 Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open  
22 to a specified date for additional testimony, written argument, or exhibits.

23 G. Written Comments. Written comments on the application for a Type IV Council land  
24 use decision and the Director's report and recommendation may be sent to the ~~((Department or))~~  
25 the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be  
26 considered by the Hearing Examiner.  
27



1 H. Recommendation. From the information gained at the hearing, from timely written  
2 comments submitted to the ~~((Department or the))~~ Hearing Examiner, and from the report and  
3 recommendation of the Director, the Hearing Examiner shall submit a recommendation to the  
4 Council by filing it together with the record and the original application with the City Clerk  
5 within ~~((fifteen-))~~15 ~~(( ))~~days after the close of the hearing record, provided~~(( ))~~ that the Hearing  
6 Examiner's ~~((report))~~recommendation on a Major Institution ~~((Master Plan))~~ master plan shall be  
7 submitted within ~~((thirty-))~~30~~(( ))~~ days. The recommendation to approve, approve with  
8 conditions, or deny an application shall be based on ~~((the))~~ written findings and conclusions.

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

22 J. Distribution of Decision and Recommendation. On the same date that the Hearing  
23 Examiner files a recommendation with the City Clerk, the Hearing Examiner shall provide  
24 copies of the recommendation and environmental appeal decision, if any, ~~((shall be mailed by the~~  
25 ~~Hearing Examiner))~~ to the applicant, ~~((to))~~ the Director, ~~((to))~~ all persons testifying or submitting  
26 information at the hearing, ~~((to))~~ all persons who submitted substantive comments on the  
27



1 application to either the Director or the Hearing ~~((examiner))~~ Examiner, and ~~((to))~~ all those who  
2 request a copy in ~~((a timely manner))~~ writing and provide an address for notice. Notice of the  
3 Hearing Examiner's recommendation to the Council shall include instructions for ~~((requesting~~  
4 ~~the Council to further consider))~~ appealing the recommendation on the Type IV Council land use  
5 decision.

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

9 Section 30. Subsections A, B, and D of Section 23.76.054 of the Seattle Municipal Code,  
10 which section was last amended by Ordinance 122497, are amended as follows:

11 **23.76.054 - Council consideration of Hearing Examiner recommendation on Type IV**  
12 **Council land use decisions**~~((:))~~

13 A. Any person ~~((substantially affected by or interested in the))~~ who submitted a written  
14 comment to the Director, or who provided a written or oral comment to the Hearing Examiner,  
15 may submit in writing an appeal of the Hearing Examiner's recommendation regarding a Type  
16 IV land use decision ~~((may submit in writing an appeal of the recommendation))~~ to the Council  
17 and, if desired, a request to supplement the record. No appeals of a DNS or the determination  
18 that an EIS is adequate will be accepted.

19 B. Appeals of the Hearing Examiner's recommendation shall be filed with the City Clerk  
20 by ~~((five-))~~ 5~~((:00))~~ p.m. of the ~~((fourteenth-))~~ 14th~~(())~~ calendar day following the date of  
21 issuance of the Hearing Examiner's recommendation. When the last day of the ~~((request))~~ appeal  
22 period so computed is a Saturday, Sunday, or federal or City holiday, the ~~((request))~~ appeal  
23 period runs until ~~((five-))~~ 5~~((:00))~~ p.m. on the next ~~((business))~~ day that is not a Saturday,  
24 Sunday, or federal or City holiday.



\* \* \*

1  
2 D. After the City Clerk's receipt of an appeal, Council staff shall ~~((mail))~~provide a copy  
3 of the appeal and instructions for responding to those persons who were provided written notice  
4 of the Hearing Examiner's recommendation at least ~~((twenty-one (21)))~~21(~~(21)~~) days prior to the date  
5 of the Council's public meeting to consider the appeal.

\* \* \*

7  
8 Section 31. Section 23.76.056 of the Seattle Municipal Code, last amended by Ordinance  
9 122497, is amended as follows:

10 **23.76.056 Council decision on Hearing Examiner recommendation for Type IV Council**  
11 **land use decisions**~~((21))~~.

12 A. The Council's decision to approve, approve with conditions, remand, or deny the  
13 application for a Type IV Council land use decision shall be based on applicable law and  
14 supported by substantial evidence in the record established pursuant to Section 23.76.054. An  
15 appellant bears the burden of proving that the Hearing Examiner's recommendation should be  
16 rejected or modified.

17 B. The Council shall adopt written findings and conclusions in support of its decision  
18 regarding Type IV Council land use decisions.

19 C. To the extent such information is available to the Council, the decision should contain  
20 the name and address of the owner of the property at issue, of the applicant, and of each person  
21 who filed an appeal of the Hearing Examiner's recommendation with the Council, unless such  
22 person abandoned the appeal or such person's claims were dismissed before the hearing.

23 D. Any Type IV Council land use decision shall be final and conclusive unless Council  
24 retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the  
25



1 Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines  
2 Hearings Board ~~((must))~~ shall be commenced within ~~((twenty-one ()))~~ 21 ~~(( ))~~ days of issuance of  
3 the ~~((date that the))~~ Council's decision, as provided by RCW 36.70C.040, except that an appeal  
4 of a decision concerning personal wireless service must be commenced within ~~((thirty ()))~~ 30 ~~(( ))~~  
5 days of issuance of the decision.

6 E. A copy of the Council's findings, conclusions and decision shall be transmitted to the  
7 City Clerk who shall promptly ~~((send))~~ provide a copy to the Director, ~~((and))~~ the Hearing  
8 Examiner, and ~~((promptly mail copies to))~~ all parties of record. The Clerk's transmittal ~~((letter))~~  
9 shall include official notice of the time and place for seeking judicial review. The Director shall  
10 be bound by and incorporate the terms and conditions of the Council's decision in permits issued  
11 to the applicant or on approved plans.

12 F. Re-application Rules. If an application for a Type IV Council land use decision is  
13 denied with prejudice by the Council, no application for the same or substantially the same  
14 decision shall be considered until ~~((twelve ()))~~ 12 ~~(( ))~~ consecutive months have passed since the  
15 filing of the denial of the application. After ~~((twelve ()))~~ 12 ~~(( ))~~ months, the Council shall consider  
16 an application for the same decision only if the applicant establishes that there has been a  
17 substantial change of circumstances pertaining to a material issue.

18 G. Type IV Council land use decisions are quasi-judicial decisions of the City Council  
19 and are not subject to mayoral approval or disapproval.

20 Section 32. Subsections B and C and the title of Section 23.76.058 of the Seattle  
21 Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

22 **23.76.058 Rules for specific Council land use decisions**

23 \* \* \*



1 B. Contract Rezones.

2 1. ~~((If a property use and development agreement is required as a condition to an~~  
3 ~~amendment of the Official Land Use Map, the))~~ Within 30 days after adoption of the ordinance  
4 approving a contract rezone, the City Clerk shall record the executed property use and  
5 development agreement (PUDA) with the King County Recorder.

6 2. ~~((amendment))~~ The zoning designation established by the contract rezone shall  
7 not take effect until the later of:

8 a. the effective date of the ordinance approving the ~~((map~~  
9 ~~amendment))~~ contract rezone and accepting the ~~((property use and development~~  
10 ~~agreement))~~ PUDA, as specified in the ordinance or pursuant to Section 1.04.020, or

11 b. the recording by the City Clerk ~~((in))~~ with the King County ~~((Recorder's~~  
12 ~~Office))~~ Recorder of the ~~((agreement))~~ PUDA executed by the legal and beneficial owners. ~~((The~~  
13 ~~agreement shall be recorded in the real property records of King County and filed with the City~~  
14 ~~Clerk within 30 days after adoption of the ordinance approving the map amendment and~~  
15 ~~accepting the agreement.))~~

16 ~~((2))~~ C. Amendment of ((Property Use and Development Agreements)) PUDAs for Title  
17 23 zones. Property use and development agreements recorded as a condition ~~((to a map~~  
18 ~~amendment))~~ of a contract rezone may be amended by agreement between the owner and the  
19 City, if the amendment is approved by ~~((provided that any such amendment shall be approved~~  
20 ~~by))~~ the Council.

21 ~~((a))~~ 1. ((A request to amend shall be submitted to the Department of Planning and  
22 Development and filed with the City Clerk)) Applications to amend a PUDA shall meet the  
23 requirements of Section 23.76.040.



1                   2. Applications to amend a PUDA are subject to a 14 day comment period.

2                   3. In addition to the notice required pursuant to Section 23.76.012, the Director  
3 shall provide ((Notice)) notice of ((a request))an application to amend a PUDA and ((an  
4 opportunity to)) the 14-day comment period on the application ((shall be provided in accordance  
5 with the notice requirements of Section 23.76.012.B.1 or B.2, and B.3, and notice and  
6 opportunity to comment shall also be provided)) to the parties of record in the original rezone  
7 decision and to those persons who were provided written notice of the Hearing Examiner's  
8 recommendation in the original rezone decision, to the extent reasonably practicable.

9                   ((b))4. The Director shall determine whether the ((requested)) amendment is  
10 major or minor. This determination is a Type I decision.

11                   ((4))a. Minor amendments. A minor amendment to a PUDA is one that is  
12 within the spirit and general purpose of the prior decision of the Council, is generally consistent  
13 with the uses and development standards approved in the prior decision of the Council, would  
14 not result in significant adverse impacts that were not anticipated in the prior decision of the  
15 Council, and does not request any additional waivers or changes in the waivers of bulk or off-  
16 street parking and loading requirements other than those approved in the prior decision of the  
17 Council. If the Director determines that a proposed amendment is minor, the Director shall  
18 transmit to Council the ((request))application to amend, the Director's determination that the  
19 ((request)) proposed amendment is minor, any comments received by the Director on the  
20 proposed amendment, ((the Director's environmental determination,)) and the Director's  
21 recommendation on the proposed amendment. ((A request))An application to amend that is  
22 minor and that complies with the rezone criteria of Chapter 23.34 may be approved by the  
23 Council by ordinance after receiving any additional advice that it deems necessary.



1                                    ~~((2))~~b. Major Amendments. ~~((Requests))~~Applications to amend a PUDA  
2 that are not minor are major. ~~((The Council shall not approve a major amendment to a property~~  
3 ~~use and development agreement until the Council has received a recommendation from the~~  
4 ~~Hearing Examiner after a public hearing held as provided for rezones in Section 23.76.052.))~~  
5 Major amendments to a PUDA shall follow the procedures for Type IV Council land use  
6 decisions in Sections 23.76.052, 23.76.054, and 23.76.056.

7  
8                                    ~~((C. Reserved.))~~

9                                    D. Public Projects Not Meeting Development Standards. The City Council may waive or  
10 modify applicable developments standards, accessory use requirements, special use  
11 requirements, ~~((or))~~and conditional use criteria for public projects.

12                                    Section 33. Section 23.76.060 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 123046, is amended as follows:

14                                    **23.76.060 - Expiration and extension of Council land use ~~((approvals—~~**  
15 **~~Extensions))~~decisions**

16  
17                                    A. ~~((Approvals Granted Under))~~Decisions granted under Title 24. ~~((Expiration))~~The  
18 expiration of Council land use ~~((approvals))~~decisions granted under Title 24~~((, Zoning and~~  
19 ~~Subdivisions, are))~~ is governed by the applicable provisions of Section 23.04.010, Transition to  
20 the Land Use Code.

21  
22                                    B. ~~((Contract Rezones,))~~ Council ~~((Conditional Uses))~~conditional uses and  
23 ~~((Public))~~public projects.

24                                    1. ~~((Contract rezones,))~~ Approvals of Council conditional uses and public projects  
25 ~~((approved under Title 23))~~ expire ~~((two (2)))~~ three years from the effective date of approval  
26 unless:  
27



1 a. Within the ~~((two-(2)))~~three year period, an application is filed for a  
2 Master Use Permit, ~~((which permit))~~that is subsequently issued; or

3 b. Another time for expiration is specified in the Council's decision.

4 2. If a Master Use Permit is issued for a project permitted by Council approval of  
5 a ~~((the contract rezone,))~~ Council conditional use or a public project, the Council's approval of  
6 the ~~((contract rezone,))~~ Council conditional use or public project~~((,))~~ remains in effect until the  
7 date that the Master Use Permit expires pursuant to the provisions of Section 23.76.032, or until  
8 the ~~((time))~~date specified by the Council, whichever is ~~((longer))~~later. If a Master Use Permit is  
9 issued for a project permitted by Council approval of a Council conditional use or Council  
10 approval of a public project, a building permit is issued for the project, and the project is  
11 constructed pursuant to the building permit, conditions required by the Council's approval of the  
12 Council conditional use or the Council's approval of the public project shall remain in effect,  
13 notwithstanding expiration of the Council's approval of the Council conditional use or the  
14 Council's approval of the public project, until the project is demolished or until an earlier date on  
15 which:

16 a. the condition by its terms expires;

17 b. the condition is removed through a permitting decision; or

18 c. if the condition was imposed as to a specific use within the project, that  
19 use is terminated.

20 C. Contract Rezones.

21 1. The provisions of this section 23.76.060.C.1 apply except as otherwise  
22 provided in the Council decision on a contract rezone.

23 a. A zoning designation established by a contract rezone shall expire three  
24



1 years after the date of the Council action approving the rezone, except as follows:

2 1) If, prior to the end of the three year period, a complete  
3 application is filed for a Master Use Permit to establish a use on the rezoned property, the zoning  
4 designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the  
5 application is made so long as that application remains pending. The zoning designation shall  
6 expire immediately upon any cancellation of the application that occurs after the end of the three  
7 year period, unless another such application filed before the end of that period is pending at the  
8 time of such cancellation;

9  
10 2) If a Master Use Permit is issued based on an application that is  
11 sufficient to extend the three year period under subsection 23.76.060.C.1.a.1), then the zoning  
12 designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the  
13 permit is issued unless and until the Master Use Permit expires without a certificate of  
14 occupancy having been issued for any structure constructed or altered for a use authorized by  
15 any such Master Use Permit, and then shall immediately expire. If such a certificate of  
16 occupancy is issued, then the zoning designation shall not expire pursuant to this Section  
17 23.76.060 for that lot or lots;

18  
19  
20 3) If only a portion of the rezoned property is the subject of a  
21 particular application or Master Use Permit, then the zoning designation shall expire as to the  
22 other portions of the rezoned property at the same time as if that application had not been made  
23 or that permit not issued, as the case may be.

24 ((3))2. When a contract rezone expires, the Official Land Use Map is  
25 automatically amended so the zoning designation in effect immediately prior to the contract  
26 rezone applies to the subject property, except to the extent otherwise expressly provided by  
27



1 ordinance. ((the)) The Director shall file a ((ertificate)) notice of expiration with the City Clerk  
2 and with the King County Recorder and shall cause the reversion to the former designation to be  
3 shown on published land use maps, but the expiration shall be effective notwithstanding any  
4 failure to make such filing or to reflect such expiration in any published information. ((and a  
5 notation shall be placed on the Official Land Use Map showing the reversion to the former  
6 classification.)) Unless expressly stated otherwise in any property use and development  
7 agreement (PUDA) recorded in connection with a rezone, if the zoning designation expires as to  
8 all property subject to the PUDA, then all restrictions and requirements in the PUDA shall  
9 terminate.

11 3. Regardless of whether the time period for expiration has elapsed or a certificate  
12 of occupancy has been issued as described in subsection 23.76.060.C.1.a.2), the zoning  
13 designation established by a contract rezone shall no longer be in effect upon the effective date  
14 of a subsequent rezoning by the Council of the subject property, either through a site-specific  
15 rezone or as part of an area-wide rezone. Effective on or after the effective date of such  
16 subsequent rezoning of all property subject to a PUDA recorded in connection with the prior  
17 rezone, some or all of that property may be released from some or all of the conditions of the  
18 PUDA if the release is authorized by ordinance. Such release may be authorized without  
19 following the PUDA amendment procedures in 23.76.058, except that notice and a comment  
20 period shall be provided pursuant to 23.76.058.C.3. In making the decision whether to release all  
21 or part of the PUDA, the Council shall consider factors such as:

24 a. whether any of the property subject to the PUDA has been or may still  
25 be developed in a manner that was permitted under the designation established by the contract  
26 rezone and would not be permitted under the subsequent rezoning; and



1                                    b. the extent to which any terms of the PUDA as applied to the  
2 subsequently rezoned property are relevant to the impacts of any development of that property  
3 occurring subsequent to the PUDA.

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

10            ~~((D))~~E. Extensions. The Council may extend the time limits on Type IV land use  
11 ~~((approvals))~~decisions for no more than two years, upon an applicant's filing an application to the  
12 Department ~~((request for an extension filed with the City Clerk))~~ at least 120 days before the  
13 approval's expiration. The Council may request a recommendation on the extension  
14 ~~((request))~~application from the Director, but the Hearing Examiner hearing and recommendation  
15 requirements of Section 23.76.052 do not apply. Notice of ~~((requests))~~applications for extensions  
16 of Type IV land use decisions and an opportunity to comment shall be provided pursuant to  
17 ~~((Sections))~~subsections 23.76.012.B.1 or B.2, and subsection 23.76.012.B.3, and notice and an  
18 opportunity to comment shall also be provided to the parties of record in the Council's original  
19 Type IV land use proceeding and to those persons who were provided written notice of the  
20 Hearing Examiner's recommendation on the original Type IV application to the extent  
21 reasonably practicable.

22                                    1. The Council may not extend the time ~~((limits))~~limit for a Type IV land use  
23 ~~((approval))~~decision for a project that is not in conformance with applicable regulations,  
24 including land use and environmentally critical areas regulations, in effect at the time application  
25



1 for an extension is ~~((sought))~~made.

2 2. In deciding whether to grant ~~((a request for))~~ an extension, the Council shall  
3 consider:

4 a. The reason or basis for the ~~((request))~~application for the extension and  
5 whether it is reasonable under the circumstances;

6 b. Whether changed circumstances in the area support an extension;

7 c. Whether additional time is reasonably necessary to comply with a  
8 condition of approval adopted by the Council that is required to be fulfilled prior to expiration of  
9 the Council land use ~~((approval))~~decision.

10  
11 Section 34. Section 23.76.062 of the Seattle Municipal Code, which section was last  
12 amended by Ordinance 121477, is amended as follows:

13 **23.76.062 ~~((Council hearing and decision.))~~ Type V Council land use decisions**

14 A. Notice of application. For Major Institution designations and revocations of Major  
15 Institution designations, concept approvals for the location or expansion of City facilities  
16 requiring Council land use approval, and waivers or modifications of development standards for  
17 City facilities, notice of application shall be provided pursuant to Section 23.76.012.  
18

19 B. Public Hearing. The Council shall ~~((itself))~~ conduct a public hearing for each Type V  
20 ~~((legislative))~~ Council land use decision except that no public hearing is required for an  
21 emergency amendment to the text of the Land Use Code. The Council may also appoint a  
22 hearing officer to conduct an additional fact-finding hearing to assist the Council in gathering  
23 information. Any hearing officer so appointed shall transmit written Findings of Fact to the  
24 Council within ten ~~((10))~~ days of the additional hearing.

25 ~~((B))~~C. Notice of Hearings.  
26  
27



1 1. Notice of a required Council hearing on a Type V Council land use decision  
2 shall be provided by the Director at least ~~((thirty (30)))~~30((3)) days prior to the hearing in the  
3 following manner:

- 4 a. Inclusion in the Land Use Information Bulletin; and  
5 b. ~~((Posting in the Department; and~~  
6 ~~e.))~~ Publication in the City's official newspaper.

7  
8 2. Additional notice shall be provided by the Director for public hearings on  
9 concept approvals for the location or expansion of City facilities, waiver or modification of  
10 development standards for City facilities, Major Institution designations, and revocation of  
11 Major Institution designations, as follows:

- 12 a. Mailed notice; and  
13 b. One ~~((1))~~ land use sign posted visible to the public at each street  
14 frontage abutting the site, ~~except((, when))~~ that if there is no street frontage or the site abuts an  
15 unimproved street, the Director shall either post more than one ~~((1))~~ sign and/or select an  
16 alternative posting location so that notice is clearly visible to the public. For hearings on Major  
17 Institution designations and revocations of Major Institution designations, the Director shall post  
18 one land use sign at each street frontage abutting the site but not to exceed ten land use signs.

19  
20  
21 ~~((C))~~D. Council Decision. In making a Type V Council land use decision, the Council  
22 shall consider the oral and written testimony presented at the public hearing, as well as any  
23 required report of the Director. The City Council shall not act on any Type V Council land use  
24 decision until the end of the appeal period for ~~((the))~~any applicable determination of  
25 nonsignificance (DNS) or ~~((Final))~~final EIS or, if an appeal is filed, until the Hearing Examiner  
26 issues a decision affirming the Director's DNS or EIS decision.  
27



1 Section 35. A new Section 23.76.067 is added to the Seattle Municipal Code as follows:

2 **23.76.067 Amendments to Title 23 to implement RCW 43.21C.420 (SEPA)**

3 A. Unless an ordinance enacting amendments to Title 23 expressly recites that the  
4 ordinance is intended to implement RCW 43.21C.420, the provisions of that statute do not apply  
5 to the ordinance.

6 B. RCW 43.21C.420 bars certain SEPA appeals if the City has elected to adopt optional  
7 elements of the City's Comprehensive Plan or development regulations pursuant to RCW  
8 43.21C.420. Unless an ordinance enacting or amending the Comprehensive Plan or development  
9 regulations expressly recites that it is being adopted pursuant to the authority of RCW  
10 43.21C.420, RCW 43.21C.420 does not affect the availability of appeals. If RCW 43.21C.420  
11 applies to a non-project EIS as described in RCW 43.21C.420, then unless the City Council by  
12 ordinance establishes a different time frame for submitting a complete application for purposes  
13 of RCW 43.21C.420 (5) with respect to that EIS, the time frame is 24 hours following the date of  
14 issuance of the final EIS.  
15  
16

17 Section 36. Section 23.76.068 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 117570 and currently reads as follows, is repealed:

19 ~~((23.76.068 – Re-application rule for text amendments.~~

20  
21 ~~If an application for an amendment to the text of SMC Title 23, Land Use Code is denied~~  
22 ~~by the Council, no application for the same or substantially the same amendment shall be~~  
23 ~~considered until twelve (12) months have passed since the filing of the application, provided that~~  
24 ~~this rule shall not apply to City-initiated amendments.))~~

25  
26 Section 37. Subsection A of Section 23.78.002 of the Seattle Municipal Code, which  
27 section was last amended by Ordinance 121429, is amended as follows:



1 **23.78.002 - Application for establishment of criteria((;))**

2 A. The Seattle School District or other ~~((owner))~~holder(s) of record of fee title of a public  
3 school structure, or an authorized agent thereof, may apply for the establishment of criteria for  
4 nonschool use of an existing or former public school structure. Applications shall be made to the  
5 Director of the Department of Neighborhoods. The Seattle School District or other holder(s) of  
6 record of fee title of a public school structure, or an authorized agent thereof, may apply for a  
7 rezone of an existing or former public school structure or site pursuant to the provisions in  
8 Chapter 23.76 rather than apply for establishment of criteria through a School Use Advisory  
9 Committee.

10 \* \* \*

11 Section 38. Section 23.78.006 of the Seattle Municipal Code, which section was last  
12 amended by Ordinance 121477, is amended as follows:

13 **23.78.006 - Notice provided((;))**

14 A. If notice is required pursuant to this Chapter 23.78, except mailed notice as defined in  
15 Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail  
16 address to the Department of Neighborhoods. Notice to City agencies may be provided through  
17 the City's interoffice mail or by electronic means.

18 B. Notification of the application and formation of a SUAC and the first meeting of the  
19 SUAC shall be provided by the Director ~~((through))~~in the following manner:

- 20 1. ~~((mailed))~~Mailed notice((;));
- 21 2. Inclusion in the Land Use Information Bulletin((;)); ~~((publishing in a~~  
22 ~~newspaper of substantial local circulation, and))~~
- 23 3. ~~((posting))~~Posting one ((4)) land use sign visible to the public at each street



1 frontage abutting the site except, when there is no street frontage or the site abuts an unimproved  
2 street, the Director shall either post more than one ~~((1))~~ sign ~~((and/))~~ or select an alternative  
3 posting location so that notice is clearly visible to the public~~((;))~~;

4 4. Through the regular processes of a~~((If there is an existing))~~ parents'  
5 organization~~((; notice shall be given through its regular processes.))~~, if one exists; and

6 5. Provision of notice to community organizations known to the Department of  
7 Neighborhoods as representing the local area, and to similar organizations that have requested  
8 notice in writing and provided an address for notice.

9  
10 Section 39. Section 23.78.012 of the Seattle Municipal Code, which section was last  
11 amended by Ordinance 121477, is amended as follows:

12 **23.78.012 - Duties of Director of the Department of Neighborhoods~~((;))~~**

13  
14 A. The Director of the Department of Neighborhoods (DON) shall establish final use  
15 criteria and permitted uses for the school structures and grounds based on the School Use  
16 Advisory Committee's (SUAC's) recommendations within ten ~~((10))~~ days of the receipt of the  
17 recommendations. If the Director of DON modifies the recommendations of the SUAC, the  
18 reasons for the modification shall be put forth in writing.

19  
20 B. ~~((Notification of the))~~The ~~((Director of DON's))~~DON Director's decision shall ~~((be~~  
21 ~~published))~~ provide notice of the decision ~~((in the City official newspaper))~~ within seven ~~((7))~~  
22 days of the date the decision is made in the following manner~~((;))~~:

23 1. Publication in the City official newspaper;

24 2. ~~((Notice, including the date of its publication, shall also be posted in a~~  
25 eonspicious place in the Department of Neighborhoods and shall be included))Inclusion in the  
26 Land Use Information Bulletin~~((;))~~; and



1           3. Notice ~~((of the decision shall also be mailed))~~provided ~~((on the date of the~~  
2 ~~decision))~~ to the applicant, all members of the advisory committee, and ~~((to))~~ persons who have  
3 requested specific notice in ~~((a timely manner))~~in writing and provided an address for notice.

4           C. The notice of the decision shall state the address of the school and briefly state the  
5 decision made by the ~~((Director of))~~DON Director. The notice shall also state that the school use  
6 criteria are subject to appeal and shall describe the appropriate appeal procedure.

7           Section 40. Section 23.78.014 of the Seattle Municipal Code, which section was last  
8 amended by Ordinance 117263, is amended as follows:

9  
10 **23.78.014 Appeal of use criteria**~~((:))~~

11           A. Any person substantially affected by or interested in the use criteria may appeal the  
12 decision to the Hearing Examiner within a period extending to ~~((five-))~~5~~((:))~~ p.m. of the  
13 ~~((fifteenth))~~14<sup>th</sup> calendar day following the date of publication of the use criteria decision. When  
14 the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday,  
15 the appeal period shall run until ~~((five-))~~5~~((:))~~ p.m. the next ~~((business))~~ day that is not a  
16 Saturday, Sunday, or federal or City holiday. The appeal shall be in writing and shall state  
17 specifically why the appellant finds the criteria inappropriate or incorrect.

18           B. Appeals of school use criteria shall be accompanied by payment of a filing fee as  
19 established in ~~((the Fee Subtitle, Chapters 22.901A through 22.901F))~~ Section 3.02.125.

20           C. The Hearing Examiner shall consider the appeal in accordance with the procedure  
21 established for hearing contested cases in ~~((the Administrative Code,))~~ Chapter 3.02. Notice shall  
22 be given not less than ~~((twenty-))~~20~~((:))~~ days prior to hearing.

23           D. Appeals shall be considered de novo. The decision on the evidence before the Hearing  
24 Examiner shall be made upon the same basis as was required of the Director of the Department



1 of Neighborhoods (DON). The interpretation of the (~~Director of~~) DON Director shall be given  
2 substantial weight, and the burden of establishing the contrary shall be upon the appellant. The  
3 Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be  
4 without merit on its face, frivolous, or brought merely to secure a delay.

5 E. The Hearing Examiner shall issue a decision within (~~fourteen (14)~~) 14(~~(14)~~) days after  
6 closing the record(~~(-Notice of the Hearing Examiner's decision)~~) and (~~shall be mailed~~) provide  
7 it on the same date (~~(of the decision)~~) to the parties of record and to all those (~~(requesting)~~)who  
8 request notice in writing and provide an address for notice.

9  
10 F. The decision of the Hearing Examiner may affirm, reverse or modify the (~~Director of~~  
11 ~~DON's~~) DON Director's decision either in whole or in part. The Hearing Examiner may also  
12 remand the decision to the (~~Director of~~) DON Director for further consideration. The decision  
13 of the Hearing Examiner shall be final and the applicant, appellant, and (~~Director of~~) DON  
14 Director shall be bound by it.

15  
16 Section 41. Section 23.79.006 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 118672, is amended as follows:

18 **23.79.006 - Notice provided for development standard departure(~~(7)~~)**

19 A. If notice is required pursuant to this Chapter 23.79, except mailed notice as defined in  
20 Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail  
21 address to the Department of Neighborhoods (DON). Notice to City agencies may be provided  
22 through the City's interoffice mail or by electronic means.

23  
24 B. Notification of the application and formation of a Development Standard Advisory  
25 Committee and the first meeting of the advisory committee shall be provided by the DON  
26 Director (~~(through)~~)in the following manner:



1. ~~((mailed))~~ Mailed notice ~~((, General Mailed Release))~~;

2. Inclusion in the Land Use Information Bulletin ~~((publishing in a newspaper of substantial local circulation and any relevant ethnic publications having substantial local circulation, and))~~;

3. ~~((posting))~~ Posting one ~~((+))~~ land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the DON Director shall either post more than one ~~((+))~~ sign ~~((and/))~~ or select an alternative posting location so that notice is clearly visible to the public ~~((,))~~;

4. Through the regular processes of a ~~((If there is an existing))~~ parents' organization ~~((, notice shall be given through its regular processes,))~~, if one exists; and

5. ~~((Notice shall also be given))~~ Provision of notice to community organizations known to the ~~((Department))~~ DON Director as representing the local area, and to other ~~((related))~~ organizations ~~((who))~~ that have ~~((requested))~~ made a written request for notice and provided an address for notice.

Section 42. Section 23.79.010 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

**23.79.010 - Duties of Director of the Department of Neighborhoods** ~~((,))~~

A. The Department of Neighborhoods (DON) Director shall determine the amount of departure from established development standards which may be allowed for required, as well as mitigating measures which may be required. The DON Director's decision shall be based on an evaluation of the factors set forth in subsection C of Section 23.79.008, the majority recommendations and minority reports of the advisory committee, comment at the public hearings and other comments from the public. If the DON Director modifies the



1 recommendations of the advisory committee, the reasons for the modification shall be put forth  
2 in writing.

3 B. Notice of decision.

4 1. ~~((Notification of the))~~ The ~~((Director's decision))~~ DON Director shall ~~((be~~  
5 ~~published))~~ provide notice of the decision ~~((in the City official newspaper))~~ within seven ~~((7))~~  
6 days of the date the decision is made in the following manner:

7 a. Publication in the City official newspaper;

8 b. Inclusion ~~((Notice, including the date of its publication, shall also be~~  
9 ~~posted in a conspicuous place in DPD and shall be included))~~ in the Land Use Information  
10 Bulletin~~((:));~~ and

11 c. Notice ~~((of the decision shall also be mailed on the date of the~~  
12 ~~decision))~~ provided to the applicant, ~~((to))~~ all members of the advisory committee, and ~~((to))~~  
13 persons who have requested ~~((specifie))~~ notice ~~((in a timely manner))~~ in writing and provided an  
14 address for notice.

15 2. The notice of the decision shall state the address of the school and briefly state  
16 the decision made by the DON Director. The notice shall also state that the departure from  
17 development standards is subject to appeal and shall describe the appropriate appeal procedure.

18 Section 43. Section 23.79.012 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 117263, is amended as follows:

20 **23.79.012 Appeal of development standard departure~~((:))~~**

21 A. Any person substantially affected by or interested in the development standard  
22 departure may appeal the decision to the Hearing Examiner within a period extending to ~~((five~~  
23 ~~))~~ 5 p.m. of the ~~((fifteenth))~~ 14<sup>th</sup> calendar day following the date of publication of the



1 decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or  
2 City holiday, the appeal period shall run until ~~((five-))5(( ))~~ p.m. the next ~~((business))~~ day that is  
3 not a Saturday, Sunday, or federal or City holiday. The appeal shall be in writing and shall state  
4 specifically why the appellant finds the departure inappropriate or incorrect.

5 B. Appeals of development standard departure shall be accompanied by payment of a  
6 filing fee as established in ~~((the Seattle Municipal Code, the Fee Subtitle, Chapter 22.901A~~  
7 ~~through 22.901F))~~ Section 3.02 .125.

8 C. The Hearing Examiner shall consider the appeal in accordance with the procedure  
9 established for hearing contested cases ~~((in the Seattle Municipal Code,))~~ Chapter 3.02 ~~((~~  
10 ~~Administrative Code))~~. Notice shall be given not less than ~~((twenty-))20(( ))~~ days prior to  
11 hearing.

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

18 E. The Hearing Examiner shall issue a decision within ~~((fourteen-))14(( ))~~ days after  
19 closing the record ~~((. Notice of the Hearing Examiner's decision shall be mailed))~~ and provide  
20 notice of the decision on the same date ~~((of the decision))~~ to the parties of record and ~~((to))~~ all  
21 those ~~((requesting))~~ who have made a written request for notice and provided an address for  
22 notice.



1 F. The decision of the Hearing Examiner may affirm, reverse, or modify the Director's  
2 decision either in whole or in part. The Hearing Examiner may also remand the decision to the  
3 Director for further consideration.

4 G. The decision of the Hearing Examiner shall be final, and the applicant, appellant and  
5 Director shall be bound by it.

6 Section 44. Section 23.84A.014 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 123495, is amended as follows:

8  
9 **23.84A.014 "G"**

10 \* \* \*

11 "General mailed release" (~~means an information mailing to the individuals and groups~~  
12 ~~on a master mailing list as may be established by the Department.)) See Land Use Information  
13 Bulletin.~~

14 \* \* \*

15  
16 Section 45. Section 23.84A.024 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 123649, is amended as follows:

18 **23.84A.024 "L"**

19 \* \* \*

20  
21 "Land Use Information Bulletin." (~~(See "General mailed release.")~~) means an information  
22 distribution to the persons on a master distribution list as established and maintained by the  
23 Department.

24 \* \* \*

25  
26 Section 46. Section 23.84A.025 of the Seattle Municipal Code, which section was last  
27 amended by Ordinance 123649, is amended as follows:



1 **23.84A.025 "M"**

2 "Mailed notice" means notice mailed by the Director to such property owners,  
3 commercial lessees, building managers, and residents of ((the area)) properties including and  
4 within ((three hundred (300)) feet of the boundaries of a specific site as can be determined  
5 from the records of the King County Department of Assessments, the City Master Address File,  
6 and such additional references as may be identified by the Director((;)). ((provided, that in the  
7 downtown area bounded by Denny Way, Interstate 5, South Royal Brougham Way and Elliott  
8 Bay, mailed notice provided by the Director shall mean notice mailed to owners, lessees and  
9 building managers on the project site and to property owners and building managers within three  
10 hundred (300) feet of a specific site and the posting by the applicant of one (1) land use sign  
11 visible to the public at each street frontage abutting the site but not to exceed ten (10) land use  
12 signs. When there is no street frontage or the site abuts an unimproved street, the Director shall  
13 require either more than one (1) sign and/or an alternative posting location so that notice is  
14 clearly visible to the public. The land use sign may be removed by the applicant within fourteen  
15 (14) days after final action on the application has been completed. Annually, the Director shall  
16 publish in the City's official newspaper additional reference(s) to be used to supplement the  
17 information obtained from the King County records. The mailed notice shall request that  
18 property managers post the notice in a public area of the commercial or multifamily building.))

19 \* \* \*

20 Section 47. Section 23.84A.030 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 122497, is amended to add a new definition as follows:

22 **23.84A.030 "P"**

23 \* \* \*





1 section was last amended by Ordinance 119096, is amended as follows:

2 **25.05.355 - Early review DNS (optional DNS) process((;))**

3 \* \* \*

4 B. If the lead agency uses the early review DNS process specified in subsection A of this  
5 ((section)) Section 25.05.355, the lead agency shall:

6 1. State on the first page of the notice of application that it expects to issue a DNS  
7 for the proposal, and that:

- 8 a. The early review DNS process is being used((;));
- 9 b. This will be the only opportunity to comment on the environmental  
10 impacts of the proposal((;));
- 11 c. The proposal may include mitigation measures under applicable codes,  
12 and the project review process may incorporate or require mitigation measures regardless of  
13 whether an EIS is prepared((;)); and
- 14 d. A copy of the subsequent threshold determination for the specific  
15 proposal may be obtained upon written request and provision of an address for notice;

16 2. List in the notice of application the conditions being considered to mitigate  
17 environmental impacts, if a mitigated DNS is expected;

18 3. Comply with the requirements for a notice of application and public notice in  
19 Sections 23.76.012, 23.76.042, and 23.76.062 of the Land Use Code; and

20 4. ((Send))Provide the notice of application and environmental checklist to:

- 21 a. Agencies with jurisdiction, the Department of Ecology, affected tribes,  
22 and each local agency or political subdivision whose public services would be changed as a  
23 result of implementation of the proposal, and





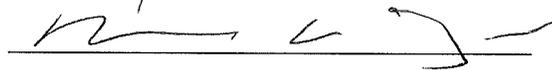
\* \* \*

1  
2 Section 52. This ordinance shall take effect and be in force 30 days after its approval by  
3 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
4 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5  
6 Passed by the City Council the 2<sup>nd</sup> day of July, 2012, and  
7 signed by me in open session in authentication of its passage this  
8 2<sup>nd</sup> day of July, 2012.

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

12 Approved by me this 9<sup>th</sup> day of July, 2012.

13  
14   
15 Michael McGinn, Mayor

16  
17 Filed by me this 10<sup>th</sup> day of July, 2012.

18  
19   
20 Monica Martinez Simmons, City Clerk

21  
22 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Legislative	Rebecca Herzfeld/ 684-8148	Not applicable

**Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.34.004, 23.69.032, 23.76.004, 23.76.005, 23.76.006, 23.76.008, 23.76.010, 23.76.012, 23.76.014, 23.76.015, 23.76.016, 23.76.018, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.028, 23.76.032, 23.76.034, 23.76.036, 23.76.038, 23.76.040, 23.76.042, 23.76.046, 23.76.050, 23.76.052, 23.76.054, 23.76.056, 23.76.058, 23.76.060, 23.76.062, 23.78.002, 23.78.006, 23.78.012, 23.78.014, 23.79.006, 23.79.010, 23.79.012, 23.84A.014, 23.84A.024, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.036, 25.05.355, and 25.05.680 of the Seattle Municipal Code, repealing Sections 23.76.019, 23.76.049, and 23.76.068, and adding a new Section 23.76.067, to improve and clarify procedures for Master Use Permits and Council land use decisions.

**Summary of the Legislation:**

This legislation improves and clarifies the procedures for land use permits in Seattle. The bill would add an option for notices of decisions and other documents related to a permit application to be made by electronic means; add failure to pay past-due permit fees as a reason to delay further permit processing or to suspend or revoke a Master Use Permit; clarify the rules for land use permit expiration; make other clarifications to land use procedures; and correct cross-references and formatting.

**Background:**

Periodic updating of the Land Use Code is an important part of the regulatory process. Clarifying procedures for permit processing is necessary from time to time to make procedures more efficient and to ensure that the City's policy intent is clear and achievable. Adoption of these Land Use Code amendments will help to facilitate easier understanding and improved administration of the Land Use Code.

Please check one of the following:

**This legislation does not have any financial implications.**

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

**This legislation has financial implications.**

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

**Other Implications:**



- a) **Does the legislation have indirect financial implications, or long-term implications?**  
Over time, the legislation could save money by allowing the use of e-mail for some notices, which would reducing the postage and paper costs as well as staff time.
- b) **What is the financial cost of not implementing the legislation?**  
Not applicable.
- c) **Does this legislation affect any departments besides the originating department?**  
The legislation would affect the Department of Planning and Development, the Hearing Examiner, and the Department of Neighborhoods, all of which play a role in processing various land use permit applications.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**  
Not applicable.
- e) **Is a public hearing required for this legislation?**  
A public hearing is required, and is tentatively scheduled for June, 2012.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Notice of the public hearing in Daily Journal of Commerce is required.
- g) **Does this legislation affect a piece of property?**  
No.
- h) **Other Issues:**  
Not applicable.

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL 117456

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.34.004, 23.69.032, 23.76.004, 23.76.005, 23.76.006, 23.76.008, 23.76.010, 23.76.012, 23.76.014, 23.76.015, 23.76.016, 23.76.018, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.028, 23.76.032, 23.76.034, 23.76.036, 23.76.038, 23.76.040, 23.76.042, 23.76.046, 23.76.050, 23.76.052, 23.76.054, 23.76.056, 23.76.058, 23.76.060, 23.76.062, 23.78.002, 23.78.006, 23.78.012, 23.78.014, 23.79.006, 23.79.010, 23.79.012, 23.84A.014, 23.84A.024, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.036, 25.05.355, and 25.05.680 of the Seattle Municipal Code, repealing Sections 23.76.019, 23.76.049, and 23.76.068, and adding a new Section 23.76.067, to improve and clarify procedures for Master Use Permits and Council land use decisions.

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

Section 1. Subsection B of Section 23.04.010 of the Seattle Municipal Code, which section was last amended by Ordinance 120117, is amended as follows:

**23.04.010 Transition to the Land Use Code((+))**

\* \* \*

B. Existing Contract Rezones. Contract rezones approved under Title 24 shall remain in effect until the date specified in the rezone property use and development agreement (PUDA). If no expiration date is specified, the rezone shall remain in effect for two ((2)) years from the effective date of Title 23 zoning for the property or, in the case of downtown, from the effective date of Ordinance 112303 adopting permanent Title 23 zoning for downtown. When Title 23 zoning goes into effect, the property may, at the election of the property owner, be developed pursuant to either the existing rezone property use and development agreement or Title 23. When the contract rezone expires the property shall be regulated solely by the requirements of Title 23.

If a property is subject to a PUDA approved under Title 24 and the owner wishes to develop

**THIS VERSION IS NOT ADOPTED**



1 under Title 23, the property may be released from the conditions of the PUDA by the City  
2 Council without following the PUDA amendment procedures in 23.76.058.

3 \* \* \*

4 Section 2. Section 23.34.004 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 122497, is amended as follows:

6 **23.34.004 Contract rezones((τ))**

7  
8 A. Property Use and Development Agreement ~~((PUDA))~~. The Council may approve a  
9 map amendment subject to the execution, delivery, and recording of ~~((an))~~ a property use and  
10 development agreement (PUDA) executed by the legal or beneficial owner of the property to be  
11 rezoned ~~((to))~~ containing self-imposed restrictions upon the use and development of the property  
12 in order to ameliorate adverse impacts that could occur from unrestricted use and development  
13 permitted by development regulations otherwise applicable after the rezone. All restrictions  
14 imposed by the PUDA shall be directly related to the impacts that may be expected to result from  
15 the ~~((amendment))~~ rezone. A contract rezone shall be conditioned on performance or compliance  
16 with the terms and conditions of the ~~((property use and development agreement))~~ PUDA. Council  
17 may revoke a contract rezone or take other appropriate action allowed by law for failure to  
18 comply with a PUDA. The ~~((agreement))~~ PUDA shall be approved as to form by the City  
19 Attorney, and shall not be construed as a relinquishment by the City of its discretionary powers.

20  
21  
22 B. Waiver of Certain Requirements. The ordinance accepting the ~~((agreement))~~ PUDA  
23 may waive specific bulk or off-street parking and loading requirements if the Council determines  
24 that the waivers are necessary under the agreement to achieve a better development than would  
25 otherwise result from the application of regulations of the zone. No waiver of requirements shall  
26 be granted ~~((which))~~ that would be materially detrimental to the public welfare or injurious to  
27

THIS VERSION IS NOT ADOPTED



1 property in the zone or vicinity in which the property is located.

2 Section 3. Subsections H, I, and J of Section 23.69.032 of the Seattle Municipal Code,  
3 which section was last amended by Ordinance 123649, are amended as follows:

4 **23.69.032 Master Plan Process**

5 \* \* \*

6 H. Hearing Examiner Consideration of the Master Plan.

7  
8 1. The Hearing Examiner shall review the Director's report and recommendation  
9 and the Advisory Committee's report on the Director's report, as provided in Section 23.76.052(  
10 ~~Hearing Examiner open record predecision hearing and recommendation~~)).

11 2. If the Hearing Examiner considers the proposed master plan and all  
12 recommendations for changes, alternatives, mitigating measures and conditions, and determines  
13 that a significant master plan element or environmental issue was not adequately addressed by  
14 the proposed master plan, the Hearing Examiner may request the institution to prepare new  
15 proposals on the issues identified, may request the Director to conduct further analysis or provide  
16 clarification, and may request the Advisory Committee to reconvene for the limited purpose of  
17 commenting on the new proposals. The new proposals shall also be submitted to the Director,  
18 Advisory Committee and parties of record for comment. After the new proposals and comments  
19 have been received, the Hearing Examiner may:  
20  
21

22 a. Remand the new proposals and Advisory Committee comments and  
23 recommendation to the Director for further consideration and report; or

24 b. Hold the hearing record open for evidence on the new proposals, the  
25 Advisory Committee comments and recommendation, and/or any comments pertaining to the  
26 limited issues which were presented by other parties of record.  
27

THIS VERSION IS NOT ADOPTED



1                   3. The Hearing Examiner shall submit a recommendation to the Council on the  
2 proposed master plan within ~~((thirty (30)))~~ 30((3)) days following the hearing. In addition to the  
3 Hearing Examiner's recommendation, the Hearing Examiner shall transmit to the Council the  
4 proposed master plan, environmental documentation, the Advisory Committee's reports, and the  
5 report and recommendation of the Director.

6                   I. Council Consideration of the Hearing Examiner's Recommendation.

7  
8                   1. The Council shall review and consider the Hearing Examiner's  
9 recommendation as provided in Section 23.76.054~~((, Council consideration of Hearing Examiner  
10 recommendation))~~). The goal of the Council shall be to take final action on the Hearing  
11 Examiner's recommendation no later than three ~~((3))~~ months after the date it receives the  
12 recommendation.

13  
14                   2. If the Council examines the proposed master plan and all recommendations for  
15 changes, alternatives, mitigating measures and conditions, and determines that a significant  
16 master plan element was not adequately addressed by the proposed master plan, the Council may  
17 remand the master plan for submission of additional information and/or new proposal(s) on the  
18 issue determined to be inadequately addressed, in a time frame specified in the remand. The  
19 institution shall submit the additional information and/or new proposals to the Advisory  
20 Committee, to the parties of record to the Council decision to remand, and to the Director. The  
21 Advisory Committee shall prepare and submit comments and a report to the Director. The  
22 Director shall submit a report and recommendation on the additional information and/or new  
23 proposal(s) to the Hearing Examiner. The Hearing Examiner shall consider the additional  
24 information and/or new proposal(s) and submit a recommendation to Council pursuant to  
25 subsection 23.69.32.H ~~((above))~~.



J. Council Decision.

1  
2 1. The Council's decision to adopt, adopt with conditions, or deny an application  
3 for a Major Institution Master Plan shall comply with the requirements of Section 23.76.056(  
4 ~~Council decision on Hearing Examiner recommendation~~)).

5 2. Adoption of a master plan shall be by ordinance. A master plan shall not  
6 become final until the ordinance approving it becomes law pursuant to the City Charter.

7 \* \* \*

8  
9 Section 4. Section 23.76.004 of the Seattle Municipal Code, which section was last  
10 amended by Ordinance 123649, is amended as follows:

11 **23.76.004 Land Use Decision Framework**

12 A. Land use decisions are classified into five categories (~~(based on the amount of~~  
13 ~~discretion and level of impact associated with each decision)~~). Procedures for the five different  
14 categories are distinguished according to who makes the decision, the type and amount of public  
15 notice required, and whether appeal opportunities are provided. Land use decisions are generally  
16 categorized by type in Table A for 23.76.004.

17  
18 B. Type I and II decisions are made by the Director and are consolidated in Master Use  
19 Permits. **Type I** decisions are decisions made by the Director (~~(that require the exercise of little~~  
20 ~~or no discretion and)~~) that are not appealable to the Hearing Examiner. **Type II** decisions are  
21 discretionary decisions made by the Director that are subject to an administrative open record  
22 appeal hearing to the Hearing Examiner; provided that **Type II** decisions enumerated in  
23 ~~(Section)~~ subsections 23.76.006.C.2.c, d, f, and g, and SEPA decisions integrated with them as  
24 set forth in subsection 23.76.006.C.2.i, shall be made by the Council when associated with a  
25 Council land use decision and are not subject to administrative appeal. **Type III** decisions are  
26  
27  
28

made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

\* \* \*

H. If notice is required pursuant to this Chapter 23.76, except mailed notice as defined in Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail address to the Department. Notice to City agencies may be provided through the City's interoffice mail or by electronic means.

**Table A for 23.76.004  
LAND USE DECISION FRAMEWORK<sup>1</sup>**

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

<b>TYPE I Director's Decision <del>((No Administrative Appeal))</del> <u>(Administrative review through land use interpretation as allowed by Section 23.88.020<sup>2</sup>)</u></b>
• Compliance with development standards
• Uses permitted outright
• Temporary uses, four weeks or less
• Intermittent uses
• Interim use parking authorized under subsection 23.42.040.G
• Uses on vacant <del>((A))</del> or underused lots <del>((per))</del> pursuant to Section 23.42.038
• Certain street uses
• Lot boundary adjustments
• Modifications of features bonused under Title 24
• Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
• Temporary uses for relocation of police and fire stations
• Exemptions from right-of-way improvement requirements
• Special accommodation
• Reasonable accommodation
• Minor amendment to a Major Phased Development Permit
• Determination of public benefit for combined lot FAR
• Determination of whether an amendment to a <del>((Property Use and Development</del>

THIS VERSION IS NOT ADOPTED



1	<u>Agreement)) property use and development agreement is major or minor</u>
2	• Streamlined design review, pursuant to Section 23.41.018, if no development standard departures are requested
3	• <u>Shoreline special use approvals that are not part of a shoreline substantial development permit</u>
4	• <u>Adjustments to major institution boundaries pursuant to subsection 23.69.023.B</u>
5	• Other Type I decisions that are identified as such in the Land Use Code
6	<b>TYPE II Director's Decision</b> <b>(Appealable to Hearing Examiner or Shorelines Hearing Board((<del>±</del>))<sup>3</sup>)</b>
7	• Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
8	• Variances
9	• Administrative conditional uses
10	• <u>Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ((<del>*appealable to Shorelines Hearings Board along with all related environmental appeals</del>))<sup>3</sup></u>
11	• Short subdivisions
12	• Special Exceptions
13	• Design review <u>decisions</u> , except for streamlined design review pursuant to Section 23.41.018 for which no development standard departures are requested
14	• Light rail transit facilities
15	• The following environmental determinations:
16	1. Determination of non-significance (EIS not required)
17	2. Determination of final EIS adequacy
18	3. Determinations of significance based solely on historic and cultural preservation
19	4. A decision (( <del>by the Director</del> )) to approve, condition or deny a project based on SEPA Policies
20	5. A decision (( <del>by the Director</del> )) that a project is consistent with a Planned Action Ordinance and EIS (no threshold determination or EIS required)
21	• Major Phased Developments
22	• Downtown Planned Community Developments
23	<b>TYPE III Hearing Examiner's Decision</b> <b>(No Administrative Appeal)</b>
24	• Subdivisions (preliminary plats)
25	<b>COUNCIL LAND USE DECISIONS</b>
26	<b>TYPE IV (Quasi-Judicial) Council Land Use Decisions</b>
27	• Amendments to the Official Land Use Map (rezones), except area-wide amendments( <del>(;)</del> ) and correction of errors (( <del>and adjustments pursuant to Section 23.69.023</del> ))
28	• Public projects that require Council (( <del>approvals</del> ))approval
	• Major Institution (( <del>Master Plans</del> ))master plans, including major amendments, (( <del>and</del> )) renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions.

THIS VERSION IS NOT ADOPTED



1 • Major amendments to ~~((Property Use and Development Agreements))~~ property use and development agreements

2 • Council conditional uses

3 **TYPE V (Legislative) Council Land Use Decisions**

4 • Land Use Code text amendments

5 • Area-wide amendments to the Official Land Use Map

6 • Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes

7 • Concept approvals for the location or expansion of City facilities requiring Council land use approval

8 • Major Institution designations and revocations of Major Institution designations

9 • Waivers or modifications of development standards for City facilities

10 • Planned Action Ordinances

11 Footnotes for Table A for 23.76.004:

12 (1) Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This table is intended to provide only a general description of land use decision types.

13 (2) Type I decisions are subject to administrative review through a land use interpretation pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.

14 (3) Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

15 \* \* \*

16 Section 5. Section 23.76.005 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 122497, is amended as follows:

18 **23.76.005 Time for decisions(~~(-)~~)**

19 A. Except as otherwise provided in this Section 23.76.005 (~~(section)~~) or otherwise agreed  
20 to by the applicant, land use decisions on applications shall be made within (~~(one hundred twenty~~  
21 ~~(-))~~120(~~(-))~~) days after the applicant has been notified that the application is complete. In  
22 determining the number of days that have elapsed after the notification that the application is  
23 complete, the following periods shall be excluded:  
24

25 1. All periods of time during which the applicant has been requested by the  
26  
27  
28

THIS VERSION IS NOT ADOPTED



1 Director to correct plans, perform required studies, or provide additional required information,  
2 until the ~~((determination))~~ Director determines that the request has been satisfied;

3 2. Any extension of time mutually agreed upon by the Director and the applicant;

4 3. For projects for which an EIS has been required, the EIS process time period  
5 established in subsection 23.76.005.B; ~~((and))~~

6 4. Any time period for filing an appeal of the land use decision to the Hearing  
7 Examiner, and the time period to consider and decide the appeal~~((;))~~; and

8 5. All periods of time during which the applicant has been requested by the  
9 Director to pay past-due permit fees, until the Director determines that the request has been  
10 satisfied or until the permit is cancelled for failure to pay fees.

11 B. The time required to prepare an EIS shall be agreed to by the Director and applicant  
12 in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement  
13 shall be issued by the Director within one year following the issuance of a Determination of  
14 Significance for the proposal, unless the EIS consultant advises that a longer time period is  
15 necessary. In that case, the additional time shall be that recommended by the consultant, not to  
16 exceed an additional year.

17 ~~((B))~~ C. The time limits established by subsections 23.76.005.A and B~~((of this section))~~  
18 do not apply if a permit application:

19 1. ~~((Requires))~~ requires an amendment to the ~~((comprehensive~~  
20 plan)) Comprehensive Plan or the Land Use Code; or

21 2. ~~((Requires))~~ requires the siting of an essential public facility; or

22 3. ~~((Is))~~ is substantially revised by the applicant, in which case the time period  
23 shall start from the date at which the revised project application is determined to be complete.



1 ((C))D. Exclusions ((Pursuant))pursuant to RCW 36.70B.140(1).

2 1. Type II decisions. There is no time limit for a decision on an application  
3 ((for))that includes an exception from the regulations for Environmentally Critical Areas,  
4 ((SMC)) Chapter 25.09.

5 2. Type III decisions.

6 a. The Director shall issue a recommendation within ((one hundred twenty  
7 )120((9)) days as that time is calculated pursuant to subsections 23.76.005.A, B, and C ((of this  
8 section)); and

9 b. The Hearing Examiner shall issue a decision within ((ninety-))90((9))  
10 days of issuance of the Director's recommendation((-)), except that in determining the time limits  
11 for Type III decisions established in this subsection 23.76.005.D.2.b, the following periods shall  
12 be excluded:

13 1) The time during which a Type III decision is remanded by the  
14 Hearing Examiner for further information or analysis. The Hearing Examiner shall set a  
15 reasonable period for the remand after consideration of the nature and complexity of the issues,  
16 and, if practicable, after consultation with the parties about the reasonableness of the remand  
17 period;

18 2) All periods of time during which the applicant has been  
19 requested by the Director to pay past-due permit fees, until the Director determines that the  
20 request has been satisfied; and

21 3) Any extension of time mutually agreed upon by the Hearing  
22 Examiner and the applicant.

23 3. Type IV Council land use decisions.



1 a. There is no time limit for decisions on Major Institution master plans.

2 b. All other Type IV Council land use decisions and any associated Type  
3 II decisions listed in ~~((Section))~~ subsection 23.76.006((-)).C.2, except for the exclusions listed in  
4 subsections 23.76.005.D.1 ((C.1)) and 23.76.005.D.3.c ((of this section)), shall be made within  
5 the following time periods:

6 ~~((f))~~1) The Director shall issue a recommendation within ~~((one~~  
7 ~~hundred twenty-))~~120(~~(f))~~) days as that time period is calculated pursuant to subsections  
8 23.76.005.A, B, and C ((of this section));

9 ~~((f))~~2) The Hearing Examiner shall issue a  
10 ~~((decision))~~ recommendation within ~~((ninety-))~~90(~~(f))~~) days of issuance of the Director's  
11 recommendation; and

12 ~~((f))~~3) The Council shall issue its decision within ~~((ninety~~  
13 ~~(f))~~90(~~(f))~~) days of receipt of the Hearing Examiner recommendation, except that if a timely  
14 appeal is filed with the City Clerk, the Council shall issue its decision within ~~((one hundred-~~  
15 ~~twenty-))~~120(~~(f))~~) days of receipt of the Hearing Examiner recommendation.

16 ~~((4))~~c. In determining the time limits for Type IV Council land use  
17 decisions established in this subsection 23.76.005.D, the following periods shall be excluded:

18 ~~((a-))~~1) ~~((Any))~~ The time during which a Type IV ((application for  
19 a land use)) Council land use decision ((that)) is remanded by the Hearing Examiner or Council  
20 for further information or analysis ((shall be excluded from the time periods of subsection A for  
21 the period of the remand)). The Hearing Examiner or the Council shall set a reasonable period  
22 for the remand after consideration of the nature and complexity of the issues, and, ~~((when))~~ if  
23 practicable, after consultation with the parties about the reasonableness of the remand period((-));



1 street drainage, sidewalks, and paving;

2 c. Structural building overhangs associated with a development proposal;

3 d. Areaways associated with a development proposal;

4 4. Lot boundary adjustments;

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

6 a. Plazas;

7 b. Shopping plazas;

8 c. Arcades;

9 d. Shopping arcades;

10 e. Voluntary building setbacks;

11 6. Determinations of Significance (determination that an environmental impact  
12 statement is required) for Master Use Permits and for building, demolition, grading and other  
13 construction permits (supplemental procedures for environmental review are established in  
14 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of  
15 Significance based solely on historic and cultural preservation;

16 7. Discretionary exceptions for certain business signs authorized by subsection  
17 23.55.042.D;

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

19 9. Special accommodation pursuant to Section 23.44.015;

20 10. Reasonable accommodation;

21 11. Minor amendment to Major Phased Development Permit;

22 12. Determination of public benefit for combined lot development;

23 13. Streamlined design review pursuant to Section 23.41.018, if no ((development  
24  
25  
26  
27  
28



standard)) departures are requested pursuant to Section 23.41.012; ((and))

1  
2                   14. Shoreline special use approvals that are not part of a shoreline substantial  
3 development permit; and

4                   ((14))15. Other Type I decisions.

5                   C. The following are Type II decisions:

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

11                   a. Determination((s)) of Nonsignificance (DNS), including mitigated  
12 DNSs;

13                   b. Determination that a final EIS is adequate; and

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

16                   2. The following decisions((, including any integrated decisions to approve,  
17 condition or deny based on SEPA policies,)) are subject to appeal to the Hearing Examiner  
18 (except shoreline decisions and related environmental determinations, which are appealable to  
19 the Shorelines Hearings Board):

20                   a. Establishment or change of use for temporary uses more than four  
21 weeks not otherwise permitted in the zone or not meeting development standards, including the  
22 establishment of temporary uses and facilities to construct a light rail transit system for so long  
23 as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting  
24

**THIS VERSION IS NOT ADOPTED**



1 temporary relocation of police and fire stations for 24 months or less;

2 b. Short subdivisions;

3 c. Variances; provided that~~((;))~~ the decision on variances sought as part of  
4 a ~~((Type IV))~~ Council land use decision ~~((may))~~ shall be ~~((granted))~~ made by the Council  
5 pursuant to Section 23.76.036;

6 d. Special exceptions; provided that~~((;))~~ the decision on special exceptions  
7 sought as part of a ~~((Type IV))~~ Council land use decision ~~((may))~~ shall be ~~((granted))~~ made by  
8 the Council pursuant to Section 23.76.036;

9 e. Design review, including streamlined design review pursuant to Section  
10 23.41.018 if ~~((development standard))~~ departures are requested pursuant to Section 23.41.012;

11 f. Administrative conditional uses~~((;))~~; provided that~~((;))~~ the decision on  
12 administrative conditional uses sought as part of a ~~((Type IV))~~ Council land use decision ~~((may))~~  
13 shall be ~~((approved))~~ made by the Council pursuant to Section 23.76.036;

14 g. The following shoreline decisions; provided that these decisions shall  
15 be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council  
16 land use decision (supplemental procedures for shoreline decisions are established in Chapter  
17 23.60):

- 18  
19  
20  
21 1) Shoreline substantial development permits;  
22 2) Shoreline variances; and  
23 3) Shoreline conditional uses;

24 h. Major Phased Developments;

25 i. Determination of project consistency with a planned action ordinance

26 and EIS;

THIS VERSION IS NOT ADOPTED



1 j. Establishment of light rail transit facilities necessary to operate and  
2 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

3 ((and))

4 k. Downtown planned community developments((-)); and

5 l. Decisions to approve, condition, or deny based on SEPA policies if such  
6 decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a.through k;  
7 provided that, for decisions listed in subsections 23.76.006.C.2.c, d, f, and g that are made by the  
8 Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by  
9 the Council pursuant to Section 23.76.036.

10 \* \* \*

11 E. The requirement for the Council to make the shoreline decisions listed in subsection  
12 23.76.006.C.2.g if they are sought as part of a Council land use decision shall also apply for  
13 purposes of Chapter 23.60.

14 Section 7. Subsection A of Section 23.76.008 of the Seattle Municipal Code, which  
15 section was last amended by Ordinance 118012, is amended as follows:

16 **23.76.008 Preapplication conferences for Type II and Type III decisions((-)**

17 A. Prior to official filing with the Director of an application for a Master Use Permit  
18 requiring a Type II or III decision, the applicant may request or the Director may require a  
19 preapplication conference. The conference shall be held in a timely manner between a  
20 Department representative(s) and the applicant to determine the appropriate procedures and  
21 review criteria for the proposed project. Preapplication conferences may be subject to fees as  
22 established in ~~((Chapters 22.901A-22.901T, Permit Fee Subtitle))~~ Subtitle IX of Title 22.

23 \* \* \*

THIS VERSION IS NOT ADOPTED



1 Section 8. Section 23.76.010 of the Seattle Municipal Code, which section was last  
2 amended by Ordinance 123649, is amended as follows:

3 **23.76.010 Applications for Master Use Permits**

4 A.1. Applications for Master Use Permits shall be made by the property owner,  
5 lessee, contract purchaser, a City agency, or other public agency proposing a project the location  
6 of which has been approved by the City Council by ordinance or resolution, or by an authorized  
7 agent thereof. A Master Use Permit applicant shall designate a single person or entity to receive  
8 determinations and notices from the Director.  
9

10 2. A claim made by a person that the person possesses title to any portion of the  
11 property for which a Maser Use Permit application has been submitted, whether the claim is  
12 made by a judicially-filed pleading or not, is not grounds for the Department to suspend  
13 processing the application unless:  
14

15 a. a court injunction has been issued and is delivered to the Department; or

16 b. the application is for a subdivision or short subdivision, the claim is  
17 made in a pleading to quiet title to a portion of the property that has been filed in court, and a  
18 copy of the pleading has been delivered to the Department.  
19

20 B. All applications for Master Use Permits shall be made to the Director on a form  
21 provided by the Department.

22 C. Applications shall be accompanied by payment of the applicable filing fees, if any, as  
23 established in ~~((Chapters 22.901A-22.901T, Permit Fee Subtitle))~~ Subtitle IX of Title 22.  
24

25 D. All applications shall contain the submittal information required by the applicable  
26 sections of this Title 23, Land Use Code; Title 15, Street and Sidewalk Use; Chapter 25.05,  
27 Environmental Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical  
28



1 Areas; Chapter 25.12, Landmarks Preservation; Chapter 25.16, Ballard Avenue Landmark  
2 District; Chapter 25.20, Columbia City Landmark District; Chapter 25.22, Harvard-Belmont  
3 Landmark District; Chapter 25.24, Pike Place Market Historical District; and other codes as  
4 determined applicable and necessary for review by the Director. All shoreline substantial  
5 development, conditional use, or variance applications shall also include applicable submittal  
6 information as specified in WAC 173-27-180. The Director shall make available, in writing, a  
7 general list of submittal requirements for a complete application. ((The following information  
8 shall also be required as further specified in the Director's Rule on Application Submittal  
9 Guidelines, unless the Director indicates in writing that specific information is not necessary for  
10 a particular application:

11  
12 1. ~~Property information including, but not limited to, address, legal description,~~  
13 ~~Assessor's Parcel number, and project description;~~

14  
15 2. ~~A signed statement of financial responsibility from the applicant~~  
16 ~~acknowledging financial responsibility for all applicable permit fees. If the application is made,~~  
17 ~~in whole or in part, on behalf of the property's owner, lessee, and/or contract purchaser, then the~~  
18 ~~statement of financial responsibility must also include a signed statement of the owner, lessee,~~  
19 ~~and/or contract purchaser acknowledging financial responsibility for all applicable permit fees;~~

20  
21 3. ~~Scale drawings with all dimensions shown that include, but are not limited to,~~  
22 ~~the following information:~~

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

26  
27 b. ~~Elevations and sections of the proposed new features;~~



1 e. Floor plans showing the proposed new features;

2 d. Drainage plan;

3 e. Landscape plan;

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

5 right-of-way;

6 g. Identification on the site plan of all easements, deed restrictions, or

7 other encumbrances restricting the use of the property, if applicable;

8 h. Parking layout and vehicular access;

9 i. Vicinity map;

10 j. Topographic map; and

11 k. Open space plan.

12  
13  
14 4. A statement whether the site includes or is adjacent to a nominated or  
15 designated City of Seattle landmark, or has been listed as eligible for landmark status by the state  
16 or federal governments, or is within a City of Seattle landmark or special review district. If the  
17 site includes a nominated or designated City of Seattle landmark, or is within a City of Seattle  
18 landmark or special review district, then the applicant must provide a copy of any application for  
19 any required certificate of approval that has been filed with the Department of Neighborhoods. If  
20 the site does not include a landmark and is not within a landmark or special review district, then  
21 the applicant must provide the following information:  
22

23 a. Date the buildings on the site were constructed;

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

25 c. For any building 50 or more years old, clear exterior photos of all  
26 elevations of the building.  
27

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1                   5. For all transmitting antennas, the applicant shall submit a signed copy of the  
2 Applicant's Statement of Federal Communications Commission (FCC) Compliance. If the  
3 transmitting antenna requires Public Health - Seattle & King County review, the applicant  
4 must also submit a letter from the Public Health Department certifying that the facility does not  
5 exceed radio frequency radiation levels allowed by the FCC;

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

8                   7. Information including technical reports, drawings, models or text, necessary to  
9 evaluate the development proposal, project site and potential environmental effects related to the  
10 following:  
11

12                   a. Soils and geology;

13                   b. Grading;

14                   c. Drainage;

15                   d. Construction impacts;

16                   e. Air quality;

17                   f. Water quality;

18                   g. Water discharge;

19                   h. View impairment;

20                   i. Energy consumption;

21                   j. Animal habitat impacts;

22                   k. Plant ecology, botany and vegetation;

23                   l. Noise;

24                   m. Release and disposal of toxic and hazardous materials;

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- 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;~~
- aa. ~~Demand on public service and utilities; and~~
- bb. ~~Identification of all development departures requested through the design review process.))~~

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 date the application ~~((being))~~is 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))~~if the application is ~~((now complete or))~~still incomplete and what

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1 additional information is necessary. An application shall be deemed to be complete if the  
2 Director does not notify the applicant in writing that the application is incomplete by the  
3 deadlines in this ~~((section))~~ subsection 23.76.010.E ~~((that the application is incomplete))~~. A  
4 determination that the application is complete is not a determination that the application is  
5 vested.

6  
7 2. A Master Use Permit application is complete for purposes of this ~~((section))~~  
8 Section 23.76.010 ~~((when))~~ if it meets the submittal requirements established by the Director in  
9 subsection 23.76.010.D ~~((of this section))~~ and is sufficient for continued processing even though  
10 additional information may be required or project modifications may be undertaken  
11 subsequently. The determination of completeness shall not preclude the Director from requesting  
12 additional information or studies either at the time the application is determined complete or  
13 subsequently, if additional information is required to complete review of the application or  
14 substantial changes in the permit application are proposed.

15  
16 3. A determination under this ~~((section))~~ Section 23.76.010 that an application is  
17 complete ~~((for purposes of continued processing))~~ is not a determination that the application is  
18 vested. A vesting determination shall be made only ~~((when))~~ if needed because of a change in  
19 applicable laws and shall entail review of the application for compliance with RCW 19.27.095,  
20 RCW 58.17.033, and ~~((SMC))~~ Section 23.76.026.

21  
22 F. ~~((Failure))~~ If the applicant fails to supply all required information or data within ~~((sixty~~  
23 ~~))60(( ))~~ days of a written request from the Director, the Director may ~~((result in))~~ provide the  
24 applicant a notice of intent to cancel. The Director may cancel the application if the requested  
25 information is not provided within the time required by the notice of intent to cancel. ~~((When a~~  
26 ~~Master Use Permit application and a building permit application for a project are being reviewed~~



1 concurrently, and the applications are for a project vested to prior Land Use Code provisions,  
2 and the project does not conform with the codes in effect while it is being reviewed, cancellation  
3 of the Master Use Permit application under the provisions of this subsection shall cause the  
4 concurrent cancellation of the building permit application.))

5 Section 9. Section 23.76.012 of the Seattle Municipal Code, which section was last  
6 amended by Ordinance 123495, is amended as follows:

7 **23.76.012 Notice of application**

8 A. Notice.

9 1. ~~((Type I Notification.))~~ No notice of application ~~((shall be))~~ is required for Type  
10 I decisions.

11 2. ~~((Type II and III Notification.))~~ Within 14 days after the Director determines  
12 that an application is complete ~~((When a Master Use Permit application requiring a Type II or~~  
13 ~~III)), for the following types of applications, the Director shall provide notice of the application~~  
14 and an opportunity for public comment as described in this ~~((section))~~ Section 23.76.012:(-)  
15 ~~((Notice of application for Type II and III decisions shall be provided within fourteen (14) days~~  
16 ~~after a determination of completeness))~~

17 a. Type II Master Use Permits;

18 b. Type III Master Use Permits;

19 c. Type IV Council land use decisions, provided that for amendments to  
20 property use and development agreements, additional notice shall be given pursuant to  
21 subsection 23.76.058.C; and

22 d. The following Type V Council land use decisions:

23 1) Major Institution designations and revocation of Major  
24  
25  
26  
27  
28



Institution designations:

2) Concept approvals for the location or expansion of City facilities requiring Council land use approval; and

3) Waivers or modification of development standards for City facilities.

~~((a))~~3. Other Agencies with Jurisdiction. ~~((To the extent known by the Director,))~~ The Director shall provide notice to other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the project ~~((shall be sent notice))~~ to the extent known by the Director.

~~((b))~~4. Early Review Determination of Nonsignificance (DNS). In addition to the requirements ~~((under))~~ of subsection ~~((A2a))~~ A.3 of this Section 23.76.012 ~~((above))~~, the Director shall provide a copy of the early review DNS notice of application and environmental checklist ~~((shall also be sent))~~ to the following:

- ~~((1))~~a. State Department of Ecology;
- ~~((2))~~b. Affected ~~((Tribes))~~ tribes;
- ~~((3))~~c. Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
- ~~((4))~~d. ~~((Anyone))~~ Persons who submit a written request for ~~((requesting a copy of))~~ this information and who provide an address for notice.

B. Types of notice required.

1. For projects subject to environmental review, or design review pursuant to Section 23.41.014, the ~~((department))~~ Department shall direct the installation of ~~((an environmental review))~~ a large notice sign on the site, unless an exemption or alternative posting

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1 as set forth in this subsection 23.76.012.B is applicable. The ~~((environmental review))~~ large  
2 notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk, and  
3 shall be removed by the applicant at the direction of the ~~((department))~~ Department after final  
4 City action on the application ~~((has been))~~ is completed.

5 a. In the case of submerged land, the ~~((environmental review))~~ large notice  
6 sign shall be posted on adjacent dry land, if any, owned or controlled by the applicant. If there is  
7 no adjacent dry land owned or controlled by the applicant, notice shall be provided according to  
8 subsection 23.76.012.B.1.c.

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

12 c. ~~((When))~~ If use of ~~((an environmental review))~~ a large notice sign is  
13 neither feasible nor practicable to assure that notice is clearly visible to the public, the Director  
14 shall post ten placards within 300 feet of the site, ~~((and at the closest street intersections when~~  
15 ~~one or more of the following conditions exist:~~

16 (1) The project site is over five acres;  
17 (2) The applicant is not the property owner, and the property owner  
18 does not consent to the proposal;

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

22 d. The Director may require both ~~((an environmental review))~~ a large  
23 notice sign and the alternative posting measures described in subsection 23.76.012.B.1.c, or may  
24



1 require that more than one ~~((environmental review))~~ large notice sign be posted, ~~((when))~~ if  
2 necessary to assure that notice is clearly visible to the public.

3 2. For projects that are categorically exempt from environmental review, the  
4 ~~((department))~~ Director shall post one land use sign visible to the public at each street frontage  
5 abutting the site except ~~((, when))~~ that if there is no street frontage or the site abuts an  
6 unimproved street, the Director ~~((may))~~ shall post more than one sign and/or use an alternative  
7 posting location so that notice is clearly visible to the public. The land use sign ~~((may))~~ shall be  
8 removed by the applicant ~~((within 14 days))~~ after final action on the application ~~((has been))~~ is  
9 completed.  
10

11 3. For all projects requiring notice of application, the Director shall provide notice  
12 in the Land Use Information Bulletin. For projects subject to ~~((the))~~ environmental review or to  
13 design review pursuant to Section 23.41.014, notice in the Land Use Information Bulletin shall  
14 be published after installation of the ~~((environmental review))~~ large notice sign required in  
15 subsection 23.76.012.B.1.  
16

17 4. ~~((In addition,))~~ The Director shall provide mailed notice of:

18 a. applications for variances, administrative conditional uses, temporary  
19 uses for more than ~~((4))~~ four weeks, shoreline variances, shoreline conditional uses, short plats,  
20 early design guidance process for administrative design review and streamlined administrative  
21 design review, subdivisions, Type IV Council land use decisions, amendments to property use  
22 and development agreements, Major Institution designations and revocation of Major Institution  
23 designations, concept approvals for the location or expansion of City facilities requiring Council  
24 land use approval, and waivers or modification of development standards for City  
25 facilities ~~((School Use Advisory Committee (SUAC) formation and school development standard~~  
26  
27  
28



1 ~~departure, the Director shall provide mailed notice)); and~~

2 b. the first early design guidance meeting for a project subject to design  
3 review pursuant to 23.76.014.

4 5. ~~((Mailed notice of application for))~~ For a project subject to design review,  
5 except streamlined design review pursuant to Section 23.41.018 for which no development  
6 standard departure pursuant to Section 23.41.012 is requested, notice of application shall be  
7 provided to all persons ~~((establishing themselves as parties of record by attending))~~ who  
8 provided an address for notice and either attended an early design guidance public meeting for  
9 the project or ((by corresponding with)) wrote to the Department about the proposed project  
10 before the date ((of publication)) that the notice of application is distributed in the Land Use  
11 Information Bulletin.

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

14 C. Contents of Notice.

15 1. The City's official notice of application ~~((shall be))~~ is the notice placed in the  
16 Land Use Information Bulletin, which shall include the following required elements as specified  
17 in RCW 36.70B.110~~((;))~~ :

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

20 b. A description of the proposed project action and a list of the project  
21 permits included in the application, including ~~((and,))~~ if applicable~~((;))~~ :

22 1) a list of any studies requested by the Director;

23 2) a statement that the project relies on the adoption of a Type V



Council land use decision to amend the text of Title 23;

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 an 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;

h. A statement that an advisory committee is to be formed as provided in Section 23.69.032, for notices of intent to file a Major Institution master plan application;

~~((h))~~i. Any other information determined appropriate by the Director; and

~~((i))~~j. The following additional information ~~((when))~~if the early review DNS process is used~~((?))~~;

~~((1))~~1) A statement that the early review DNS process is being used and the Director expects to issue a DNS for the proposal~~((?))~~;

~~((2))~~2) A statement that this is the only opportunity to comment on the environment impacts of the proposal~~((?))~~;



1 ((f))3 A statement that the proposal may include mitigation  
2 measures under applicable codes, and the project review process may incorporate or require  
3 mitigation measures regardless of whether an EIS is prepared((s)); and

4 ((f))4 A statement that a copy of the subsequent threshold  
5 determination for the proposal may be obtained upon written request.

6  
7 2. All other ((additional)) forms of notice, including((s)) but not limited to  
8 ((environmental review))large notice and land use signs, placards, and mailed notice, shall  
9 include the following information: the project description, location of the project, date of  
10 application, location where the complete application file may be reviewed, and a statement that  
11 persons who desire to submit comments on the application or who request notification of the  
12 decision may so inform the Director in writing within the comment period specified in  
13 subsection D of this ((section)) Section 23.76.012. The Director may, but need not, include other  
14 information to the extent known at the time of notice of application. Except for the  
15 ((environmental review))large notice sign ((requirement)), each notice shall also include a list of  
16 the land use decisions sought. The Director shall specify detailed requirements for  
17 ((environmental review))large notice and land use signs.

18  
19 D. Comment Period. The Director shall provide a ((fourteen-))14((+)) day public  
20 comment period prior to making a threshold determination of nonsignificance (DNS) or  
21 ((issuing))publishing a decision on the project; provided((s)) that the comment period shall be  
22 extended by ((fourteen-))14((+)) days if a written request for extension is submitted within the  
23 initial ((fourteen-))14((+)) day comment period; provided further that the comment period shall  
24 be ((thirty-))30((+)) days for applications requiring shoreline decisions except((s)) that for  
25 limited utility extensions and bulkheads subject to Section 23.60.065 ((of Title 23)), the  
26  
27  
28



1 comment period shall be ~~((twenty-))~~20~~(( ))~~ days as specified in that section. The comment  
2 period shall begin on the date notice is published in the Land Use Information Bulletin.

3 Comments shall be filed with the Director by ~~((five-))~~5~~((:00))~~ p.m. of the last day of the  
4 comment period. ~~((When))~~If the last day of the comment period is a Saturday, Sunday, or federal  
5 or City holiday, the comment period shall run until ~~((five-))~~5~~((:00))~~ p.m. the next ~~((business))~~  
6 day that is not a Saturday, Sunday, or federal or City holiday. Any comments received after the  
7 end of the official comment period may be considered if material to review yet to be conducted.  
8

9 E. ~~((When))~~If a Master Use Permit application includes more than one ~~((1))~~ decision  
10 component, notice requirements shall be consolidated and the broadest applicable notice  
11 requirements imposed.

12 Section 10. Section 23.76.014 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 121477, is amended as follows:

14 **23.76.014 - Notice of scoping and draft EIS~~((:))~~**

15 ~~((When))~~If a Determination of Significance (DS) is issued on ~~((a))~~ an application for a  
16 Master Use Permit or Council land use decision~~((application))~~, the following notice and  
17 comment procedures ~~((shall))~~ apply:  
18

19 A. Scoping.

20  
21 1. The Director shall determine the range of proposed actions, alternatives, and  
22 impacts to be discussed in an EIS, as provided by ~~((SMC))~~ Section 25.05.408, Scoping, and/or  
23 Section 25.05.410, Expanded scoping. A comment period at least ~~((twenty-one-))~~21~~(( ))~~ days  
24 from the date of DS issuance shall be provided.

25  
26 2. Notice of scoping and of the period during which the Director will accept  
27 written comments shall be provided by the Director in the following manner:  
28



1 a. Inclusion in the Land Use Information Bulletin;

2 b. Publication in the City official newspaper;

3 c. ~~((Submission of the Land Use Information Bulletin to at least one ((1)))~~  
4 ~~community newspaper in the area affected by the proposal;~~

5 d. ~~Mailed notice~~) Notice provided to those ((organizations and  
6 ~~individuals)) persons who have submitted a written request for it and provided an address for  
7 notice;~~

8 ~~((e. Posting in the Department;)) and~~

9 ~~((f))~~ d. Filing with the SEPA Public Information Center.

10 3. The Director shall also circulate copies of the DS as required by ~~((SMC))~~

11 Section 25.05.360.

12 B. Draft EISs.

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

17 a. Inclusion in the Land Use Information Bulletin;

18 b. Publication in the City official newspaper;

19 ~~((e. Submission of the Land Use Information Bulletin to at least one~~  
20 ~~community newspaper in the area affected by the proposal;))~~

21 ~~((d))~~ c. Mailed notice~~((;))~~; ~~((including notice))~~

22 d. Notice provided to those ((organizations and individuals)) persons who  
23 provided an address for notice and either ((who have)) submitted a written request for it or who  
24



1 submitted written comments during the comment period on the scope of the EIS; and

2 ~~((e. Posting notice in the Department; and))~~

3 ~~((f))~~e. Filing with the SEPA Public Information Center.

4 2. Notice of the public hearing shall be given by the Director at least ~~((twenty-one~~  
5 ~~))~~21~~(( ))~~ days prior to the hearing date.

6 3. The Director shall also distribute copies of the draft EIS as required by  
7 ~~((SMC))~~ Section 25.05.455.

8 Section 11. Section 23.76.015, which section was last amended by Ordinance 120157, is  
9 amended as follows:

10 **23.76.015 Public meetings~~((:))~~ for Type II and Type III Master Use Permits**

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

13 1. The meeting is otherwise provided for in this ~~((title))~~Title 23, including  
14 meetings for projects subject to design review;

15 2. The proposed development is of broad public significance;

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

18 4. The proposed development will require a shoreline conditional use or a  
19 shoreline variance.

20 B. The Director may combine a public meeting on a project application with any other  
21 public meetings that may be held on the project by another local, state, regional, federal or other  
22 agency, and shall do so if requested by the applicant, provided that:

23 1. ~~((the))~~The meeting is held within ~~((The City))~~the city of Seattle~~((:))~~; and

1           2. ~~((If requested by an applicant, a joint meeting shall be held, provided that~~  
2           ~~the))~~The joint meeting can be held within the time periods specified in ~~((SME))~~  
3 Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the  
4 meetings.

5           C. The Director shall provide notice of all public meetings by:

- 6           1. Inclusion in the Land Use Information Bulletin;  
7  
8           2. Posting of at least four placards within 300 feet of the site; and  
9  
10          3. Provision of notice to all persons who provided an address for notice and either  
11 attended an early design guidance public meeting for the project or wrote to the Department  
12 about the proposed project before the date that notice of the meeting is distributed in the Land  
13 Use Information Bulletin.

14          Section 12. Section 23.76.016, which section was last amended by Ordinance 120157, is  
15 amended as follows:

16          **23.76.016 - Public hearings for draft EISs~~((<sup>o</sup>))~~**

17           A. Draft Environmental Impact Statements (EISs). As required by ~~((Chapter))~~Section  
18 25.05.535, ((SEPA Policies and Procedures,)) the Director shall hold a public hearing ~~((shall be~~  
19 ~~held by the Director))~~ on all draft EISs for Master Use Permit applications for which the  
20 Department is the Lead Agency. ~~((The hearing shall occur no earlier than twenty-one (21) days~~  
21 ~~from the date the draft EIS is issued nor later than fifty (50) days from its issuance.))~~ The  
22 Director may hold the hearing near the site of the proposed project.

23           B. The Director may combine ~~((a))~~the public hearing on ~~((a project application))~~the draft  
24 EIS with any other public hearings that may be held on the project by another local, state,  
25 regional, federal, or other agency, and shall do so if requested by the applicant, provided that:  
26  
27



1. ~~((the))~~ The joint hearing is held within ((The City)) the city of Seattle((:)); and

2. ~~((If requested by an applicant, a joint hearing shall be held, provided that the))~~

3. The joint hearing can be held within the time periods specified in ((SMC)) Section 23.76.005, or  
4. the applicant agrees in writing to additional time, if needed, to combine the hearings.

5. Section 13. Section 23.76.018 of the Seattle Municipal Code, which section was last  
6. amended by Ordinance 122522, are amended as follows:

7. **23.76.018 - Notice of final EISs((:))**

8. A. Notice of the availability of any final EIS on a proposed project shall be provided by  
9. the Director in the following manner:

10. 1. ~~((General Mailed Release))~~ Inclusion in the Land Use Information Bulletin;

11. 2. Publication in the City official newspaper;

12. 3. ~~((Submission of the General Mailed Release to at least one (1) community~~  
13. ~~newspaper in the area affected by the proposal;~~

14. 4. ~~((Mailed notice))~~ Notice provided to those ((organizations and individuals who  
15. have made a written request for it, and)) persons who provided an address for notice and either  
16. received the draft EIS, ((or)) submitted written comments ((commented)) on the draft EIS, or  
17. made a written request for notice; and

18. ~~((5. Posting in the Department; and))~~

19. ~~((6))~~4. Filing with the SEPA Public Information Center.

20. B. The Director shall also distribute copies of the final EIS as required by ((SMC))  
21. Section 25.05.460.

22. Section 14. Section 23.76.019 of the Seattle Municipal Code, which section was last  
23. amended by Ordinance 118012 and currently reads as follows, is repealed:

~~((23.76.019 – Time required for preparation of an EIS.~~

~~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.))~~

Section 15. Section 23.76.020 of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

**23.76.020 - Director's decisions on Type I and Type II Master Use Permits((-))**

A. Master Use Permit Review Criteria. The Director shall grant, deny, or conditionally grant approval of a Type II decision based on the applicant's compliance with the applicable ~~((City's))~~ SEPA ~~((Policies))~~ 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))~~ pursuant to 23.76.026. If an EIS is required, the application shall be subject to only those SEPA ~~((Policies))~~ policies in effect when the ~~((Draft))~~ draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process.

B. Timing of Decisions Subject to Environmental Review.

1. If an EIS ~~((has been))~~ is required, the Director's decision shall not be issued until at least seven ~~((7))~~ days after publication of the final EIS, as provided by Chapter 25.05 ~~((SEPA Policies and Procedures))~~.

1 2. If no EIS is required, the Director's decision shall include issuance of a  
2 Determination of Nonsignificance (DNS) for the project if not previously issued pursuant to  
3 ~~((Section))~~ subsection 25.05.310-C.2.

4 C. Notice of Decisions.

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

6 2. Type II. The Director shall provide notice of all Type II decisions ~~((as~~  
7 ~~follows))~~ by:

8 a. Inclusion in the Land Use Information Bulletin;

9 b. Publication in ~~((A list of all Type II decisions shall be compiled and~~  
10 ~~published in))~~ the City official newspaper; ~~((within seven (7) days of the date the decision is~~  
11 ~~made. This list and the date of its publication shall also be posted in a conspicuous place in the~~  
12 ~~Department and shall be included in the Land Use Information Bulletin.))~~

13 c. Notice ~~((shall also be mailed))~~ provided to the applicant and to persons  
14 who provided an address for notice and either submitted written comments on the application, or  
15 ~~((interested persons who have requested specific notice in a timely manner))~~ made a written  
16 request for notice ~~((or who have submitted substantive comments on the proposal,)); and~~

17 ~~((shall be submitted in a timely manner to at least one (1) community~~  
18 ~~newspaper in the area affected by the proposal.~~

19 b)d. Filing of DNSs ~~((shall also be filed))~~ with the SEPA Public  
20 Information Center and distribution of DNSs as required by Section 25.05.340((-)); and

21 ~~((e. If the Director's decision includes a mitigated DNS or other DNS~~  
22 ~~requiring a fourteen (14) day comment period pursuant to SMC Chapter 25.05, Environmental~~  
23 ~~Policies and Procedures, the notice of decision shall include notice of the comment period. The~~



1 ~~Director shall distribute copies of the DNS as required by SMC Section 23.05.340.)~~

2 ~~((d))e. Filing of ((Any))any shoreline decision in a Master Use Permit~~  
3 ~~((shall be filed)) with the Department of Ecology according to the requirements ((contained)) in~~  
4 ~~WAC 173-27-130. ((A shoreline decision on limited utility extensions and bulkheads subject to~~  
5 ~~Section 23.60.065 shall be issued within twenty one (21) days of the last day of the comment~~  
6 ~~period as specified in that section.))~~

7  
8 D. Contents of notice.

9 ~~((e))1. The notice of the Director's decision shall state the nature of the applicant's~~  
10 ~~proposal, a description sufficient to locate the property, and the decision of the Director. The~~  
11 ~~notice shall also state that the decision is subject to appeal and shall describe the appropriate~~  
12 ~~appeal procedure.~~

13  
14 2. If the Director's decision includes a mitigated DNS or other DNS requiring a 14  
15 day comment period pursuant to Chapter 25.05, Environmental Policies and Procedures, the  
16 notice of decision shall include notice of the comment period.

17 Section 16. Section 23.76.022 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 121477, is amended as follows:

19 **23.76.022 - Administrative reviews and appeals for Type I and Type II Master Use**

20 **Permits((=))**

21  
22 **A. Appealable Decisions.**

23 1. Type I decisions ((as)) listed in ((SMC Section))subsection 23.76.006((-))B are  
24 ~~((not subject to appeal.))~~ subject to administrative review through a land use interpretation  
25 pursuant to Section 23.88.020 if the decision is one that is subject to interpretation.

26  
27 2. All Type II decisions ((as)) listed in ((SMC Section))subsection 23.76.006.C

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1 ~~((shall be))~~are subject to an administrative open record appeal as described in this ~~((section))~~

2 Section 23.76.022.

3 B. Shoreline Appeal Procedures. ~~((Appeal))~~An appeal of the Director's decision to issue,  
4 condition, or deny a shoreline substantial development permit, shoreline variance, or shoreline  
5 conditional use as a part of a Master Use Permit ~~((must))~~shall be filed by the appellant with the  
6 Shorelines Hearings Board in accordance with the provisions of the Shoreline Management Act  
7 of 1971, RCW Chapter 90.58, and the rules established under its authority, WAC 173-27.

8 ~~((Appeal))~~An appeal of related environmental actions, including a Determination of  
9 Nonsignificance (DNS(?!)), determination that an EIS is adequate, and the decision to grant,  
10 condition or deny the shoreline proposal based on the City's SEPA Policies pursuant to ~~((SMC))~~  
11 Section 25.05.660, shall be consolidated in the appeal to the Shorelines Hearings Board.

12 ~~((Appeal))~~An appeal of a decision for limited utility extensions and bulkheads subject to Section  
13 23.60.065 ~~((of Title 23))~~ shall be finally determined within ~~((thirty-))~~30~~(( ))~~ days as specified in  
14 that section.

15  
16  
17 C. Hearing Examiner Appeal Procedures.

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

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

23 3. Filing of Appeals.

24 a. Appeals shall be filed with the Hearing Examiner by ~~((five-))~~5~~((:00))~~  
25 p.m. of the fourteenth calendar day following publication of notice of the decision~~((; provided,))~~  
26  
27  
28

1 except that ~~((when))~~ if a ~~((fourteen-))~~ 14 ~~(( ))~~ day DNS comment period is required pursuant to  
2 ~~((SMC))~~ Chapter 25.05, appeals ~~((may))~~ shall be filed ~~((until five-))~~ by 5 ~~((:00))~~ p.m. of the  
3 ~~((twenty first))~~ 21<sup>st</sup> calendar day following publication of notice of the decision. ~~((When))~~ If the  
4 last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the  
5 period shall run until ~~((five-))~~ 5 ~~((:00))~~ p.m. on the next ~~((business))~~ day that is not a Saturday,  
6 Sunday, or federal or City holiday. The appeal shall be in writing and ~~((shall))~~ clearly identify  
7 each component of ~~((a))~~ the Type II Master Use Permit being appealed. The appeal shall be  
8 accompanied by payment of the filing fee as set forth in ~~((SMC))~~ Section 3.02.125, Hearing  
9 Examiner filing fees. Specific objections to the Director's decision and the relief sought shall be  
10 stated in the written appeal.

11  
12 b. In form and content, the appeal shall conform with the rules of the  
13 Hearing Examiner.

14  
15 c. The Hearing Examiner shall not accept any request for an interpretation  
16 included in the appeal unless it complies with the requirements of ~~((Section))~~ subsection  
17 23.88.020 ~~(( ))~~ C.3.c.

18  
19 4. Pre-hearing Conference. At the Hearing Examiner's initiative, or at the request  
20 of any party of record, the Hearing Examiner may have a conference prior to the hearing in order  
21 to entertain pre-hearing motions, clarify issues, or consider other relevant matters.

22  
23 5. Notice of Hearing. Notice of the hearing on the appeal shall be  
24 ~~((mailed))~~ provided by the Director at least ~~((twenty-))~~ 20 ~~(( ))~~ days prior to the scheduled hearing  
25 date to parties of record and those ~~((requesting))~~ who request notice writing and provide an  
26 address for notice. Notice shall also be included in the ~~((next))~~ Land Use Information Bulletin.

27  
28 6. Scope of Review. Appeals shall be considered de novo ~~(( ))~~. The Hearing

1 Examiner shall entertain issues cited in the appeal (~~(which)~~)that relate to compliance with the  
2 procedures for Type II decisions as required in this (~~(chapter)~~)Chapter 23.76, compliance with  
3 substantive criteria, determinations of nonsignificance (DNSs), adequacy of an EIS upon which  
4 the decision was made, or failure to properly approve, condition, or deny a permit based on  
5 disclosed adverse environmental impacts, and any requests for an interpretation included in the  
6 appeal or consolidated appeal pursuant to Section 23.88.020~~((-))~~.C.3.

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

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

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

18 10. ~~Hearing Examiner's Decision.~~ The Hearing Examiner shall issue a written  
19 decision, including written findings and conclusions supporting the decision, within ~~((fifteen~~  
20 ~~))15((3))~~ days after closing the record. The Hearing Examiner may affirm, reverse, remand, or  
21 modify the Director's decision. ~~((Written findings and conclusions supporting the Hearing~~  
22 ~~Examiner's decision shall be made.))~~ The Director and all parties of record shall be bound by the  
23 terms and conditions of the Hearing Examiner's decision.

24  
25  
26  
27 11. Notice of Hearing Examiner Decision. The Hearing Examiner's decision shall  
28

1 be (~~mailed~~)provided by the Hearing Examiner on the day the decision is issued to the parties of  
2 record and to all those (~~requesting~~) who request notice in writing and provide an address for  
3 notice. If environmental issues were raised in the appeal, the decision shall also be filed with the  
4 SEPA Public Information Center. The decision shall contain information regarding judicial  
5 review. To the extent such information is available to the Hearing (~~Examiner's~~)Examiner, the  
6 decision shall contain the name and address of the owner of the property at issue, of the  
7 applicant, and of each person who filed an appeal with the Hearing Examiner, unless such person  
8 abandoned the appeal or such person's claims were dismissed before the hearing.  
9

10           12. Appeal of Hearing Examiner's Decision. The Hearing Examiner's decision  
11 shall be final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is  
12 reversed or remanded on judicial appeal. Any judicial review must be commenced within  
13 (~~twenty one (21)~~)21 days of issuance of the Hearing Examiner's decision, as provided by  
14 RCW 36.70C.040, or if the appeal concerns a decision on personal wireless service, the appeal  
15 shall be filed within (~~thirty (30)~~)30 days of the Hearing Examiner's or Council's final decision.  
16

17           Section 17. Section 23.76.024 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 123046, is amended as follows:  
19

20 **23.76.024 Hearing Examiner open record hearing and decision for subdivisions**

21           A. Consolidation with Environmental Appeal. The Hearing Examiner shall conduct a  
22 public hearing, which shall constitute a hearing by the Council on the application for preliminary  
23 approval of the subdivision. At the same hearing the Hearing Examiner shall also hear any  
24 appeals of the Director's procedural environmental determination (determination of  
25 nonsignificance or determination of adequacy of a final environmental impact statement) and  
26 other Type II decisions.  
27



1 B. The Hearing Examiner may combine a public hearing on a ~~((project))~~ subdivision  
2 application with any other public hearings that may be held on the project by another local, state,  
3 regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

4 1. ~~((the))~~ The joint hearing is held within ((The City))the city of Seattle((:)); and  
5 2. ~~((If requested by an applicant, a joint hearing shall be held, provided that~~  
6 ~~the))~~ The joint hearing can be held within the time periods specified in ((SMC)) Section  
7 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the  
8 hearings.  
9

10 C. Notice. The Director shall give notice of the Hearing Examiner's hearing, the  
11 Director's environmental determination, and ~~((of))~~ the availability of the Director's report at least  
12 ~~((thirty-))~~ 30((:)) days prior to the hearing by:

- 13 1. Inclusion in the Land Use Information Bulletin;  
14 2. ~~((Publication in the City official newspaper and in at least one (1) community~~  
15 ~~newspaper in the area affected by the proposal;~~  
16 3. ~~))~~ Mailed notice; and  
17 3. ~~((and written notice mailed))~~ Notice provided to:  
18 a. The applicant and each of the recipients of the preliminary plat listed in  
19 Section 23.22.024((, and));  
20 b. All persons who provided an address for notice and who either  
21 submitted written comments on the application to the Director or made a written request for  
22 notice; and  
23 c. ~~((b))~~ All owners of real property located within ((three hundred  
24 )300((:)) feet of;  
25  
26  
27  
28



1) any portion of the boundaries of the property to be subdivided;

or

2) ~~((another parcel or other))~~ any parcels of real property ((lying))  
adjacent to the property to be subdivided ~~((, if))~~ that are owned by 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))~~ or 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 or other Type II decisions, and ~~((shall))~~ state the relief sought;

2. Shall be submitted to the Hearing Examiner by 5 p.m. of the fourteenth calendar day following publication of notice of the Director's report, provided that ~~((when))~~ if a 14-day DNS comment period is required pursuant to Chapter 25.05, appeals may be filed until 5 p.m. of the twenty-first calendar day following publication of notice of the ~~((decision))~~ Director's report. If the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period runs until 5 p.m. the next ~~((business))~~ day that is not a Saturday, Sunday, or federal or City holiday. The request or appeal shall be accompanied by payment of any filing fee set forth in 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



1 ((promptly)) shall promptly ((mail)) provide notice of the filing of all requests for further  
2 consideration and appeals to all parties of record and to those who have ((requesting))requested  
3 notice in writing and have provided an address for notice.

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

7  
8 G. Written Comments. Written comments on the proposed subdivision and the Director's  
9 report and recommendation may be sent to the Hearing Examiner. Only those comments  
10 received prior to the conclusion of the hearing shall be considered by the Hearing Examiner.

11 H. Hearing.

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

15 a. The compliance of the proposed subdivision with the procedures and  
16 standards of this ((chapter)) Chapter 23.76 and ((SMC)) Chapter 23.22;

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

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

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

27  
28  
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1 I. Decision. From the information gained at the hearing, from timely written comments  
2 submitted to the Department or the Hearing Examiner, and from the report and recommendation  
3 of the Director, all of which shall be made part of the record, the Hearing Examiner shall issue a  
4 decision to approve, approve with conditions, remand, or deny the proposed subdivision. On any  
5 appeal, the Hearing Examiner may affirm, reverse, remand, or modify the Director's decision.  
6 ~~((These decisions))~~ The Hearing Examiner's decision shall be in writing, include findings and  
7 conclusions, and be ~~((issued))~~ filed by the Hearing Examiner with the City Clerk within ten  
8 ~~((10))~~ working days of the close of the record, unless a longer period is agreed to among the  
9 parties.

11 J. Effect of the Hearing Examiner Decision. The Hearing Examiner's decision shall be  
12 final and conclusive unless the Hearing Examiner retains jurisdiction or the decision is reversed  
13 or remanded on appeal or appealed to the Shorelines Hearings Board. Any judicial review of  
14 decisions not appealable to the Shorelines Hearings Board ~~((must))~~ shall be commenced within  
15 ~~((twenty one (21)))~~ 21 days of issuance of the decision, as provided by RCW 36.70C.040.  
16 Pursuant to RCW 58.17.330, the Hearing Examiner's decision on an application for a subdivision  
17 shall have the effect of a final decision of the City Council.

19 K. Distribution of Decision. On the same date that the Hearing Examiner files ~~((its))~~ the  
20 decision with the City Clerk, copies of the decision shall be provided by the Hearing Examiner to  
21 the applicant, ((to)) the Director, ((to)) the Director of Transportation, ((to)) all persons testifying  
22 or submitting information at the hearing, ((to)) all persons who submitted ~~((substantive))~~ written  
23 comments on the application to either the Director or the Hearing Examiner, and ((to)) all those  
24 who have made a written request for a copy and provided an address for notice.

27 Section 18. Subsection A of Section 23.76.026 of the Seattle Municipal Code, which

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section was last amended by Ordinance 123649, is amended as follows:

**23.76.026 Vesting**

A. Master Use Permit ~~((Components))~~ components other than subdivisions and short subdivisions. Except as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for Master Use Permit components other than subdivisions and short subdivisions shall be considered vested under the Land Use Code and other land use control ordinances in effect on the date:

1. ~~((Notice))~~ That notice of the Director's decision on the application is published, if the decision ~~((can be appealed))~~ is appealable to the Hearing Examiner~~((;))~~;

2. ~~((The))~~ Of the Director's decision, if ~~((no))~~ the decision is not appealable to the Hearing Examiner ~~((appeal is available))~~; or

~~((2))~~ 3. A valid and fully complete building permit application is filed, as determined under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code, ~~((is filed))~~ if it is filed prior to the date established in subsections 23.76.026.A.1 or A.2.

\* \* \*

Section 19. Section 23.76.028 of the Seattle Municipal Code, which section was last amended by Ordinance 121112, is amended as follows:

**23.76.028 Type I and II Master Use Permit issuance~~((;))~~**

A. The Director shall notify the applicant when~~((When))~~ a Type I or II Master Use Permit is approved for issuance~~((, the applicant shall be so notified))~~.

~~((4))~~ B. Type I Master Use Permits. A Type I Master Use Permit ~~((Permits shall be))~~ is approved for issuance at the time of the Director's decision that the application conforms to all

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1 applicable laws, ~~((Section 23.76.020))~~ except that for a project that requires both a Master Use  
2 Permit and a Council land use decision, the Master Use Permit is approved for issuance only  
3 after the Council land use decision is made.

4 ~~((2))~~ C. Type II Master Use Permits.

5 1. Except as provided in subsections 23.76.028.C.2 and C.3 ~~((for Type II permits~~  
6 ~~containing a shoreline component as defined in SMC Section 23.76.006C2g)),~~ a Type II Master  
7 Use Permit ~~((may be))~~ is approved for issuance on the day following expiration of the applicable  
8 City of Seattle administrative appeal period or, if appealed, on the fourth day following a final  
9 City of Seattle administrative appeal decision to grant or conditionally grant the permit.

10 2. A Type II Master Use ~~((Permits))~~ Permit containing a shoreline component as  
11 defined in subsection 23.76.006.C.2.g ~~((may be issued))~~ is approved for issuance pursuant to  
12 ~~((SMC))~~ Section 23.60.072, except that a shoreline decision on limited utility extensions and  
13 bulkheads subject to Section 23.60.065 is approved for issuance within 21 days of the last day of  
14 the comment period as specified in that section.

15 3. For a Type II Master Use Permit that requires a Council land use decision, the  
16 Master Use Permit is approved for issuance only after the Council land use decision is made.

17 D. Master Use Permits shall not be issued to the applicant until all outstanding fees are  
18 paid.

19 ~~((B. When a Master Use Permit is approved for issuance according to subsection A, and a~~  
20 ~~condition of approval requires revisions of the Master Use Permit plans, the revised documents~~  
21 ~~shall be submitted within sixty (60) days of the date the permit is approved for issuance. The~~  
22 ~~Director may extend the period for submittal of the revised documents if it is determined that~~  
23 ~~there are good reasons for the delay which are satisfactory to the Director, or if a different~~

1 ~~schedule is agreed upon.~~

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

13  
14  
15 ~~D. In no case may a Master Use Permit be issued beyond eighteen (18) months from the~~  
16 ~~date the project is approved for issuance.))~~

17 Section 20. Section 23.76.032 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 123566, is amended as follows:

19 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

20 **A. Type I and Type II Master Use Permit Expiration.**

21  
22 1. An issued Type I or II Master Use Permit expires three years from the date a  
23 permit is approved for issuance as described in Section 23.76.028, except as follows:

24 a. A Master Use Permit with a shoreline component expires pursuant to  
25 WAC 173-27-090.

26  
27 b. A variance component of a Master Use Permit expires as follows:



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

5 2) Variances granted as separate Master Use Permits pursuant to  
6 subsection 23.76.004.G expire three years from the date the permit is approved for issuance as  
7 described in Section 23.76.028 or on the effective date of any text amendment making more  
8 stringent the development standard from which the variance was granted, whichever is sooner. If  
9 a Master Use Permit to establish the use is ~~((granted))~~ issued prior to the earlier of the dates  
10 specified in the preceding sentence ~~((within this period))~~, the ~~((variance's expiration date shall be~~  
11 ~~extended until the expiration date established for the use approval))~~ variance expires on the  
12 expiration date of the Master Use Permit.

13 c. The time during which pending litigation ~~((is pending))~~ related to the  
14 Master Use Permit or the property subject to the permit made it reasonable not to submit an  
15 application for a building permit, or to establish a use if a building permit is not required, is not  
16 included in determining the expiration date of the Master Use Permit.

17 d. Master Use Permits with a Major Phased Development or Planned  
18 Community Development component under Sections 23.47A.007, 23.49.036, or 23.50.015  
19 expire as follows:

20 1) For the first phase, the expiration date shall be three years from  
21 the date the permit is approved for issuance;

22 2) For subsequent phases, the expiration date shall be ~~((determined~~  
23 ~~at the time of permit issuance))~~ determined at the time of permit issuance for each phase, and the  
24



1 date shall be stated in the permit.

2 e. Permits for uses allowed under Section 23.42.038, and temporary,  
3 interim, or intermittent use permits issued pursuant to Section 23.42.040, expire on the date  
4 stated in the permit.

5 f. Except as otherwise provided in this subsection 23.76.032.A.1.f, Master  
6 Use Permits for development pursuant to Sections 23.49.180 and 23.49.181 expire on the date set  
7 by the Director in the Master Use Permit decision, which date may be a maximum of 15 years  
8 from the date the Master Use Permit is ~~((ready to issue))~~ approved for issuance. The Director  
9 shall consider the complexity of the project, economic conditions of the area in which the project  
10 is located, and the construction schedule proposed by the applicant in setting the expiration date.  
11 If no expiration date is set in the Master Use Permit decision, the expiration date is three years  
12 from the date a permit is approved for issuance.

13  
14  
15 1) In order for the Director to set the Master Use Permit expiration  
16 date, the applicant shall:

17 a) Submit with the application a site plan showing a level  
18 of detail sufficient to assess anticipated impacts of the completed project; and((;))

19 b) Submit a proposed schedule for complying with the  
20 conditions necessary to gain the amount of extra floor area and the extra height sought for the  
21 project.  
22

23 2) The expiration date of the Master Use Permit may be extended  
24 past the expiration date set in the Master Use Permit decision or the date established in this  
25 subsection 23.76.032.A.1.f if:

26  
27 a) On the expiration date stated in the Master Use Permit



1 decision, a building permit for the entire development has been issued ~~((and has not expired))~~, in  
2 which case the Master Use Permit is extended for the life of ~~((shall expire when))~~ the building  
3 permit if the Master Use Permit would otherwise expire earlier ~~((expires))~~, or

4 b) A complete application for a building permit that either  
5 is for the entire development proposed pursuant to ~~((section))~~ Section 23.49.180, or is for  
6 construction to complete the entire development proposed pursuant to ~~((section))~~ Section  
7 23.49.180 is:  
8

9 i) submitted ~~((at least 60 days))~~ before the  
10 expiration date of the Master Use Permit; and

11 ii) made sufficiently complete to constitute a fully  
12 complete building permit application as defined in the Seattle Building Code, or for a highrise  
13 structure regulated under Section 403 of the Seattle Building Code, made to include the complete  
14 structural frame of the building and schematic plans for the exterior shell of the building, in  
15 either case before the expiration date of the Master Use Permit, in which case the Master Use  
16 Permit is extended for the life of ~~((shall expire when))~~ the building permit issued pursuant to the  
17 application if the Master Use Permit would otherwise expire earlier ~~((expires or when the~~  
18 ~~application for a building permit is canceled or withdrawn))~~.

19  
20  
21 g. For a Master Use Permit that is either issued or approved for issuance  
22 after June 1, 2006 and that is not subject to subsection 23.76.032.A.1.a, 23.76.032.A.1.c, or  
23 23.76.032.A.1.e, the applicant or permit holder may elect in writing to have the Master Use  
24 Permit expire pursuant to this subsection 23.76.032.A.1.g. A Master Use Permit subject to this  
25 subsection 23.76.032.A.1.g expires six years from the date a permit is or was approved for  
26 issuance as described in Section 23.76.028, except as follows:  
27



1 1) A variance component of a Master Use Permit expires as  
2 follows:

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

7  
8 b) Variances granted as separate Master Use Permits  
9 pursuant to ~~((Section))~~ subsection 23.76.004.G expire six years from the date the permit is  
10 approved for issuance as described in Section 23.76.028 or on the effective date of any text  
11 amendment making more stringent the development standard from which the variance was  
12 granted, whichever is sooner. If a Master Use Permit to establish the use is ~~((granted))~~ issued  
13 prior to the earlier of the dates specified in the preceding sentence ~~((within this period))~~, the  
14 variance expires on the expiration date of the use approval.  
15

16 2) Master Use Permits with a Major Phased Development or  
17 Planned Community Development component under Sections 23.47A.007, 23.49.036, or  
18 23.50.015 ~~((or 23.49.036))~~ expire as follows:

19 a) For the first phase, the expiration date shall be six years  
20 from the date the permit is approved for issuance;

21 b) For subsequent phases, the expiration date shall be  
22 determined ~~((at the time of permit issuance))~~ at the time of permit issuance for each phase and  
23 stated in the permit.  
24

25  
26 2. On the expiration date determined as provided in subsection 23.76.032.A.1, a  
27 Master Use Permit expires unless one of the conditions in this subsection 23.76.032.A.2 exists:  
28



1 a. A building permit is issued before the expiration date, in which case the  
2 ~~((MUP))~~ Master Use Permit shall be extended for the life of the building permit~~((or))~~.

3 b. ~~((Aa))~~ A valid and fully complete application for a building permit is~~((:~~  
4 ~~1))~~ submitted ~~((at least 60 days before the expiration date; and~~  
5 ~~2))~~ prior to the Master Use Permit expiration date and~~((:~~  
6 ~~i) made sufficiently complete to constitute a fully complete~~  
7 ~~building permit application as defined in the Seattle Building Code, or~~  
8 ~~ii) if the application is for construction of a part of a~~  
9 ~~building or structure pursuant to Exception 1 of Seattle Building Code Section 106.6.3, the~~  
10 ~~application includes plans for the complete structural frame of the building and schematic plans~~  
11 ~~for the exterior shell of the building; and))~~

12 ~~((3))~~ a building permit is subsequently issued. In such cases, the  
13 ~~Master Use Permit shall be extended for the life of the building permit.~~

14 c. For projects that do not require a building permit, the use has been  
15 established prior to the expiration date ~~((of the Master Use Permit))~~ and is not terminated prior to  
16 that date by abandonment, change of use, or otherwise. In such cases the Master Use Permit  
17 expires when the use permitted by the Master Use Permit is terminated by abandonment, change  
18 of use, or otherwise ~~((does not expire))~~.

19 d. The Master Use Permit is renewed pursuant to subsection 23.76.032.B.

20 e. A Major Phased Development or Planned Community Development  
21 component is part of the Master Use Permit, in which case subsection 23.76.032.A.1.d applies.

22 f. The Master Use Permit ~~((was))~~ is for development subject to Section  
23 23.49.180, in which case the provisions in subsection 23.76.032.A.1.f apply.



1 B. If a Master Use Permit is issued for a project, a building permit is issued for the  
2 project, and the project is constructed pursuant to the building permit, conditions of or  
3 incorporated in the Master Use Permit shall remain in effect, notwithstanding expiration of the  
4 Master Use Permit pursuant to 23.76.032.A, until the project is demolished or until an earlier  
5 date on which (1) the condition by its terms expires or is fully satisfied, (2) the condition is  
6 removed through a permitting decision, or (3) if the condition was imposed as to a specific use  
7 within the project, that use is terminated.

9 ~~((B))~~ C. Master Use Permit Renewal.

10 1. Except for ~~((major phased development))~~ Major Phased Development permits,  
11 the Director shall renew issued Master Use Permits for projects that are in conformance with  
12 applicable regulations, including but not limited to land use and environmentally critical areas  
13 regulations and SEPA policies in effect at the time renewal is sought. Except as provided in  
14 subsections ~~((23.76.032.B.2))~~ 23.76.032.C.2 and ~~((23.76.032.B.3))~~ 23.76.032.C.3 ~~((below))~~,  
15 Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be  
16 renewed beyond a period of five years from the original date the permit is approved for issuance.  
17 The Director shall not renew issued Master Use Permits for projects that are not in conformance  
18 with applicable regulations ~~((, including land use and environmentally critical areas regulations,~~  
19 ~~or SEPA policies))~~ in effect at the time renewal is sought.

22 2. If an application for a building permit is ~~((:~~  
23 ~~a-))~~ submitted ~~((at least 60 days))~~ before the end of the two year term of  
24 renewal ~~((:~~  
25 ~~b. made sufficiently complete to meet the requirements of Section 106 of~~  
26 ~~the Seattle Building Code or, if the application is for construction of a part of a building or~~  
27

1 structure pursuant to Exception 1 of Seattle Building Code Section 106.6.3, the application is  
2 made to include plans for the complete structural frame of the building and schematic plans for  
3 the exterior shell of the building;)), and

4 ((e-))is subsequently issued, the Master Use Permit shall be extended for  
5 the life of the building permit.

6  
7 3. The Director may renew a Master Use Permit for the temporary relocation of  
8 police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12  
9 months.

10 Section 21. Section 23.76.034 of the Seattle Municipal Code, which section was last  
11 amended by Ordinance 117263, is amended as follows:

12 **23.76.034 Suspension and revocation of Master Use Permits(((-))**

13  
14 A. A Master Use Permit may be revoked or suspended by the Director if any of the  
15 following conditions are found:

- 16 1. The permittee has developed the site in a manner not authorized by the permit;  
17 ((o#))  
18 2. The permittee has not complied with the conditions of the permit; ((o#))  
19 3. The permittee has secured the permit with false or misleading information;  
20 ((o#))  
21 4. The permit was issued in error((-)); or  
22 5. The permittee has failed to pay past-due fees.

23  
24 B. ((Whenever))If the Director determines upon inspection of the site that there are  
25 grounds for suspending or revoking a permit, the Director may order the work stopped; provided  
26 that any shoreline component of a Master Use Permit shall not be revoked until a public hearing  
27



1 has been held pursuant to the procedures set forth in ~~((SMC))~~ Section 23.60.078. A written stop  
2 work order shall be served on the person(s) doing or causing the work to be done. All work shall  
3 then be stopped until the Director finds that the violations and deficiencies have been rectified.

4 The Director shall provide ~~((Written))~~ written notice of the stop work order ~~((shall be mailed))~~ to  
5 all persons who have expressed a complaint leading to the stop work order and provided an  
6 address for notice.

7  
8 C. The procedures for appealing a stop work order for all Master Use Permit components  
9 other than shoreline components ~~((shall be))~~ are as follows:

10 1. Persons who receive a stop work order issued under subsection 23.76.034.B  
11 ~~((above))~~ may appeal the order to the Hearing Examiner. Appeals shall be filed with the Hearing  
12 Examiner by ~~((five-))5((:00))~~ p.m. of the ~~((fifteenth))~~ 15<sup>th</sup> calendar day following service of the  
13 stop work order. ~~((When))~~ If the last day of the appeal period so computed is a Saturday, Sunday,  
14 or federal or City holiday, the appeal period shall run until ~~((five-))5((:00))~~ p.m. on the next  
15 ~~((business))~~ day that is not a Saturday, Sunday, or federal or City holiday.

16  
17 2. The Hearing Examiner shall hold a ~~((public))~~ hearing on the appeal of the  
18 Director's decision in order to review the facts and determine whether grounds for revocation or  
19 suspension exist.

20  
21 3. The Hearing Examiner shall provide ~~((Notice))~~ notice of the hearing ~~((shall be~~  
22 ~~provided))~~ at least ~~((twenty-))20((:))~~ days prior to the hearing ~~((by written notice))~~ to the  
23 permittee and to any persons who have expressed a complaint leading to the stop work order.

24  
25 4. The Hearing Examiner's decision shall be issued within ~~((fifteen-))15((:))~~ days  
26 following the hearing.

27 5. The Hearing Examiner shall ~~((give))~~ provide written notice of the decision ~~((in~~

1 ~~writing~~) to the permittee, the Director, and ~~((to))~~ persons who have made a written request for  
2 notice ~~((in a timely manner))~~ and provided an address for notice.

3 Section 22. Section 23.76.036 of the Seattle Municipal Code, which section was  
4 last amended by Ordinance 122497, is amended as follows:

5 **23.76.036 ~~(( - ))~~ Council decisions required~~(( - ))~~**

6 A. Quasi-judicial Type IV Council land use decisions.

7  
8 ~~((1. ))~~The Council shall make the following quasi-judicial Type IV Council land  
9 use decisions~~((, including any integrated decisions to approve, condition or deny based on SEPA~~  
10 ~~Policies))~~, ~~((and))~~ as well as any associated Type II decisions listed in ~~((Section))~~ subsections  
11 23.76.006.C.2.c, d, f, and g and SEPA decisions integrated with such Type II decisions as set  
12 forth in Section 23.76.006.C.2.1:

13  
14 ~~((a))~~1. Amendments to the Official Land Use Map, including changes in overlay  
15 districts and shoreline environment redesignations, except ~~((area-wide amendments, and except~~  
16 adjustments pursuant to Section 23.69.023))those map amendments listed in subsection C.1 of  
17 this Section 23.76.036;

18 ~~((b))~~2. Public projects that require Council approval;

19  
20 ~~((e))~~3. Major institution master plans, including major amendments as defined in  
21 Section 23.69.035, ~~((and))~~ renewal of a master plan's development plan component pursuant to  
22 Section 23.69.036, and master plans prepared pursuant to subsection 23.69.023.C after an  
23 acquisition, merger, or consolidation of major institutions;

24 ~~((d))~~4. Council conditional uses; ~~((and))~~

25  
26 ~~((e))~~5. Major amendments to ~~((Property Use and Development~~  
27 Agreements))property use and development agreements pursuant to Section 23.76.058; and



1                   6. Decisions to approve, condition, or deny based on SEPA Policies that are  
2 integrated with a Type IV decision listed in subsections 23.76.036.A.1 through A.5.

3                   ~~((2))~~B. Other quasi-judicial Council land use decisions. The Council shall also make the  
4 following quasi-judicial decisions, which are not subject to the same procedures as Type IV  
5 Council land use decisions:

6                   ~~((a))~~1. Minor amendments to ~~((Property Use and Development~~  
7 ~~Agreements))~~ property use and development agreements pursuant to Section 23.76.058; and  
8

9                   ~~((b))~~2. Extensions of Type IV Council land use decisions pursuant to Section  
10 23.76.060.

11                   ~~((B))~~C. Legislative Type V Council land use decisions. Council action is required for the  
12 following Type V Council land use decisions, as well as any associated Type II decisions listed  
13 in subsections 23.76.006.C.2.c, d, f, and g and SEPA decisions integrated with such Type II  
14 decisions as set forth in Section 23.76.006.C.2. 1:

15                   1. ~~((Area-wide amendments))~~ The following amendments to the Official Land  
16 Use Map~~((:))~~:

17                                   a. Area-wide amendments; and

18                                   b. Corrections of errors on the Official Land Use Map due to cartographic  
19 and clerical mistakes;  
20

21                   2. Amendments to the text of this Title 23~~((, Land Use Code))~~;

22                   3. Concept approval for the location or expansion of City facilities requiring  
23 Council land use approval ~~((by Title 23, Land Use Code))~~;

24                   4. Waiver or modification of development standards for City facilities;

25                   ~~((4))~~5. Major Institution designations and revocations of Major Institution  
26  
27  
28

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designations; and

~~((5. Waiver or modification of development standards for City facilities;))~~

6. Planned action ordinances; ~~(; and~~

~~7. Corrections of errors on the official Land Use Map due to cartographic and clerical mistakes.))~~

Section 23. Section 23.76.038 of the Seattle Municipal Code, which section was last amended by Ordinance 118012, is amended as follows:

**Section 23.76.038 Preapplication conferences for Council land use decisions**~~((:))~~

A. Except as provided in subsection 23.76.038.B, a preapplication conference is required between Department representative(s) and an applicant for the following Council land use decisions ~~((Prior))~~ prior to official filing with the Director of an application:

1. All ~~((for a))~~ Type IV decisions;

2. Type V concept approval for the location or expansion of City facilities requiring Council land use approval; and

3. Type V decisions for waivers or modifications of development standards for City facilities.

B. The Director may waive the requirement for a preapplication conference if an applicant demonstrates, to the Director's satisfaction, experience with Council land use decision procedures that would render a preapplication conference unnecessary.

C. ~~((the applicant may request or the Director may require a pre-application conference.))~~

The preapplication 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



1 ((~~Chapters 22.901A-22.901T, Permit Fee Subtitle~~)) Subtitle IX of Title 22.

2 Section 24. Section 23.76.040 of the Seattle Municipal Code, which section was last  
3 amended by Ordinance 123495, is amended as follows:

4 **23.76.040 – Applications and requests for Council land use decisions**

5 A. Applications for Type IV ((and V)) Council land use decisions.

6 1. Applications for all Type IV Council land use decisions except rezones shall be  
7 made by the ((property owner, lessee, contract purchaser))holder of record of fee title, a City  
8 agency, or an authorized agent thereof((; provided that any interested person may make  
9 application for an amendment to the Official Land Use Map or an amendment to the text of Title  
10 23, Land Use Code)).

11 2. Applications for rezones shall be made by the holder(s) of record of fee title for  
12 all of the property or properties in the area proposed to be rezoned, or the authorized agent for  
13 such holder(s) of record of fee title.

14 B. Applications for other quasi-judicial Council land use decisions. Applications for  
15 quasi-judicial Council land use decisions that are not Type IV decisions shall be made by all  
16 holder(s) of record of fee title of the affected property or properties, or the authorized agent for  
17 such holder(s) of record of fee title.

18 C. Applications for Type V Council land use decisions.

19 1. Applications for concept approval for the location or expansion of City  
20 facilities requiring Council approval and for waiver or modification of development standards for  
21 City facilities shall be made by a City agency or authorized agent thereof.

22 2. Applications for Major Institution designations and revocations of Major  
23 Institution designations shall be made by a City agency, the holder of record of fee title of the  
24



1 affected major institution, or authorized agent thereof.

2 D. Requests for Type V Council land use decisions.

3 1. Requests for planned action ordinances shall be made by a City agency or the  
4 holder(s) of record of fee title for the property(ies) proposed to be addressed by the planned  
5 action ordinance, or authorized agent thereof.

6 2. Requests for an area-wide amendment to the Official Land Use Map, correction  
7 of errors in the Official Land Use Map due to cartographic or clerical mistakes, or an amendment  
8 to the text of this Title 23 may be made by any City department or interested person.

9 E. A claim made by a person that they possess title to any portion of the property for  
10 which an application for a Council land use decision has been submitted, whether the claim is  
11 made by a judicially-filed pleading or not, is not grounds to suspend processing the application  
12 unless a court injunction has been issued and is delivered to the Department.

13 ((B))F. All applications and requests for Council land use decisions shall be made to the  
14 Director on a form provided by the Department.

15 G. Notice to the City Clerk.

16 1. For Type IV Council land use decisions that do not include a design review  
17 component and are not ((applications for)) notices of intent to prepare Major Institution ((Master  
18 Plans))master plans, and for applications for quasi-judicial Council land use decisions that are  
19 not Type IV decisions, the Director shall ((transmit))provide notice of the application to the City  
20 Clerk ((for filing with the City Council)) promptly after the application is ((first)) submitted.

21 2. For Type IV Council land use decisions that include a design review  
22 component the Director shall(:

23 a. For applications subject to design review by the Design Review Board,

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1 transmit notice of the early design guidance public meeting to the City Clerk for filing with the  
2 City Council promptly at the same time public notice is provided.

3 b. For applications subject to a design review pursuant to Sections  
4 23.41.016 or 23.41.018, transmit) provide notice of the application to the City Clerk ((for filing  
5 with the City Council)) promptly after the applicant submits a complete application ((applies)) to  
6 begin the early design guidance or ((SDR)) the streamlined design review design guidance  
7 process.  
8

9 3. For ((applications for)) notices of intent to prepare Major Institution ((Master  
10 Plans)) master plans, the Director shall ((transmit)) provide the notice of intent to prepare a  
11 master plan to the City Clerk ((for filing with the City Council)) promptly after the notice of  
12 intent is received.  
13

14 4. For Type V Council land use decisions, the Director shall provide notice of the  
15 application or request to the City Clerk promptly after the application or request is submitted.

16 ((C))H. Applications and requests for Council land use decisions shall be accompanied  
17 by payment of the applicable filing fees, if any, as established in ((SMC Chapters 22.901A-  
18 22.901T, Permit Fee Subtitle)) Subtitle IX of Title 22.

19 ((D))I. ((All applications)) Applications for Council land use decisions shall contain the  
20 submittal information required by the applicable sections of this Title 23, Land Use Code;  
21 ((SMC)) Title 15, Street and Sidewalk Use; ((SMC)) Chapter 25.05, SEPA Policies and  
22 Procedures; ((SMC)) Chapter 25.09, Regulations for Environmentally Critical Areas; ((SMC))  
23 Chapter 25.12, Landmark Preservation; ((SMC)) Chapter 25.16, Ballard Avenue Landmark  
24 District; ((SMC)) Chapter 25.20, Columbia City Landmark District; ((SMC)) Chapter 25.22,  
25 Harvard-Belmont Landmark District; ((SMC)) Chapter 25.24, Pike Place Market Historical  
26  
27  
28

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1 District; and other codes as determined applicable by the Director. All shoreline substantial  
2 development, conditional use, or variance applications shall also include applicable submittal  
3 information as specified in WAC 173-27-180. The Director shall make available, in writing, a  
4 general list of submittal requirements for a complete application. In the case of unusual or  
5 unique applications the Director shall determine submittal requirements. ((The following  
6 information shall also be required as further specified in the Director's Rule on Application  
7 Submittal Guidelines, unless the Director indicates in writing that specific information is not  
8 necessary for a particular application:

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

12 2. Evidence of ownership or authorization from the property owner for Council  
13 Conditional Uses;

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

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

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

27 b. Elevations and sections of the proposed new features,



- ~~e. 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 layout 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;~~

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1                   6. Information, including technical reports, drawings, models or text, necessary to  
2 evaluate the development proposal, project site and potential environmental effects related to the  
3 following:

- 4                   a. Soils and geology,
- 5                   b. Grading,
- 6                   c. Drainage,
- 7                   d. Construction impacts,
- 8                   e. Air quality,
- 9                   f. Water quality,
- 10                  g. Water discharge,
- 11                  h. View impairment,
- 12                  i. Energy consumption,
- 13                  j. Animal habitat impacts,
- 14                  k. Plant ecology, botany and vegetation,
- 15                  l. Noise,
- 16                  m. Release and disposal of toxic and hazardous materials,
- 17                  n. Soil contamination,
- 18                  o. Dredging,
- 19                  p. Land use,
- 20                  q. Housing,
- 21                  r. Light and glare,
- 22                  s. Shadow,
- 23                  t. Aesthetics,

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1 u. ~~Use and demand on recreation facilities,~~

2 v. ~~Vehicular traffic and circulation,~~

3 w. ~~Parking,~~

4 x. ~~Pedestrian circulation,~~

5 y. ~~Circulation and movement of goods,~~

6 z. ~~Traffic hazard, and~~

7 aa. ~~Demand on public service and utilities.~~)

8  
9 ((E))J. Notice of Complete Application.

10 1. The Director shall determine whether an application for a Council land use  
11 decision is complete and shall notify the applicant in writing within ~~((twenty-eight (28)))~~ 28(( )) days  
12 of the date the application ~~((being))~~ is filed whether the application is complete or that the  
13 application is incomplete and what additional information is required before the application will  
14 be complete. Within ~~((fourteen (14)))~~ 14(( )) days of receiving the additional information, the  
15 Director shall notify the applicant in writing ~~((whether))~~ if the application is ~~((now complete~~  
16 ~~or))~~ still incomplete and what additional information is necessary. An application shall be deemed  
17 to be complete if the Director does not notify the applicant in writing that the application is  
18 incomplete by the deadlines in this ~~((section))~~ subsection 23.76.040.J ~~((that the application is~~  
19 ~~incomplete))~~. A determination that the application is complete is not a determination that the  
20 application is vested.  
21

22  
23 2. An application for a Council land use decision is complete for purposes of this  
24 ~~((section))~~ Section 23.76.040 ~~((when))~~ if it meets the submittal requirements established by the  
25 Director in subsection ~~((D))~~ I of this ~~((section))~~ Section 23.76.040 and is sufficient for continued  
26 processing even though additional information may be required or project modifications are  
27

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1 undertaken subsequently. The determination of completeness shall not preclude the Director  
2 from requesting additional information or studies either at the time of the notice of completeness  
3 or subsequently, if additional information is required to complete review of the application or if  
4 substantial changes in the permit application are proposed. A determination under this ~~((section))~~  
5 Section 23.76.040 that an application is complete for purposes of continued processing is not a  
6 determination that the application is vested. ~~((A vesting determination shall be made only when  
7 needed because of a change in applicable laws and shall entail review of the application for  
8 compliance with RCW 19.27.095 and SMC Section 23.76.026.))~~

9  
10 ((F))K. Failure to supply all required information or data within ~~((sixty-))~~60((?)) days of  
11 a written request may result in a notice of intent to cancel. The Director may cancel the  
12 application if the requested information is not provided within the time required by the notice of  
13 intent to cancel. ~~((When a Council land use application and a building permit application for a  
14 project are being reviewed concurrently, and the applications are for a project vested to prior  
15 Land Use Code provisions, and the project does not conform with the codes in effect while it is  
16 being reviewed, cancellation of the Council land use application under the provision of this  
17 subsection shall cause the concurrent cancellation of the building permit application.))~~

18  
19  
20 Section 25. Section 23.76.042 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 122311, is amended as follows:

22 **23.76.042 Notice of Type IV applications~~((?))~~**

23 ~~((A.))~~ Notice Required. For all Type IV Council land use decisions, ~~((for Major  
24 Institution designations, and for City facilities requiring Council approval,))~~ notice of application  
25 shall be provided ~~((in the manner prescribed by))~~ pursuant to Section 23.76.012 ~~((for Master Use  
26 Permits.))~~, provided that, for amendments to property use and development agreements,  
27

1 additional notice shall be given pursuant to subsection 23.76.058.C.

2 ~~((B. Additional Notice for Major Institutions. The Director shall provide the following~~  
3 ~~additional notice for Major Institution master plans and designation.~~

4 ~~1. For Major Institution master plans, notice of intent to file a master plan~~  
5 ~~application shall be published in the Land Use Information Bulletin and the City official~~  
6 ~~newspaper and mailed notice shall also be provided. The notice of intent to file a master plan~~  
7 ~~application shall indicate that an advisory committee is to be formed as provided in Section~~  
8 ~~23.69.032.~~

9  
10 ~~2. Mailed notice shall be provided for Major Institution designations and for~~  
11 ~~revocation of Major Institution designations, and notice shall also be published in the City~~  
12 ~~official newspaper once a week for two (2) consecutive weeks.~~

13  
14 ~~C. Additional Notice in the Southeast Seattle Reinvestment Area. The Director shall~~  
15 ~~provide additional notice for Type IV decisions in the Southeast Seattle Reinvestment Area~~  
16 ~~overlay district, by publishing the notice of application in at least one (1) community newspaper~~  
17 ~~in the area affected by the proposal.~~

18  
19 ~~D. Additional Notice for Modification of Overlay Districts Established Pursuant to~~  
20 ~~Neighborhood Plans. When considering modifications to an overlay district established pursuant~~  
21 ~~to an adopted neighborhood plan that specifically addresses the overlay district, the Director~~  
22 ~~must directly solicit comment by mail, or e-mail from any City recognized stewardship group for~~  
23 ~~that neighborhood plan as well as established community groups and chambers of commerce for~~  
24 ~~the area of the overlay.))~~

25  
26 Section 26. Section 23.76.046 of the Seattle Municipal Code, which section was last  
27 amended by Ordinance 118012, is amended as follows:



1 **23.76.046 Public meetings and hearings for draft EISs((:))**

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

8  
9 B. Draft EISs on Type IV and V Decisions. A The Director shall hold a public hearing  
10 ((shall be held by the Director)) on all draft EIS((:))s for Type IV and Type V Council land use  
11 decisions for which the Department is the lead agency, pursuant to ((SMC Chapter)) Section  
12 25.05.535. ~~((The hearing shall occur no earlier than twenty one (21) days from the date the draft~~  
13 ~~EIS is issued nor later than ((fifty (50) days from its issuance.))~~ The Director may hold the  
14 hearing near the site of the proposed project. For Major Institution master plans, the draft EIS  
15 hearing shall be combined with a hearing on the draft master plan as required by Section  
16 23.69.032.

17  
18 C. The Director may combine the public hearing on the draft EIS with any other public  
19 hearings that may be held on the project by another local, state, regional, federal, or other  
20 agency, and shall do so if requested by the applicant, provided that:

- 21
- 22 1. The joint hearing is held within the city of Seattle; and
  - 23 2. The joint hearing can be held within the time periods specified in Section  
24 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the  
25 hearings.

26  
27 Section 27. Section 23.76.049 of the Seattle Municipal Code, which section was last  
28



amended by Ordinance 118012 and currently reads as follows, is repealed:

~~((23.76.049 – Time required for preparation of an EIS.~~

~~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.))~~

Section 28. Subsections A and B of Section 23.76.050 of the Seattle Municipal Code, which section was last amended by Ordinance 122497, are amended as follows:

**Section 23.76.050 Report of the Director((:))**

A. The Director shall prepare a written report on ~~((applications for))~~ Type IV and V decisions~~((, except Land Use Code text amendments,))~~ and any associated Type II decisions listed in ~~((Section 23.76.006 C2))~~ subsections 23.76.C.2.c, d, f, and g and SEPA decisions integrated with such Type II decisions as set forth in subsection 23.76.006.C.2.1, except that the Director shall prepare a written report for the Type V Council land use decisions listed in subsection 23.76.050.C only if work on the decision is sponsored by the Mayor or one or more members of the Council.

B. The Director's report for Type IV and V Council land use decisions other than those listed in subsection 23.76.050.C shall include:

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

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1                   2. Responses to written comments (~~((submitted by interested citizens))~~) from the  
2 public;

3                   3. An evaluation of the proposal based on the standards and criteria for the  
4 approval sought and consistency with applicable City policies;

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

6                   5. The Director's recommendation to approve, approve with conditions, or deny a  
7 proposal.  
8

9                   ~~((B. The Director shall prepare a written report for Land Use Code text amendments  
10 sponsored by the City Council only if such a report is requested by a member of the City~~

11 Council, and))C. For Land Use Code amendments, area-wide amendments to the Official Land  
12 Use Map, and Planned Action Ordinances, the Director's report shall include:

13                   1. An evaluation of the proposal based on the standards and criteria for the  
14 approval sought and consistency with applicable City policies;~~((, and))~~

15                   2. a summary of the public notice and outreach efforts undertaken to evaluate the  
16 proposal; and  
17

18                   ~~((2))~~3. The Director's recommendation to approve~~((, approve with conditions, or~~  
19 deny)) or reject a proposal.  
20

21                   ~~((C))~~D. A DNS or the Director's determination that an EIS is adequate shall be subject to  
22 appeal pursuant to the procedures in subsection C of Section 23.76.022.

23                   ~~((D))~~E. For Type IV Decisions, the Director's report shall be submitted to the Hearing  
24 Examiner and filed with the City Clerk on the same date the notice of availability of the  
25 Director's report is given pursuant to Section 23.76.052. The Director's report shall be made  
26

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1 available for public inspection at least ~~((twenty-one (21)))~~ 21 days prior to the Hearing  
2 Examiner's open record predecision public hearing described in Section 23.76.052.

3 ~~((E))~~ E. For Type V Council land use decisions, the Director's report shall be submitted to  
4 the Council and shall be made available to the public at least ~~((fifteen (15)))~~ 15 days before the  
5 Council hearing described in Section 23.76.062.

6 Section 29. Section 23.76.052 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 122497, is amended as follows:

8 **23.76.052 Hearing Examiner open record predecision hearing and recommendation for**  
9 **Type IV Council land use decisions**~~((+))~~

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

15 B. The Hearing Examiner may combine a public hearing on a ~~((project))~~ Type IV  
16 application with any other public hearings that may be held on the project by another local, state,  
17 regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

- 18 1. the joint hearing is held within ~~((The City))~~ the city of Seattle~~((-))~~; and  
19 2. ~~((If requested by an applicant, a joint hearing shall be held, provided that))~~ the  
20 joint hearing can be held within the time periods specified in ~~((SMC))~~ Section 23.76.005, or the  
21 applicant agrees in writing to additional time, if needed, to combine the hearings.

22 C. Notice.

- 23 1. The Director shall give notice of the Hearing Examiner's hearing, the Director's  
24  
25  
26  
27  
28

1 environmental determination, and ~~((of))~~ the availability of the Director's report at least ~~((twenty-~~  
2 ~~one-))~~21~~(( ))~~ days prior to the hearing by:

3 a. Inclusion in the Land Use Information Bulletin;

4 b. Publication in the City official newspaper;

5 c. ~~((Submission of the Land Use Information Bulletin to at least one (1)~~  
6 ~~community newspaper in the area affected by the proposal;~~

7 ~~d.))~~One ~~((4))~~ land use sign visible to the public posted at each street  
8 frontage abutting the site except~~((, when))~~ that if there is no street frontage or the site abuts an  
9 unimproved street, the Director shall either post more than one ~~((4))~~ sign and/or select an  
10 alternative posting location so that notice is clearly visible to the public. For hearings on Major  
11 Institution ~~((Master Plans))~~master plans, one ~~((4))~~ land use sign posted at each street frontage  
12 abutting the site but not to exceed ten ~~((10))~~ land use signs;

13 ~~((e))~~d. Mailed notice; and

14 ~~f. Posting in the Department))~~ e. Provision of notice to the applicant and to  
15 those who have submitted written comments on the proposal, and to persons who have made a  
16 written request for specific notice and have provided an address for notice.  
17

18 2. DNSs shall ~~((also))~~ be filed with the SEPA Public Information Center. If the  
19 Director's decision includes a mitigated DNS or other DNS requiring a ~~((fourteen-))~~14~~(( ))~~ day  
20 comment period pursuant to ~~((SMC))~~ Section 25.05.340, the notice of DNS shall include notice  
21 of the comment period. The Director shall distribute copies of such DNSs as required by  
22 ~~((SMC))~~ Section 25.05.340.  
23

24 3. The notice shall state the project description, type of land use decision under  
25 consideration, a description sufficient to locate the subject property, where the complete  
26



1 application file may be reviewed, and the Director's recommendation and environmental  
2 determination. The notice shall also state that the environmental determination is subject to  
3 appeal and shall describe the appeal procedure.

4 D. Appeal of Environmental Determination. Any person significantly interested in or  
5 affected by the Type IV Council land use decision under consideration may appeal the Director's  
6 environmental determination subject to the following provisions:

7 1. Filing of Appeals. Appeals shall be submitted (~~(in writing)~~) to the Hearing  
8 Examiner by (~~(five-)~~5(~~(:00)~~)) p.m. of the fourteenth calendar day following publication of  
9 notice of the determination, provided that (~~(when)~~)if a (~~(fourteen-)~~14(~~(:)~~)) day DNS comment  
10 period is required pursuant to (~~(SMC)~~) Section 25.05.340, appeals may be filed until (~~(five~~  
11 ~~(-)~~5(~~(:00)~~)) p.m. of the twenty-first calendar day following publication of the notice of the  
12 determination. (~~(When)~~)If the last day of the appeal period so computed is a Saturday, Sunday,  
13 or federal or City holiday, the period shall run until (~~(five-)~~5(~~(:00)~~)) p.m. on the next  
14 (~~(business)~~) day that is not a Saturday, Sunday, or federal or City holiday. The appeal shall be in  
15 writing and shall state specific objections to the environmental determination and the relief  
16 sought. The appeal shall be accompanied by payment of the filing fee as set forth in (~~(the Seattle~~  
17 ~~Municipal Code)~~) Section 3.02.125(~~(, Hearing Examiner filing fees)~~). In form and content, the  
18 appeal shall conform with the rules of the Hearing Examiner.

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

22 3. Notice of Appeal. Notice of filing of the appeal and of the date of the  
23 consolidated hearing on the appeal and the Type IV Council land use decision recommendation  
24  
25  
26  
27  
28



1 shall be promptly ~~((mailed))~~ provided by the Hearing Examiner to parties of record and those  
2 ~~((requesting))~~ who have requested notice and provided an address for notice.

3 4. Scope of Review. Appeals shall be considered de novo. The Hearing Examiner  
4 shall entertain only those issues cited in the written appeal ~~((which))~~ that relate to compliance  
5 with the procedures for Type IV Council land use decisions as required in this ~~((chapter))~~ Chapter  
6 23.76 and the adequacy of the environmental documentation upon which the environmental  
7 determination was made.

8  
9 5. Standard of Review. The Director's environmental determination shall be given  
10 substantial weight.

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

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

16 2. Specific issues related to any appeals of the Director's ~~((environmental~~  
17 ~~determination, if appealed))~~ Type II decisions.  
18

19  
20 F. The Record. The record shall be established at the hearing before the Hearing  
21 Examiner. The Hearing Examiner shall either close the record after the hearing or leave it open  
22 to a specified date for additional testimony, written argument, or exhibits.

23 G. Written Comments. Written comments on the application for a Type IV Council land  
24 use decision and the Director's report and recommendation may be sent to the ~~((Department or))~~  
25 the Hearing Examiner. Only those received prior to the conclusion of the hearing shall be  
26 considered by the Hearing Examiner.  
27

THIS VERSION IS NOT ADOPTED



1 H. Recommendation. From the information gained at the hearing, from timely written  
2 comments submitted to the ~~((Department or the))~~ Hearing Examiner, and from the report and  
3 recommendation of the Director, the Hearing Examiner shall submit a recommendation to the  
4 Council by filing it together with the record and the original application with the City Clerk  
5 within ~~((fifteen-))~~15 ~~((;))~~days after the close of the hearing record, ~~provided((;))~~ that the Hearing  
6 Examiner's ~~((report))~~recommendation on a Major Institution ~~((Master Plan))~~ master plan shall be  
7 submitted within ~~((thirty-))~~30~~((;))~~ days. The recommendation to approve, approve with  
8 conditions, or deny an application shall be based on ~~((the))~~ written findings and conclusions.

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

22 J. Distribution of Decision and Recommendation. On the same date that the Hearing  
23 Examiner files a recommendation with the City Clerk, the Hearing Examiner shall provide  
24 copies of the recommendation and environmental appeal decision, if any, ~~((shall be mailed by the~~  
25 ~~Hearing Examiner))~~ to the applicant, ~~((to))~~ the Director, ~~((to))~~ all persons testifying or submitting  
26 information at the hearing, ~~((to))~~ all persons who submitted substantive comments on the  
27

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1 application to either the Director or the Hearing ~~((examiner))~~ Examiner, and ~~((to))~~ all those who  
2 request a copy in ~~((a timely manner))~~ writing and provide an address for notice. Notice of the  
3 Hearing Examiner's recommendation to the Council shall include instructions for ~~((requesting~~  
4 ~~the Council to further consider))~~ appealing the recommendation on the Type IV Council land use  
5 decision.

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

8  
9 Section 30. Subsections A, B, and D of Section 23.76.054 of the Seattle Municipal Code,  
10 which section was last amended by Ordinance 122497, are amended as follows:

11 **23.76.054 - Council consideration of Hearing Examiner recommendation on Type IV**

12 **Council land use decisions**~~((:))~~

13  
14 A. Any person ~~((substantially affected by or interested in the))~~ who submitted a written  
15 comment to the Director, or who provided a written or oral comment to the Hearing Examiner,  
16 may submit in writing an appeal of the Hearing Examiner's recommendation regarding a Type  
17 IV land use decision ~~((may submit in writing an appeal of the recommendation))~~ to the Council  
18 and, if desired, a request to supplement the record. No appeals of a DNS or the determination  
19 that an EIS is adequate will be accepted.

20  
21 B. Appeals of the Hearing Examiner's recommendation shall be filed with the City Clerk  
22 by ~~((five-))~~ 5~~((:00))~~ p.m. of the ~~((fourteenth-))~~ 14th~~((:))~~ calendar day following the date of  
23 issuance of the Hearing Examiner's recommendation. When the last day of the ~~((request))~~ appeal  
24 period so computed is a Saturday, Sunday, or federal or City holiday, the ~~((request))~~ appeal  
25 period runs until ~~((five-))~~ 5~~((:00))~~ p.m. on the next ~~((business))~~ day that is not a Saturday,  
26 Sunday, or federal or City holiday.



\* \* \*

1  
2 D. After the City Clerk's receipt of an appeal, Council staff shall ~~((mail))~~ provide a copy  
3 of the appeal and instructions for responding to those persons who were provided written notice  
4 of the Hearing Examiner's recommendation at least ~~((twenty-one (21)))~~ 21 ~~((+))~~ days prior to the date  
5 of the Council's public meeting to consider the appeal.

\* \* \*

6  
7  
8 Section 31. Section 23.76.056 of the Seattle Municipal Code, last amended by Ordinance  
9 122497, is amended as follows:

10 **23.76.056 Council decision on Hearing Examiner recommendation for Type IV Council**  
11 **land use decisions**~~((+))~~

12  
13 A. The Council's decision to approve, approve with conditions, remand, or deny the  
14 application for a Type IV Council land use decision shall be based on applicable law and  
15 supported by substantial evidence in the record established pursuant to Section 23.76.054. An  
16 appellant bears the burden of proving that the Hearing Examiner's recommendation should be  
17 rejected or modified.

18  
19 B. The Council shall adopt written findings and conclusions in support of its decision  
20 regarding Type IV Council land use decisions.

21  
22 C. To the extent such information is available to the Council, the decision should contain  
23 the name and address of the owner of the property at issue, of the applicant, and of each person  
24 who filed an appeal of the Hearing Examiner's recommendation with the Council, unless such  
25 person abandoned the appeal or such person's claims were dismissed before the hearing.

26  
27 D. Any Type IV Council land use decision shall be final and conclusive unless Council  
28 retains jurisdiction or the decision is reversed or remanded on judicial appeal or appeal to the



1 Shorelines Hearings Board. Any judicial review of a decision not appealable to the Shorelines  
2 Hearings Board ~~((must))~~ shall be commenced within ~~((twenty-one ()))~~ 21 ~~(( ))~~ days of issuance of  
3 the ~~((date that the))~~ Council's decision, as provided by RCW 36.70C.040, except that an appeal  
4 of a decision concerning personal wireless service must be commenced within ~~((thirty ()))~~ 30 ~~(( ))~~  
5 days of issuance of the decision.

6 E. A copy of the Council's findings, conclusions and decision shall be transmitted to the  
7 City Clerk who shall promptly ~~((send))~~ provide a copy to the Director, ~~((and))~~ the Hearing  
8 Examiner, and ~~((promptly mail copies to))~~ all parties of record. The Clerk's transmittal ~~((letter))~~  
9 shall include official notice of the time and place for seeking judicial review. The Director shall  
10 be bound by and incorporate the terms and conditions of the Council's decision in permits issued  
11 to the applicant or on approved plans.

12 F. Re-application Rules. If an application for a Type IV Council land use decision is  
13 denied with prejudice by the Council, no application for the same or substantially the same  
14 decision shall be considered until ~~((twelve ()))~~ 12 ~~(( ))~~ consecutive months have passed since the  
15 filing of the denial of the application. After ~~((twelve ()))~~ 12 ~~(( ))~~ months, the Council shall consider  
16 an application for the same decision only if the applicant establishes that there has been a  
17 substantial change of circumstances pertaining to a material issue.

18 G. Type IV Council land use decisions are quasi-judicial decisions of the City Council  
19 and are not subject to mayoral approval or disapproval.

20 Section 32. Subsections B and C and the title of Section 23.76.058 of the Seattle  
21 Municipal Code, which section was last amended by Ordinance 123046, are amended as follows:

22 **23.76.058 Rules for specific Council land use decisions**

23 \* \* \*



B. Contract Rezones.

1  
2 1. ~~((If a property use and development agreement is required as a condition to an~~  
3 ~~amendment of the Official Land Use Map, the)) Within 30 days after adoption of the ordinance~~  
4 ~~approving a contract rezone, the City Clerk shall record the executed property use and~~  
5 ~~development agreement (PUDA) with the King County Recorder.~~

6  
7 2. ~~((amendment)) The zoning designation established by the contract rezone shall~~  
8 ~~not take effect until the later of:~~

9 a. the effective date of the ordinance approving the ~~((map~~  
10 ~~amendment))contract rezone and accepting the ~~((property use and development~~  
11 ~~agreement))PUDA, as specified in the ordinance or pursuant to Section 1.04.020, or~~~~

12 b. the recording ~~by the City Clerk~~ ~~((in))with the King County ~~((Recorder's~~  
13 ~~Office))Recorder of the ~~((agreement))PUDA executed by the legal and beneficial owners. ~~((The~~  
14 ~~agreement shall be recorded in the real property records of King County and filed with the City~~  
15 ~~Clerk within 30 days after adoption of the ordinance approving the map amendment and~~  
16 ~~accepting the agreement.))~~~~~~~~

17  
18 ~~((2))C. Amendment of ((Property Use and Development Agreements)) PUDAs for Title~~  
19 ~~23 zones. Property use and development agreements recorded as a condition ~~((to a map~~  
20 ~~amendment)) of a contract rezone may be amended by agreement between the owner and the~~  
21 ~~City, if the amendment is approved by ~~((provided that any such amendment shall be approved~~  
22 ~~by)) the Council.~~~~~~

23  
24 ~~((a))1. ((A request to amend shall be submitted to the Department of Planning and~~  
25 ~~Development and filed with the City Clerk))Applications to amend a PUDA shall meet the~~  
26 ~~requirements of Section 23.76.040.~~



1                   2. Applications to amend a PUDA are subject to a 14 day comment period.

2                   3. In addition to the notice required pursuant to Section 23.76.012, the Director  
3 shall provide ((Notice)) notice of ((a request))an application to amend a PUDA and ((an  
4 opportunity to)) the 14-day comment period on the application ((shall be provided in accordance  
5 with the notice requirements of Section 23.76.012.B.1 or B.2, and B.3 , and notice and  
6 opportunity to comment shall also be provided)) to the parties of record in the original rezone  
7 decision and to those persons who were provided written notice of the Hearing Examiner's  
8 recommendation in the original rezone decision, to the extent reasonably practicable.

9  
10                   ((b))4. The Director shall determine whether the ((requested)) amendment is  
11 major or minor. This determination is a Type I decision.

12                   ((1))a. Minor amendments. A minor amendment to a PUDA is one that is  
13 within the spirit and general purpose of the prior decision of the Council, is generally consistent  
14 with the uses and development standards approved in the prior decision of the Council, would  
15 not result in significant adverse impacts that were not anticipated in the prior decision of the  
16 Council, and does not request any additional waivers or changes in the waivers of bulk or off-  
17 street parking and loading requirements other than those approved in the prior decision of the  
18 Council. If the Director determines that a proposed amendment is minor, the Director shall  
19 transmit to Council the ((request))application to amend, the Director's determination that the  
20 ((request)) proposed amendment is minor, any comments received by the Director on the  
21 proposed amendment, ((the Director's environmental determination,)) and the Director's  
22 recommendation on the proposed amendment. ((A request))An application to amend that is  
23 minor and that complies with the rezone criteria of Chapter 23.34 may be approved by the  
24 Council by ordinance after receiving any additional advice that it deems necessary.  
25  
26  
27  
28

THIS VERSION IS NOT ADOPTED



1                                    ~~((2))~~b. Major Amendments. ~~((Requests))~~Applications to amend a PUDA  
2 that are not minor are major. ~~((The Council shall not approve a major amendment to a property~~  
3 ~~use and development agreement until the Council has received a recommendation from the~~  
4 ~~Hearing Examiner after a public hearing held as provided for rezones in Section 23.76.052.))~~  
5 Major amendments to a PUDA shall follow the procedures for Type IV Council land use  
6 decisions in Sections 23.76.052, 23.76.054, and 23.76.056.

7  
8                    ~~((C. Reserved.))~~

9                    D. Public Projects Not Meeting Development Standards. The City Council may waive or  
10 modify applicable developments standards, accessory use requirements, special use  
11 requirements, ~~((or))~~and conditional use criteria for public projects.

12                    Section 33. Section 23.76.060 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 123046, is amended as follows:

14                    **23.76.060 - Expiration and extension of Council land use ~~((approvals—~~**  
15 **~~Extensions))~~decisions**

16  
17                    A. ~~((Approvals Granted Under))~~Decisions granted under Title 24. ~~((Expiration))~~The  
18 expiration of Council land use ~~((approvals))~~decisions granted under Title 24~~((, Zoning and~~

19 ~~Subdivisions, are))~~ is governed by the applicable provisions of Section 23.04.010, Transition to  
20 the Land Use Code.

21  
22                    B. ~~((Contract Rezones,))~~ Council ~~((Conditional Uses))~~conditional uses and  
23 ~~((Public))~~public projects.

24                    1. ~~((Contract rezones,))~~ Approvals of Council conditional uses and public projects  
25 ~~((approved under Title 23))~~ expire ~~((two (2)))~~ three years from the effective date of approval  
26 unless:



1 a. Within the ~~((two (2)))~~ three year period, an application is filed for a  
2 Master Use Permit, ~~((which permit))~~ that is subsequently issued; or

3 b. Another time for expiration is specified in the Council's decision.

4 2. If a Master Use Permit is issued for a project permitted by Council approval of  
5 a ~~((the contract rezone,))~~ Council conditional use or a public project, the Council's approval of  
6 the ~~((contract rezone,))~~ Council conditional use or public project~~((,))~~ remains in effect until the  
7 date that the Master Use Permit expires pursuant to the provisions of Section 23.76.032, or until  
8 the ~~((time))~~ date specified by the Council, whichever is ~~((longer))~~ later. If a Master Use Permit is  
9 issued for a project permitted by Council approval of a Council conditional use or Council  
10 approval of a public project, a building permit is issued for the project, and the project is  
11 constructed pursuant to the building permit, conditions required by the Council's approval of the  
12 Council conditional use or the Council's approval of the public project shall remain in effect,  
13 notwithstanding expiration of the Council's approval of the Council conditional use or the  
14 Council's approval of the public project, until the project is demolished or until an earlier date on  
15 which:

16 a. the condition by its terms expires;

17 b. the condition is removed through a permitting decision; or

18 c. if the condition was imposed as to a specific use within the project, that  
19 use is terminated.

20 C. Contract Rezones.

21 1. The provisions of this section 23.76.060.C.1 apply except as otherwise  
22 provided in the Council decision on a contract rezone.

23 a. A zoning designation established by a contract rezone shall expire three  
24



1 years after the date of the Council action approving the rezone, except as follows:

2 1) If, prior to the end of the three year period, a complete  
3 application is filed for a Master Use Permit to establish a use on the rezoned property, the zoning  
4 designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the  
5 application is made so long as that application remains pending. The zoning designation shall  
6 expire immediately upon any cancellation of the application that occurs after the end of the three  
7 year period, unless another such application filed before the end of that period is pending at the  
8 time of such cancellation;

9  
10 2) If a Master Use Permit is issued based on an application that is  
11 sufficient to extend the three year period under subsection 23.76.060.C.1.a.1), then the zoning  
12 designation shall not expire pursuant to this Section 23.76.060 as to the lot or lots for which the  
13 permit is issued unless and until the Master Use Permit expires without a certificate of  
14 occupancy having been issued for any structure constructed or altered for a use authorized by  
15 any such Master Use Permit, and then shall immediately expire. If such a certificate of  
16 occupancy is issued, then the zoning designation shall not expire pursuant to this Section  
17 23.76.060 for that lot or lots;

18  
19 3) If only a portion of the rezoned property is the subject of a  
20 particular application or Master Use Permit, then the zoning designation shall expire as to the  
21 other portions of the rezoned property at the same time as if that application had not been made  
22 or that permit not issued, as the case may be.

23  
24 ((3))2. When a contract rezone expires, the Official Land Use Map is  
25 automatically amended so the zoning designation in effect immediately prior to the contract  
26 rezone applies to the subject property, except to the extent otherwise expressly provided by  
27



1 ordinance. ((the)) The Director shall file a ((certificate)) notice of expiration with the City Clerk  
2 and with the King County Recorder and shall cause the reversion to the former designation to be  
3 shown on published land use maps, but the expiration shall be effective notwithstanding any  
4 failure to make such filing or to reflect such expiration in any published information. ((and a  
5 notation shall be placed on the Official Land Use Map showing the reversion to the former  
6 classification.)) Unless expressly stated otherwise in any property use and development  
7 agreement (PUDA) recorded in connection with a rezone, if the zoning designation expires as to  
8 all property subject to the PUDA, then all restrictions and requirements in the PUDA shall  
9 terminate.

11 3. Regardless of whether the time period for expiration has elapsed or a certificate  
12 of occupancy has been issued as described in subsection 23.76.060.C.1.a.2), the zoning  
13 designation established by a contract rezone shall no longer be in effect upon the effective date  
14 of a subsequent rezoning by the Council of the subject property, either through a site-specific  
15 rezone or as part of an area-wide rezone. Effective on or after the effective date of such  
16 subsequent rezoning of all property subject to a PUDA recorded in connection with the prior  
17 rezone, some or all of that property may be released from some or all of the conditions of the  
18 PUDA if the release is authorized by ordinance. Such release may be authorized without  
19 following the PUDA amendment procedures in 23.76.058, except that notice and a comment  
20 period shall be provided pursuant to 23.76.058.C.3. In making the decision whether to release all  
21 or part of the PUDA, the Council shall consider factors such as:

24 a. whether any of the property subject to the PUDA has been or may still  
25 be developed in a manner that was permitted under the designation established by the contract  
26 rezone and would not be permitted under the subsequent rezoning; and





1 for an extension is ~~((sought))~~made.

2 2. In deciding whether to grant ~~((a request for))~~ an extension, the Council shall  
3 consider:

4 a. The reason or basis for the ~~((request))~~application for the extension and  
5 whether it is reasonable under the circumstances;

6 b. Whether changed circumstances in the area support an extension;

7 c. Whether additional time is reasonably necessary to comply with a  
8 condition of approval adopted by the Council that is required to be fulfilled prior to expiration of  
9 the Council land use ~~((approval))~~decision.

10  
11 Section 34. Section 23.76.062 of the Seattle Municipal Code, which section was last  
12 amended by Ordinance 121477, is amended as follows:

13 **23.76.062 ~~((Council hearing and decision.))~~ Type V Council land use decisions**

14 A. Notice of application. For Major Institution designations and revocations of Major  
15 Institution designations, concept approvals for the location or expansion of City facilities  
16 requiring Council land use approval, and waivers or modifications of development standards for  
17 City facilities, notice of application shall be provided pursuant to Section 23.76.012.

18  
19 B. Public Hearing. The Council shall ~~((itself))~~ conduct a public hearing for each Type V  
20 ~~((legislative))~~ Council land use decision except that no public hearing is required for an  
21 emergency amendment to the text of the Land Use Code. The Council may also appoint a  
22 hearing officer to conduct an additional fact-finding hearing to assist the Council in gathering  
23 information. Any hearing officer so appointed shall transmit written Findings of Fact to the  
24 Council within ten ~~((10))~~ days of the additional hearing.

25  
26 ~~((B))~~C. Notice of Hearings.



1 1. Notice of a required Council hearing on a Type V Council land use decision  
2 shall be provided by the Director at least ~~((thirty-))~~30~~(( ))~~ days prior to the hearing in the  
3 following manner:

- 4 a. Inclusion in the Land Use Information Bulletin; and  
5 b. ~~((Posting in the Department; and~~  
6 ~~e-))~~ Publication in the City's official newspaper.

7  
8 2. Additional notice shall be provided by the Director for public hearings on  
9 concept approvals for the location or expansion of City facilities, waiver or modification of  
10 development standards for City facilities, Major Institution designations, and revocation of  
11 Major Institution designations, as follows:

- 12 a. Mailed notice; and  
13 b. One ~~((1))~~ land use sign posted visible to the public at each street  
14 frontage abutting the site, ~~except((, when))~~ that if there is no street frontage or the site abuts an  
15 unimproved street, the Director shall either post more than one ((1)) sign and/or select an  
16 alternative posting location so that notice is clearly visible to the public. For hearings on Major  
17 Institution designations and revocations of Major Institution designations, the Director shall post  
18 one land use sign at each street frontage abutting the site but not to exceed ten land use signs.

19  
20  
21 ~~((C))~~D. Council Decision. In making a Type V Council land use decision, the Council  
22 shall consider the oral and written testimony presented at the public hearing, as well as any  
23 required report of the Director. The City Council shall not act on any Type V Council land use  
24 decision until the end of the appeal period for ((the))any applicable determination of  
25 nonsignificance (DNS) or ((Final))final EIS or, if an appeal is filed, until the Hearing Examiner  
26 issues a decision affirming the Director's DNS or EIS decision.  
27



1 Section 35. A new Section 23.76.067 is added to the Seattle Municipal Code as follows:

2 **23.76.067 Amendments to Title 23 to implement RCW 43.21C.420 (SEPA)**

3 A. Unless an ordinance enacting amendments to Title 23 expressly recites that the  
4 ordinance is intended to implement RCW 43.21C.420, the provisions of that statute do not apply  
5 to the ordinance.

6 B. RCW 43.21C.420 bars certain SEPA appeals if the City has elected to adopt optional  
7 elements of the City's Comprehensive Plan or development regulations pursuant to RCW  
8 43.21C.420. Unless an ordinance enacting or amending the Comprehensive Plan or development  
9 regulations expressly recites that it is being adopted pursuant to the authority of RCW  
10 43.21C.420, RCW 43.21C.420 does not affect the availability of appeals. If RCW 43.21C.420  
11 applies to a non-project EIS as described in RCW 43.21C.420, then unless the City Council by  
12 ordinance establishes a different time frame for submitting a complete application for purposes  
13 of RCW 43.21C.420 (5) with respect to that EIS, the time frame is 24 hours following the date of  
14 issuance of the final EIS.

17 Section 36. Section 23.76.068 of the Seattle Municipal Code, which section was last  
18 amended by Ordinance 117570 and currently reads as follows, is repealed:

19 ~~((23.76.068 Re-application rule for text amendments.~~

20  
21 ~~If an application for an amendment to the text of SMC Title 23, Land Use Code is denied~~  
22 ~~by the Council, no application for the same or substantially the same amendment shall be~~  
23 ~~considered until twelve (12) months have passed since the filing of the application, provided that~~  
24 ~~this rule shall not apply to City-initiated amendments.))~~

25  
26 Section 37. Subsection A of Section 23.78.002 of the Seattle Municipal Code, which  
27 section was last amended by Ordinance 121429, is amended as follows:



1 **23.78.002 - Application for establishment of criteria((;))**

2 A. The Seattle School District or other ~~((owner))~~holder(s) of record of fee title of a public  
3 school structure, or an authorized agent thereof, may apply for the establishment of criteria for  
4 nonschool use of an existing or former public school structure. Applications shall be made to the  
5 Director of the Department of Neighborhoods. The Seattle School District or other holder(s) of  
6 record of fee title of a public school structure, or an authorized agent thereof, may apply for a  
7 rezone of an existing or former public school structure or site pursuant to the provisions in  
8 Chapter 23.76 rather than apply for establishment of criteria through a School Use Advisory  
9 Committee.

10 \* \* \*

11  
12 Section 38. Section 23.78.006 of the Seattle Municipal Code, which section was last  
13 amended by Ordinance 121477, is amended as follows:

14 **23.78.006 - Notice provided((;))**

15  
16 A. If notice is required pursuant to this Chapter 23.78, except mailed notice as defined in  
17 Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail  
18 address to the Department of Neighborhoods. Notice to City agencies may be provided through  
19 the City's interoffice mail or by electronic means.

20  
21 B. Notification of the application and formation of a SUAC and the first meeting of the  
22 SUAC shall be provided by the Director ~~((through))~~in the following manner:

- 23 1. ~~((mailed))~~Mailed notice((;));
- 24 2. Inclusion in the Land Use Information Bulletin((;)); ~~((publishing in a~~  
25 ~~newspaper of substantial local circulation, and))~~
- 26 3. ~~((posting))~~Posting one ((+)) land use sign visible to the public at each street
- 27
- 28

1 frontage abutting the site except, when there is no street frontage or the site abuts an unimproved  
2 street, the Director shall either post more than one ~~((1))~~ sign ~~((and))~~ or select an alternative  
3 posting location so that notice is clearly visible to the public~~((:))~~;

4 4. Through the regular processes of a ~~((If there is an existing))~~ parents'  
5 organization~~((, notice shall be given through its regular processes.))~~, if one exists; and

6 5. Provision of notice to community organizations known to the Department of  
7 Neighborhoods as representing the local area, and to similar organizations that have requested  
8 notice in writing and provided an address for notice.

9  
10 Section 39. Section 23.78.012 of the Seattle Municipal Code, which section was last  
11 amended by Ordinance 121477, is amended as follows:

12 **23.78.012 - Duties of Director of the Department of Neighborhoods~~((:))~~**

13  
14 A. The Director of the Department of Neighborhoods (DON) shall establish final use  
15 criteria and permitted uses for the school structures and grounds based on the School Use  
16 Advisory Committee's (SUAC's) recommendations within ten ~~((10))~~ days of the receipt of the  
17 recommendations. If the Director of DON modifies the recommendations of the SUAC, the  
18 reasons for the modification shall be put forth in writing.

19  
20 B. ~~((Notification of the))~~ The ~~((Director of DON's))~~ DON Director's decision shall ~~((be~~  
21 ~~published))~~ provide notice of the decision ~~((in the City official newspaper))~~ within seven ~~((7))~~  
22 days of the date the decision is made in the following manner~~((:))~~:

- 23 1. Publication in the City official newspaper;  
24 2. ~~((Notice, including the date of its publication, shall also be posted in a~~  
25 conspicuous place in the Department of Neighborhoods and shall be included)) Inclusion in the  
26 Land Use Information Bulletin~~((:))~~; and  
27



1                   3. ~~Notice ((of the decision shall also be mailed))~~provided ~~((on the date of the~~  
2 ~~decision))~~ to the applicant, all members of the advisory committee, and ((to)) persons who have  
3 requested specific notice in ~~((a timely manner))~~in writing and provided an address for notice.

4                   C. The notice of the decision shall state the address of the school and briefly state the  
5 decision made by the ~~((Director of))~~DON Director. The notice shall also state that the school use  
6 criteria are subject to appeal and shall describe the appropriate appeal procedure.

7  
8                   Section 40. Section 23.78.014 of the Seattle Municipal Code, which section was last  
9 amended by Ordinance 117263, is amended as follows:

10 **23.78.014 Appeal of use criteria**~~((;))~~

11                   A. Any person substantially affected by or interested in the use criteria may appeal the  
12 decision to the Hearing Examiner within a period extending to ~~((five-))~~5~~((;))~~ p.m. of the  
13 ~~((fifteenth))~~14<sup>th</sup> calendar day following the date of publication of the use criteria decision. When  
14 the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday,  
15 the appeal period shall run until ~~((five-))~~5~~((;))~~ p.m. the next ~~((business))~~ day that is not a  
16 Saturday, Sunday, or federal or City holiday. The appeal shall be in writing and shall state  
17 specifically why the appellant finds the criteria inappropriate or incorrect.

18  
19                   B. Appeals of school use criteria shall be accompanied by payment of a filing fee as  
20 established in ~~((the Fee Subtitle, Chapters 22.901A through 22.901T))~~ Section 3.02.125.

21                   C. The Hearing Examiner shall consider the appeal in accordance with the procedure  
22 established for hearing contested cases in ~~((the Administrative Code,))~~ Chapter 3.02. Notice shall  
23 be given not less than ~~((twenty-))~~20~~((;))~~ days prior to hearing.

24                   D. Appeals shall be considered de novo. The decision on the evidence before the Hearing  
25 Examiner shall be made upon the same basis as was required of the Director of the Department



1 of Neighborhoods (DON). The interpretation of the ~~((Director of))~~ DON Director shall be given  
2 substantial weight, and the burden of establishing the contrary shall be upon the appellant. The  
3 Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be  
4 without merit on its face, frivolous, or brought merely to secure a delay.

5 E. The Hearing Examiner shall issue a decision within ~~((fourteen (14)))~~ 14 days after  
6 closing the record ~~((Notice of the Hearing Examiner's decision))~~ and ~~((shall be mailed))~~ provide  
7 it on the same date ~~((of the decision))~~ to the parties of record and to all those ~~((requesting))~~ who  
8 request notice in writing and provide an address for notice.

9  
10 F. The decision of the Hearing Examiner may affirm, reverse or modify the ~~((Director of~~  
11 ~~DON's))~~ DON Director's decision either in whole or in part. The Hearing Examiner may also  
12 remand the decision to the ~~((Director of))~~ DON Director for further consideration. The decision  
13 of the Hearing Examiner shall be final and the applicant, appellant, and ~~((Director of))~~ DON  
14 Director shall be bound by it.

15  
16 Section 41. Section 23.79.006 of the Seattle Municipal Code, which section was last  
17 amended by Ordinance 118672, is amended as follows:

18 **23.79.006 - Notice provided for development standard departure~~((;))~~**

19 A. If notice is required pursuant to this Chapter 23.79, except mailed notice as defined in  
20 Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail  
21 address to the Department of Neighborhoods (DON). Notice to City agencies may be provided  
22 through the City's interoffice mail or by electronic means.

23  
24 B. Notification of the application and formation of a Development Standard Advisory  
25 Committee and the first meeting of the advisory committee shall be provided by the DON  
26 Director ~~((through))~~ in the following manner:

1. ~~((mailed))~~ Mailed notice ~~((, General Mailed Release));~~

2. Inclusion in the Land Use Information Bulletin ~~((publishing in a newspaper of  
substantial local circulation and any relevant ethnic publications having substantial local  
circulation, and));~~

3. ~~((posting))~~ Posting one ~~((1))~~ land use sign visible to the public at each street  
frontage abutting the site except, when there is no street frontage of the site abuts an unimproved  
street, the DON Director shall either post more than one ~~((1))~~ sign ~~((and/))~~ or select an  
alternative posting location so that notice is clearly visible to the public ~~((,));~~

4. Through the regular processes of a ~~((If there is an existing))~~ parents'  
organization ~~((, notice shall be given through its regular processes.)),~~ if one exists; and

5. ~~((Notice shall also be given))~~ Provision of notice to community organizations  
known to the ~~((Department))~~ DON Director as representing the local area, and to other ~~((related))~~  
organizations ~~((who))~~ that have ~~((requested))~~ made a written request for notice and provided an  
address for notice.

Section 42. Section 23.79.010 of the Seattle Municipal Code, which section was last  
amended by Ordinance 121477, is amended as follows:

**23.79.010 - Duties of Director of the Department of Neighborhoods** ~~((,))~~

A. The Department of Neighborhoods (DON) Director shall determine the amount of  
departure from established development standards which may be allowed for required, as well as  
mitigating measures which may be required. The DON Director's decision shall be based on an  
evaluation of the factors set forth in subsection C of Section 23.79.008, the majority  
recommendations and minority reports of the advisory committee, comment at the public  
hearings and other comments from the public. If the DON Director modifies the

1 recommendations of the advisory committee, the reasons for the modification shall be put forth  
2 in writing.

3 B. Notice of decision.

4 1. ~~((Notification of the))~~ The ~~((Director's decision))~~ DON Director shall ~~((be~~  
5 ~~published))~~ provide notice of the decision ~~((in the City official newspaper))~~ within seven ~~((7))~~  
6 days of the date the decision is made in the following manner:

7 a. Publication in the City official newspaper;

8 b. Inclusion ~~((Notice, including the date of its publication, shall also be~~  
9 ~~posted in a conspicuous place in DPD and shall be included))~~ in the Land Use Information  
10 Bulletin~~((-));~~ and

11 c. Notice ~~((of the decision shall also be mailed on the date of the~~  
12 ~~decision))~~ provided to the applicant, ~~((to))~~ all members of the advisory committee, and ~~((to))~~  
13 persons who have requested ~~((specific))~~ notice ~~((in a timely manner))~~ in writing and provided an  
14 address for notice.

15 2. The notice of the decision shall state the address of the school and briefly state  
16 the decision made by the DON Director. The notice shall also state that the departure from  
17 development standards is subject to appeal and shall describe the appropriate appeal procedure.

18 Section 43. Section 23.79.012 of the Seattle Municipal Code, which section was last  
19 amended by Ordinance 117263, is amended as follows:

20 **23.79.012 Appeal of development standard departure((-))**

21 A. Any person substantially affected by or interested in the development standard  
22 departure may appeal the decision to the Hearing Examiner within a period extending to ~~((five~~  
23 ~~))~~ 5 ~~(())~~ p.m. of the ~~((fifteenth))~~ 14<sup>th</sup> calendar day following the date of publication of the  
24



1 decision. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or  
2 City holiday, the appeal period shall run until ~~((five-))5(( ))~~ p.m. the next ~~((business))~~ day that is  
3 not a Saturday, Sunday, or federal or City holiday. The appeal shall be in writing and shall state  
4 specifically why the appellant finds the departure inappropriate or incorrect.

5 B. Appeals of development standard departure shall be accompanied by payment of a  
6 filing fee as established in ~~((the Seattle Municipal Code, the Fee Subtitle, Chapter 22.901A~~  
7 ~~through 22.901F))~~ Section 3.02 .125.

8 C. The Hearing Examiner shall consider the appeal in accordance with the procedure  
9 established for hearing contested cases ~~((in the Seattle Municipal Code,))~~ Chapter 3.02 ~~((~~  
10 ~~Administrative Code))~~. Notice shall be given not less than ~~((twenty-))20(( ))~~ days prior to  
11 hearing.

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

18 E. The Hearing Examiner shall issue a decision within ~~((fourteen-))14(( ))~~ days after  
19 closing the record ~~((~~ Notice of the Hearing Examiner's decision shall be mailed ~~))~~ and provide  
20 notice of the decision on the same date ~~((of the decision))~~ to the parties of record and ~~((to))~~ all  
21 those ~~((requesting))~~ who have made a written request for notice and provided an address for  
22 notice.



1 F. The decision of the Hearing Examiner may affirm, reverse, or modify the Director's  
2 decision either in whole or in part. The Hearing Examiner may also remand the decision to the  
3 Director for further consideration.

4 G. The decision of the Hearing Examiner shall be final, and the applicant, appellant and  
5 Director shall be bound by it.

6 Section 44. Section 23.84A.014 of the Seattle Municipal Code, which section was last  
7 amended by Ordinance 123495, is amended as follows:

8 **23.84A.014 "G"**

9 \* \* \*

10 "General mailed release" ~~((means an information mailing to the individuals and groups  
11 on a master mailing list as may be established by the Department.))~~ See Land Use Information  
12 Bulletin.

13 \* \* \*

14 Section 45. Section 23.84A.024 of the Seattle Municipal Code, which section was last  
15 amended by Ordinance 123649, is amended as follows:

16 **23.84A.024 "L"**

17 \* \* \*

18 "Land Use Information Bulletin." ~~((See "General mailed release."-))~~ means an information  
19 distribution to the persons on a master distribution list as established and maintained by the  
20 Department.

21 \* \* \*

22 Section 46. Section 23.84A.025 of the Seattle Municipal Code, which section was last  
23 amended by Ordinance 123649, is amended as follows:



1 **23.84A.025 "M"**

2 "Mailed notice" means notice mailed by the Director to such property owners,  
3 commercial lessees, building managers, and residents of ((the area)) properties including and  
4 within ((three hundred (300)) feet of the boundaries of a specific site as can be determined  
5 from the records of the King County Department of Assessments, the City Master Address File,  
6 and such additional references as may be identified by the Director((;)). ((provided, that in the  
7 downtown area bounded by Denny Way, Interstate 5, South Royal Brougham Way and Elliott  
8 Bay, mailed notice provided by the Director shall mean notice mailed to owners, lessees and  
9 building managers on the project site and to property owners and building managers within three  
10 hundred (300) feet of a specific site and the posting by the applicant of one (1) land use sign  
11 visible to the public at each street frontage abutting the site but not to exceed ten (10) land use  
12 signs. When there is no street frontage or the site abuts an unimproved street, the Director shall  
13 require either more than one (1) sign and/or an alternative posting location so that notice is  
14 clearly visible to the public. The land use sign may be removed by the applicant within fourteen  
15 (14) days after final action on the application has been completed. Annually, the Director shall  
16 publish in the City's official newspaper additional reference(s) to be used to supplement the  
17 information obtained from the King County records. The mailed notice shall request that  
18 property managers post the notice in a public area of the commercial or multifamily building.))

19 \* \* \*

20 Section 47. Section 23.84A.030 of the Seattle Municipal Code, which section was last  
21 amended by Ordinance 122497, is amended to add a new definition as follows:

22 **23.84A.030 "P"**

23 \* \* \*





1 section was last amended by Ordinance 119096, is amended as follows:

2 **25.05.355 - Early review DNS (optional DNS) process((-))**

3 \* \* \*

4 B. If the lead agency uses the early review DNS process specified in subsection A of this  
5 ((section)) Section 25.05.355, the lead agency shall:

6 1. State on the first page of the notice of application that it expects to issue a DNS  
7 for the proposal, and that:

- 8 a. The early review DNS process is being used((-));
- 9 b. This will be the only opportunity to comment on the environmental  
10 impacts of the proposal((-));
- 11 c. The proposal may include mitigation measures under applicable codes,  
12 and the project review process may incorporate or require mitigation measures regardless of  
13 whether an EIS is prepared((-)); and

14 d. A copy of the subsequent threshold determination for the specific  
15 proposal may be obtained upon written request and provision of an address for notice;

16 2. List in the notice of application the conditions being considered to mitigate  
17 environmental impacts, if a mitigated DNS is expected;

18 3. Comply with the requirements for a notice of application and public notice in  
19 Sections 23.76.012, 23.76.042, and 23.76.062 of the Land Use Code; and

20 4. ((Send))Provide the notice of application and environmental checklist to:

- 21 a. Agencies with jurisdiction, the Department of Ecology, affected tribes,  
22 and each local agency or political subdivision whose public services would be changed as a  
23 result of implementation of the proposal, and

1 b. Anyone (~~requesting~~) who requests a copy of the environmental  
2 checklist for the specific proposal in writing and provides an address for notice.

3 \* \* \*

4 Section 51. Section 25.05.680 of the Seattle Municipal Code, which section was last  
5 amended by Ordinance 119096, are amended as follows:

6 **25.05.680 Appeals(~~-~~)**

7 Appeal provisions in SEPA are found in RCW 43.21C.060, 43.21C.075, (~~and~~)  
8 43.21C.080, 43.21C.420, and WAC 197-11-680. The following provisions attempt to construe  
9 and interpret the statutory and administrative rule provisions. In the event a court determines that  
10 code provisions are inconsistent with statutory provisions or administrative rule, or with the  
11 framework and policy of SEPA, the statute or rule will control. Persons considering either  
12 administrative or judicial appeal of any decision (~~which~~) that involves SEPA (~~at all~~) are  
13 advised to read the statutory and rule sections cited above.

14 \* \* \*

15 D. (~~Reserved.~~) RCW 43.21C.420 bars certain SEPA appeals if the City has elected to  
16 adopt optional elements of the City's Comprehensive Plan or development regulations pursuant  
17 to RCW 43.21C.420. Unless an ordinance enacting or amending the Comprehensive Plan or  
18 development regulations expressly recites that it is being adopted pursuant to the authority of  
19 RCW 43.21C.420, RCW 43.21C.420 does not affect the availability of appeals. If RCW  
20 43.21C.420 applies to a non-project EIS as described in RCW 43.21C.420, then unless the City  
21 Council by ordinance establishes a different time frame for submitting a complete application for  
22 purposes of RCW 43.21C.420 (5) with respect to that EIS, the time frame is 24 hours following  
23 the date of issuance of the final EIS.

\* \* \*

1  
2 Section 52. This ordinance shall take effect and be in force 30 days after its approval by  
3 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
4 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

5  
6 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and  
7 signed by me in open session in authentication of its passage this  
8 \_\_\_\_ day of \_\_\_\_\_, 2012.

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

12  
13 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

14  
15 \_\_\_\_\_  
16 Michael McGinn, Mayor

17  
18 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

19  
20 \_\_\_\_\_  
21 Monica Martinez Simmons, City Clerk

22 (Seal)

THIS ORDINANCE IS ADOPTED



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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286622

No. 123913,914,915,916,917

CITY OF SEATTLE, CLERKS OFFICE

**Affidavit of Publication**

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

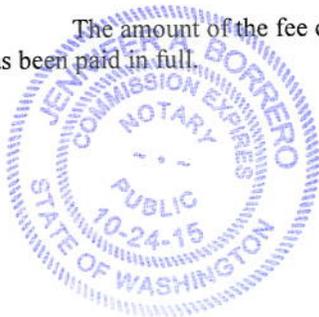
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

07/20/12

The amount of the fee charged for the foregoing publication is the sum of \$ 111.60, which amount has been paid in full.



*Amelia Ochs by*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
*[Signature]*  
\_\_\_\_\_  
07/20/12

\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

Affidavit of Publication

# State of Washington, King County

## City of Seattle

### Title Only Ordinances

The full text of the following legislation, passed by the City Council on July 2, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

#### ORDINANCE NO. 123913

AN ORDINANCE relating to land use and zoning; amending Sections 23.04.010, 23.34.004, 23.69.032, 23.76.004, 23.76.005, 23.76.006, 23.76.008, 23.76.010, 23.76.012, 23.76.014, 23.76.015, 23.76.016, 23.76.018, 23.76.020, 23.76.022, 23.76.024, 23.76.026, 23.76.028, 23.76.032, 23.76.034, 23.76.036, 23.76.038, 23.76.040, 23.76.042, 23.76.046, 23.76.050, 23.76.052, 23.76.054, 23.76.056, 23.76.058, 23.76.060, 23.76.062, 23.78.002, 23.78.006, 23.78.012, 23.78.014, 23.79.006, 23.79.010, 23.79.012, 23.84A.014, 23.84A.024, 23.84A.025, 23.84A.030, 23.84A.032, 23.84A.036, 25.05.355, and 25.05.680 of the Seattle Municipal Code, repealing Sections 23.76.019, 23.76.049, and 23.76.068, and adding a new Section 23.76.067, to improve and clarify procedures for Master Use Permits and Council land use decisions.

#### ORDINANCE NO. 123914

AN ORDINANCE relating to Sound Transit's Central Link Light Rail project; declaring portions of Tracts 9, 10, and 11 of the Plat of Lake Dell, portions of Tract 15 of Dunlap's Plat of Land on Lake Washington, and portions of Block 2 Dunlop's Supplemental to the City of Seattle to be surplus to utility needs; authorizing the transfer of jurisdiction over said real property from the City Light Department and placing it under the jurisdiction of the Seattle

Department of Transportation; laying off and dedicating said property for street purposes; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123915

AN ORDINANCE relating to the City Light Department, authorizing the Superintendent or his designee to grant an easement for a sewer main to Valley View Sewer District over a portion of The City of Seattle's fee-owned transmission corridor located in Tukwila, Washington; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123916

AN ORDINANCE relating to Sound Transit's Central Link Light Rail Project; authorizing the Superintendent of Seattle City Light or his designee to accept the assignment and granting of certain utility easements from the Central Puget Sound Regional Transit Authority, and to convey certain guideway easements to said Authority; and ratifying and confirming certain prior acts.

#### ORDINANCE NO. 123917

AN ORDINANCE relating to a pedestrian skybridge over and across the alley between 3rd Avenue and 4th Avenue, north of Spring Street, amending Ordinance 120858, as amended by Ordinance 121855, updating the insurance and bond requirements, and amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to Wallyson's Inc.; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, July 20, 2012.

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