SEATTLE CITY COUNCIL

Legislative Summary

CB 118556

Record No.: CB 118556 **Type:** Ordinance (Ord) 124919 **Status:** Passed

Version: 3 **In Control:** City Clerk

File Created: 09/23/2015

Final Action: 12/01/2015

Title: AN ORDINANCE establishing a new Office of Planning and Community Development and a new Seattle Department of Construction and Inspections; abolishing the Department of Planning and Development; and amending the Seattle Municipal Code to implement those organizational changes and make technical revisions; all by a 2/3 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Licata

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/28/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	Full Council	11/09/2015	referred	Budget Committee			
	Action Text: The Council Bill (CB) was referred. to the Budget Committee						
	Notes:						
1	Budget Committee	11/16/2015	pass as amended				Pass
	Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).						
	Notes:						
			In Favor: 8	Chair Licata, Member Bagshaw, Member Burgess, Member Godden, Member O'Brien, Okamoto, Member Rasmussen, Member Sawant			
			Opposed: 0				

1	Full Council	11/23/2015	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote and the President signed the Bill:
In Favor: 9 Councilmember Bagshaw, Council President Burgess, Councilmember Godden, Councilmember Harrell, Councilmember Licata, Councilmember O'Brien, Okamoto, Councilmember Rasmussen, Councilmember Sawant
Opposed: 0

3	City Clerk	11/30/2015	submitted for Mayor's signature	Mayor

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

3	Mayor	12/01/2015	Signed	

Action Text: The Council Bill (CB) was Signed.
Notes:

3	Mayor	12/01/2015	returned	City Clerk

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

3	City Clerk	12/01/2015	attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 124919

COUNCIL BILL 118556

AN ORDINANCE establishing a new Office of Planning and Community Development and a new Seattle Department of Construction and Inspections; abolishing the Department of Planning and Development; and amending the Seattle Municipal Code to implement those organizational changes and make technical revisions; all by a 2/3 vote of the City Council.

WHEREAS, the Mayor's vision for the City of Seattle is for it to be a place that welcomes individuals and families of all types who may want to live, work, and raise a family here, regardless of race and income; and

WHEREAS, the Mayor recognizes that it is a priority for the City of Seattle to build equitable and sustainable communities with a mix of amenities, affordable housing, transportation, and economic development; and

WHEREAS, by 2035, the City of Seattle is expected to grow by 120,000 new residents and 115,000 new jobs; and

WHEREAS, the City of Seattle would benefit from a new executive planning office that will coordinate across City departments to comprehensively and systematically address growth, prioritize and direct investments, and assess how existing policies and practices encourage or discourage equity and future development; and

WHEREAS, there is tremendous value in creating a stronger infrastructure for City departments to work together to identify creative solutions to leverage Seattle's resources and ensure a cohesive approach to planning and development that will empower departments to address how the City may accommodate open space, housing, jobs, transportation,

amenities, and economic opportunity when establishing and implementing community plans; and

WHEREAS, the Equitable Development Initiative charges City departments with leveraging their collective resources to create communities of opportunity for everyone, regardless of race or means; and

WHEREAS, the Mayor's Executive Order 2015-04 directed the creation of a new Office of Planning and Community Development to strengthen coordinated planning and implementation;

WHEREAS, a 2015 amendment to the Countywide Planning Policies approved by the Growth Management Planning Council of King County requires coordination between local land use plans and school districts; and

WHEREAS, the Mayor's Office, the Department of Planning and Development, and other City departments have developed a proposal to transfer a portion of the planning and community development responsibilities of the Department of Planning and Development to this new Office; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Subchapter X is added to Chapter 3.14 of the Seattle Municipal Code as follows:

Subchapter X Office of Planning and Community Development

3.14.990 Office created—Functions

A. There is established within the Executive Department an Office of Planning and Community Development to facilitate and support comprehensive planning for the city's future

growth and development. The objectives of the Office of Planning and Community Development are as follows:

1. Coordinate across City departments to support a shared vision for comprehensive planning and plan implementation at the neighborhood and city level;

2. Partner with the community, in coordination with the Department of Neighborhoods, to identify citywide and neighborhood specific priorities for the city's future growth and development;

3. Share with the public, the City Council, City departments and other public agencies comprehensive information on development activity and demographic changes to support the alignment of project plans, implementation efforts, and capital investments; and

4. Coordinate across City departments, the City Council, and the Mayor's Office to prioritize budgets and resources.

B. The Office of Planning and Community Development will have the following functions:

1. Oversee the implementation of a community planning work program, which includes:

a. Leading community planning in neighborhood areas in coordination with relevant City departments to address urban design, transportation, economic development, race and social equity, affordability, education and other neighborhood needs through the alignment of capital investments, department resources, strategic partnerships, and inclusive engagement;

b. Providing recommendations on and developing implementation plans for neighborhood priorities;

c. Coordinating across departments to execute key priorities and citywide initiatives; and

d. Preparing, maintaining and proposing updates of sub-area community plans.

2. Support an interdepartmental subcabinet to integrate long-term planning with department-led implementation strategies and capital investments.

3. Steward, oversee, monitor, and implement through planning the City's Comprehensive Plan and development regulations, and share data to inform best practices and major initiatives related to planning and implementation.

4. Identify recommendations to align the Comprehensive Plan with the City's Capital Improvement Program to ensure that current and future capital investments address citywide needs.

5. In coordination with the Department of Education and Early Learning and in partnership with the Seattle School District No. 1, OPCD will develop planning strategies that support the District's public school facility needs for anticipated student population consistent with adopted comprehensive plan policies and growth forecasts.

6. Report to the public, the City Council and the Mayor on the City's overall performance in meeting regional, citywide, and community planning goals.

7. Develop and manage a mapping system to track capital projects citywide.

8. Provide administrative and staff support to the Seattle Planning Commission and the Seattle Design Commission pursuant to Sections 3.58.060 and 3.64.040 provided, however, that a) the independence of the Planning Commission recommendations pursuant to Article XIV, Section 3 of the City Charter is preserved, and that b) the Planning Commission is

able to respond to requests and provide advice to the Mayor and/or Council at the discretion of the commission.

3.14.991 Director—Appointment and removal

The Director of the Office of Planning and Community Development shall be appointed by the Mayor and confirmed by a majority of the Council. The Director is subject to reappointment and reconfirmation every four (4) years. The Mayor may at any time remove the Director upon filing a statement of reason therefor with the City Council.

3.14.992 Director—Duties

The Director of the Office of Planning and Community Development shall be the head of the Office of Planning and Community Development, shall be responsible for the administration of the Office, and shall:

A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise, control, and remove all officers and employees in the Office of Planning and Community Development;

B. Work across departments to identify and support the alignment of priorities and resources to facilitate holistic planning and implementation activities, and identify subject matter experts from City departments who can support such activities;

C. Prepare and update a planning and community development work program for the City;

D. Manage the preparation of the proposed budget of the Office of Planning and Community Development, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities;

E. Execute, administer, modify and enforce such agreements and instruments as the Director shall deem reasonably necessary to implement programs consistent with all applicable laws and ordinances, as the Director shall deem appropriate for carrying out the responsibilities, functions, and activities of the Office of Planning and Community Development; apply for grants and donations for departmental programs; and solicit and use volunteer services;

F. Serve, in conjunction with other affected department heads, as the City's representative to boards, commissions, and organizations engaged in issues pertaining to planning and community development initiatives;

G. Administer all ordinances pertaining to the City's planning and community development work program;

H. Promulgate rules and regulations to carry out departmental activities pursuant to the Administrative Code, Chapter 3.02; and

I. Exercise such powers and duties as shall be prescribed by ordinance.

3.14.993 OPCD Work program

The Director of the Office of Planning and Community Development shall submit a work program for the following year to the City Council at the time the Mayor presents the following year's budget to the City Council. The Director of the Office of Planning and Community Development will confer with the City Council on any significant changes to the work program throughout the year.

Section 2. Chapter 3.06 of the Seattle Municipal Code, last amended by Ordinance 123441, is amended as follows:

3.06.010 Department created ((.))

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

((~~B. As of the effective date of Ordinance 121276, the Department of Design, Construction and land use shall be known as the Department of Planning and Development.~~

~~C. As of the effective date of Ordinance 121276, all references to "Construction and land use," "Design, Construction and land use", "Department of Construction and land use," "Department of Design, Construction and land use," "Director of Construction and land use," "Director of Design, Construction and land use," the "Department of Construction and land use Fund," "Department of Design, Construction and land use Fund", and "DCLU" are deemed to be references to "Planning and Development"; "Department of Planning and Development"; "Director of Planning and Development"; the "Department of Planning and Development Fund", or "DPD", respectively, except where the historical reference to "Construction and land use," "Design, Construction and land use", "Department of Construction and land use," "Department of Design, Construction and land use," "Director of Construction and land use," "Director of Design, Construction and land use," the "Department of Construction and land use Fund," "Department of Design, Construction and land use Fund", or "DCLU" is called for by context.~~

~~D. The City's Code Reviser is authorized to amend the Seattle Municipal Code over time as he or she deems appropriate in order to carry out the name change authorized by Ordinance 121276.~~))

B. As of the effective date of the ordinance introduced as Council Bill 118556, all references in the Seattle Municipal Code to the "Department of Planning and Development

Fund" or the "Planning and Development Fund" are deemed to be to the "Construction and Land Use Fund."

C. As of the effective date of the ordinance introduced as Council Bill 118556, all references to "Planning and Development", "Department of Planning and Development", or "Director of Planning and Development" are deemed to be, respectively, references to "Construction and Inspections", "Seattle Department of Construction and Inspections", and "Director of the Seattle Department of Construction and Inspections" unless the context expresses an intent to refer to the Office of Planning and Community Development.

3.06.015 Hours of operation

A. Except as set forth in subsection 3.06.015.B, the Applicant Services Center of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be open for transaction of business a total of at least 35 hours per week. The Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections shall select hours between 7 a.m. and 5:30 p.m., Mondays through Fridays. These hours may vary by day of the week.

B. In weeks containing one or more days designated as holidays by RCW 1.16.050, the Applicant Services Center of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be closed on those days, but shall be open a total of at least 35 hours less the number of hours it would normally be open on the weekdays on which holidays fall in that week.

3.06.020 Director—Appointment and removal ((~~.~~))

The Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections shall be appointed by the Mayor and confirmed by a majority of the City Council

subject to reappointment and reconfirmation every four (((~~4~~))) years; and the Mayor may at any time remove the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections upon filing a statement of reasons therefor with the City Council.

3.06.030 Director—Powers and duties ((~~,~~))

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

A. Enforcing ((~~building~~)) development-related ordinances and rules of the City, including but not limited to the ~~provisions of the~~ Building Code; the Residential Code; the Electrical Code; the Mechanical Code; the Housing and Building Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance; the Condominium Conversion Ordinance; the Energy Code; the Stormwater Code; the Grading Code; ((~~and appropriate regulations;~~)) the Rental Registration and Inspection Ordinance; the Tenant Relocation Assistance Ordinance; the Noise Control Code; the Shoreline Master Program; and the Regulations for Environmentally Critical Areas;

B. Processing applications for ((~~construction~~)) permits((~~,~~)) for construction and land use approvals, grading and site work ((~~permits, for use permits~~)), boilers, conveyance devices, mechanical equipment and systems, side sewers, billboards and signs, ((~~for~~)) zoning exceptions, ((~~for~~)) subdivisions and ((~~for~~)) other land use approvals, including those related to ((~~shorelines~~)) shoreline management ((~~,~~)) but excluding those related to historic preservation;

C. ((~~Stewarding, overseeing and implementing the City's Comprehensive Plan, including monitoring and proposing updates to the Comprehensive Plan, related plans associated with growth management and the shoreline master program as required or directed;~~)) Conducting reviews of the effects of proposed projects on the physical environment, as prescribed by the State Environmental Policy Act and City ordinances;

D. ((~~Preparing and maintaining and proposing updates of such sub-area land use plans as required or directed;~~)) Addressing complaints regarding a variety of community safety and quality of life issues, including but not limited to conditions in tenant housing, construction without permits, unauthorized uses, junk storage, and unsecured vacant buildings;

E. ((~~Conducting reviews of the effects of proposed projects on the environment, as contemplated in the State Environmental Policy Act and City ordinances;~~)) Administering the rental housing and tenant protection programs including but not limited to rental housing registration and inspection, tenant relocation assistance, and just cause eviction protections;

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

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

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

~~I~~)) G. Discharging such other responsibilities as may be directed by ordinance.

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

3.06.040 Director—Agreements, rules, and regulations ((~~.~~))

The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections is authorized to enter into such agreements, including interdepartmental agreements, consistent with provisions of law and the City Charter, as ((~~he or she~~)) the Director shall deem appropriate for carrying out the responsibilities, functions, and activities of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and may establish such rules, procedures and regulations, consistent with this ((~~chapter~~)) Chapter 3.06 and other ordinances, as may appear necessary and proper including rules interpreting Municipal Code provisions and establishing standards as authorized by the Code.

3.06.050 Director—Fees and charges ((~~.~~))

The Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections shall charge such fees for licenses, permits, inspections, reviews, and other services and approvals as may be provided by ordinance.

3.06.055 Restricted set-asides ((~~.~~))

A. The Director of Finance and Administrative Services shall create within the ((~~Department of Planning and Development~~)) Construction and Land Use Fund a set-aside

account funded from regulatory fees and other money allotted thereto, for the accumulation of set-asides for the following municipal purposes:

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

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

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

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

B.

1. Expenditures from the set-aside account shall be made only when expressly authorized by the City Council either by identification in the budget ordinance or other ordinance, or as set out in subsection 3.06.055.B.2 below with respect to the staffing stability set-aside.

2. The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may, within the limits of that department's budgeted expenditure authority, draw on the appropriate subdivision of the staffing stability set-aside for the purpose established in subsection 3.06.055.A.1 to pay staffing costs associated with a particular regulatory revenue source, but only when doing so is consistent with the most recently adopted financial policies for the department. The Director shall provide 60 days' notice in advance to the chair of the City Council's Finance, ((~~Budget and Economic Development~~)) Finance and Culture Committee, or its successor committee with responsibility for making recommendations on legislative matters relating to budget and financing of each proposed use of the staffing stability set-aside under authority of this subsection 3.06.055.B.2.

((~~**3.06.060 Transfer of Building Department responsibilities.**~~

~~As of June 4, 1980, all of the responsibilities, books, papers, properties, equipment, rights and contractual and other obligations of the Building Department which have not been transferred to the Departments of Community Development and Administrative Services are transferred to the Department of Construction and land use. Employees filling positions at the time of transfer shall continue employment in such positions without interruption of service. The Building Department and the Building Department Operating Fund are abolished as of June 4, 1980 and as of December 31, 1980 respectively, and assets and liabilities which are attributable to those activities of the Building Department transferred to the Department of Construction and land use are transferred to and shall become assets and liabilities of the Department of Construction and land use and of the Construction and land use Fund.~~))

((~~**3.06.070 Land use duties transferred.**~~

~~As of June 4, 1980, the responsibilities associated with analyses, reports, presentations and other activities related to the processing of applications for variances, conditional uses and other matters under the Zoning Ordinance (86300), the Subdivision Ordinance (105636), the State Environmental Policy Act and related City ordinances, the Shorelines Management Act and other legislation relating to land use regulation heretofore assigned to the Technical Review Section of the Environmental Management Division of the Department of Community Development are transferred to the Department of Construction and land use along with the obligations associated with the accomplishment of such responsibilities, including conducting zoning studies and preparing zoning text amendments.~~))

((**~~3.06.080 Continuation of rules and regulations.~~**

~~All rules, regulations and procedures in effect as of the effective date of Ordinance 121276, with respect to the activities carried on by the Department of Design, Construction and land use shall continue to be in effect until they expire of their own terms or are superseded by new rules, procedures and regulations adopted in conformance with the Administrative Code** or other applicable law.~~))

((**~~3.06.090 Successor to Building Department.~~**

~~As of June 4, 1980, the Department of Construction and land use is designated to be the successor agency, under direction of the Mayor, to the Building Department with respect to enforcing building ordinances of the City, including but not limited to the Building Code, the Electrical Code, the Mechanical Code, the Housing Code, the Zoning Code and Litter Ordinance, the Minimum Maintenance Ordinance, the Condominium Conversion Ordinance, the Energy Code, the Grading Ordinance, and appropriate regulations; enforcing City ordinances, contracts and rules relating to the Building Department for activities not transferred from the Building~~

~~Department to the Department of Community Development or the Department of Administrative Services; and carrying out all other activities of the Building Department not transferred from the Building Department. All responsibilities, agreements, obligations, benefits and billings of the Building Department and the Building Department Operating Fund with respect to the activities of the Code Enforcement, Housing Conservation and Administrative Services Divisions of the Building Department shall be deemed to be responsibilities, agreements, obligations, benefits and billings of the Department of Construction and land use and of the Construction and land use Fund.~~))

Section 3. Section 3.16.300 of the Seattle Municipal Code, last amended by Ordinance 124707, is amended as follows:

3.16.300 Board ((~~Established~~)) <u>established</u>

There hereby is established a Fire Code Advisory Board (the "Board") which will consist of 15 voting members, as follows:

One architect

One chemical engineer

One mechanical engineer

One Building Owners and Managers Association representative

One King County Labor Council representative

One fire insurance industry representative

One major institutions representative. Major institutions include hospitals, universities, colleges, and schools.

One marine industry representative

One Port of Seattle representative

One manufacturing/warehouse representative

One services industry representative. Service industry includes retail and wholesale, entertainment, restaurants and nightclubs, and hotels.

One research/labs representative

One fire protection industry representative

Two members of the public

The Board members will be appointed by the Mayor, who will select 15 individuals collectively possessing the characteristics listed above. The Mayor's appointments will be subject to confirmation by the City Council. In addition, one representative each from the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, Seattle City Light, Seattle Public Utilities, and City Council staff may be chosen by their respective Department Heads and may serve on the Board in a non-voting ex-officio capacity. The Executive Boards of the Fire Fighters Union (Local 27) and the Fire Chiefs Union (Local 2898) may choose a representative to serve on the Fire Code Advisory Board in a non-voting ex-officio capacity. No City employees will serve on the Board in a voting capacity.

Section 4. Section 3.16.310 of the Seattle Municipal Code, last amended by Ordinance 124707, is amended as follows:

3.16.310 Terms of service

The terms of service for Board members shall be as originally established by Ordinance 117717, as amended by Ordinance 119799, except as provided by this Section 3.16.310. The terms of service for voting members on the Board shall be for three years from the day the member is qualified. A voting member whose term of service has expired shall continue to serve until a successor is qualified, unless that member notifies the Chair in writing of ((~~his or her~~)) the

member's desire to resign and discontinue serving on the Board, in which case the position will be considered vacant. A successor to one of the 15 voting positions is "qualified" after being appointed by the Mayor and confirmed by the City Council. The four non-voting ex-officio members representing the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, Seattle City Light, Seattle Public Utilities, and City Council staff shall serve at the direction of ((~~his or her~~)) their Department Heads and for such time until a replacement is qualified by ((~~his or her~~)) the respective Department Head. The two non-voting ex-officio members representing the Fire Fighters Union and the Fire Chiefs Union shall serve at the direction of ((~~his or her union's~~)) their respective unions' Executive Boards and for such time until a replacement is qualified by ((~~his or her~~)) their respective ((~~union's~~)) unions' Executive Boards. A successor to one of the non-voting ex-officio positions is "qualified" after being chosen by ((~~his or her~~)) the respective Department Head, or by the Executive Board of ((~~his or her~~)) the respective union in the case of non-voting ex-officio positions representing the Fire Fighters Union or the Fire Chiefs Union. A member may be removed by the Mayor, subject to a confirming affirmative vote of a majority of the total membership of the City Council. No member shall receive any compensation for service on the Board.

Section 5. Subsection 3.20.320.E of the Seattle Municipal Code, which section was last amended by Ordinance 122311, is amended as follows:

3.20.320 TDR Bank ((~~.~~))

* * *

E. Open Space TDR Purchases. The Housing Director or ((~~his or her designess~~)) the Director's designees shall consult with the Director of Neighborhoods, the Director of the Seattle Department of ((~~Design, Construction and land use~~)) Construction and Inspections, and the

Superintendent of Parks and ((~~Recreations~~)) Recreation, or their respective designees, regarding any proposed purchase of open space TDR for the TDR Bank. Following a joint decision of all such officers in favor of acquiring open space TDR from a site, the Housing Director, or such other officer as the Mayor may designate, may negotiate an agreement for the purchase of open space TDR from that site, subject to approval by ordinance and to budget authority.

* * *

Section 6. Section 3.58.090 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

3.58.090 Fees and charges for Design Commission review.

A. The Commission is authorized to charge the following fees to applicants for review of capital improvement projects other than City departments' capital improvement projects:

1. When review is by the entire Commission, $700 per hour;

2. When review is by a committee or subcommittee of the Commission, $100 per Commission member participating in the review per hour.

B. The Commission in its discretion, with the concurrence of the City Budget Director, may waive its fee under subsection ((~~A of this section~~)) 3.58.090.A, in whole or in part, in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment for the following types of projects: artworks, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and for small capital improvements.

2. For Low-income and Special Needs Housing Projects Subject to Design Commission Review. The Commission may require a deposit of its fee before reviewing a project or giving its advice.

C. The Commission shall charge fees for its review of City departments' capital improvement projects as set forth in subsections ((~~A through D of Section 22.900D.170~~)) 22.900G.080.A through 22.900G.080.D.

Section 7. Section 3.64.040 of the Seattle Municipal Code, last amended by Ordinance 120773, is amended as follows:

3.64.040 Ancillary powers.

The Planning Commission shall have the power to:

A. Select one member as the presiding officer of the Commission for a term of one (((~~1~~))) year. No person shall serve as presiding officer for more than two years;

B. Organize itself, establish committees or subcommittees, and delegate duties for the performance of its work;

C. Adopt rules of procedure in accordance with the Administrative Code, Chapter 3.02, (((~~Chapter 3.02 of the Municipal Code~~))) to accomplish its functions;

D. Use administrative support and staff provided by the ((~~Department of Design, Construction and land use~~)) Office of Planning and Community Development as well as technical support from other appropriate City departments and offices as necessary to assist the Commission in the performance of its functions, maintenance of its records, conduct of official correspondence, arrangement for meetings and preparation of estimates of expenditures for use by the Director of ((~~Design, Construction and land use~~)) the Office of Planning and Community Development in preparation of the Department's annual budget; and

E. Provide input to the Department in selection of staff to support the Commission and approve the selection and assignment of the principal staff person.

Meetings of the Commission, the minutes of its proceedings, and its findings and recommendations shall be open to the public.

Section 8. Section 3.102.010 of the Seattle Municipal Code, last amended by Ordinance 120046, is amended as follows:

3.102.010 Designated ((~~.~~))

Except as permitted by Section 3.06.015 for the Applicant Services Center of the Seattle Department of ((~~Design, Construction and land use~~)) Construction and Inspections, all city offices shall open for transaction of business from ((~~eight (8:00)~~)) 8 a.m. to ((~~five (5:00)~~)) 5 p.m. of each day from Monday through Friday, except on days designated as holidays by RCW 1.16.050 ((~~and on Martin Luther King, Jr.'s birthday holiday, on the third Monday of January~~)).

Section 9. Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance 124463, is amended as follows:

4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems

In addition to those positions exempted by statute, City Charter, or other ordinance provision (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of employing units, members of boards and commissions established by the City Charter,[1] members of boards and commissions established by ordinance, positions excluded from the Public Safety Civil Service System pursuant to Section 4.08.060, system-wide exemptions provided for in Section 4.13.020, and library employees), the positions of City employment listed in the subsections of this section requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary relationship

with the appointing authority, or being judicial positions requiring insulation as a third branch of government, are hereby declared to be exempt from Chapters 4.04, 4.08, and the City Personnel Rules, the Civil Service Commission, and the Public Safety Civil Service Commission regarding examination, selection, discipline, termination, and appeals.

Employment Unit		Titles of Exempt Positions
1.	All Employing Units	Administrative Secretary
		Assistant to the Superintendent, Assistant to the General Manager and Chief Executive Officer
		All legal advisors and associate legal advisors to employing units
		Apprentice
		Executive 1
		Executive 2
		Executive 3
		Executive 4
		IT Professional A, Exempt
		IT Professional B, Exempt
		IT Professional C, Exempt
		Manager 1, Exempt
		Manager 2, Exempt
		Manager 3, Exempt
		Office/Maintenance Aide
		Strategic Advisor 1, Exempt
		Strategic Advisor 2, Exempt
		Strategic Advisor 3, Exempt
In addition to the Titles of Exempt Positions in All Employing Units the positions listed below are exempt from civil service in the specified departments.		
2.	Arts and Culture, Office of	None
3.	Auditor, Office of the City	All positions in the Office of the City Auditor except clerical positions classified in the Administrative Support class series
4.	City Budget Office	Admin Staff Analyst (PosNo. 00017844)

Employment Unit		Titles of Exempt Positions
		Executive Assistant (PosNo. 00016933)
5.	City Light	City Light General Manager and Chief Executive Officer
		Power Marketer
		Electric Utility Executive 3, Officer
		Electric Utility Executive 3, Director (not Officer level)
		Electric Utility Executive 2
		Electric Utility Executive 1
		Planning & Development Specialist II (PosNo. 10004697)
6.	Civil Service Commission	Administrative Staff Assistant (PosNo. 00025687)
7.	Construction and Inspections, Seattle Department of	Administrative Staff Assistant (PosNo. 00014435)
((~~7~~)) 8.	Executive	Administrative Staff Assistant (OCPC)
		Planning and Development Specialist, Senior (OSE) (PosNo. 10004696)
		All directors of offices in the Executive Department
		All positions in the Office of the Mayor
		Executive Assistant (OED) (PosNo. 00025562)
((~~8~~)) 9.	Department of Finance and Administrative Services	Claims Adjuster - FAS
		Investments/Debt Director
		Investments/Debt Director, Assistant
((~~9~~)) 10.	Fire	All positions included in the Public Safety Civil Service are exempt from Chapters 4.04 and the City Personnel Rules and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
		Executive Assistant, Senior (PosNo. 00007594)
((~~10~~)) 11.	Hearing Examiner, Office of	All positions in the Office of Hearing Examiner, except clerical positions classified in the Administrative Support and Accounting Support class series

Employment Unit		Titles of Exempt Positions
((~~11~~)) 12.	Human Services	Executive Assistant, Senior (PosNo. 00011390)
((~~12~~)) 13.	Information Technology, Department of	Executive Assistant, Senior (PosNo. 00026709)
((~~13~~)) 14.	Law	All positions in the Law Department, except clerical positions classified in the Administrative Support and Accounting Support class series
((~~14~~)) 15.	Legislative	All positions in the Legislative Department, except clerical positions classified in the Administrative Support and Accounting Support class series
((~~15~~)) 16.	Municipal Court	All Municipal Judges, Magistrates, and Court Commissioners
		All positions in the Probation Counselor class series
		Administrative Specialist III (PosNo. 00023563)
		Research and Evaluation Assistant (PosNo. 00011478)
		Bailiff
		Bailiff, Chief
		Executive Assistant (PosNo. 00016207)
		Executive Assistant, Senior (PosNo. 00011524)
		Municipal Court Marshal
		Municipal Court Marshal, Senior
((~~16~~)) 17.	Neighborhoods	Administrative Staff Assistant (PosNo. 10004293)
		Executive Assistant, Senior (PosNo. 00022313)
((~~17~~)) 18.	Parks and Recreation	Administrative Staff Assistant (PosNo. 00010227)
((~~18.~~	~~Planning and Development, Department of~~	~~Administrative Staff Assistant (PosNo. 00014435)~~))
19.	Police	All positions included in the Public Safety Civil Service are exempt from Chapter 4.04 and the Personnel Rules and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
		Administrative Staff Assistant (PosNo. 10002374)

Employment Unit		Titles of Exempt Positions
		Executive Assistant, Senior (PosNo. 00006333)
		Management Systems Analyst (PosNo. 10004666)
		Police Chief, Assistant
		Police Chief, Deputy
		Victim Advocate (PosNo. 10004665)
20.	Public Safety Civil Service Commission	None
21.	Retirement	Administrative Staff Analyst (PosNo. 10004468)
22.	Seattle Center	Executive Assistant, Senior (PosNo. 10001213)
23.	Seattle Department of Human Resources	Executive Assistant (PosNo. 00025346)
24.	Seattle Ethics and Elections Commission	All positions in the office of the Seattle Ethics and Elections Commission
25.	Seattle Public Utilities	None
26.	Transportation	Executive Assistant (PosNo. 00007689)
		Administrative Specialist III (PosNo. 00007744)
		Paralegal, Senior (PosNo. 10003513)
27.	Seattle Firefighter's Pension Board	All positions of the Seattle Firefighter's Pension Board
28.	Immigrant and Refugees Affairs, Office of	None

Section 10. Section 5.09.020 of the Seattle Municipal Code, last amended by Ordinance 124567, is amended as follows:

5.09.020 Definitions

* * *

"Department" means each of the following departments, offices, or other entities: the Department of Finance and Administrative Services, Department of Information Technology, Department of Neighborhoods, Department of Parks and Recreation, ((~~Department of Planning and~~

~~Development,~~)) Human Services Department, Law Department, Legislative Department, City Budget Office, Office of Arts and Culture, Office of Economic Development, Office of Housing, Office of Intergovernmental Relations, Office of Planning and Community Development, Office of Sustainability and Environment, Office of the Mayor, Seattle Department of Construction and Inspections, Seattle Department of Human Resources, Seattle Center, Seattle City Light, Seattle Fire Department, Office for Civil Rights, Seattle Police Department, Seattle Public Utilities and Seattle Department of Transportation. If the name of any Department is changed, or if a function or functions of any Department are transferred to another entity within City government, then the term "Department" shall also include the renamed Department and the entity taking over the function or functions.

* * *

Section 11. Section 5.33.020 of the Seattle Municipal Code, last amended by Ordinance 124567, is amended as follows:

5.33.020 Small grants; acceptance

The City Auditor, the Director of Finance and Administrative Services, the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, the Director of the Office of Planning and Community Development, the City Attorney, the General Manager and Chief Executive Officer of City Light, the Executive Director of the Employees' Retirement System, the Executive Director of the Ethics and Elections Commission, the Executive Secretary of the Firefighters' Pension System, the Administrative Director of the Legislative Department, the Mayor, the Presiding Judge of the Municipal Court, the Seattle Human Resources Director, the Executive Secretary of the Police Relief and Pension System, the Director of Transportation, the Fire Chief, the Director of the Human Services Department, the

Chief Technology Officer, the Superintendent of Parks and Recreation, the Chief of Police, the Director of Seattle Center, the Seattle City Librarian, the Director of Seattle Public Utilities, the Director of the Department of Neighborhoods, the City Budget Director, and the directors of each of the offices other than commissions governed by Chapter 3.14, are authorized to accept small grants from non-City sources for purposes that are consistent with the function and authority conferred upon the agency of each such respective officer, and to execute, deliver, and perform corresponding agreements.

Section 12. Subsection 5.72.040.P of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

5.72.040 Project eligibility.

* * *

P. For the duration of the exemption granted under this ((~~chapter~~)) Chapter 5.72, the property shall have no violations of applicable zoning requirements, land use regulations, and building and housing code requirements contained in ((~~SMC~~)) Title 22 and Title 23 for which the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall have issued a notice of violation that is not resolved by a certificate of compliance, certificate of release, or withdrawal within the time period for compliance provided in such notice of violation and any extension of the time period for compliance granted by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

Section 13. Subsection 5.72.050.A of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

5.72.050 Application procedure – Fee.

A. The owner of property applying for exemption under this chapter shall submit an application to the Director, on a form established by the Director. The owner shall verify the application by oath or affirmation. The application shall contain such information as the Director may deem necessary or useful, and shall include:

1. A brief written description of the project and preliminary schematic site and floor plans of the multifamily units and the structure(s) in which they are proposed to be located;

2. A statement from the owner acknowledging the potential tax liability when the property ceases to be eligible for exemption under this ((~~chapter~~)) Chapter 5.72;

3. Information describing how the applicant shall comply with the affordability requirements in ((~~Section 5.72.040 G and H of this chapter~~)) subsections 5.72.040.G and 5.72.040.H; and

4. In the case of rehabilitation of an existing vacant structure under ((~~Section~~)) subsection 5.72.020.I.1 verification from the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections of noncompliance with applicable building and housing codes as required under ((~~Section~~)) subsection 5.72.020.I.1, and an affidavit from the owner verifying that the existing dwelling units have been vacant for a period of ((~~twelve (~~))12((~~)~~)) months prior to filing the application.

* * *

Section 14. Section 5.73.010 of the Seattle Municipal Code, last amended by Ordinance 122730, is amended as follows:

5.73.010 Purpose ((~~.~~))

A. The purposes of this ((~~chapter~~)) Chapter 5.73 are:

1. To encourage more Multifamily Housing opportunities within the City;

2. To stimulate new construction and the rehabilitation of existing vacant and underutilized buildings for Multifamily Housing;

3. To increase the supply of Multifamily Housing opportunities within the City for low and moderate income households;

4. To increase the supply of Multifamily Housing opportunities in Urban Centers that are behind in meeting their 20-year residential growth targets, based on ((~~Department of Planning and Development (DPD)~~))) Office of Planning and Community Development statistics;

5. To promote community development, affordable housing, and neighborhood revitalization in Residential Targeted Areas;

6. To preserve and protect buildings, objects, sites, and neighborhoods with historic, cultural, architectural, engineering or geographic significance located within the City;

7. To encourage the creation of both rental and homeownership housing for Seattle's workers who have difficulty finding affordable housing within the City;

8. To encourage the creation of mixed-income housing that is affordable to households with a range of incomes in Residential Targeted Areas; and

9. To encourage the development of Multifamily Housing along major transit corridors.

B. Any one or more of these purposes may be furthered by the designation of a Residential Targeted Area under this ((~~chapter~~)) Chapter 5.73.

Section 15. Subsection 5.73.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 124724, is amended as follows:

5.73.040 Eligibility

A. To be eligible for exemption from property taxation, in addition to other requirements set forth in this Chapter 5.73, the Multifamily Housing, for either rental or homeownership occupancy, must be in compliance with the applicable requirements below for the entire exemption period:

1. The Multifamily Housing must be located in a Residential Targeted Area.

2. The Multifamily Housing must be part of a residential or mixed-use project (combining residential and non-residential).

3. The Multifamily Housing must provide for a minimum of ((~~fifty~~)) 50 percent (((~~50%~~))) of the space in each building for Permanent Residential Occupancy.

4. For new construction, a minimum of four (((~~4~~))) new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four (((~~4~~))) additional dwelling units must be added.

5. For rehabilitation or conversion of existing vacant buildings, the residential portion of the buildings shall have been vacant for at least ((~~twelve (~~))12((~~)~~)) months before application for tax exemption, the buildings must fail to comply with one or more standards of the applicable building and construction code contained or incorporated in ((~~SMC Chapter~~)) Title 22 and upon completion of rehabilitation or conversion the building must achieve a condition of Substantial Compliance.

6. For rehabilitation or conversion of existing occupied buildings, there shall be no "displacement" of existing residential tenants, as such term is defined in ((~~Section 22.210.030(E);~~)) subsection 22.210.030.E.

7. For new construction, if at any time during the 18 months prior to the date of submission of an application for exemption under this ((~~chapter~~)) Chapter 5.73, a building

containing four or more dwelling units exists on the site and any of such units is occupied by a tenant or tenants receiving or eligible to receive a tenant relocation assistance payment under Chapter 22.210, and such building has been or will be demolished, then the Owner shall agree, on terms and conditions satisfactory to the Director, to replace all units that were occupied by a tenant or tenants receiving or eligible to receive a tenant relocation assistance payment under Chapter 22.210, subject to the following requirements:

a. For the duration of the tax exemption, the replacement units shall be affordable at or below 50 percent of median income as adjusted for household size according to the method used by HUD for income limits in subsidized housing and according to HUD rules for the HOME program for presumed family size based on the number of bedrooms in a unit.

b. Replacement may be accomplished either as part of the new construction for which application for exemption is made under this ((~~chapter~~)) Chapter 5.73, or through the new construction of additional multifamily housing at another location, or through the substantial rehabilitation of vacant multifamily housing, or through the preservation of multifamily housing that is rented at the time of application to tenants with Household Annual Income at or below ((~~fifty~~)) 50 percent (((~~50%~~))) of Median Income as adjusted for household size according to the method used by HUD for income limits in subsidized housing and according to HUD rules for the HOME program for presumed family size based on the number of bedrooms in a unit, and that the Director determines would otherwise be converted to a use other than rental to tenants with such income.

c. The replacement housing shall be completed, and a temporary or permanent certificate of occupancy shall be issued, within three (((~~3~~))) years from the date of

approval of the application as described in ((~~Subsection~~)) subsection 5.73.060, provided that the Director may extend the time for completion if the Director finds that:

i. The failure to complete the replacement housing is due to circumstances beyond the Owner's control;

ii. The Owner has been acting and may reasonably be expected to continue to act in good faith and with due diligence; and

iii. The replacement housing will be completed within a reasonable time.

d. Where the existing rental housing building was demolished before the effective date of this Chapter 5.73, the requirements of this subsection do not apply.

8. The Owner shall obtain a certificate of approval, permit, or other approval under ((~~SMC~~)) Chapter 25.12, Landmarks Preservation Ordinance, ((~~SMC~~)) Chapter 23.66, Special Review Districts, or those provisions of ((~~SMC~~)) Chapter 25.16, ((~~SMC~~)) Chapter 25.20, ((~~SMC~~)) Chapter 25.22, ((~~SMC~~)) Chapter 25.24, or ((~~SMC~~)) Chapter 25.28, relating to Landmark or Historical Districts, if such certificate of approval, permit or other approval is required under those chapters.

9. The Multifamily Housing must comply with all applicable zoning requirements, land use regulations, and building and housing code requirements contained or incorporated in ((~~SMC Chapters~~)) Titles 22, 23, and 25.

10. For the duration of the exemption granted under this ((~~chapter~~)) Chapter 5.73, the Multifamily Housing and the property on which it is located shall have no violations of applicable zoning requirements, land use regulations, and building and housing code requirements contained or incorporated in ((~~SMC Chapters~~)) Titles 22, 23, and 25 for which

((~~DPD~~)) the Seattle Department of Construction and Inspections has issued a notice of violation that is not resolved by a certificate of compliance, certificate of release, or withdrawal within the time period for compliance provided in such notice of violation and any extension of the time period for compliance granted by the Director of ((~~DPD~~)) the Seattle Department of Construction and Inspections.

11. The Multifamily Housing must be scheduled to be completed within three (((~~3~~))) years from the date of approval of the application.

* * *

Section 16. Subsection 5.73.050.A of the Seattle Municipal Code, which section was last amended by Ordinance 123550, is amended as follows:

5.73.050 Application procedure – Fee

A. The Owner of Multifamily Housing applying for exemption under this ((~~chapter~~)) Chapter 5.73 shall submit an application to the Director, on a form provided by the Office of Housing. The Owner shall verify the application by oath or affirmation. The application shall contain such information as the Director may deem necessary or useful ((~~,~~)) and shall include:

1. A brief written description of the units, and preliminary schematic site and floor plans of the Multifamily Housing units and the structure(s) in which they are proposed to be located;

2. A statement from the Owner acknowledging the potential tax liability when the Multifamily Housing ceases to be eligible for exemption under this ((~~chapter~~)) Chapter 5.73;

3. Information describing how the Owner will comply with the affordability requirements in subsections 5.73.040.B and 5.73.040.C ((~~of this chapter~~));

4. In the case of rehabilitation or conversion of an existing vacant building, verification from ((~~DPD~~)) the Seattle Department of Construction and Inspections of non-compliance with applicable building and housing codes as required under ((~~Section~~)) subsection 5.73.040.A.4, and an affidavit from the owner verifying that the residential portion of the building has been vacant for a period of 24 months prior to filing the application;

5. A housing market study that includes comparable rents or sales prices in other nearby housing projects; and

6. A recent title report confirming the legal description and ownership of the property where the Multifamily Housing is or will be located; evidence satisfactory to the Director concerning the type of Owner entity or entities and organizational structure; a sample signature block for the Owner(s); and evidence satisfactory to the Director of authority of the person or persons signing the application.

* * *

Section 17. Section 5.78.160 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

5.78.160 Expenditures – Seattle Department of ((~~Planning and Development.~~)) Construction and Inspections

The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections ((~~formerly known as the Department of Design, Construction and Land Use,~~)) is authorized to direct expenditures for donations made to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or former Department of Planning and Development or former Department of Design, Construction and Land Use programs in the City's Gift Catalogue as designated by the donor; and the Director of Finance and Administrative

Services is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services may elect to make payment by check.

Section 18. Section 6.02.060 of the Seattle Municipal Code, last amended by Ordinance 123668, is amended as follows:

6.02.060 Assistance in enforcement.

The Boiler Inspector shall assist in the enforcement of the provisions hereof relating to stationary engineers and firemen; the Chief of the Fire Department and members of the Fire Department detailed as Inspectors shall assist in the enforcement of the provisions hereof, particularly with reference to gasoline stations; the Plumbing Inspectors of Public Health—Seattle and King County shall assist in the enforcement of the provisions hereof relating to master plumbers and journeyman plumbers and it shall be the duty of all department heads and the inspectors thereof to report in writing to the Director of Finance and Administrative Services and to the Chief of Police and, if a violation of Chapter 6.420 is involved, to the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections any violations of this ((~~subtitle~~)) Subtitle I coming to their attention.

Section 19. Section 6.42.040 of the Seattle Municipal Code, last amended by Ordinance 114895, is amended as follows:

6.42.040 License application—Report by City departments.

Any person seeking a panoram location license or panoram device license shall file a written application with the Director for that purpose. The Director, upon presentation of such

application and before acting upon the same, shall refer such application to the Police Department, which shall make a full investigation as to the truth of the statements contained therein, and to the Fire Department, the Seattle-King County Health Department and the Seattle Department of ((~~Construction and Land Use~~)) Construction and Inspections, which shall investigate and provide information to the Director concerning compliance of the premises and devices sought to be licensed with this and other applicable City and state health, zoning, building, fire, and safety ordinances and laws.

Section 20. Section 6.42.050 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

6.42.050 Inspection of panoram premises.

A. Applicants for any license authorized to be issued under this ((~~chapter~~)) Chapter 6.42 shall allow the premises and devices sought to be licensed to be inspected in accordance with subsection 6.42.050.B ((~~of this section~~)) by authorized inspectors from the Fire and Police Departments, Seattle-King County Health Department, Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the Department of Finance and Administrative Services.

B. Licensees operating premises and devices licensed under this ((~~chapter~~)) Chapter 6.42 shall hold open for routine regulatory inspections by the City during normal business hours those areas upon the premises which are accessible to the public.

Section 21. Section 6.42.070 of the Seattle Municipal Code, enacted by Ordinance 112900, is amended as follows:

6.42.070 Suspension or revocation of licenses—Notice—Summary suspension or revocation.

A. After an investigation and upon the recommendation of the Chief of Police, Director of the Seattle Department of ((~~Construction and Land Use~~)) Construction and Inspections, Fire Chief, or the Director of the Seattle-King County Health Department, the Director may, upon ((~~thirty (~~))30((~~)~~)) days' notice, temporarily or permanently suspend or revoke any license issued pursuant to this ((~~chapter~~)) Chapter 6.42 where the Director finds that one ((~~(1)~~)) or more of the following conditions exist:

1. The license was procured by fraud or false representation of material fact in the application or in any report or record required to be filed with the Director;

2. The building, structure, equipment or location of the business for which the license was issued does not comply with the requirements of the applicable health, zoning, building, fire and safety laws of the State of Washington, and ordinances of the City of Seattle and the requirements of this ((~~chapter~~)) Chapter 6.42; or

3. The licensee, ((~~his or her~~)) the licensee's employee, agent, partner, director, officer or manager has knowingly allowed or permitted in or upon the panoram premises, any violations of, or act made unlawful under, this ((~~chapter~~)) Chapter 6.42.

B. If the Director finds that any condition set forth in subsection 6.42.070.A ((~~of this section~~)) exists, and that such condition constitutes an immediate threat of serious injury or damage to person or property, the Director may immediately suspend or revoke any license issued under this ((~~chapter~~)) Chapter 6.42 without prior opportunity to be heard, in which event the licensee shall be entitled to a hearing in accordance with Section 6.42.080 of this chapter. The notice of immediate suspension or revocation of license given pursuant to this subsection 6.42.070.B shall set forth the basis for the Director's action and the facts supporting the

Director's finding regarding the condition found to exist that constitutes an immediate threat of serious injury or damage to person or property.

C. If the Director finds that a condition of noncompliance previously found to exist under subsections 6.42.070.A.2 or 6.42.070.A.3 ((~~of this section~~)) has been corrected and is unlikely to be repeated, the Director may modify or withdraw any prior decision ((~~he/she~~)) the Director made to revoke or suspend a license issued under this ((~~chapter~~)) Chapter 6.42.

Section 22. Section 6.410.010 of the Seattle Municipal Code, enacted by Ordinance 122109, is amended as follows:

6.410.010 Scope, purpose, and authority.

The regulation and licensing of businesses and individuals that engage in installation, repair, alteration, servicing, and operation of refrigeration and air conditioning systems is governed by this ((~~chapter~~)) Chapter 6.410.

The purpose of this ((~~chapter~~)) Chapter 6.410 is to provide standards for safe installation, repair, alteration, servicing and operation of refrigeration systems.

The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections is authorized to implement and enforce all the provisions of this ((~~chapter~~)) Chapter 6.410.

Section 23. Subsection 6.410.030.C of the Seattle Municipal Code, which section was enacted by Ordinance 122109, is amended as follows:

6.410.030 Definitions.

* * *

C. "Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and authorized representative.

* * *

Section 24. Section 6.420.010 of the Seattle Municipal Code, enacted by Ordinance 122115, is amended as follows:

6.420.010 Scope, purpose, and authority.

The regulation and licensing of steam engineers and boiler firemen and the operation of boilers and steam engines are governed by this ((~~chapter~~)) Chapter 6.420.

The purpose of this ((~~chapter~~)) Chapter 6.420 is to provide standards for safe operation of boilers and steam engines.

The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections is authorized to implement and enforce all the provisions of this ((~~chapter~~)) 6.420.

Section 25. Section 6.420.030 of the Seattle Municipal Code, enacted by Ordinance 122115, is amended as follows:

* * *

"Department" means the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

"Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and authorized representatives.

* * *

Section 26. Section 6.430.010 of the Seattle Municipal Code, enacted by Ordinance 122108, is amended as follows:

6.430.010 Scope, purpose, and authority.

The regulation and licensing of those who install, alter, extend and repair gas piping is governed by this ((~~chapter~~)) Chapter 6.430.

The purpose of this ((~~chapter~~)) Chapter 6.430 is to provide standards for safe installation, alteration and repair of gas piping.

The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and the Director of Public Health are authorized to implement and enforce all the provisions of this ((~~chapter~~)) Chapter 6.430.

Section 27. Subsection 6.430.020.A of the Seattle Municipal Code, which section was enacted by Ordinance 122108, is amended as follows:

6.430.020 Unlawful activities.

A. It is unlawful to engage in the installation, alteration, extension, or repair of gas piping without first obtaining a gas piping mechanic license from ((~~DPD~~)) SDCI, except for:

1. Unlicensed gas piping workers pursuant to Section 6.430.050; and

2. Property owners who may install, alter, extend, or repair gas piping at property owned by them without obtaining a license required by this ((~~chapter~~)) Chapter 6.430. Property owners may install, alter, extend, or repair gas piping in residential property owned by them and comprised of no more than four dwelling units if the owner will occupy one (((~~1~~))) of the units as ((~~his or her~~)) the owner's principal residence. Property owners' regular employees may install, alter, extend, or repair gas piping at the owners' property under the same circumstances, provided the employee has worked for the owner for at least one (((~~1~~))) year. A gas piping permit is required, whether or not a license is required.

* * *

Section 28. Section 6.430.030 of the Seattle Municipal Code, last amended by Ordinance 123668, is amended as follows:

6.430.030 Definitions.

* * *

"((~~DPD~~)) SDCI" means the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

"Director" means either the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and authorized representatives or the Director of Public Health—Seattle & King County and authorized representatives.

"Director of ((~~DPD~~)) SDCI" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and authorized representatives.

* * *

Section 29. Section 6.430.040 of the Seattle Municipal Code, enacted by Ordinance 122108, is amended as follows:

6.430.040 Applications and examinations.

A. Applications. Applications for gas piping mechanic licenses shall be made to ((~~DPD~~)) SDCI on a form provided by the department, accompanied by the following:

1. Affidavits or declarations made pursuant to RCW 9A.72.085 signed by the applicant and employer(s), documenting that the applicant has one (((~~1~~))) of the following:

a. At least ((~~twelve (~~))12((~~)~~)) months of full-time experience as:

(1) A gas piping mechanic;

(2) An unlicensed worker under the supervision of a gas piping mechanic; or

(3) A combination of subsections 6.430.040.A.1.a(1) and 6.430.040.A.1.a(2); or

b. At least six (((~~6~~))) months of full-time experience as:

(1) A gas piping mechanic;

(2) An unlicensed worker under the supervision of a gas piping mechanic; or

(3) A combination of subsections 6.430.040.A.1.b(1) and 6.430.040.A.1.b(2); and

(4) A certificate of completion for a Board-approved gas piping mechanic class; or

c. A valid plumbers license;

2. Picture identification; and

3. The required examination fee, as specified in the Fee Subtitle, Chapter 22.900E, which fee will be assessed each time the examination is given.

B. Examinations. ((~~DPD~~)) SDCI shall administer a written examination to applicants for gas piping mechanic licenses and shall issue a license to applicants who successfully complete the examination and pay the license fee specified in the Fee Subtitle, Chapter 22.900E. ((~~DPD~~)) SDCI may examine any applicant for a renewal of a license, and the Health Department may require reexamination of any gas piping mechanic at any time there is evidence of negligence or incompetence.

Section 30. Subsection 6.430.220.B of the Seattle Municipal Code, which section was enacted by Ordinance 122108, is amended as follows:

6.430.220 Gas Piping Advisory Board.

* * *

B. The Board shall consist of five ((~~(5)~~)) voting members: one ((~~(1)~~)) member representing gas piping mechanics, one ((~~(1)~~)) member representing gas piping contractors, one

((~~1~~)) member representing the gas utility, one ((~~1~~)) member representing gas piping manufacturers, and one ((~~1~~)) member representing the general public. Representatives of the Health Department and ((~~DPD~~)) SDCI shall serve as non-voting members of the Board. The Board shall elect a chair and a secretary who shall serve at the pleasure of the Board.

Section 31. Subsection 6.500.040.C of the Seattle Municipal Code, which section was enacted by Ordinance 124807, is amended as follows:

6.500.040 General provisions

* * *

C. No marijuana processor licensed by the Department shall conduct the processing, storage, or sale of marijuana-infused products except using sanitary practices and ensuring facilities are constructed, kept, and maintained in a clean and sanitary condition pursuant to rules prescribed by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, Seattle Fire Department, Washington Department of Agriculture under Chapters 16-165 and 16-167 Washington Administrative Code (WAC), and Seattle-King County Department of Public Health.

* * *

Section 32. Subsection 6.500.070.A of the Seattle Municipal Code, which section was enacted by Ordinance 124807, is amended as follows:

6.500.070 Inspection of premises

A. Applicants shall allow the premises sought to be licensed under this Chapter 6.500 and all books and records to be inspected by persons authorized by the Director, Fire and Police Departments, Seattle-King County Health Department, and Seattle Department of ((~~Planning and~~

~~Development~~)) Construction and Inspections to ensure that the applicant meets all licensing and other legal requirements. Failure to grant access shall result in denial of the license application.

* * *

Section 33. Section 7.20.040 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

7.20.040 Lawful reasons for giving notice to remove floating home.

It is unlawful for a floating home moorage owner or operator to give notice to a floating home owner to remove ((~~his or her~~)) a floating home from its moorage site, or to attempt to evict or complete the eviction of a floating home from its moorage site even though notice to remove such floating home from its moorage site was given to the owner of such floating home prior to the effective date of the ordinance codified in this ((~~chapter~~)) Chapter 7.20, except for the following reasons:

* * *

H. The floating home moorage owner or operator elects to convert the entire moorage facility to a noncommercial use and gives at least six ((~~(6)~~)) months' advance written notice to the owners of the floating homes moored at the facility to vacate their moorage sites; provided that: (1) such demand for removal is not contrary to any existing valid agreement between the moorage owner or operator and any such floating home owner; and (2) the moorage owner or operator, prior to eviction, manifests the determination to use the moorage site for the stated noncommercial use by:

a. Obtaining all permits required by law for the proposed use, and

b. Filing with the ((~~City Director of Planning and Development~~)) Director of the Seattle Department of Construction and Inspections a sworn statement explaining the nature of

the proposed noncommercial use. For the purpose of this subsection "noncommercial use" means any use, other than one provided for in subsection 7.20.040.G ((~~of this section~~)), which is neither directly nor indirectly remunerative, and which does not involve the use of the moorage in connection with any business, whether such use is compensated or not.

Section 34. Section 7.24.020 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

7.24.020 Definitions.

* * *

"Department" means the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or its successor.

* * *

Section 35. Subsection 10.52.010.B of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

10.52.010 Definitions.

* * *

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

* * *

Section 36. Section 10.52.034 of the Seattle Municipal Code, last amended by Ordinance 123899, is amended as follows:

10.52.034 Mitigation hearings

A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within 30 days after written response to the citation requesting such hearing is received

by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten days prior to the date of the hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing, which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from ((~~DPD~~)) the Seattle Department of Construction and Inspections may also be present and may present additional information, but attendance by a representative from ((~~DPD~~)) the Seattle Department of Construction and Inspections is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless ((~~DPD~~)) the Seattle Department of Construction and Inspections affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act or neglect of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

D. Entry of Order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to this ((~~section~~)) Section 10.52.034. The Hearing Examiner's decision is the final decision of the City on this matter.

Section 37. Subsection 10.52.035.E of the Seattle Municipal Code, which section was enacted by Ordinance 122396, is amended as follows:

10.52.035 Contested case hearing.

* * *

E. Evidence at Hearing. The certified statement or declaration authorized by RCW 9A.72.085 to be submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the ((~~DPD~~)) Seattle Department of Construction and Inspections evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

* * *

Section 38. Subsection 10.72.030.A of the Seattle Municipal Code, which section was last amended by Ordinance 111834, is amended as follows:

10.72.030 Permit applications.

A. Applications for kennel permits required by this ((~~chapter~~)) Chapter 10.72 shall be made to the Director and, in the case of applications for new permits only, shall include a determination by the Director of the Seattle Department of ((~~Construction and Land Use~~)) Construction and Inspections that the proposed use is consistent with Seattle zoning laws.

* * *

Section 39. Subsection 15.02.042.E of the Seattle Municipal Code, which section was last amended by Ordinance 124598, is amended as follows:

15.02.042 Definitions A through C

* * *

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

* * *

Section 40. Subsection 15.02.044.A of the Seattle Municipal Code, which section was last amended by Ordinance 123668, is amended as follows:

15.02.044 Definitions D through M

A. "Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or authorized representatives.

* * *

Section 41. Section 15.04.010 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.04.010 Permit – Required

It is unlawful for anyone to make use, as defined in Section 15.02.048, of any public place without first securing a written permit as authorized in Section 15.04.015 from: the Director of Transportation, the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, or the Superintendent of Parks and Recreation; or without complying with all the provisions of Title 15. The requirements of obtaining a permit and complying with permit procedures do not apply to street maintenance work performed by the

City's Department of Transportation or street improvement work authorized by ordinance and administered by the Director of Transportation.

Section 42. Section 15.04.015 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.04.015 Authorizing official

A. The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may authorize the construction of a curb cut, or a structural building overhang, or reconstruction of an areaway in a public place under the Master Use Permit procedures of Chapter 23.76, particularly subsection 23.76.006.B.3; or removal of trees and vegetation located in an environmentally critical area under Chapter 25.09. An authorization for construction in a park drive, boulevard, or area under the jurisdiction of the Superintendent of Parks and Recreation identified in Appendix I or shown on the map as Appendix II is dependent upon:

1. A description of the encroachment or use in the application for the Master Use Permit or the accompanying materials;

2. Its identification as a park drive, boulevard, or property under the jurisdiction of the Superintendent of the area to be used;

3. The written concurrence of the Superintendent;

4. The payment of applicable fees; and

5. If there is a modification, written concurrence of the Superintendent.

B. Continuation of the uses after completion of construction is subject to compliance with the terms and conditions of Title 15; inspection and administration by the Director of Transportation or the Superintendent, as the case may be; and payment of an annual fee, if applicable.

C. The Superintendent of Parks and Recreation may authorize the use and occupation of, and administer Title 15 for public places under the jurisdiction of the Department of Parks and Recreation, including park drives and boulevards.

D. The City Council may, by ordinance, authorize the Superintendent to administer Title 18 for those portions of the public place under the jurisdiction of the Director of Transportation and that are primarily used for park purposes.

E. The Director of Transportation has authority for all public places and uses, other than those authorized to the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections under Chapter 23.76 to issue use and occupation Street Use permits and administer Title 15. The Director of Transportation may delegate to the Director of the Seattle Center the administration of permits for streets within the Seattle Center, and to the Superintendent the administration of permits for public places adjacent to parks, including sidewalks and planting strips.

F. When a street, bridge, overpass, or underpass crosses a park, park drive, or boulevard; the authorizing official shall be the Director of Transportation as to the surfaces or structures maintained by the Department of Transportation; and the Superintendent as to areas within the jurisdiction of the Department of Parks and Recreation.

G. In order to coordinate the administration of Title 15, any of the foregoing officials may delegate to another authorizing official the authority to issue permits or supervise the public place.

Section 43. Section 15.04.020 of the Seattle Municipal Code, last amended by Ordinance 123830, is amended as follows:

15.04.020 Filing of application

An applicant, or agent authorized to submit an application on behalf of an applicant, may file an application for use of a:

A. Public place in accordance with the procedures for issuing a Master Use Permit under Chapter 23.76 or a permit under Chapter 25.09. The Master Use Permit application shall be filed with the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections;

B. Park drive or boulevard as described in Appendix I or shown on the map in Appendix II or administered by the Superintendent as contemplated by Section 15.04.015. The Parks Use Permit shall be filed with the Superintendent; or

C. A public place in accordance with the procedures for issuing for street use under Chapter 15.04. The Street Use Permit shall be filed with the Director of Transportation.

Section 44. Subsection 15.04.030.C of the Seattle Municipal Code, which section was last amended by Ordinance 123830, is amended as follows:

15.04.030 Processing of applications

* * *

C. Any application for a use that requires a permit under the Seattle Building and Construction Codes in Title 22 and that has not been filed with the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be sent to the Director for review. The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall send all findings and comments to the Director of Transportation.

* * *

Section 45. Subsection 15.04.074.A of the Seattle Municipal Code, which section was last amended by Ordinance 124159, is amended as follows:

15.04.074 Permit – Fees

A. From time to time, the Director of Transportation shall prepare and recommend for adoption by the City Council a schedule of fees applicable to: reviewing and administering all permits for public places under the jurisdiction of the Department of Transportation; reviewing all project permits defined by RCW 36.70B.020; and reviewing and coordinating pre-submittal conferences that may be or have been submitted to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and are reviewed at any time by the Director of Transportation for the use of or impacts to public places.

1. Fees for using or occupying the public place may take into consideration the undesirability of the use or occupation relative to the rights of the public, such as the City policy of discouraging pedestrian skybridges and other encroachments inconsistent with the public right of access, including access to the shorelines or other public places, and shall be included in the schedule of fees for use of public places under the jurisdiction of the Department of Transportation.

2. The Director of the Department of Transportation is authorized to collect a monetary deposit for services to be conducted related to the review or inspection of a permit prior to or at permit issuance.

3. The Department of Transportation is authorized to collect fees for other City Departments that provide services related to the review of a permit for use of the public place.

* * *

Section 46. Section 15.06.010 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.06.010 Construction

A driveway shall be constructed to provide vehicular access from a public place over and across a concrete curb and gutter or sidewalk to the adjacent property. The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections has authority to issue a permit for construction of a driveway associated with a development proposal as contemplated by Section 23.76.006. All applications for other permits for driveways shall be submitted to the Director of Transportation for public places under the jurisdiction of the Department of Transportation, and to the Superintendent of Parks and Recreation for public places under the jurisdiction of the Department of Parks and Recreation. The authorizing official may permit the applicant to plank a curb and walk while gaining temporary access to property, but the practice shall be discontinued upon expiration of the permit or immediately upon notice from the City.

Section 47. Section 15.06.050 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.06.050 Curb setbacks

Curb setbacks may be allowed by the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections after consulting with the Director of Transportation, or the Superintendent as to park drives or boulevards, on the basis of demonstrated need by the applicant upon the following terms and conditions:

A. Space for tree planting shall be reserved, with a minimum of 11.5 feet from the new curb location to the property line, unless existing trees in the area supply the need.

B. Curb setbacks are not permitted on streets where parking is allowed in the existing curb lane.

C. Curb setbacks shall be able to provide for a minimum of a 12-foot driving lane and an 8-foot parking lane in the public place adjacent to the new curb location.

Section 48. Section 15.06.060 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.06.060 Driveways by limited access facilities

The Seattle Director of ((~~Planning and Development~~)) Construction and Inspections shall refer to the Director of Transportation the relevant part of every application for a permit that involves constructing, reconstructing, repairing, or altering any driveway providing direct vehicular access to a street that serves as an approach or exit from a limited access facility as defined by RCW Chapter 47.52.

For driveways subject to this Section 15.06.060, the Director of Transportation shall make a recommendation to the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections as to the potential effect of the use of the proposed driveway upon the safe and efficient flow of traffic. The Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections shall issue a permit for the driveway work only upon a determination that: (a) the design, standard of construction, operational use, location or number of locations of the proposed driveway or driveways will not unreasonably interfere with the safe and efficient flow of vehicular and pedestrian traffic upon the adjoining streets and sidewalks, giving particular consideration to the effect upon traffic flowing to and from the proximate limited access facility; and (b) denying the permit would totally deprive the property to be served of vehicular access. The Director of ((~~Planning and Development~~)) the Seattle

Department of Construction and Inspections may attach conditions to any permit as may be reasonably required under the particular circumstances for the protection of public safety.

Section 49. Section 15.08.080 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.08.080 Sidewalk elevators

Every sidewalk elevator shall be constructed so that when in use, the sides of the opening shall be closed by sheet metal guards, strengthened with an iron frame having a height equal to that of the elevator door. The maximum overall size of a sidewalk elevator shall not exceed 5 feet by 7 feet, and shall be placed no closer than 18 inches from the curb. The elevator door opening shall be placed at right angles to the curb. No sidewalk elevator shall be constructed without approval of the Director of Transportation and a permit from the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections to construct and operate the sidewalk elevator.

Section 50. Section 15.10.010 of the Seattle Municipal Code, last amended by Ordinance 124159, is amended as follows:

15.10.010 Extension – Approval and compliance

Marquees, awnings, or other decorative elements shall not extend over any public place closer than to within 2 feet of the curbline. Marquees, awnings, and other decorative elements shall be approved as to structural strength and quality of materials, and shall be checked for conformance to all applicable codes by the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections.

Section 51. Subsection 15.12.010.A of the Seattle Municipal Code, which subsection was last amended by Ordinance 124159, is amended as follows:

15.12.010 Conformance to applicable regulations

A. All signs in public places and their supports shall be reviewed as to structural strength and quality of materials and for conformance to all applicable ordinances by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, except for sign kiosks in public places and for signs on utility poles, lamp poles, and traffic control devices that the court has declared to be a traditional public forum shall be reviewed by the Director of Transportation.

* * *

Section 52. Section 15.18.010 of the Seattle Municipal Code, last amended by Ordinance 124166, is amended as follows:

15.18.010 Duty to maintain – Notice of hazardous condition – Barricading

A. The owner of a structure or trees on property abutting a public place has an obligation to maintain it so that it does not create a hazard to the public using the public place; and, if a hazard to the public should develop, to promptly place barricades in the public place to warn the public of the danger and discourage entry into the area of risk. Upon discovering the hazard, the owner shall immediately inform the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, and, as to park drives and boulevards, the Superintendent of Parks and Recreation, and as to other public places, the Director of Transportation.

B. Whenever the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections finds that a building is unsafe, according to the Building Code (((~~SMC~~)) Title 22), or any other applicable ordinance, and a hazard to public safety, health, or welfare may exist to members of the public using a public place, then the authorizing official

may in ((~~his or her~~)) the official's discretion immediately barricade the public place or require the owner or occupant of the adjoining property to set up barricades to the extent necessary, so as to prevent public access to such area in the interest of public safety. If the City incurs an expense in erecting or maintaining barricades, the authorizing official shall bill the owner or occupant the cost thereof together with an administrative charge equal to ((~~fifteen~~)) 15 percent ((~~(15%)~~)) of the amounts expended.

The Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections forthwith shall notify the owner or ((~~his or her~~)) the owner's agent of such hazardous condition and to correct this condition within ten ((~~(10)~~)) days from the date of notice thereof.

Section 53. Subsection 15.28.030 of the Seattle Municipal Code, which section was last amended by Ordinance 118409, is amended as follows:

15.28.030 Application for permit.

Every application for a permit to move a building or equipment which requires relocation of utility wires or cable through or across a public place of the City shall be made to the Director of Transportation on a form provided by the Director. Every such application shall state the location of the building to be moved, its dimensions and principal materials, and shall describe the route over which the building is to be moved, the length of time that will be required to move it, and the proposed new location thereof. Before any permit to move a building to a site within the City is issued, specific written approval must be obtained from the Seattle Department of Construction and ((~~Land Use~~)) Inspections. The concurrence of the Superintendent of Parks and Recreation is necessary if the building or such equipment will be moved along or across a park drive or boulevard; and the approval of all utilities is also necessary, if those utilities are to be disturbed.

Section 54. Subsection 15.32.300.C of the Seattle Municipal Code, which section was last amended by Ordinance 124167, is amended as follows:

15.32.300 Attachments to City-owned poles.

* * *

C. If additional communication space is available on City-owned poles, after reserving one (((~~1~~))) space for the City and after accounting for the space occupied by existing services already on the poles, the City may permit additional attachments in communication space under the following conditions:

1. The needs of the City are paramount. The City shall be the determinant regarding any question of right to attach, construction compliance or contract interpretation regarding attachment to poles. Permission to make attachments to the City's poles may be withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof of required permits, by governmental directive or for any reason associated with the City's requirements for the use of its poles or public right-of-way. The City may direct the immediate removal of attachments at the owner's expense, if attachments fail to conform to codes or the City's requirements, or if attachments interfere with City operations.

2. All attachments shall be made in accordance with all applicable codes as well as City electrical standards, guidelines and practices.

3. All attachments, including co-lashing, shall be subject to prior approval of the Department of Information Technology, Seattle Department of Transportation and the City Light Department in accordance with the following principles, requirements and procedures:

a. Providing for the safety of the public, City employees, private contractors, and other users of poles is a fundamental principle which must be observed.

b. The primary function of the City's poles is to support the City's electrical lines and equipment.

c. The City shall neither replace existing poles with taller poles nor add crossarms to existing poles to create more communication space on the poles, except as described in subsection 15.32.300.C.4 below.

d. Any new attachments must accommodate any prior agreements between the City and other entities regarding use of space on the poles.

e. The City shall not relinquish the one ((~~(1)~~)) communication space reserved for its own use on every pole. At the request of the applicant, however, the City shall consider creating additional space for communication uses on the poles by taking such actions as removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy wires and other attachments to the poles and by providing for co-lashing. Any actions undertaken to create more communication space shall be considered make-ready work, and any such costs shall be borne by the applicant.

f. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and viewsheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the General Manager and Chief Executive Officer of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant.

g. All make-ready costs such as costs for any permits, environmental review, adjustment of other equipment on the pole, tree replacement and tree trimming, shall be paid by the applicant prior to making any attachments to the poles.

h. As a condition of securing the City's permission to use its poles for attachment of cable, all applicants shall be required to permit co-lashing to their own cable of up to two (((~~2~~))) other cables, which may be owned and operated by other entities. All cable attachments that initially occupy a space on a City-owned pole shall be required to provide an external or internal support ("messenger") wire that is capable of supporting two (((~~2~~))) other cables in addition to the initial cable installed by the applicant. Owners of cable subsequently co-lashed to the initial cable shall pay the owner of the initial cable a proportionate share of the cost of the messenger wire. All entities co-lashing together shall be required to provide one another with reciprocal indemnity provisions equivalent to those which must be granted to the City by each of them pursuant to Section 15.32.150. Co-lashing shall not be required of any applicant until all other spaces on the pole, other than the City's reserved space, have been utilized. The City Light Department shall issue a Department Policy and Procedure for providing co-lashing space based on costs, operational convenience, cable size, and other criteria which are developed in the course of producing such Department Policy and Procedure.

i. In addition to the indemnification required by Section 15.32.150, the City may require that the applicant provide the City and entities permitted to co-lash with additional indemnification, such as indemnification from a parent company, and/or require that the applicant provide proof of specific insurance provisions acceptable to the City which cover potential exposure of both the applicant and the City.

j. As a further condition of securing the City's permission to use its poles for attachment of cable, all applicants upon request shall be required to provide the City with capacity on the applicant's cable over and above the capacity specifications submitted by the applicant. Such additional capacity may be in the form of dedicated fiber or dedicated space on

the same cable being installed by the applicant or in the form of separate cable, as specified by the Department of Information Technology, and shall be dedicated to the City for as long as the cable is attached to the City's poles. The City shall have the right to use that capacity for any governmental purpose and the right to lease that capacity to any public or nonprofit entities. The incremental costs of adding the specified amount of capacity for the City shall be borne by the City.

k. Applications for attachment to City-owned poles shall be submitted to the City Light Department. The City Light Department shall then coordinate that request with Seattle Department of Transportation and the Department of Information Technology. Approval of all three (((~~3~~))) departments shall be required prior to the issuance of a permit to attach to the poles.

l. All applications for pole attachment shall be considered on a first-come, first-serve basis, provided that where space is limited, attachment permits shall be given first to public entities, second to entities which are common carriers, third to entities which request attachment to six (((~~6~~))) poles or less for their own private communication needs, and fourth to others.

m. If no space can be created on the poles requested, the applicant may seek an exception to any of the requirements set forth in this section by submitting a written request to a three (((~~3~~))) person review committee comprised of one (((~~1~~))) representative each from the Department of Information Technology, Seattle Department of Transportation and the City Light Department. The committee shall review the request with reference to considerations which may warrant making an exception including, but not limited to reduced environmental effects, the lack of alternatives for achieving equivalent service available to the applicant, the lack of

alternative routing which can be made available and the feasibility of undergrounding all or part of the cable. After engaging in a review of the application, the committee shall forward a recommendation to the Mayor and City Council. Exceptions will not be recommended where the City Light Department believes the safety will be compromised by the granting of an exception. Any exceptions to the requirements of this ((~~section~~)) Section 15.32.300 must be approved by ordinance.

n. All entities that are provided attachments to City-owned poles, other than Class II attachments, including attachments by means of co-lashing, shall pay a rental fee for each such attachment at a rate established by ordinance. All income from such pole rental rates shall be paid into the Light Fund.

4. Provisions for ((~~Special Attachments.~~)) special attachments

a. Class II attachments shall be limited to situations where: (i) make-ready costs are paid by the provider; (ii) pole/equipment, installation, operation, and maintenance costs are paid by the provider; and (iii) visual impacts of antennas and other attachments are reduced to a degree acceptable to the General Manager and Chief Executive Officer.

b. Class II attachment requests are subject to public notice and comment. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the General Manager and Chief Executive Officer of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria in Seattle, the applicant shall apply to the Seattle Department of ((~~Planning and~~

~~Development~~)) Construction and Inspections and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The recommendation of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be advisory to the General Manager and Chief Executive Officer:

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

c. Where the request is for a location outside Seattle, the applicant shall comply with all applicable requirements of the local jurisdiction where the property is located.

d. Class II attachments shall be permitted substantially in the form of the site agreements authorized by Ordinance 118737, together with special terms and conditions within the site agreement.

e. Class II rental rates shall be established at fair market value as determined by the City Light Department and set forth in the special terms and conditions within the site agreement. All income from such Class II rental rates shall be paid into the Light Fund.

Section 55. Section 15.44.020 of the Seattle Municipal Code, last amended by Ordinance 117569, is amended as follows:

15.44.020 Excavation and fill near public places—Permit.

It is unlawful to excavate or fill in excess of ((~~three~~)) 3 feet ((~~(3')~~)), measured vertically, on private property within any area between the vertical prolongation of the margin of a public place, and a ((~~one hundred~~)) 100 percent ((~~(100%)~~)) slope line ((~~(forty-five~~)) 45 degrees ((~~(45°)~~))

from a horizontal line) from the existing elevation of the margin of a public place to the proposed elevation of the private property, without first obtaining a permit from the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections to do so, and no work shall commence toward such excavation or fill until a permit therefor has been issued.

Section 56. Section 15.44.090 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

15.44.090 Permit procedures.

The following procedures and criteria shall be used in processing an application for the permit required by Section 15.44.003 or Section 15.44.020:

A. Plans, specifications and methods of construction required by the authorizing official shall be submitted in quadruplicate.

B. Shoring plans submitted shall be designed by and bear the seal of a professional engineer licensed in the state.

C. All shoring systems, including the members, their connections, and support, shall be designed to carry the loads imposed on them and details shall be shown on the plans.

D. Allowable stresses, including allowances for short term loading, for timber, steel, or concrete shall be based on the Seattle Building and Construction Code (Title 22).

E. Soil investigations and reports may be required for all excavations described in Section 15.44.020 so that appropriate pressures may be established. The authorizing official may require investigations at any depth whenever specific conditions existing at the site of such excavation reveal an unstable soil structure, circumstances indicate that the excavation may impair the lateral support of any public place or any adjacent City property, or that such further investigation will supply information necessary to properly evaluate the application for

the permit or shoring plans submitted. When highway traffic can come within a horizontal distance from the top of the shoring equal to one-half (((~~1/2~~))) of its height, the pressure shall have added to it a live load surcharge pressure equal to not less than ((~~two~~)) 2 feet (((~~2'~~))) of earth.

F. Soldier piles, tie-back rods, anchors, and other shoring materials that are intended to remain in a public place after completion of the construction on adjoining property shall be shown on the plans submitted and so identified. If approved, the authorizing official may require that the plans filed be supplemented upon completion of construction, with a set of plans or other documents showing such residuals in public places, as constructed.

G. When the plans presented show an encroachment upon the property interest of an abutting owner or of a franchise holder in a public place, the authorizing official may require that the consent of the person so affected be obtained as a condition of the issuance of the permit provided for in Section 15.44.020.

H. If in the opinion of the Director of Transportation or Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections the design of any excavation or fill, whether shored or not, does not adequately protect the public place, the authorizing official may require a third party review of the design. Third party review requires the applicant's geotechnical and/or additional technical studies to be reviewed by an independent third party, paid for by the applicant but hired by the authorizing official. Third party review shall be conducted by a qualified engineering consultant.

I. Backfilling and restoring of excavations or cave-ins in public places is regulated by Chapter 15.26.

Section 57. Section 15.52.020 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

15.52.020 Committee membership.

The Special Events Committee shall be comprised of the following voting members:

A. A representative of the Mayor, the City Budget Director, the Fire Chief, the Police Chief, the Superintendent of Parks and Recreation, and the Directors of Transportation, ((~~Planning and Development~~)) Seattle Department of Construction and Inspections, Finance and Administrative Services, and Neighborhoods, and of the Seattle-King County Health Department;

B. A representative of the transit division of King County government;

C. Three citizens and one alternate appointed by the Mayor, subject to confirmation by the City Council; an alternate may vote when the appointee is absent. One of the citizens shall have experience in organizing special events with attendance over 10,000 people; another shall have experience organizing smaller events. Members shall serve without compensation, by reason of their committee membership. Citizen members and alternates may be reimbursed for expenses incurred in attending committee meetings and performing committee duties. The Mayor shall appoint the chair of the Committee, who shall serve for a term of two years and may be reappointed. The incumbent chair shall hold over at the expiration of ((~~his or her~~)) the term until a successor is appointed and qualifies. The chair shall provide for maintaining committee records, arranging meeting times and places, sending statements, and issuing permits on behalf of the Committee.

Section 58. Section 15.62.040 of the Seattle Municipal Code, last amended by Ordinance 111405, is amended as follows:

15.62.040 Notice of hearing.

Upon the passage of the resolution fixing the time for hearing the petition or proposal for vacation, the City Clerk shall give not less than ((~~twenty (~~))20((~~)~~)) days' notice of the time, place and purpose of the hearing by written notice posted in three ((~~(3)~~)) of the most public places in the City and by posting written placards in conspicuous places on and near the street, alley or public place sought to be vacated. Placards shall be highly visible and at least ((~~eleven~~)) 11 inches ((~~(11")~~)) by ((~~fourteen~~)) 14 inches ((~~(14")~~)) in size, with headings that can be read from a distance of ((~~seventy-five~~)) 75 feet ((~~(75')~~)) by persons of normal visual acuity, and shall include a map showing the location of the street, alley, or public place proposed to be vacated. In addition to posting notices of the hearing, the City Clerk shall mail a copy of the notice containing a statement of the time and place fixed for the hearing to:

A. All owners, commercial lessees and residents of property which lies within ((~~three hundred~~)) 300 feet ((~~(300')~~)) of the street, alley or public place proposed to be vacated, provided that when a street, alley or public place is proposed to be vacated in the area bounded by Denny Way, the Central Freeway, South Royal Brougham Way and Elliott Bay, notices shall be mailed only to property owners and building managers. For such purpose the real property tax roll as issued annually on microfiche by the County Comptroller and the addresses listed in the latest edition of Polk's Directory or its successor publications shall be used;

B. The Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections for inclusion in an informational mailing to newspapers, individuals and groups on a master mailing list established pursuant to the Master Use Permit Ordinance (Chapter 23.76).

Section 59. Section 15.64.070 of the Seattle Municipal Code, last amended by Ordinance 123919, is amended as follows:

15.64.070 Submission of construction plans

If conceptual approval of the preliminary application for the proposed new skybridge is obtained from the City Council, the applicant shall submit construction plans to the Director of Transportation and the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for their final review and recommendation to the City Council. As part of the final review, the Directors shall review the structural adequacy and potential conflict with existing or proposed utilities, street lighting, traffic control devices, or other upcoming transportation projects.

Section 60. Section 15.65.060 of the Seattle Municipal Code, enacted by Ordinance 123919, is amended as follows:

15.65.060 Submission of construction plans

If conceptual approval of the preliminary application for the proposed new significant structure is obtained from the City Council, the applicant shall submit final construction plans to the Director of Transportation and the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for their final review and recommendation to the City Council. As part of the final review, the Directors shall review the structural adequacy and potential conflict with existing or proposed utilities, street lighting, traffic control devices, or other upcoming transportation projects.

Section 61. Section 15.76.060 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

15.76.060 Other protective action.

A. If the inspection authorized in Section 15.76.010 should disclose that the structure is not being maintained in accordance with approved plans and specifications, the Director of Transportation, and as to park drives and boulevards, the Superintendent of Parks and Recreation (the "authorizing official") may require that the grantee within ten ((~~(10)~~)) days present a plan for making the necessary repairs or improvements to bring the structure into as good or better condition than contemplated by the approved plans and specifications ((~~;~~)) , that the plan include time tables for completion of the work, and that the grantee adopt a plan of regular maintenance and repair.

B. If the inspection should disclose that the structure endangers persons in the public place (whether through a collapse, dropping of materials, channelizing water or debris, or subsidence of the surface of the public place) or that the structure does not meet applicable standards of the Building and Construction Code (Title 23), the authorizing official may direct that the grantee at ((~~his or her~~)) the grantee's expense make immediate repairs to correct the hazard to the public place and to bring the structure into conformity with applicable City codes. The authorizing official, in consultation with the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, may set a reasonable deadline for the grantee to complete the necessary repairs or removal of the structure.

C. Should the grantee fail to make satisfactory progress toward remedying a hazard to the public health, safety, or welfare, or should a reasonable time elapse after notice to the grantee to make such repairs, the Director of Transportation or the Superintendent of Parks and Recreation, as to park drives and boulevards, may enter upon the property and take such actions as deemed necessary to protect the public from the hazard; and the owner or grantee shall be liable to the

City for the costs thereof together with an amount equal to ((~~fifteen~~)) 15 percent ((~~(15%)~~)) of such costs to cover the City's administrative expenses.

D. In the event a franchise ordinance provides an alternative procedure for remedying a hazard to the public health, safety, or welfare, from such structures, the procedure in the franchise ordinance shall be followed.

Section 62. Section 16.52.010 of the Seattle Municipal Code, last amended by Ordinance 120023, is amended as follows:

16.52.010 Unsafe piers.

Whenever any pier or gangway devoted to passenger traffic shall be damaged or appear to the Chief of Police to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the Chief of Police shall report the matter to the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections who shall inspect the same and shall order any unsafe portion barricaded with proper fencing until such time as necessary repairs shall be made. ((~~, and if~~)) If the owner, agent or lessee of such pier shall fail to comply with the orders of the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections, the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall direct the owner, agent or lessee to prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade, with ((~~and~~)) the expense thereof ((~~shall be~~)) paid by and recoverable from the owner, agent, or lessee of such pier to the City.

Section 63. Section 16.52.060 of the Seattle Municipal Code, last amended by Ordinance 120023, is amended as follows:

16.52.060 Dangerous gangways.

Whenever any gangway devoted to public use shall appear to be dangerous to the Chief of Police for such use, ((~~he~~)) shall report the matter to the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections who shall inspect the same and may forbid the use of such gangway for such purpose until the same shall have been repaired or reconstructed so as to render the same safe for such use and until the ((~~same as so reconstructed or repaired has been inspected by the Director of Construction and Land Use and its use for such purpose approved by him~~)) Director of the Seattle Department of Construction and Inspections has inspected the repair or reconstruction and approved the gangway's use for such purpose.

Section 64. Subsection 16.60.030.C of the Seattle Municipal Code, which section was last amended by Ordinance 120023, is amended as follows:

16.60.030 Permits for use of waterways.

* * *

C. Processing. The Director of Transportation shall investigate the application; give notice to the owner, managing agent or principal lessee of property, which may have water access affected by the use sought by the application; and make ((~~his~~)) recommendation to the Director of Administrative Services. In the event that the application shall request a use for a period in excess of ((~~three hundred sixty-five (~~))365((~~)~~)) days, the application shall be referred to the ((~~DCLU~~)) Seattle Department of Construction and Inspections, which shall make its recommendations thereon.

* * *

Section 65. Section 21.04.020 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

21.04.020 Connection to water supply system—Application.

Any person desiring to have premises connected with the water supply system of the City shall present at the office of the Seattle Public Utilities a copy of a building permit or a regular certified copy from the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, containing ((~~his or her~~)) the applicant's name, description of the lot, block, and addition, and the official house number of the premises on which water is desired, and shall make application therefor upon a printed form to be furnished for that purpose ((~~, which~~)). The application shall contain the description of the premises where such water is desired, ((~~and shall~~)) specify the size of service pipe required, ((~~and shall~~)) state fully the purposes for which water is to be used, ((~~and shall~~)) be signed by the owner of the premises to be served or ((~~his~~)) the owner's duly authorized agent, and ((~~shall~~)) be filed in the office of the Director ((~~, and at~~)). At the time of filing such application the applicant shall pay to the Director of Finance and Administrative Services, and make ((~~his or her~~)) receipt therefor, the fees for installation of water service provided in this ((~~chapter~~)) Chapter 21.04.

Section 66. Section 21.04.270 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

21.04.270 Water for construction purposes.

A. It shall be the duty of the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections to report to the Director of Seattle Public Utilities the beginning of construction or repairs of all buildings in the City, such reports to be a duplicate of the building permit issued, containing a general description of the building to be erected or repaired, the name of the owner and contractor thereof, the official house number and street name, and the lot, block, and addition.

B. Water for construction purposes will only be furnished upon the application of the owner or authorized agent of the property.

C. Water for construction purposes shall be furnished by meter, and charged to the premises supplied and the owner thereof.

Section 67. Section 21.16.030 of the Seattle Municipal Code, last amended by Ordinance 123668, is amended as follows:

21.16.030 Definitions.

Words and phrases used in this ((~~chapter~~)) Chapter 21.16, unless the same shall be contrary to or inconsistent with the context, shall mean as follows:

((~~1.~~)) "Authorized Agent" means someone who is employed by a registered side sewer contractor ((~~,~~)) but has not passed the registered side sewer contractor exam.

((~~2.~~)) "Building" is as defined in Chapter 22.204 ((~~of the Seattle Municipal Code~~)).

((~~3.~~)) "Certified Individual" means someone who has successfully passed the registered side sewer contractor exam.

((~~4.~~)) "City" means The City of Seattle.

((~~5.~~)) "Cover" means the depth of material between the top of the side sewer or service drain pipe and the finished grade immediately above it.

((~~6.~~)) "Director" means the Director of the department authorized to take particular action, and the Director's designee, who may be employees of that department or another City department.

"Director of the Seattle Department of Construction and Inspections" means the Director of the Seattle Department of Construction and Inspections or the Director's designee.

((~~7.~~)) "Director of Health" means the Director of Public Health, ((~~his or her~~)) the Director's designee, or employees of Public Health—Seattle & King County.

((~~8. "Director of the Department of Planning and Development" means the Director of The City of Seattle Department of Planning and Development, his or her designee, or employees of the Department of Planning and Development.~~))

((~~9.~~)) "Director of Seattle Public Utilities" means the Director of Seattle Public Utilities, ((~~his or her~~)) the Director's designee, or employees of Seattle Public Utilities.

((~~10.~~)) "Downspout" means a pipe which conveys water from a roof of a building.

"Drainage system" is as defined in Chapter 22.801.

((~~11.~~)) "Drainage water" is as defined in Chapter 22.801 ((~~of the Seattle Municipal Code~~)).

((~~12. "Drainage system" is as defined in Chapter 22.801 of the Seattle Municipal Code.~~))

((~~13.~~)) "Food Waste" means putrescible solid waste not properly shredded, and liquid waste from the preparation, cooking, and dispensing of food that is capable of settling and restricting or blocking flows in the public sewer system, at a sewage treatment plant, or at a pumping station.

((~~14.~~)) "Footing drain" means an open joint or perforated pipe located near the foundation of a building or other structure, intended to intercept and convey groundwater.

((~~15.~~)) "Garbage" means putrescible waste from the preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

((~~16.~~)) "Grease Interceptor" means a plumbing appurtenance or appliance that is installed in a wastewater system to intercept non-petroleum fats, oil, and grease (FOG) and food waste from a wastewater discharge.

((~~17.~~)) "Industrial waste" means a liquid, solid, or gaseous substance, or combination thereof, resulting from any process of industry, manufacturing, food processing, business, trade, or research, including the development, recovering, or processing of natural resources and including garbage, but distinguished from sanitary sewage or drainage water.

((~~18.~~)) "Main sewer" means a pipe ((~~which~~)) that is part of the public sewer system and to which a side sewer is connected.

((~~19.~~)) "Natural outlet" means a watercourse, pond, lake, sound, stream, river, ditch, or other body of surface water.

((~~20.~~)) "Owner, operator, or occupant" means the owner of real or personal property, or the lessee, permittee, licensee, or agent of the owner.

((~~21.~~)) "Permit face" means a document issued in conjunction with a permit (or a copy of the permit) ((~~which~~)) that shall be posted on the premises of the work being accomplished.

((~~22.~~)) "Person" means any individual, company, partnership, corporation, association, society, or group, and the singular term shall include the plural.

((~~23. "pH" means a numerical indicator of the degree of acidity or alkalinity of a substance.~~))

((~~24.~~)) "Plumbing outlet, sanitary" means a plumbing outlet from a building or structure ((~~which~~)) that conveys the wastewater from sanitary facilities and plumbing fixtures, and which is not primarily designed to convey stormwater or unpolluted drainage water.

((~~25.~~)) "Plumbing outlet, storm" means a plumbing outlet from a building or structure ((~~which~~)) that conveys stormwater or unpolluted drainage water.

((~~26.~~)) "Pretreatment" means the treatment of effluent from a sanitary plumbing outlet or of industrial waste prior to its introduction into the public sewer system to the extent required by the Director of Seattle Public Utilities.

((~~27.~~)) "Properly shredded" means shredded to such a degree that the waste has no particle larger than 3/8 inch in any dimension and that it will be carried or suspended freely under the flow conditions normally prevailing in public sewers.

((~~28.~~)) "Public place" means all public areas pursuant to Chapter 15.02 ((~~of the Seattle Municipal Code~~)).

((~~29.~~)) "Public sewer system" means the sewer or drainage facilities owned and maintained by the City or other agencies having jurisdiction (e.g. Valley View Sewer District, Southwest Suburban Sewer District, King County), or any sewer or drainage facilities acquired or constructed by such agencies.

((~~30.~~)) "Registered side sewer contractor" means a person approved and registered by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections to construct or repair side sewers.

((~~31.~~)) "Responsible party" means all of the following persons: ((~~1.~~)) (1) Owners, operators, and occupants of property; and ((~~2.~~)) (2) Any person causing or contributing to a violation of the provisions of this ((~~chapter~~)) Chapter 21.16.

((~~32.~~)) "Service drain" means a privately owned and maintained drainage system ((~~which~~)) that conveys only stormwater runoff, surface water, subsurface drainage, and/or other unpolluted drainage water. Service drains include, but are not limited to, conveyance pipes, catch basin connections, downspout connections, detention pipes, and subsurface drainage connections to an approved outlet. Service drains do not include subsurface drainage collection systems.

((~~33.~~)) "Sewage" means waste discharged from sanitary plumbing outlets of buildings.

((~~34.~~)) "Sewage treatment plant" means an arrangement of devices, structures and equipment for treating wastewater.

((~~35.~~)) "Sewer, combined" means a publicly owned and maintained sewerage system ((~~which~~)) that conveys surface runoff water, polluted water, unpolluted water, industrial waste, effluent from storm plumbing outlets, sewage, and subsurface drainage.

((~~36.~~)) "Sewer, sanitary" means a publicly owned and maintained sewage system ((~~which~~)) that conveys wastewater, and is not designed to convey drainage water.

((~~37.~~)) "Side sewer" means a privately owned and maintained pipe system ((~~which~~)) that is designed to convey wastewater and/or drainage water to the public sewer system or approved outlet. This includes the pipe system up to, but not including, the tee, wye, or connection to the public main.

((~~38.~~)) "Standard Plans and Specifications" means the City of Seattle Standard Plans and Specifications for Road, Bridge, and Municipal Construction in effect on the date of permit application.

((~~39.~~)) "Storm drain" is as defined in Chapter 22.801 ((~~of the Seattle Municipal Code~~)).

((~~40.~~)) "Stormwater" is as defined in Chapter 22.801 ((~~of the Seattle Municipal Code~~)).

((~~41.~~)) "Structure" is as defined in Chapter 22.204 ((~~of the Seattle Municipal Code~~)).

((~~42.~~)) "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by filtering the liquid, and includes matter ((~~which~~)) that, upon dilution with water or sewage, results in the formation of suspended solids.

((~~43.~~)) "Unpolluted water" means water in its natural state, or water ((~~which~~)) that, after use for any purpose, is not substantially changed as to chemical or biochemical qualities. The Director of Health or the Director of Seattle Public Utilities has the authority to determine which waters are unpolluted waters.

((~~44.~~)) "Wastewater" is a comprehensive term including industrial waste, sewage, and other unpolluted waters, as determined by the Director of Health or Director of Seattle Public Utilities.

((~~45.~~)) "Watercourse" is as defined in Chapter 22.801 ((~~of the Seattle Municipal Code~~)).

Section 68. Section 21.16.040 of the Seattle Municipal Code, last amended by Ordinance 123494, is amended as follows:

21.16.040 Connection or abandonment of side sewers.

A. Wastewater Side Sewer Connections. The owner or occupant of any lands, premises or habitable structures shall connect all buildings, habitable structures, sanitary plumbing outlets, and other sources of polluted water located thereon, unless exempt under subsection 21.16.040.C ((~~of this section~~)), with the nearest accessible sanitary sewer or combined sewer, whenever such sewer is located within 300 feet of the closest point of the building, habitable structure, sanitary plumbing outlet, or source of polluted water. Except in conjunction with activity requiring a development permit, the Director of Seattle Public Utilities shall determine whether a sanitary sewer or combined sewer is accessible and whether the connection shall be made by a side sewer or by an extension of the public sewer system. In conjunction with activity requiring a development permit, the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, in consultation with the Director of Seattle Public Utilities, shall

communicate the decision to the owner or occupant based on the determination of the Director of Seattle Public Utilities.

B. Service Drain Connections. Connections of service drains to combined sewers or public storm drains shall meet the requirements specified in Chapters 22.800 through 22.808 ((~~of the Seattle Municipal Code~~)).

C. Exemptions from Connection. In conjunction with activity requiring a development permit, the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, after consulting with the Director of Seattle Public Utilities, may exempt any otherwise accessible developed property from connecting to the public sewer system; and except in conjunction with activity requiring a development permit the Director of Seattle Public Utilities may exempt any otherwise accessible developed property from connecting to the public sewer system; provided, in all cases, that the following conditions are met:

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to the charge that would be made for sewer service if the property were connected to the sewer system, which amount shall be paid and collected at the times and in the manner provided by ordinance for the payment and collection of sewer service charges; and

2. The Director of Seattle Public Utilities has waived the requirement as provided in subsection 21.16.040.A ((~~of this section~~)) that properties within 300 feet of a sanitary sewer or combined sewer must connect to that sewer; and

3. The property has a currently functioning on-site sewage disposal system as determined by the Director of Health.

The exemption will remain in effect until the on-site sewer system fails, or the property is sold or otherwise transferred, or the owner or occupant fails to timely pay the charges referred to

in subsection 21.16.040.C.1 ((~~of this section~~)), whichever occurs first, at which time the property shall be connected to the public sewer system as required in subsection 21.16.040.A ((~~herein~~)).

D. Abandonment of Side Sewers. Whenever a side sewer is abandoned, the owner or occupant shall secure a permit from the Director of Seattle Public Utilities to cap the side sewer.

Section 69. Subsection 21.16.071.F of the Seattle Municipal Code, which section was enacted by Ordinance 123494, is amended as follows:

21.16.071 Permit application and fees.

* * *

F. Inspection Fee ((~~.~~))

For the purpose of this ((~~section~~)) Section 21.16.071 inspection time in excess of the base fee will be charged per hour at $160 or the current hourly fee as established by the applicable Seattle Department of ((~~Planning and Development~~)) Construction and Inspections Director's Rule.

In all cases of dispute regarding fees, permits, or other matters relating to this ((~~section~~)) Section 21.16.071, the decision of the Director of Seattle Public Utilities shall be final and conclusive.

Section 70. Section 21.16.077 of the Seattle Municipal Code, enacted by Ordinance 123494, is amended as follows:

21.16.077 Refund of sewer permit fees.

A. Applicants may request a refund of fees, less any administrative costs incurred by Seattle Public Utilities or the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections up to the date of the refund request, at any time prior to any work or inspections occurring. Starting work signifies a use of the rights granted by the permit and thus the loss of a right to request a refund.

B. Not((-))withstanding the conditions of subsection 21.16.077.A ((~~of this section~~)), side sewer repair permits are not eligible for refunds.

Section 71. Section 21.16.270 of the Seattle Municipal code, enacted by Ordinance 123494, is amended as follows:

21.16.270 Installation when compliance is impractical—Conditional permit.

If, in the opinion of the Director of Seattle Public Utilities, or the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, after consulting with the Director of Seattle Public Utilities, physical conditions make compliance with the provisions of this ((~~chapter~~)) Chapter 21.16 impracticable, the Director of Seattle Public Utilities may issue a permit for installation of a side sewer requiring compliance with the provisions insofar as is reasonably possible, and such permit shall be issued only upon the condition that the property owner shall record with the King County Department of Records and Elections an instrument acceptable to the Director of Seattle Public Utilities agreeing to save harmless and indemnify the City from any damage or injury resulting from the installation, operation, and maintenance of said side sewer. Such instrument shall be in a form approved by the Director. This ((~~section~~)) Section 21.16.270 is not intended to be used to allow drainage connections to a sanitary sewer.

Section 72. Section 21.16.350 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

21.16.350 Authority to make rules and regulations.

The Director of Seattle Public Utilities and the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may make rules and regulations and amend the same from time to time, not inconsistent with the provisions of this ((~~chapter~~)) Chapter 21.16, as

((~~he or she or they~~)) either or both shall deem necessary and convenient to carry out the provisions of this ((~~chapter~~)) Chapter 21.16.

Section 73. Section 21.36.018 of the Seattle Municipal code, enacted by Ordinance 118396, is amended as follows:

21.36.018 Enforcement authority.

A. The Director of Seattle Public Utilities is authorized and directed to supervise and manage the collection and disposal of solid waste under this ((~~chapter~~)) Chapter 21.36 and to provide, designate, and supervise places for the disposal thereof, and shall with the assistance of the Chief of Police have general charge of supervision over the administration and enforcement of this ((~~chapter~~)) Chapter 21.36 ((~~; provided the Health Officer shall enforce the provisions of Sections 21.36.096 (Waste screening), 21.36.180 (Incineration and energy recovery facilities), and 21.36.185 (Commercial composting facilities)~~)). The fire, health, engineering, construction, inspections and land use and other appropriate City departments are authorized to assist in enforcing the provisions of this ((~~chapter~~)) Chapter 21.36.

B. Upon a determination that in order to promote the public health, safety, or welfare and that the successful operation of the system for collection and disposal of solid waste within the City requires such action, the Director of Seattle Public Utilities may direct that anyone, including but not limited to the persons or organizations exempted from the proscription of Section 21.36.030, must deposit solid waste hauled by them at designated disposal sites or interim solid-waste handling sites. The determination by the Director of Seattle Public Utilities shall set forth the reasons therefor, shall be filed with the City Clerk and mailed on the date of filing to all persons and organizations covered by ((~~exemptions A through D and F of Section~~

~~21.36.030~~)) subsections 21.36.030.A through 21.36.030.D and subsection 21.36.030.F, and shall be published within three (((~~3~~))) days thereafter in the City official newspaper.

C. The Director of Seattle Public Utilities may request that the Chief of Police commission authorized representatives of the Director as nonuniformed special police officers with powers to enforce the provisions of the Solid Waste Code.

Section 74. Subsection 21.36.089.F of the Seattle Municipal Code, which section was last amended by Ordinance 124076, is amended as follows:

21.36.089 Construction and Demolition Waste Recycling Required

* * *

F. Definitions. For purposes of this ((~~section~~)) Section 21.36.089, the term "construction and demolition project((-))" means a location or project site for which a person is required to obtain a permit from the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections under Section 106 of the Building Code or Section R105 of the Residential Code.

Section 75. Section 22.170.050 of the Seattle Municipal Code, enacted by Ordinance 123107, is amended as follows:

* * *

"Building permit" means a document issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections giving permission for construction or other specified activity in accordance with the Seattle Building Code (Chapter 22.100) or the Seattle Residential Code (Chapter 22.150).

"Business day" is a day that is not a Saturday, Sunday, or federal, state or City holiday.

"Civil engineer, licensed" means a person licensed by the State of Washington as a professional civil engineer.

"Clearing" means removal of vegetation, and removal of roots or stumps that includes ground disturbance.

"Compaction" means the densification of earth material or fill.

"Cut" means the changing of a grade by excavation.

"Development" means land disturbing activity or the addition or replacement of impervious surface.

"Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the Director's designees.

"Earth material" means any rock, soil, or combination thereof.

"Engineer of record" means a licensed engineer who has overall responsibility for the grading portion of the application and whose stamp is on the application materials.

"Environmentally critical area" means an area designated in Section 25.09.020.

"Erosion" means the wearing away of the ground surface as a result of mass wasting or of the movement of wind, water, ice or other geological agents, including such processes as gravitational creep.

Erosion also means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Excavation" means the mechanical removal of fill or earth material.

"Existing grade" means the current surface contour of a site, including minor adjustments to the surface of the site in preparation for construction, or the surface contour that existed immediately prior to grading done without a permit.

"Exploratory excavation" means borings or small pits, hand-dug or excavated by mechanical equipment, for the purpose of determining soil characteristics or location of utilities.

"Fill" means a deposit of material placed by artificial means.

"Filling" means the activity of depositing fill.

"Geologic hazard area" has the meaning set forth in ((~~SMC~~)) Section 25.09.020, ((~~Regulations for Environmentally Critical Areas~~)) Environmentally critical areas definitions.

"Geotechnical engineer" means a person licensed by the State of Washington as a professional civil engineer who has expertise in geotechnical engineering.

"Grade" means the ground surface contour (see also "Existing grade").

"Grading" means excavation, filling, in-place ground modification, removal of roots or stumps that includes ground disturbance, stockpiling of earth materials, or any combination thereof, including the establishment of a grade following demolition of a structure.

"Grading permit" means a document issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections giving permission for land disturbing activity, including approval granted as a component of a building permit.

* * *

Section 76. Subsection 22.170.180.D of the Seattle Municipal Code, which section was enacted by Ordinance 123107, is amended as follows:

22.170.180 Obligations of Owners; Liability

* * *

D. This ((~~code~~)) Grading Code and any grading permit shall not be construed to relieve or lessen the responsibility of any person owning, operating, responsible for or controlling any property, building or structure, nor to relieve or lessen the liability of any such person, whether to the City or to any other person, for any death, injury, or damage to persons or property, nor shall the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or

the City or its officers, employees, contractors or agents be held to have assumed or waived any such responsibility or liability by reason of anything done or omitted under this ((~~code~~)) Grading Code.

Section 77. Subsection 22.204.050.A of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

22.204.050 "D."

A. "Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for the City of Seattle and/or the Director's designee.

* * *

Section 78. Section 22.206.160 of the Seattle Municipal Code, last amended by Ordinance 124738, is amended as follows:

22.206.160 Duties of owners

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

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

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

3. Exterminate insects, rodents and other pests which are a menace to public health, safety or welfare. Compliance with the Director's Rule governing the extermination of pests shall be deemed compliance with this subsection 22.206.160.A.3;

4. Remove from the building or the premises any article, substance or material imminently hazardous to the health, safety, or general welfare of the occupants or the public, or which may substantially contribute to or cause deterioration of the building to such an extent that it may become a threat to the health, safety, or general welfare of the occupants or the public;

5. Remove vegetation and debris as required by Section 10.52.030;

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

7. Maintain the building and equipment in compliance with the minimum standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except for maintenance duties specifically imposed in this Section 22.206.170 on the tenant of the building; provided that this subsection 22.206.160.A.7 shall not apply to owner-occupied dwelling units in which no rooms are rented to others;

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

9. Maintain the building in compliance with the requirements of Section 3403.1 of the Seattle Building Code;

10. Comply with any emergency order issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections; and

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

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

1. Maintain in a clean and sanitary condition the shared areas, including yards and courts, of any building containing two or more housing units;

2. Supply enough garbage cans or other approved containers of sufficient size to contain all garbage disposed of by such tenants;

3. Maintain heat in all occupied habitable rooms, baths and toilet rooms at an inside temperature, as measured at a point 3 feet above the floor and 2 feet from exterior walls, of at least 68 degrees Fahrenheit between the hours of 7((~~:00~~)) a.m. and 10:30 p.m. and 58 degrees Fahrenheit between the hours of 10:30 p.m. and 7((~~:00~~)) a.m. from September 1((~~st~~)) until June 30((~~th~~)), when the owner is contractually obligated to provide heat;

4. Install smoke detectors on the ceiling or on the wall not less than 4 inches nor more than 12 inches from the ceiling at a point or points centrally located in a corridor or area in each housing unit and test smoke detectors when each housing unit becomes vacant;

5. Make all needed repairs or replace smoke detectors with operating detectors before a unit is reoccupied; and

6. Instruct tenants as to the purpose, operation and maintenance of the detectors.

C. Just ((~~Cause Eviction.~~)) <u>cause eviction</u>

1. Pursuant to provisions of the state Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued

by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists. Owners may not evict residential tenants from rental housing units if the units are not registered with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections as required by Section 22.214.040, regardless of whether just cause for eviction may exist. An owner is in compliance with this registration requirement if the rental housing unit is registered with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections before entry of a court order authorizing eviction or before a writ of restitution is granted. A court may grant a continuance in an eviction action in order to give the owner time to register the rental housing unit. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this Section 22.206.160:

a. The tenant fails to comply with a three day notice to pay rent or vacate pursuant to RCW 59.12.030(3); a ten day notice to comply or vacate pursuant to RCW 59.12.030(4); or a three day notice to vacate for waste, nuisance (including a drug-related activity nuisance pursuant to chapter RCW 7.43 ((~~Chapter 7.43~~))) or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5);

b. The tenant habitually fails to pay rent when due which causes the owner to notify the tenant in writing of late rent four or more times in a 12 month period;

c. The tenant fails to comply with a ten day notice to comply or vacate that requires compliance with a material term of the rental agreement or that requires compliance with a material obligation under ((~~RCW~~)) chapter 59.18 RCW;

d. The tenant habitually fails to comply with the material terms of the rental agreement which causes the owner to serve a ten day notice to comply or vacate three or more times in a 12 month period;

e. The owner seeks possession so that the owner or a member of his or her immediate family may occupy the unit as that person's principal residence and no substantially equivalent unit is vacant and available in the same building. "Immediate family" shall include the owner's domestic partner registered pursuant to Section 1 of Ordinance 117244 or the owner's spouse, parents, grandparents, children, brothers and sisters of the owner, of the owner's spouse, or of the owner's domestic partner. There shall be a rebuttable presumption of a violation of this subsection ((~~22.206.160.C.1.a~~)) 22.206.160.C.1.e if the owner or a member of the owner's immediate family fails to occupy the unit as that person's principal residence for at least 60 consecutive days during the 90 days immediately after the tenant vacated the unit pursuant to a notice of termination or eviction using this subparagraph as the cause for eviction;

f. The owner elects to sell a single-family dwelling unit and gives the tenant at least 60 days written notice prior to the date set for vacating, which date shall coincide with the end of the term of a rental agreement, or if the agreement is month to month, with the last day of a monthly period. For the purposes of this Section 22.206.160, an owner "elects to sell" when the owner makes reasonable attempts to sell the dwelling within 30 days after the tenant has vacated, including, at a minimum, listing it for sale at a reasonable price with a realty agency or advertising it for sale at a reasonable price in a newspaper of general circulation. There shall be a rebuttable presumption that the owner did not intend to sell the unit if:

1) Within 30 days after the tenant has vacated, the owner does not list the single-family dwelling unit for sale at a reasonable price with a realty agency or advertise it for sale at a reasonable price in a newspaper of general circulation, or

2) Within 90 days after the date the tenant vacated or the date the property was listed for sale, whichever is later, the owner withdraws the rental unit from the market, rents the unit to someone other than the former tenant, or otherwise indicates that the owner does not intend to sell the unit;

g. The tenant's occupancy is conditioned upon employment on the property and the employment relationship is terminated;

h. The owner seeks to do substantial rehabilitation in the building; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and at least one permit necessary for the rehabilitation, other than a Master Use Permit, before terminating the tenancy;

i. The owner (i) elects to demolish the building, convert it to a cooperative, or convert it to a nonresidential use; provided that, the owner must obtain a tenant relocation license if required by Chapter 22.210 and a permit necessary to demolish or change the use before terminating any tenancy, or (ii) converts the building to a condominium provided the owner complies with the provisions of Sections 22.903.030 and 22.903.035;

j. The owner seeks to discontinue use of a housing unit unauthorized by Title 23 after receipt of a notice of violation thereof. The owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1) $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the County median income, or

2) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the County median income;

k. The owner seeks to reduce the number of individuals residing in a dwelling unit to comply with the maximum limit of individuals allowed to occupy one dwelling unit, as required by Title 23, and:

1)

a) The number of such individuals was more than is lawful under the current version of Title 23 ((~~or Title 24~~)) but was lawful under Title 23 or 24 on August 10, 1994;

b) That number has not increased with the knowledge or consent of the owner at any time after August 10, 1994; and

c) The owner is either unwilling or unable to obtain a permit to allow the unit with that number of residents.

2) The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit,

3) After expiration of the 30 day notice, the owner has served the tenants with and the tenants have failed to comply with a ten day notice to comply with the limit on the number of occupants or vacate, and

4) If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no

more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the owner's option, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit;

1.

1) The owner seeks to reduce the number of individuals who reside in one dwelling unit to comply with the legal limit after receipt of a notice of violation of the Title 23 restriction on the number of individuals allowed to reside in a dwelling unit, and:

a) The owner has served the tenants with a 30 day notice, informing the tenants that the number of tenants exceeds the legal limit and must be reduced to the legal limit; provided that, no 30 day notice is required if the number of tenants was increased above the legal limit without the knowledge or consent of the owner;

b) After expiration of the 30 day notice required by subsection 22.206.160.1.1.a above, or at any time after receipt of the notice of violation if no 30 day notice is required pursuant to subsection 22.206.160.1.1.a, the owner has served the tenants with and the tenants have failed to comply with a ((~~10~~)) <u>ten</u> day notice to comply with the maximum legal limit on the number of occupants or vacate; and

c) If there is more than one rental agreement for the unit, the owner may choose which agreements to terminate; provided that, the owner may either terminate no more than the minimum number of rental agreements necessary to comply with the legal limit on the number of occupants, or, at the option of the owner, terminate only those agreements involving the minimum number of occupants necessary to comply with the legal limit.

2) For any violation of the maximum legal limit on the number of individuals allowed to reside in a unit that occurred with the knowledge or consent of the owner, the owner is required to pay relocation assistance to the tenant(s) of each such unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

a) $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

b) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

m. The owner seeks to discontinue use of an accessory dwelling unit for which a permit has been obtained pursuant to Sections 23.44.041 and 23.45.545 after receipt of a notice of violation of the development standards provided in those sections. The owner is required to pay relocation assistance to the tenant household residing in such a unit at least two weeks prior to the date set for termination of the tenancy, at the rate of:

1) $2,000 for a tenant household with an income during the past 12 months at or below 50 percent of the county median income, or

2) Two months' rent for a tenant household with an income during the past 12 months above 50 percent of the county median income;

n. An emergency order requiring that the housing unit be vacated and closed has been issued pursuant to Section 22.206.260 and the emergency conditions identified in the order have not been corrected;

o. The owner seeks to discontinue sharing with a tenant of the owner's own housing unit, i.e., the unit in which the owner resides, seeks to terminate the tenancy of a tenant of an accessory dwelling unit authorized pursuant to Sections 23.44.041 and 23.45.545

that is accessory to the housing unit in which the owner resides or seeks to terminate the tenancy of a tenant in a single-family dwelling unit and the owner resides in an accessory dwelling unit on the same lot. This subsection 22.206.160.C.1.o does not apply if the owner has received a notice of violation of the development standards of Section 23.44.041. If the owner has received such a notice of violation, subsection 22.206.160.C.1.m applies;

p. A tenant, or with the consent of the tenant, ((~~his or her~~)) the tenant's subtenant, sublessee, resident, or guest, has engaged in criminal activity on the premises, or on the property or public right-of-way abutting the premises, and the owner has specified in the notice of termination the crime alleged to have been committed and the general facts supporting the allegation, and has assured that the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections has recorded receipt of a copy of the notice of termination. For purposes of this subsection 22.206.160.C.1.p a person has "engaged in criminal activity" if he or she:

1) Engages in drug-related activity that would constitute a violation of ((~~RCW Chapters~~)) chapters 69.41, 69.50 or 69.52 RCW, or

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

2. Any rental agreement provision which waives or purports to waive any right, benefit or entitlement created by this subsection 22.206.160.C.1.p shall be deemed void and of no lawful force or effect.

3. With any termination notices required by law, owners terminating any tenancy protected by this ((~~section~~)) Section 22.206.160 shall advise the affected tenant or tenants in writing of the reasons for the termination and the facts in support of those reasons.

4. If a tenant who has received a notice of termination of tenancy claiming subsection 22.206.160.C.1.e, 22.206.160.C.1.f, or 22.206.160.C.1.m as the ground for termination believes that the owner does not intend to carry out the stated reason for eviction and makes a complaint to the Director, then the owner must, within ten days of being notified by the Director of the complaint, complete and file with the Director a certification stating the owner's intent to carry out the stated reason for the eviction. The failure of the owner to complete and file such a certification after a complaint by the tenant shall be a defense for the tenant in an eviction action based on this ground.

5. In any action commenced to evict or to otherwise terminate the tenancy of any tenant, it shall be a defense to the action that there was no just cause for such eviction or termination as provided in this ((~~section~~)) Section 22.206.160.

6. It shall be a violation of this ((~~section~~)) Section 22.206.160 for any owner to evict or attempt to evict any tenant or otherwise terminate or attempt to terminate the tenancy of any tenant using a notice which references subsections 22.206.160.C.1.e, 22.206.160.C.1.f, 22.206.160.C.1.h, 22.206.160.C.1.k, 22.206.160.C.1.l, or 22.206.160.C.1.m as grounds for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy.

7. An owner who evicts or attempts to evict a tenant or who terminates or attempts to terminate the tenancy of a tenant using a notice which references subsections 22.206.160.C.1.e, 22.206.160.1.f or 22.206.160.1.h as the ground for eviction or termination of tenancy without fulfilling or carrying out the stated reason for or condition justifying the termination of such tenancy shall be liable to such tenant in a private right for action for damages up to $2,000, costs of suit, or arbitration and reasonable attorney's fees.

Section 79. Section 22.206.180 of the Seattle Municipal Code, last amended by Ordinance 120302, is amended as follows:

22.206.180 Prohibited acts by owners.

A. Except as otherwise specifically required or allowed by this Code or by the Residential Landlord Tenant Act, chapter 59.18 RCW, it is unlawful for any owner to:

1. Change or tamper with any lock or locks on a door or doors used by the tenant; or

2. Remove any door, window, fuse box, or other equipment, fixtures, or furniture; or

3. Request, cause or allow any gas, electricity, water or other utility service supplied by the owner to be discontinued; or

4. Remove or exclude a tenant from the premises except pursuant to legal process; or

5. Evict, increase rent, reduce services, increase the obligations of a tenant or otherwise impose, threaten or attempt any punitive measure against a tenant for the reason that the tenant has in good faith reported violations of this Code to the Seattle Department of ((~~Design, Construction and Land Use~~)) Construction and Inspections or to the Seattle Police Department, or otherwise asserted, exercised, or attempted to exercise any legal rights granted tenants by law and arising out of the tenant's occupancy of the building; or

6. Enter a tenant's housing unit or premises except:

a. At reasonable times with the tenant's consent, after giving the tenant:

((~~(i)~~)) 1) at least two ((~~(2)~~)) days' notice of intent to enter for the purpose of inspecting the premises, making necessary or agreed repairs, alterations or improvements, or supplying necessary or agreed services; or

((~~(ii)~~)) 2) at least one ((~~(1)~~)) day's notice for the purpose of exhibiting the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers or contractors; or

b. In an emergency; or

c. In case of abandonment as defined by state law; or

7. Prohibit a tenant or the tenant's authorized agent or agents, if accompanied by the tenant, from engaging in the following activities when related to building affairs or tenant organization:

a. Distributing leaflets in a lobby and other common areas and at or under tenants' doors;

b. Posting information on bulletin boards, provided that tenants comply with all generally applicable rules of the landlord governing the use of such boards. Such rules cannot specifically exclude the posting of information related to tenant organizing activities if the rules permit posting of other types of information by tenants;

c. Initiating contact with tenants;

d. Assisting tenants to participate in tenant organization activities;

e. Holding meetings, including political caucuses or forums for speeches of public officials or candidates for public office, unattended by management, conducted at reasonable times and in an orderly manner on the premises, held in any community rooms or recreation rooms if these rooms are open for the use of the tenants; provided that the tenant

complies with all other generally applicable rules of the landlord governing the use of such rooms. Any generally applicable rules must be written and posted in or near such a room. If a community or recreation room is not available, meetings may take place in common areas which include a laundry room, hallway or lobby; provided all generally applicable rules of the landlord governing such common areas and applicable fire and safety codes are followed.

B. The following rebuttable presumptions shall apply in any proceeding to collect a civil penalty for violation of subsection 22.206.180((-)).A.5.

1. Any owner who takes any action listed in ((~~Section~~)) subsection ((~~22.206.180 A5~~)) 22.206.180.A.5 within ((~~ninety (~~))90((~~)~~)) days after a tenant has in good faith reported violations of this Code (((~~chapter~~)) Chapter 22.206 ((~~SMC~~))) to the Seattle Department of ((~~Design, Construction and Land Use~~)) Construction and Inspections or to the Seattle Police Department, or otherwise asserted, exercised or attempted to exercise any legal rights granted tenants by law and arising out of a tenant's occupancy of the building, or within ((~~ninety (~~))90((~~)~~)) days after any inspection or proceeding by a governmental agency resulting from such legal right asserted, exercised or attempted to be exercised by a tenant, creates a rebuttable presumption affecting the burden of proof that the action was taken for the reason that the tenant had in good faith reported violations of this Code to the Seattle Department of ((~~Design, Construction and Land Use~~)) Construction and Inspections or to the Seattle Police Department or otherwise asserted, exercised or attempted to exercise any legal rights granted the tenant by law; except that, if at the time an owner gives a notice of termination of tenancy pursuant to chapter 59.12 RCW, the tenant is in arrears in rent or in breach of any other lease or rental obligation, there is a rebuttable presumption that the landlord's action is neither a reprisal nor retaliatory action against the tenant.

2. A tenant who makes a complaint or report to a governmental authority about an owner or owner's property within ((~~ninety (~~))90((~~)~~)) days after notice of a proposed increase in rent or other action in good faith by the owner creates a rebuttable presumption that the complaint or report was not made in good faith, unless the complaint or report was that the proposed increase in rent or other action was unlawful, in which case no such presumption applies.

3. The rebuttable presumption under subsection 22.206.180((-)).B.1 shall not apply with respect to an increase in rent if the owner, in a notice to the tenant of an increase in rent, specifies reasonable grounds for said increase and the notice of said increase does not violate ((~~SMC~~)) subsection 7.24.030((-)).A.

Section 80. Subsections 22.210.030.D and 22.210.030.I of the Seattle Municipal Code, which section was last amended by Ordinance 121276, are amended as follows:

22.210.030 Definitions.

* * *

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

* * *

I. "Master use permit" means the document issued by the Seattle Department of ((~~Planning and Development which~~)) Construction and Inspections that records all land use decisions ((~~which are~~)) made by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

Section 81. Section 22.214.020 of the Seattle Municipal Code, last amended by Ordinance 124312, is amended as follows:

22.214.020 Definitions

For purposes of this Chapter 22.214, the following words or phrases have the meaning prescribed below:

1. "Accessory dwelling unit" or "ADU" means an "Accessory dwelling unit" or a "Detached accessory dwelling unit" or "DADU" as defined under "Residential use" in Section 23.84A.032.

2. "Certificate of Compliance" means the document issued by a qualified rental housing inspector and submitted to the Department by a property owner or agent that certifies the rental housing units that were inspected by the qualified rental housing inspector comply with the requirements of this Chapter 22.214.

3. "Common areas" mean areas on a property that are accessible by all tenants of the property including but not limited to: hallways; lobbies; laundry rooms; and common kitchens, parking areas, or recreation areas.

4. "Department" means the ((~~City's~~)) Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or successor Department.

5. "Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or the Director's designee.

* * *

Section 82. Subsection 22.214.075.A of the Seattle Municipal Code, which section was last amended by Ordinance 124738, is amended as follows:

22.214.075 Violations and enforcement

A. Failure to comply with any provision of this Chapter 22.214, or rule adopted according to this Chapter 22.214, is a violation of this Chapter 22.214 and subject to enforcement as provided for in this Chapter 22.214. In addition, and as further provided by ((~~Section~~)) subsection 22.206.160.C, owners may not evict residential tenants from rental housing units if the units are not registered with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections as required by ((~~SMC~~)) Section 22.214.040.

* * *

Section 83. Section 22.214.087 of the Seattle Municipal Code, last amended by Ordinance 124312, is amended as follows:

22.214.087 Rental Registration and Inspection Ordinance Enforcement Accounting Unit

A restricted accounting unit designated as the "Rental Registration and Inspection Ordinance Enforcement Account" is established in the ((~~Planning and Development~~)) Construction and Land Use Fund from which account the Director is authorized to pay or reimburse the costs and expenses incurred for notices of violation and civil actions initiated according to Sections 22.214.080 and 22.214.085. Money from the following sources shall be paid into the Rental Registration and Inspection Ordinance Enforcement Account:

A. Penalties collected according to Section 22.214.086 for enforcing this Chapter 22.214 according to the notice of violation process described in Section 22.214.080;

B. Penalties collected according to Section 22.214.086 for enforcing this Chapter 22.214 when a civil action has been initiated according to Section 22.214.085;

C. Other sums that may by ordinance be appropriated to or designated as revenue the account; and

D. Other sums that may by gift, bequest or grant be deposited in the account.

Section 84. Subsection 22.220.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

22.220.040 Definitions.

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

* * *

Section 85. Section 22.220.190 of the Seattle Municipal Code, last amended by Ordinance 114865, is amended as follows:

22.220.190 Civil penalty ((~~.~~))

A. In addition to any other sanction or remedial procedure which may be available, any person failing to comply with a final order of the Director of ((~~DCLU~~)) the Seattle Department of Construction and Inspections, violating any provision of this ((~~chapter~~)) Chapter 22.220, or deliberately attempting to evade application of this ((~~chapter~~)) Chapter 22.220 shall be subject to a civil penalty in the amount of ((~~Five Hundred Dollars (~~))$500((~~) per day~~)) for each day of violation.

B. The penalties imposed by this ((~~section~~)) Section 22.220.190 shall be collected by a civil action brought in the name of the city. The Director shall notify the City Attorney in writing of the name of any person subject to the penalty. The City Attorney shall, with the assistance of the Director, take appropriate action to collect the penalty.

Section 86. Section 22.450.010 of the Seattle Municipal Code, last amended by Ordinance 121865, is amended as follows:

22.450.010 Adoption of Seattle Boiler and Pressure Vessel Code ((~~.~~))

The Seattle Boiler and Pressure Vessel Code is hereby adopted and by this reference made a part of this ((~~subtitle~~)) Subtitle IVB. A copy of the Seattle Boiler and Pressure Vessel Code, with amendments, is kept on file at the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

Section 87. Subsection 22.602.070.E of the Seattle Municipal Code, which section was last amended by Ordinance 124649, is amended as follows:

22.602.070 Fees for Fire Department plan review and inspection of fire protection systems in new or existing buildings undergoing construction, reconstruction, remodeling, or renovation.

* * *

E. The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections is authorized to collect fees listed in this section for the Seattle Fire Department, and to transfer those funds to the Seattle Fire Department.

Section 88. Section 22.800.050, enacted by Ordinance 123105, is amended as follows:

22.800.050 Potentially Hazardous Locations

A. Any site on a list, register, or data base compiled by the United States Environmental Protection Agency or the Washington State Department of Ecology for investigation, cleanup, or other action regarding contamination under any federal or state environmental law shall be a potentially hazardous location under this subtitle. When EPA or Ecology removes the site from the list, register or data base, or when the Director of ((~~DPD~~)) SDCI determines the owner has otherwise established the contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

B. The following property may also be designated by the Director of ((~~DPD~~)) SDCI as potentially hazardous locations:

1. Existing and/or abandoned solid waste disposal sites;

2. Hazardous waste treatment, storage, or disposal facilities, all as defined by the federal Solid Waste Disposal Act, 42 U.S.C. section 6901, et seq.

Section 89. Subsection 22.800.070.B of the Seattle Municipal Code, which section was enacted by Ordinance 123105, is amended as follows:

22.800.070 Minimum Requirements for City Agency Projects

* * *

B. Inspection ((~~.~~))

1. When the City conducts projects for which review and approval is required under Chapter 22.807 (Drainage Control Review and Application Requirements) the work shall be inspected by the City agency conducting the project or supervising the contract for the project. The inspector for the City agency shall be responsible for ascertaining that the grading and drainage control is done in a manner consistent with the requirements of this subtitle.

2. A City agency need not provide an inspector from its own agency provided either:

a. The work is inspected by an appropriate inspector from another City agency; or

b. The work is inspected by an appropriate inspector hired for that purpose by a City agency; or

c. The work is inspected by the licensed civil or geotechnical engineer who prepared the plans and specifications for the work; or

d. A permit or approval is obtained from the Director of ((~~DPD~~)) SDCI, and the work is inspected by the Director.

* * *

Section 90. Section 22.800.080 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.800.080 Authority

A. For projects not conducted in the public right-of-way, the Director of ((~~DPD~~)) SDCI has authority regarding the provisions of this subtitle pertaining to grading, review of drainage control plans, and review of construction stormwater control plans, and has inspection and enforcement authority pertaining to temporary erosion and sediment control measures.

B. The Director of SPU has authority regarding all other provisions of this subtitle pertaining to drainage water, drainage, and erosion control, including inspection and enforcement authority. The Director of SPU may delegate authority to the Director of ((~~DPD~~)) SDCI or the Director of Seattle Department of Transportation regarding the provisions of this subtitle pertaining to review of drainage control plans, review of erosion control plans, and inspection and enforcement authority pertaining to temporary erosion and sediment control measures for projects conducted in the public right-of-way.

C. The Directors of ((~~DPD~~)) SDCI, SDOT, and SPU are authorized to take actions necessary to implement the provisions and purposes of this ((~~subtitle~~)) Subtitle VIII in their respective spheres of authority to the extent allowed by law, including, but not limited to, the following: promulgating and amending rules and regulations, pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code; establishing and conducting inspection programs; establishing and conducting or, as set forth in Section 22.802.040, requiring

responsible parties to conduct monitoring programs, which may include sampling of discharges to or from drainage control facilities, the public drainage system, or receiving waters; taking enforcement action; abating nuisances; promulgating guidance and policy documents; and reviewing and approving, conditioning, or disapproving required submittals and applications for approvals and permits. The Directors are authorized to exercise their authority under this ((~~subtitle~~)) Subtitle VIII in a manner consistent with their legal obligations as determined by the courts or by statute.

D. The Director of SPU is authorized to develop, review, or approve drainage basin plans for managing receiving waters, drainage water, and erosion within individual basins. A drainage basin plan may, when approved by the Director of SPU, be used to modify requirements of this subtitle, provided the level of protection for human health, safety and welfare, the environment, and public or private property will equal or exceed that which would otherwise be achieved. A drainage basin plan that modifies the minimum requirements of this subtitle at a drainage basin level must be reviewed and approved by Ecology and adopted by City ordinance.

E. The Director of SPU is authorized, to the extent allowed by law, to develop, review, or approve an Integrated Drainage Plan as an equivalent means of complying with the requirements of this subtitle, in which the developer of a project voluntarily enters into an agreement with the Director of SPU to implement an Integrated Drainage Plan that is specific to one or more sites where best management practices are employed such that the cumulative effect on the discharge from the site(s) to the same receiving water is the same or better than that which would be achieved by a less integrated, site-by-site implementation of best management practices.

F. The Director of SPU is authorized, to the extent allowed by law, to enter into an agreement with the developer of a project for the developer to voluntarily contribute funds

toward the construction of one or more drainage control facilities that mitigate the impacts to the same receiving water that have been identified as a consequence of the proposed development.

G. The Director of SPU is authorized, to the extent allowed by law, to enter into an agreement with the developer of a project for the developer to voluntarily construct one or more drainage control facilities at an alternative location, determined by the Director, to mitigate the impacts to the same receiving water that have been identified as a consequence of the proposed development.

H. If the Director of SPU determines that a discharge from a site, real property, or drainage facility, directly or indirectly to a public drainage system, a private drainage system, or a receiving water within or contiguous to Seattle city limits, has exceeded, exceeds, or will exceed water quality standards at the point of assessment, or has caused or contributed, is causing or contributing, or will cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit, and cannot be adequately addressed by the required best management practices, then the Director of SPU has the authority, to the extent allowed by law, to issue an order under Chapter 22.808 requiring the responsible party to undertake more stringent or additional best management practices. These best management practices may include additional source control or structural best management practices or other actions necessary to cease the exceedance, the prohibited discharge, or causing or contributing to the known or likely violation of water quality standards in the receiving water or the known or likely violation of the City's municipal stormwater NPDES permit. Structural best management practices may include but shall not be limited to: drainage control facilities, structural source controls, treatment facilities, constructed facilities such as enclosures, covering and/or berming of container storage

areas, and revised drainage systems. For existing discharges as opposed to new projects, the Director may allow 12 months to install a new flow control facility, structural source control, or treatment facility after the Director notifies the responsible party in writing of the Director's determination pursuant to this subsection 22.800.080.H and of the flow control facility, structural source control, or treatment facility that must be installed.

I. Unless an adjustment per subsection 22.800.040.B or an exception per subsection 22.800.040.C is approved by the Director, an owner or occupant who is required, or who wishes, to connect to a public drainage system shall be required to extend the public drainage system if a public drainage system is not accessible within an abutting public area across the full frontage of the property.

J. The Director of ((~~DPD~~)) SDCI has the authority, to the extent allowed by law, to require sites with addition or replacement of less than 5,000 square feet of impervious surface or with less than one acre of land disturbing activity to comply with the requirements set forth in Section 22.805.080 or Section 22.805.090 when necessary to accomplish the purposes of this subtitle. In making this determination, the Director of ((~~DPD~~)) SDCI may consider, but not be limited to, the following attributes of the site: location within an Environmentally Critical Area; proximity and tributary to an Environmentally Critical Area; and proximity and tributary to an area with known erosion or flooding problems.

Section 91. Subsection 22.800.090.B of the Seattle Municipal Code, which section was enacted Ordinance 123105, is amended as follows:

22.800.090 City Not Liable

* * *

B. The Director or any employee charged with the enforcement of this subtitle, acting in good faith and without malice on behalf of the City, shall not be personally liable for any damage that may accrue to persons or property as a result of any act required by the City, or by reason of any act or omission in the discharge of these duties. Any suit brought against the Director of ((~~DPD~~)) SDCI, Director of SPU, or other employee because of an act or omission performed in the enforcement of any provisions of this ((~~subtitle~~)) Subtitle VIII, shall be defended by the City.

* * *

Section 92. Section 22.801.030 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.801.030 "B"

* * *

"Building permit" means a document issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections authorizing construction or other specified activity in accordance with the Seattle Building Code (Chapter 22.100) or the Seattle Residential Code (Chapter 22.150).

Section 93. Section 22.801.050 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.801.050 "D"

* * *

"Director of SDCI" means the Director of the Seattle Department of Construction and Inspections or the designee of the Director of the Seattle Department of Construction and Inspections, who may be employees of that department or another City department.

((~~"Director of DPD" means the Director of the Department of Planning and Development of The City of Seattle and/or the designee of the Director of Planning and Development, who may be employees of that department or another City department.~~))

"Director of SDOT" means the Director of Seattle Department of Transportation of The City of Seattle ((~~and/~~))or the designee of the Director of Seattle Department of Transportation, who may be employees of that department or another City department.

"Director of SPU" means the Director of Seattle Public Utilities of The City of Seattle ((~~and/~~))or the designee of the Director of Seattle Public Utilities, who may be employees of that department or another City department.

"Discharge point" means the location from which drainage water from a site is released.

"Discharge rate" means the rate at which drainage water is released from a site. The discharge rate is expressed as volume per unit of time, such as cubic feet per second.

((~~"DPD" means the Department of Planning and Development.~~))

* * *

Section 94. Section 22.801.140 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.801.140 "M"

"Master use permit" means a document issued by ((~~DPD~~)) SDCI giving permission for development or use of land or street right-of-way in accordance with Chapter 23.76.

"Maximum extent feasible" means the requirement is to be fully implemented, constrained only by the physical limitations of the site, practical considerations of engineering design, and reasonable considerations of financial costs and environmental impacts.

"Municipal stormwater NPDES permit" means the permit issued to the City under the federal Clean Water Act for public drainage systems within the City limits.

Section 95. Section 22.801.200 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.801.200 "S"

* * *

"Sanitary sewer" means a system that conveys wastewater and is not designed to convey stormwater.

"SDCI" means the Seattle Department of Construction and Inspections.

"SDOT" means the Seattle Department of Transportation.

* * *

Section 96. Subsection 22.805.020.M of the Seattle Municipal Code, which section was last amended by Ordinance 124105, is amended as follows:

22.805.020 Minimum requirements for all projects

* * *

M. Comply with Side Sewer Code ((~~.~~))

1. All privately owned and operated drainage control facilities or systems, whether or not they discharge to a public drainage system, shall be considered side sewers and subject to Chapter 21.16 (Side Sewer Code), SPU Director's Rules promulgated under Title 21, and the design and installation specifications and permit requirements of SPU and ((~~DPD~~)) SDCI for side sewer and drainage systems.

2. Side sewer permits and inspections shall be required for constructing, capping, altering, or repairing privately owned and operated drainage systems as provided for in Chapter

21.16. When the work is ready for inspection, the permittee shall notify the Director of ((~~DPD~~)) SDCI. If the work is not constructed according to the plans approved under this ((~~subtitle~~)) Subtitle VIII, Chapter 21.16, the SPU Director's Rules promulgated under Title 21, and SPU and ((~~DPD~~)) SDCI design and installation specifications, then SPU, after consulting with ((~~DPD~~)) SDCI, may issue a stop work order under Chapter 22.808 and require modifications as provided for in this ((~~subtitle~~)) Subtitle VIII and Chapter 21.16.

Section 97. Section 22.807.020 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

22.807.020 Drainage control review and application requirements

A. Thresholds for Drainage Control Review. Drainage control review and approval shall be required for any of the following:

1. Standard drainage control review and approval shall be required for the following:

a. Any land disturbing activity encompassing an area of ((~~seven hundred fifty (~~))750((~~)~~)) square feet or more;

b. Applications for either a master use permit or building permit that includes the cumulative addition of 750 square feet or more of land disturbing activity and/or new and replaced impervious surface;

c. Applications for which a grading permit or approval is required ((~~per SMC~~)) pursuant to Chapter 22.170;

d. Applications for street use permits for the cumulative addition of 750 square feet or more of new and replaced impervious surface and land disturbing activity;

e. City public works projects or construction contracts, including contracts for day labor and other public works purchasing agreements, for the cumulative addition of 750 square feet or more of new and replaced impervious surface and/or land disturbing activity to the site, except for projects in a City-owned right-of-way and except for work performed for the operation and maintenance of park lands under the control or jurisdiction of the Department of Parks and Recreation; or

f. Permit approvals and contracts that include any new or replaced impervious surface or any land disturbing activity on a site deemed a potentially hazardous location, as specified in Section 22.800.050 (Potentially Hazardous Locations);

g. Permit approvals that include any new impervious surface in a Category I peat settlement-prone area delineated pursuant to ((~~subsection~~)) Section 25.09.020; or

h. Whenever an exception to a requirement set forth in this ((~~subtitle~~)) Subtitle VIII or in a rule promulgated under this ((~~subtitle~~)) Subtitle VIII is desired, whether or not review and approval would otherwise be required, including but not limited to, alteration of natural drainage patterns or the obstruction of watercourses.

2. Large project drainage control review and approval shall be required for projects that include:

a. ((~~Five thousand~~)) 5,000 square feet or more of new plus replaced impervious surface;

b. ((~~One~~)) 1 acre or more of land disturbing activity;

c. Conversion of 3/4 acres or more of native vegetation to lawn or landscaped area;

d. Conversion of 2.5 acres or more of native vegetation to pasture.

3. The City may, by interagency agreement signed by the Directors of SPU and ((~~DPD~~)) SDCI, waive the drainage and erosion control permit and document requirements for property owned by public entities, when discharges for the property do not enter the public drainage system or the public combined sewer system.

B. Submittal Requirements for Drainage Control Review and Approval

1. Information Required for Standard Drainage Control Review. The following information shall be submitted to the Director for all projects for which drainage control review is required.

a. Standard Drainage Control Plan. A drainage control plan shall be submitted to the Director. Standard designs for drainage control facilities as set forth in rules promulgated by the Director may be used.

b. Construction Stormwater Control Plan. A construction stormwater control plan demonstrating controls sufficient to determine compliance with subsection 22.805.020.D shall be submitted. The Director may approve a checklist in place of a plan, pursuant to rules promulgated by the Director.

c. Memorandum of Drainage Control. The owner(s) of the site shall sign a "memorandum of drainage control" that has been prepared by the Director of SPU. Completion of the memorandum shall be a condition precedent to issuance of any permit or approval for which a drainage control plan is required. The applicant shall file the memorandum of drainage control with the King County Recorder's Office so as to become part of the King County real property records. The applicant shall give the Director of SPU proof of filing of the memorandum. The memorandum shall not be required when the drainage control facility will be owned and operated by the City. A memorandum of drainage control shall include:

1) The legal description of the site;

2) A summary of the terms of the drainage control plan, including any known limitations of the drainage control facilities, and an agreement by the owners to implement those ((~~terns~~)) terms;

3) An agreement that the owner(s) shall inform future purchasers and other successors and assignees of the existence of the drainage control facilities and other elements of the drainage control plan, the limitations of the drainage control facilities, and of the requirements for continued inspection and maintenance of the drainage control facilities;

4) The side sewer permit number and the date and name of the permit or approval for which the drainage control plan is required;

5) Permission for the City to enter the property for inspection, monitoring, correction, and abatement purposes;

6) An acknowledgment by the owner(s) that the City is not responsible for the adequacy or performance of the drainage control plan, and a waiver of any and all claims against the City for any harm, loss, or damage related to the plan, or to drainage or erosion on the property, except for claims arising from the City's sole negligence; and

7) The owner(s)' signatures acknowledged by a notary public.

2. Information Required for Large Project Drainage Control Review. In addition to the submittal requirements for standard drainage control review, the following information is required for projects that include: one acre or more of land disturbing activities; 5,000 square feet or more of new and replaced impervious surface; conversion of 3/4 acres or more of native vegetation to lawn or landscaped area; or conversion of 2.5 acres or more of native vegetation to pasture.

a. Comprehensive Drainage Control Plan. A comprehensive drainage control plan, in lieu of a standard drainage control plan, to comply with the requirements of this subtitle and rules promulgated hereunder and to accomplish the purposes of this subtitle shall be submitted with the permit application. It shall be prepared by a licensed civil engineer in accordance with standards adopted by the Director of ((~~DPD~~)) SDCI.

b. Inspection and Maintenance Schedule. A schedule shall be submitted that provides for inspection of temporary and permanent flow control facilities, treatment facilities, and source controls to comply with Section 22.805.080 (Minimum Requirements for Flow Control) and Section 22.805.090 (Minimum Requirements for Treatment).

c. Construction Stormwater Control Plan. A construction stormwater control plan prepared in accordance with subsection 22.805.020.D shall be submitted.

3. Applications for drainage control review and approval shall be prepared and submitted in accordance with provisions of this subsection, with Chapter 21.16 (Side Sewer Code) and with associated rules and regulations adopted jointly by the Directors of ((~~DPD~~)) SDCI and SPU.

4. The Director of ((~~DPD~~)) SDCI may require additional information necessary to adequately evaluate applications for compliance with the requirements and purposes of this subtitle and other laws and regulations, including but not limited to Chapter 25.09 (Regulations for Environmentally Critical Areas) and Chapter 23.60A. The Director of ((~~DPD~~)) SDCI may also require appropriate information about adjoining properties that may be related to, or affected by, the drainage control proposal in order to evaluate effects on the adjacent property. This additional information may be required as a precondition for permit application review and approval.

5. Where an applicant simultaneously applies for more than one of the permits listed in subsection 22.807.020.A for the same property, the application shall comply with the requirements for the permit that is the most detailed and complete.

C. Authority to Review. The Director may approve those plans that comply with the provisions of this ((~~subtitle~~)) Subtitle VIII and rules promulgated hereunder, and may place conditions upon the approval in order to assure compliance with the provisions of this subtitle. Submission of the required drainage control application information shall be a condition precedent to the processing of any of the above-listed permits. Approval of drainage control shall be a condition precedent to issuance of any of the above-listed permits. The Director may review and inspect activities subject to this ((~~subtitle~~)) Subtitle VIII and may require compliance regardless of whether review or approval is specifically required by this subsection 22.807.020.C. The Director may disapprove plans that do not comply with the provisions of this ((~~subtitle~~)) Subtitle VIII and rules promulgated hereunder. Disapproved plans shall be returned to the applicant, who may correct and resubmit the plans.

Section 98. Section 22.900A.020 of the Seattle Municipal Code, last amended by Ordinance 124347, is amended as follows:

22.900A.020 Purpose ((~~.~~))

A. It is the purpose of this Subtitle IX to prescribe equitable fees and fee collection policies for all services provided by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, hereafter, "Department" or "((~~DPD~~)) SDCI," and other City departments that are sufficient to cover their costs of processing applications, inspecting and reviewing plans, and preparing detailed statements required by ((~~Chapter~~)) chapter 43.21C RCW.

B. An additional purpose of this ((~~subtitle~~)) Subtitle IX is to prescribe special fees for testing, examination, registration, inspection, or the furnishing of certain services or materials.

C. A further purpose of this ((~~subtitle~~)) Subtitle IX is to prescribe fees to cover the costs of implementing and administering the Rental Registration and Inspection Ordinance program as required by Chapter 22.214.

Section 99. Section 22.900B.010 of the Seattle Municipal Code, last amended by Ordinance 124636, is amended as follows:

22.900B.010 Base fee and hourly rate

A. The ((~~DPD~~)) SDCI base fee shall be charged as specified in this ((~~subtitle~~)) Subtitle IX and shall be $190.

B. Any services provided by the Department for which an hourly charge is assessed shall be charged at a rate specified in this ((~~subtitle~~)) Subtitle IX.

The hourly rate for land use review is $250. The rate for all other hourly fees is $190 an hour except where a different hourly rate is specified in this subtitle. Where "((~~DPD~~)) SDCI hourly rate" is specified in this ((~~subtitle~~)) Subtitle IX, the rate is $190 an hour.

C. Where an hourly rate is specified, overtime shall be charged at that same rate. Where no hourly rate is specified, overtime shall be charged at $190 an hour. All overtime shall require approval by the Director. The minimum fee for each overtime request shall be one hour, with minimum increments of 1/4 hour, in addition to other permit fees established by this ((~~subtitle~~)) Subtitle IX.

Section 100. Subsections 22.900B.020.B, 22.900B.020.C, and 22.900B.020.F of the Seattle Municipal Code, which section was last amended by Ordinance 124636, are amended as follows:

22.900B.020 Miscellaneous and special fees ((.))

* * *

B. Failure to Cancel Missed Appointments. A fee of 1/2 the ((~~DPD~~)) SDCI base fee per appointment shall be charged for failure by applicant to notify the Department at least ((~~twenty-four (~~))24((~~)~~)) hours prior to a scheduled application intake appointment or a preapplication conference appointment that the appointment will not be kept.

C. Expert Witness Testimony. The fee for expert witness testimony shall be the ((~~DPD~~)) SDCI hourly rate.

* * *

F. Special Investigation

1. Where a special investigation is made for an action requiring Department approval, a fee in addition to the permit fee shall be assessed as provided in Table B-2 for 22.900B.020.

Table B-2 for 22.900B.020—SPECIAL INVESTIGATION FEES

Value of Work in $ (For Permit)	Investigation Fee
((~~$~~))0-5,000	1 x base fee
5,001-50,000	3 x base fee
50,001-100,000	5 x base fee
100,001-500,000	10 x base fee
500,001-5,000,000	50 x base fee
Over ((~~$~~))5,000,000	100% of permit fee

2. When a permit fee is not determined by valuation, the special investigation fee will be two times the amount of the permit fee.

3. Alternatively, at the discretion of the Director, the special investigation fee may be assessed at the ((~~DPD~~)) SDCI hourly rate. Special investigation fees may be waived, at the discretion of the Director, for necessary work done in emergency situations.

4. The payment of a special investigation fee shall not relieve any person from complying with the requirements of the applicable codes in the execution of the work nor from any violation penalties prescribed by law.

5. The special investigation fee for a use not established by a permit under the current or previous Land Use Code shall be assessed at the ((~~DPD~~)) SDCI hourly rate.

6. Special investigation fees are not refundable.

Section 101. Subsection 22.900B.060.A of the Seattle Municipal Code, which section was last amended by Ordinance 124539, is amended as follows:

22.900B.060 Revisions and additions to applications

A. According to standards promulgated by the Director, the Director may assess an additional fee for the plan examination of previous designs if a subsequent redesign of a project is submitted prior to permit issuance. The revision fee shall be assessed at the ((~~DPD~~)) SDCI hourly rate not to exceed the fee that would have been charged for the original design, provided that if the application is a Land Use application that requires additional Land Use review, the Land Use hourly rate in effect at the time the revision is filed shall be charged for that portion of the work. The total fee is the fee for the final design plus the revision fee.

* * *

Section 102. Subsections 22.900C.010.C and 22.900C.010.F of the Seattle Municipal Code, which section was last amended by Ordinance 124636, are amended as follows:

22.900C.010 Land use fees

* * *

C. Time of Payment

1. Pre-application Conference Fee. The fee for land use pre-application conference specified in Table C-1 for 22.900C.010 shall be paid prior to the conference.

2. Minimum Land Use Review Fee. The minimum land use review fee specified in Table C-1 for 22.900C.010 shall be paid at application submittal. For projects entailing hourly fees in addition to the minimum land use review fee, the Director will require periodic progress payments to be made during the application review process.

3. The following fees and amounts are due at the times specified below:

a. Monthly billing for hourly fees accrued above the minimum fee will be payable upon receipt of invoice.

b. All outstanding ((~~DPD~~)) SDCI fees shall be paid prior to the publication of a decision or recommendation on the application and prior to issuance of the permit. The actual charges and fees paid shall be reconciled and all outstanding balances are due and payable on demand. In cases where no published decision or recommendation is required, fees owed shall be paid prior to issuance of the permit, or issuance of a letter.

c. For Council and Hearing Examiner approvals, the fee due for work up to and through final Council or Hearing Examiner action shall be paid at the time the recommendation of the Director is available for public review and before it is forwarded for final action. In addition to periodic monthly billings for actual charges during the Council or Hearing Examiner proceedings, after final Council or Hearing Examiner action, the actual charges and all outstanding fee balances shall be due and payable upon demand, and prior to issuance of the permit.

d. For early design guidance projects entailing hourly fees in addition to the minimum land use review fee, all outstanding fees shall be paid upon application for the master use permit. Any hours paid by the minimum land use review fee but not spent at the time of application for the master use permit shall be credited toward land use review of the master use permit application.

* * *

F. Fees for all environmentally critical areas reviews apply to environmentally critical areas inside or outside the Shoreline District.

Table C-1 for 22.900C.010—LAND USE FEES	
A. MASTER USE PERMIT, ENVIRONMENTAL CRITICAL AREAS, CITY COUNCIL and HEARING EXAMINER APPROVALS	
Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and are payable at time of invoice.	
Type of Land Use Review	**Minimum Fee**
General—first 10 hours of review	Land use Hourly × 10
Low-Income Housing—first 24 hours of review[1]	Land use Hourly × 10
1. Administrative conditional uses (ACUs) ACUs for community centers, child care centers, adult care centers, private schools, religious facilities and public and private libraries in single family and multi-family zones shall be charged a minimum fee of $1,620 for the first 20 hours. Additional hours shall be charged at the rate of $250 an hour. This exception applies if the application is for an ACU only, or an ACU combined with a variance application.	
2. Design Review The minimum fee for Administrative Design Review, Master Planned Community Design Review and Streamlined Design Review is $2,500. The minimum fee for full Design Review is $5,000, which covers the first 20 hours of review. Refer to Table C-1 #15 for 22.900C.010 for fees related to Design Review for Tree Protection.	
3. Environmental reviews (SEPA), including projects with more than one addressed site.	
4. Environmentally critical areas (ECA)	
a. Environmentally Critical Areas variance[2]	
b. ECA Exception	
c. Environmentally Critical Areas Administrative Conditional Use	
5. Shoreline permits	
a. Substantial development permits	
b. Variances[2] and conditional uses	
6. Short subdivisions[3]; refer to Table D-2 #10 for 22.900D.010 for additional fees that may	

apply to this permit type	
7. Special exceptions	
8. Variances[2] Variances for community centers, child care centers, adult care centers, private schools, religious facilities and public and private libraries in single family and multi-family zones shall be charged a minimum fee of $1,620 for the first 20 hours. Additional hours shall be charged at the rate of $250 an hour. This exception applies if the application is for a variance only, or a variance combined only with an ACU application.	
9. Type II land use approvals such as, but not limited to, planned community/ residential development, major phased developments and other Type II approvals that are not categorized otherwise in Table C-1 for 22.900C.010.	
10. The minimum fee for Council conditional uses, Rezones, Public Projects and all other Type IV and Type V land use approvals shall be $5,000, which covers the first 20 hours of review.	
11. Full subdivisions[4]; refer to Table D-2 #10 for 22.900D.010 for additional fees that may apply to this permit type	
12. Reserved	
13. Reserved	
B. MISCELLANEOUS HOURLY LAND USE REVIEWS, RESEARCH, AND OTHER SERVICES	
Hours worked beyond those covered by minimum will be charged the Land Use hourly rate, unless otherwise noted, and payable at time of invoice.	
Type of Land Use Review	**Minimum Land Use Review Fee**
14. Concurrency	Reserved
15. Design Review for Tree Protection[5]	
a. Design review required by Section 25.11.070 or Section 25.11.080 to protect exceptional tree if no other land use reviews are required	Land Use Hourly × 10
b. Design review elected by applicant for tree protection	Land Use Hourly × 10
16. Other Environmentally Critical Area (ECA) Review under ((~~SMC~~)) Chapter 25.09 or Chapter 23.60A	Land Use Hourly × 1
a. ECA review for Wetlands, Fish & Wildlife Habitat Conservation Areas on land use or construction permits shall be charged on an hourly basis	
b. Review to determine Environmentally Critical Area exemption for Wetlands and Riparian Corridor and Shoreline ECAs shall be charged on an hourly basis	
17. Early design guidance	Land Use Hourly × 10
18. Establishing use for the record: Refer to Table D-2 #9 for 22.900D.010 for additional fees that may apply to this permit type	Land Use Hourly × 2
19. Extensions of Type IV Council Land Use Decisions	Land Use Hourly × 2
20. Land Use Code Interpretations[6]	Land Use Hourly × 10
21. Letters for detailed zoning analysis or permit research	Land Use Hourly × 4

22. Lot Boundary Adjustment, Temporary Use > 4 weeks; refer to Table D-2 #10 for 22.900D.010 for additional fees that may apply to this permit type	Land Use Hourly × 5
23. Major Institution - review of annual plan	Land Use Hourly × 6
24. Major phased development permit - minor amendment	Land Use Hourly × 2
25. Neighborhood planning	Reserved
26. Noise survey review and variance	See Table D-2 for 22.900D.010 and Section 22.900F.020
27. Open space remainder lots and surplus state property	Land Use Hourly × 4
28. Pre-application conference[7]	Land Use Hourly × 2
29. Property Use and Development Agreement (PUDA) - minor amendment	Land Use Hourly × 2
30. Public benefit feature review	Land Use Hourly × 2
31. Renewals	Land Use Hourly × 2
32. Revisions other than shoreline revisions	Land Use Hourly × 1
33. School use and school development advisory committee reviews	Land Use Hourly × 10
34. Shoreline exemptions	Land Use Hourly × 1
35. Shoreline permit revisions not due to required conditions	Land Use Hourly × 2
36. Special accommodation	Land Use Hourly × 2
37. Structural building overhangs and areaways as a separate component	Land Use Hourly × 2
38. Tree and Vegetation Restoration Review in ECA above minimum threshold where SEPA is not required other than for the restoration (25.09.320A3c(2)(b))	Land Use Hourly × 2
39. Street Improvement Exceptions on a Land Use permit	Land Use Hourly × 2
C. NON-HOURLY LAND USE FEES	
Type of Land Use Review	**Fee**
40. Curb cuts as a separate component	
a. Single-family residential	$78 each
b. Other than single-family residential	$154 each
41. File Management	
a. Placing projects on hold at applicant request	((~~DPD~~)) SDCI Base Fee × 1
b. Splitting or combining projects	
42. Intake appointments for land use reviews; fee is charged for each occurrence	((~~DPD~~)) SDCI Base Fee × 1
43. Notice. All notice is charged based upon type for each occurrence.[8]	
a. Land use information bulletin (GMR notice)	((~~DPD~~)) SDCI Base Fee × 1
b. Posting large sign or placards	$118
c. Mailed notice	((~~DPD~~)) SDCI Base Fee per

	500 pieces of mail or portions thereof
d. DJC decision publication	$184
e. Neighborhood newspaper publication	Rate charged by newspaper
f. Public meeting room rental	$119
44. Rebuild Letters	
a. With Research	((~~DPD~~)) SDCI Base Fee × 1
b. Without Research	$40
45. Records research by the Public Resource Center	((~~DPD~~)) SDCI Base Fee × 1
46. Recording Fees, for LBA, Short Subdivision	Rate charged by King County[9]
47. Shoreline Extensions	((~~DPD~~)) SDCI Base Fee × 1

Footnotes to Table C-1 for 22.900C.010:
[1]For purposes of these land use fees, low-income housing is housing that both (1) satisfies the definition of "housing, low income" in Section 23.84A.016; and (2) where at least 50 percent of the total gross floor area of each structure on the site is committed to low-income housing use for at least 20 years.
[2]The single variance fee shall be applicable whether the project requires one or multiple variances.
[3]Includes short subdivisions in environmentally critical areas.
[4]Includes unit-lot subdivisions and full subdivisions in environmentally critical areas.
[5]This fee applies if design review is initiated only for tree protection and the application has no other review under Items 1—14.
[6]The fees for interpretations of ((~~SMC~~)) Chapters 25.12, 25.20, 25.22, and 25.24 shall be collected by the Director of the Department of Neighborhoods.
[7]The pre-application conference fee covers a one hour conference and one hour of research and/or follow-up review time that normally occurs, for a total of two hours. Additional pre-application review time will be charged at the Land Use hourly rate. See also Section 22.900C.010.E.
[8]Additional notice may be given in circumstances including but not limited to the following: reinstallation of environmental review signs, reposting of the land use review or environmental signs, new component reviews added subsequent to the original notice, revised decisions, and changes to the scope of the project.
[9]Recording fees will be charged the current rate as established and charged by King County at the time of document recording.

Section 103. Subsections 22.900D.010.D , 22.900.D.010.E , 22.900D.010.H , 22.900.D.010.I, and 22.900D.010.K of the Seattle Municipal Code, which section was last amended by Ordinance 124636, are amended as follows:

22.900D.010 Development permit fees

* * *

D. Phased Permits

1.

a. If a new building project is proposed to be built in phases and the Director determines that separate development permits may be issued for approved portions of the project, the development fee for the entire permit shall be based on the value of work according to Table D-2 for 22.900D.010.

b. If the shoring and/or excavating work is included with the complete foundation (below grade) phase of the building project, the fees for such work shall be included in the fees described above.

c. If the proposed building project includes a separate shoring and/or excavation phase that is not combined with the complete foundation (below grade) phase, the shoring and/or excavation work will be reviewed and issued as a separate permit. The fees for the excavation portion of that permit shall be based on Section 22.900D.145, and the fees for the shoring portion of that permit shall be based on the value of that structural portion of the work according to Table D-2 for 22.900D.010. No credit will be given for any of these fees toward the phased building permit.

2. In addition to the fee specified in subsection 22.900D.010.D.1 above, if an applicant requests division of an already-submitted permit application a fee shall be charged for each separate application as specified in Table D-2 for 22.900D.010, and the fee to process this request shall be charged at the ((~~DPD~~)) SDCI hourly rate.

E. Calculation of Development Fees. The development fee for a permit shall be calculated as described in this ((~~section~~)) Section 22.900D.010.

1. Table D-1 for 22.900D.010 establishes the Development Fee Index for value-based development fees. Except as specified in Section 22.900D.010.F below, Table D-2 for 22.900D.010 establishes the permit fee and plan review fee, calculated as a percentage of the development fee index where determined by value.

2. For the calculation of the Development Fee Index, as specified in Table D-1 for 22.900D.010, if a building is more than three stories high using construction Types 1A and 1B, the total building valuation may be modified for structure height depending on the building occupancy as described in the current Director's Rule clarification on "Implementation of the Fee Subtitle, Building Valuation," which is incorporated by reference.

3. If two or more buildings are allowed under one permit, they shall be assessed fees as separate buildings under Table D-2 for 22.900D.010. The individual fees shall then be added to determine the total development fee for the permit.

TABLE D-1 for 22.900D.010 – CALCULATION OF THE DEVELOPMENT FEE INDEX	
Total Valuation	**Development Fee Index**
$0 to $1,000	$150 for the first $1,000 or fraction thereof
$1,001 to $50,000	$150 for the first $1,000 plus $1.25 for each additional $100 or fraction thereof
$50,001 to $100,000	$762.50 for the first $50,000 plus $1 for each additional $100 or fraction thereof
$100,001 to $250,000	$1,262.50 for the first $100,000 plus $4.75 for each additional $1,000 or fraction thereof
$250,001 to $500,000	$1,975 for the first $250,000 plus $4.50 for each additional $1,000 or fraction thereof
$500,001 to $750,000	$3,100 for the first $500,000 plus $4.25 for each additional $1,000 or fraction thereof
$750,001 to $1,000,000	$4,162.50 for the first $750,000 plus $4 for each additional $1,000 or fraction thereof
$1,000,001 to $2,000,000	$5,162.50 for the first $1,000,000 plus $3.75 for each additional $1,000 or fraction thereof
$2,000,001 to $3,000,000	$8,912.50 for the first $2,000,000 plus $3.50 for each additional $1,000 or fraction thereof
$3,000,001 to $4,000,000	$12,412.50 for the first $3,000,000 plus $3.25 for each additional

	$1,000 or fraction thereof
$4,000,001 to $5,000,000	$15,662.50 for the first $4,000,000 plus $3 for each additional $1,000 or fraction thereof
$5,000,001 to $50,000,000	$18,662.50 for the first $5,000,000 plus $2.25 for each additional $1,000 or fraction thereof
$50,000,001 to $100,000,000	$119,912.50 for the first $50,000,000 plus $1.75 for each additional $1,000 or fraction thereof
$100,000,001 to $200,000,000	$207,412.50 for the first $100,000,000 plus $1.25 for each additional $1,000 or fraction thereof
$200,000,001 and up	$332,412.50 for the first $200,000,000 plus $0.75 for each additional $1,000 or fraction thereof

1

TABLE D-2 for 22.900D.010 – CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE

Type of Development	Percent of Development Fee Index (DFI) Calculated from Project Value as Specified in Table D-1[1] for 22.900D.010	
	Permit Fee	Plan Review Fee
1. Building, with or without mechanical, with or without use	100% of DFI	100% of DFI
2. STFI (Subject to field inspection - building and/or mechanical[2]	100% of DFI	40% of DFI
3. Energy code compliance review using Total UA Alternative and/or Simulated Performance Alternative	(included in item #1)	((~~DPD~~)) SDCI hourly rate, 1 hour minimum
4. Mechanical permit:		
a. Submitted as part of a building permit application (if associated with other work)	(included in item #1)	Mechanical review at the ((~~DPD~~)) SDCI hourly rate, 1 hour minimum
b. If =>$50,000 in value and submitted separately from a building permit application (if associated with other work) or if applied for as a mechanical only permit; also see Section 22.900D.090 for mechanical equipment fees	100% of DFI	All other applicable reviews at the ((~~DPD~~)) SDCI hourly rate, 1 hour minimum
c. If <$50,000 in value and submitted separately from a building permit application (if associated with other work) or if applied for as a mechanical only permit; also see Section 22.900D.090 for mechanical equipment fees	100% of DFI	100% of DFI for Initial Mechanical Review; all other applicable reviews (including Mechanical Corrections Reviews) at the ((~~DPD~~)) SDCI hourly rate, .5 hour minimum

TABLE D-2 for 22.900D.010 – CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
(See also Section 22.900D.090)		
5. Blanket permit review fees:		
a. Initial tenant alterations applied for within 18 months of the date of issuance of the first certificate of occupancy within a building where the area of work is more than 50,000 sq. ft.	$2.40 per 100 square feet[1]	$2.75 per 100 square feet[1]
b. Initial tenant alterations applied for after 18 months of the date of issuance of the first certificate of occupancy	100% of DFI	60% of DFI
6. Initial tenant alterations applied for within 18 months of the date of issuance of the first certificate of occupancy (nonblanket permit initial tenant improvements to shell and core)[3]	50% of DFI based on new building value of shell and core	50% of DFI based on new building value of shell and core
7. Standard plans:		
a. Establishment of standard plan, including temporary structures. (For swimming pools, see Item 16 below)	100% of DFI	200% of DFI, plus ((~~DPD~~)) SDCI hourly rate for review/approval of "options"
b. Establishment of already permitted plan as standard plan	100% of DFI	100% of DFI, plus ((~~DPD~~)) SDCI hourly rate for review/approval of "options"
c. Subsequent reviews of standard plan, other than temporary structures	100% of DFI	60% of DFI, plus ((~~DPD~~)) SDCI hourly rate for review/approval of "revisions"
d. Subsequent reviews of standard plans for temporary structures	See Item 18 below	See Item 18 below
8. Factory-built housing and commercial structures	Base Fee × 1	Base Fee × 1 for each module
a. Modular construction, 3 or fewer stories	Base fee × 1	Base fee × 1 for each module
b. Modular construction, more than 3 stories	Base fee × 1	Base fee × 1 for each module, plus ((~~DPD~~)) SDCI Hourly Rate for structural review
Special Development Fees		
Type of Development	**Permit Fee**	**Plan Review Fee**
9. Establishing use for the record:		
a. Applications with no construction	Base Fee × 1.5	None
b. Applications with construction: Refer to Table C-1, item #17, for 22.900C.010, for additional Land Use Fees that apply to this permit type	100% of DFI	100% of DFI

TABLE D-2 for 22.900D.010 – CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
10. Building review associated with platting actions and/or LBAs	None	((~~DPD~~)) SDCI hourly rate; .25 hour minimum
11. Noise survey reviews	None	((~~DPD~~)) SDCI hourly rate; .5-hour minimum
12. Parking facilities		
a. Outside a building	See Section 22.900D.060	
b. Within or on a building	See Section 22.900D.010 C	
13. Renewal (or Reestablishment) of development permits and/or separate mechanical permits See subsection 22.900D.010.G and subsection 22.900D.010.L for exceptions and modifications to fee	Base fee × 1.5	((~~DPD~~)) SDCI hourly rate
14. Single-family seismic retrofit		
a. Permit for work in full compliance with Project Impact Standards/Plans	Base fee × 1	None
b. Permit for work in partial compliance with Project Impact Standards/Plans with additional engineering design of those portions not in compliance	Base fee × 1	((~~DPD~~)) SDCI hourly rate with 1 hour minimum
c. Voluntary seismic upgrades requiring full engineering/design and not per Project Impact Standards/Plans	100% of DFI	100% of DFI
15. Review of Unreinforced Masonry Building Designation or Retrofit Standard		
a. Review to change unreinforced masonry bearing wall building designation	None	((~~DPD~~)) SDCI base fee × 1
b. Review to determine seismic retrofit standard of previously retrofitted unreinforced masonry building	None	((~~DPD~~)) SDCI hourly rate; 1 hour minimum
16. Special inspection	Base fee × 1	
17. Swimming pools[4]		
a. Unenclosed pools accessory to Group R-3 occupancy	Base fee × 4	
b. Unenclosed pools accessory to occupancies other than Group R-3	Base fee × 6	
c. Principal use unenclosed pools	Base fee × 6	
d. Future construction of an unenclosed swimming pool	Base fee × 1	

TABLE D-2 for 22.900D.010 – CALCULATION OF DEVELOPMENT FEES DETERMINED BY VALUE		
e. Initial approval of standard plan for swimming pool accessory to Group R-3 occupancy	Base fee × 5	
f. Subsequent review of application based on approved swimming pool standard plan.	Base fee × 1.5	
18. Temporary structures, such as commercial coaches[5]	Base fee × 2 per structure	
19. Temporary use permits		
a. For 4 weeks or less[6]	Base fee × 1.5	
b. For more than 4 weeks[6]	Base fee × 2	
20. Phased Permits		
a. Value ≤ $5,000,000 in value	Base fee × 1	
b. Value > $5,000,000 in value	Base fee × 2	
21. ECA Small Project Waiver on a building permit	None	((~~DPD~~)) SDCI hourly rate; 0.25 hour minimum
22 Street Improvement Exceptions on a building permit	((~~DPD~~)) SDCI Land Use Hourly × 2	Land Use Hourly rate for each review hour spent beyond 2 hour minimum fee
23. Building Permit Shop Drawings	None	((~~DPD~~)) SDCI hourly rate: 1.75 hour minimum
24. Sprinkler Shop Drawings	None	((~~DPD~~)) SDCI hourly rate: 0.75 hour minimum
25. Sprinkler Only Permit Submittals (New and/or Add/Alt)	Base fee × 0.75	See Section 22.900.G.060
26. Code Alternate Request	None	((~~DPD~~)) SDCI hourly rate, 2 hour minimum
27. Commercial Re-Roofing Permit	Base fee × .5	

Footnotes to Table D-2 for 22.900D.010:
[1]The minimum permit fee or plan review fee for value-based fees is $150.
[2]The minimum plan review fee for Subject To Field Inspection (STFI) value-based plan review is $60.
[3]This fee is applicable only to those initial tenants that reflect the use and occupancy established in the shell and core permit. The value used shall be the new construction value used in calculating value for the shell and core permit.
[4]If a swimming pool is located within an enclosed building and is included in the building plans for that building, a separate fee shall not be charged for the swimming pool. The swimming pool area will be considered as floor area of the principal occupancy of the building.
[5]This fee shall not apply to any on-site, temporary construction office where a valid building permit is in force.
[6]Master use permit fees for such temporary uses shall be charged according to Table C-1 for 22.900C.010.

* * *

H. Certificate of Occupancy. The issuance of a Certificate of Occupancy for existing buildings, either if no Certificate of Occupancy has previously been issued or if a change of occupancy is requested, requires a building permit. If there is no construction valuation (there is no work which would require a building permit), the minimum building permit fee shall be assessed. In addition to the minimum building permit fee, if records research, plan examination or inspection is required, charges shall be assessed at the ((~~DPD~~)) SDCI hourly rate. If work is being done as authorized by a permit, the permanent Certificate of Occupancy fee is not assessed in addition to the building permit fee. The fee for a temporary Certificate of Occupancy shall be charged at the rate of 1/2 the base fee. The fee for the duplication of a Certificate of Occupancy is $31.80 unless records research, plan examination or inspection is required, in which case charges shall be assessed at the ((~~DPD~~)) SDCI hourly rate.

I. Building Pre-application Conferences

1. Required Building Pre-application Conferences. If there is a requirement for a pre-application or pre-design conference, such as buildings subject to the Seattle Building Code special provision for atriums (Section 404), or highrise buildings (Section 403), 35 percent of the estimated plan review fee for the structure shall be charged and paid as specified in ((~~Section~~)) subsection 22.900D.010B, and applied toward the development permit fee provided the permit application is made within six months of the date of the pre-application conference. (See Table C-1 for 22.900C.010 for land use pre-application conference fees.)

2. Other Building Pre-application Conferences. If a pre-application conference is requested by the applicant but is not required by Code, a fee equal to 1.5 times the base fee shall be paid no later than the time of the conference. Such fee is required for each meeting held on a

project. In addition to the minimum building pre-application conference fee, if additional staff, research, preliminary plan examination or inspection is required, charges shall be assessed at the ((~~DPD~~)) SDCI hourly rate and shall be charged and paid as specified in ((~~Section~~)) subsection 22.900D.010.B.

* * *

K. Renew or Reestablish a Permit

1. Fees to renew or reestablish a permit shall be charged according to Table D-2 for 22.900D.010. If the fee for a new permit would be less than 1.5 times the base fee, then the fee to renew or reestablish the permit shall be the same as for a new permit.

2. If changes are made to the original approved plans, an additional fee shall be charged for plans examination and inspections at the ((~~DPD~~)) SDCI hourly rate.

Section 104. Subsection 22.900D.060.D of the Seattle Municipal Code, which section was last amended by Ordinance 124047, is amended as follows:

22.900D.060 Fees for parking facilities outside of buildings

* * *

D. The fee for renewal or reestablishment of a permit for a parking facility is 1.5 times the base fee where there are no changes in the plans. If changes are made to the original plans, an additional fee shall be charged for inspection and/or plan examination at the ((~~DPD~~)) SDCI hourly rate.

Section 105. Subsection 22.900D.090.C of the Seattle Municipal Code, which section was last amended by Ordinance 124636, is amended as follows:

22.900D.090 Permit fees for mechanical equipment and systems, other than boilers and pressure vessels and refrigeration systems

* * *

C. The fee to renew or reestablish a furnace permit is 1/2 the base fee.

TABLE D-8 FOR 22.900D.090 – PERMIT FEES FOR MECHANICAL EQUIPMENT	
Type of Installation	Fee
Forced air, gravity-type, or floor furnace, gas or oil suspended heater, heat pump, recessed wall heater or floor-mounted space heater, wall furnace, circulating heater or woodstove/fireplace insert including ducts and burners attached thereto	$127 per unit
New gas or oil burners and newly installed used gas or oil burners[1]	$127 per unit
Appliance vents Class A, B, BW or L if installed separately	$101 per unit
Mechanical air-moving systems	See Table D-2 for 22.900D.010
Appliances or equipment or other work not classed in other categories, or for which no other fee is listed	Hourly at the ((~~DPD~~)) SDCI hourly rate. Minimum of 1/2 hour.
Footnote to Table D-8 for 22.900D.090: [1]See Table D-12 for 22.900D.110 for rates for burners installed by boilers.	

Section 106. Subsection 22.900D.110.A of the Seattle Municipal Code, which section was last amended by Ordinance 124636, is amended as follows:

22.900D.110 New installations and alterations of boilers and pressure vessels

A. Fees for the installation of boilers and pressure vessels shall be charged as set in Table D-12 for 22.900D.110. The fee for alteration or repair of boilers and pressure vessels when an inspection is required is a minimum fee of 1/2 times the base fee and a fee for inspection time beyond the first 1/2 hour at the ((~~DPD~~)) SDCI hourly rate.

* * *

Section 107. Subsections 22.900D.130.B and 22.900D.130.C of the Seattle Municipal Code, which section was last amended by Ordinance 124047, are amended as follows:

22.900D.130 Shop and field assembly inspections

* * *

B. Fees for shop and field assembly inspection of boilers and pressure vessels shall be charged at the same rate as the installation fees for the equipment or at the ((~~DPD~~)) SDCI hourly rate, with a minimum fee charged at the rate of one times the base fee for any one inspection.

C. Fees for inspection requested for other than shop and field assembly inspection shall be charged at the ((~~DPD~~)) SDCI hourly rate, with a minimum fee charged at the rate of one times the base fee for any one inspection.

* * *

Section 108. Subsections 22.900D.145.C and 22.900D.145.F of the Seattle Municipal Code, which section was last amended by Ordinance 124636, is amended as follows:

22.900D.145 Site and Geotechnical review fee

* * *

C. The charge for review time, including site and geotechnical inspections, in excess of the time included in the minimum fee is the ((~~DPD~~)) SDCI hourly rate. Accrued hours shall be billed and payable upon receipt of invoice.

* * *

F. Site review fees are nonrefundable.

TABLE D-SR for 22.900D.145 – SITE AND GEOTECHNICAL REVIEW FEES				
Type of Site Review	Minimum Fee	Time at Which Minimum Fee Is Due	Review Time Included in Minimum Fee	Time at Which Hourly Fees are Due
1. Pre-application site inspection	3/4 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of application intake	3/4 hour	At the time of application intake
2. Drainage or grading review separate from a development permit or as part of a MUP application	1/2 hour for each type at the ((~~DPD~~)) SDCI hourly rate	At the time of application intake	1/2 hour each	At the time of permit issuance

3. Review to determine Environmentally Critical Area exemptions	1/2 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of application intake	1/2 hour	At the time of decision
4. ECA Review	1/2 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of application intake	1/2 hour	At the time of permit issuance for additional hours beyond minimum
5. Geotechnical Review (Non ECA)	1/2 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of Permit issuance	1/2 hour	At the time of permit issuance for additional hours beyond minimum
6. Drainage Review	1/2 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of application intake	1/2 hour	At the time of permit issuance for additional hours beyond minimum
7. Post-Issuance Geotechnical Review for all permits with geotechnical special inspections	1 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of permit issuance	1 hour	At the time of final inspection, issuance of Certificate of Occupancy, or permit expiration for additional hours beyond minimum
8. Grading Season Extension Post-Issuance Dry Season Request	1 hour at the ((~~DPD~~)) SDCI hourly rate	At the time of Post Sub Request	1 hour	At the time Post Sub is granted, for additional hours beyond minimum

POST-ISSUANCE SITE INSPECTIONS AND OTHER REVIEWS

Type	Description	Action	Worktype	ECA Filter/Action Type	Rate
3001	SF/D	New	Field	ECA 1, 2, 8	1.5 × base rate
3001	SF/D	New	Field	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.5 × base rate
3001	SF/D	New	Field	Non ECA	1.5 × base rate
3001	SF/D	New	Full	ECA 1, 2, 8	1.75 × base rate
3001	SF/D	New	Full	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.75 × base rate
3001	SF/D	New	Full	Non ECA	1.75 × base rate
3001	SF/D	New	Full+/Full C	ECA 1, 2, 8	2.25 × base rate
3001	SF/D	New	Full+/Full C	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	2 × base rate
3001	SF/D	New	Full+/Full C	Non ECA	2 × base rate

Type	Description	Action	Worktype	ECA Filter/Action Type	Rate
3001	SF/D	ADD/ALT	Field	ECA 1, 2, 8	1.5 × base rate
3001	SF/D	ADD/ALT	Field	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.5 × base rate
3001	SF/D	ADD/ALT	Field	Non ECA	1.5 × base rate
3001	SF/D	ADD/ALT	Full	ECA 1, 2, 8	1.75 × base rate
3001	SF/D	ADD/ALT	Full	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.75 × base rate
3001	SF/D	ADD/ALT	Full	Non ECA	1.5 × base rate
3001	SF/D	ADD/ALT	Full+/Full C	ECA 1, 2, 8	2 × base rate
3001	SF/D	ADD/ALT	Full+/Full C	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.75 × base rate
3001	SF/D	ADD/ALT	Full+/Full C	Non ECA	2 × base rate
3001	COMM, MF, IND, INST	NEW	Field	ECA 1, 2, 8	1.5 × base rate
3001	COMM, MF, IND, INST	NEW	Field	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.5 × base rate
3001	COMM, MF, IND, INST	NEW	Field	Non ECA	1.5 × base rate
3001	COMM, MF IND, INST	NEW	Full	ECA 1, 2, 8	2.25 × base rate
3001	COMM, MF, IND, INST	NEW	Full	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.75 × base rate
3001	COMM. MF, IND, INST	NEW	Full	Non ECA	1.75 × base rate
3001	COMM, MF, IND, INST	NEW	Full+/Full C	ECA 1, 2, 8	2.75 × base rate
3001	COMM, MF, IND, INST	NEW	Full+/Full C	ECA 3, 4, 5, 6, 7, 9, 10,11, 12	2.25 × base rate
3001	COMM, MF, IND, INST	NEW	Full+/Full C	Non ECA	2 × base rate
3001	COMM, MF, IND, INST	ADD/ALT	Field	ECA 1, 2, 8	1.5 × base rate
3001	COMM, MF, IND, INST	ADD/ALT	Field	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.5 × base rate
3001	COMM, MF, IND, INST	ADD/ALT	Field	Non ECA	1.5 × base rate

Type	Description	Action	Worktype	ECA Filter/Action Type	Rate
3001	COMM, MD, IND, INST	ADD/ALT	Full	ECA 1, 2, 8	2 × base rate
3001	COMM, MD, IND, INST	ADD/ALT	Full	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	1.75 × base rate
3001	COMM, MD, IND, INST	ADD/ALT	Full	Non ECA	1.75 × base rate
3001	COMM, MD, IND, INST	ADD/ALT	Full+/Full C	ECA 1, 2, 8	2 × base rate
3001	COMM, MD, IND, INST	ADD/ALT	Full+/Full C	ECA 3, 4, 5, 6, 7, 9, 10, 11, 12	2 × base rate
3001	COMM, MD, IND, INST	ADD/ALT	Full+/Full C	Non ECA	1.75 × base rate
3002	Demo		All		1.25 × base rate
3001, 3005	ANY	TEMP, NONE	All		1.25 × base rate
3005	Grading Only		Field		1.5 × base rate
3005	Grading Only		Full		1.5 × base rate
3005	Grading Only		Full+/Full C		1.75 × base rate

1

Legend for Table D-SR for 22.900D.145: Post-Issuance Site Inspections and Other Reviews	
Type: 3001 = building permit 3002 = demolition permit 3005 = site permit (e.g., grading, vegetation, curb cut)	Description: SF/D = Single Family/Duplex MF = Multi-family COMM = Commercial IND = Industrial INST = Institution DEMO = Demolition Grading Only = Grading outside a building permit
Action: New = New construction ADD/ALT = Addition or alteration to existing building or structure TEMP = Temporary structure or use NONE = work not classified	Worktype: Field = Simple, STFI permit with plans to minimal standards Full = Simple, full plans required Full + = Medium complexity, full plans required Full C = complex, full plans required
ECA Filter/Action Type: ECA 1, 2, 8 = soil-related ECA issues ECA 3, 4, 5, 6, 7, 8, 10, 11,12 = other, non soil-related ECA issues	

2

Section 109. Subsections 22.900D.150.B and 22.900D.150.C of the Seattle Municipal Code, which section was last amended by Ordinance 124636, is amended as follows:

22.900D.150 Electrical permit fees

* * *

B. Permit Fees If Plans and Specifications Are Not Required

1. Permit fees for electrical installations, additions and alterations for which plans and specifications are not required shall be as set forth in Table D-15 for 22.900D.150. The permit fee specified in Table D-15 for 22.900D.150 is due at the time of application.

2. Permit fees for temporary electrical installations shall be charged for services only at the rate set forth in Table D-15 for 22.900D.150.

3. If the base fee and ((~~DPD~~)) SDCI hourly rate are used to calculate the fee in Table D-15 for 22.900D.150, use Section 22.900B.010 to determine the permit fee.

4. Permit exemptions in the Electrical Code apply to the fees in 22.900D.150.

C. Phased Permits

1. If an electrical project is proposed to be installed in phases and the Director determines that separate electrical permits may be issued for portions of the project, the permit fee for the initial permits shall be based on the estimated value of the work under that permit according to Table D-14 for 22.900D.150. The fee for the final permit shall be the fee based on the total value of the electrical installations minus the sum of the values of the initial permits.

2. If an applicant requests that an application for a permit be divided into separate applications subsequent to the initial submittal of a unified application, an additional fee shall be charged at the rate of ((~~One~~)) one times the base fee for each separate application which results from the division.

TABLE D-14 for 22.900D.150 – ELECTRICAL PERMIT FEES (When Plans are Reviewed)	
Total Valuation	Fee
$0 to $1,000	$150 for the first $1,000 or fraction thereof
$1,001 to $5,000	$150 for the first $1,000 plus $6 for each additional $100 or fraction thereof
$5,001 to $50,000	$390 for the first $5,000 plus $2.50 for each additional $100.00 or fraction thereof
$50,001 to 100,000	$1,515 for the first $50,000 plus $2 for each additional $100 or fraction thereof
$100,001 to $500,000	$2,515 for the first $100,000 plus $7.50 for each additional $1,000 or fraction thereof
$500,001 to $1,000,000	$5,515 for the first $500,000 plus $6 for each additional $1,000 or fraction thereof
$1,000,001 to $3,000,000	$8,515 for the first $1,000,000 plus $4 for each additional $1,000 or fraction thereof
$3,000,001 and up	$16,515 for the first $3,000,000 plus $2 for each additional $1,000 or fraction thereof
Correction or revision review of Electrical Permits with plan review	((~~DPD~~)) SDCI hourly rate, 1 hour minimum

1

TABLE D-15 for 22.900D.150 – ELECTRICAL PERMIT FEES (When Plans are Not Required)			
1. **Administrative Fee**			
a. An administrative fee of $64 will be charged in addition to the other fees specified in this table for all items except item 9.			
b. An administrative fee of $52 will be charged when work is added to an existing permit and when other information is changed.			
2. **Services**		**Size**	**Fee**
a. Services (installation, relocation and temporary installations; size based on conductor ampacity)		1 - 125A	1/2 × base fee
		126—200A	3/4 × base fee
		201—300A	1 × base fee
		301—400A	1.5 × base fee
		401—599A	2 × base fee
b. Temporary construction power for single-family residence		Any	1/2 × base fee
3. **Feeders** [1]			
	Size	**120v—480v**	**>480v**
	15-25A	$15.10	1/4 × base fee
	30-50A	$31.50	1/4 × base fee
	60-125A	1/2 × base fee	1/2 × base fee
	150A & less than 400A	3/4 × base fee	1 × base fee

TABLE D-15 for 22.900D.150 – ELECTRICAL PERMIT FEES (When Plans are Not Required)			
	400A	plan review required	plan review required
4. **Connections, Devices and Branch Circuits** [2]			
a. Connections		**Fee**	
Light outlet, switches, receptacles, fixtures[3], residential-type fan		$1.90 each	
Track lighting or multi-outlet assembly		$1.90 for every 2 feet of track	
b. Devices and Branch Circuits			
Dimmer (commercial 2,000 watt or over)		$20.50 each	
Non-electric furnace[4]		$15.10 each	
Dedicated appliances & utilization circuits (cord and plug or direct wired)			
(15—25A)		$15.10 each	
(30-50A)		$31.50 each	
Range		$31.50 each	
Water heater (220 volt)		$31.50 each	
Floodlight[5]		$6.90 each	
Sign		$38.90 each	
5. Transformer Installations [6]		**Fee**	
Up to 300 VA		$6.90	
300 VA to 6 KVA		$15.10	
7 KVA to 15 KVA		$46.30	
16 KVA to 45 KVA		1/2 × base fee	
46 KVA to 112.5 KVA		3/4 × base fee	
≥113 KVA		1 × base fee	
6. Motor Installations		**Fee**	
Up to 1/3 HP		$6.90	
1/3 HP to 3/4 HP		$15.10	
1 HP to 3 HP		$22.60	
4 HP to 5 HP		$29.45	
6 HP to 20 HP		1/4 × base fee	
21 HP to 50 HP		1/2 × base fee	
≥51 HP		3/4 × base fee	
7. Electric Furnaces and Heaters		**Fee**	
Up to 2 KW		$6.90	
2 KW to 5 KW		$15.10	
6 KW to 15 KW		$19.40	
16 KW to 30 KW		1/4 × base fee	
31 KW to 100 KW		1/2 × base fee	
≥101 KW		3/4 × base fee	
8. Low-voltage and Communication Systems		**Fee**	

TABLE D-15 for 22.900D.150 – ELECTRICAL PERMIT FEES (When Plans are Not Required)		
a. Low-voltage systems[7]—sound systems, security systems, fire alarms, nurse call, industrial controls and similar		Requires separate permit for each system
Control unit		$11.80 each
Device (actuating, horn, alarm, etc.)		$1.90 each
Control systems (>100 volts) shall be based on the feeder schedule.		
b. Communications systems[8]—voice cable, data cable, coaxial cable, fiber optics and similar. The maximum fee is $452.		
Control unit		$11.80 each
Outlet		$1.90 each
9. Special Events		
a. Inspections occurring during normal business hours—Hourly at the ((~~DPD~~)) SDCI hourly rate; minimum 1/2 hour		
b. Inspections occurring outside normal business hours—Hourly at the ((~~DPD~~)) SDCI hourly rate; minimum 1 1/2 hour		
10. Inspections for which no other fee is listed, including but not limited to Conditional Work and "Get Started" permits		
Each		Hourly at the ((~~DPD~~)) SDCI hourly rate; minimum 1/2 hour
11. Renewable Energy Systems (photovoltaic, wind power generation, etc.)		
	0 KW to 6 KW	3/4 × base fee
	7 KW to 26 KW	1 × base fee
	Over 26 KW	Plan review required
12. Size overcurrent protection for Electric Vehicle (EV) charging stations		
Select fee for each charger to be installed.	**Charging Station Level 2A** (120-240 V 1 PHASE) **Level 2B** (120-208 V 3 PHASE)	**Charging Station Level 3** (277-480 V 3 PHASE)
15 TO 25 AMP CHG STATION	$15.10	1/4 × base fee
30 TO 50 AMP CHG STATION	$31.50	1/4 × base fee
60 TO 125 AMP CHG STATION	1/2 × base fee	1/2 × base fee
150 TO 225 AMP CHG STATION	3/4 × base fee	1 × base fee
250 TO 400 AMP CHG STATION	Requires plan review.	Requires plan review.
OVER 450 AMP CHG STATION	Requires plan review.	Requires plan review.
13. Selective Coordination Study Review - ((~~DPD~~)) SDCI hourly rate, 1 hour minimum ((~~-~~))		
Footnotes to Table D-15 for 22.900D.150: [1]Feeders will be charged only for (a) subpanels, (b) distribution panels, and (c) branch circuits of 60 amperes or over.		

TABLE D-15 for 22.900D.150 – ELECTRICAL PERMIT FEES (When Plans are Not Required)
[2]Fees will be charged according to either section 4a or 4b. Section 4a will be used only when fees according to section 4b cannot be determined. [3]Fixtures will be charged only for replacement, reinstallation or installation separate from light outlet wiring. [4]For furnaces where service exceeds 25 amperes, provided an additional feeder fee shall not be charged. For furnaces where service is 25 amperes or less, the furnace fee shall not apply provided a feeder fee is charged. [5]Outdoor area lighting (parking lots, streets, etc.). The floodlight fee is charged per luminaire. [6]The transformer fee includes the primary feeder and one secondary feeder up to and including the first panelboard or disconnect. Additional secondary panelboards or disconnecting means are charged at the appropriate feeder rate. [7]Low-voltage systems include, but are not limited to, systems listed in Chapter 7 of the National Electrical Code. [8]Communication systems include, but are not limited to, systems listed in Article 770 and Chapter 8 of the National Electrical Code.

* * *

Section 110. Subsection 22.900D.160.G of the Seattle Municipal Code, which section was last amended by Ordinance 124636, is amended as follows:

22.900D.160 Sign, awning and canopy permit fees

* * *

G. Engineering review. If an application requires a structural and soils engineering review by the Department, a fee will be charged at the ((~~DPD~~)) SDCI hourly rate in addition to the fees specified above in Section 22.900D.160. The fee to be charged shall be calculated using the ((~~DPD~~)) SDCI hourly rate as specified in Section 22.900B.010 for the ((~~DPD~~)) SDCI base fee and ((~~DPD~~)) SDCI hourly rate.

* * *

Section 111. Section 22.900D.170 of the Seattle Municipal Code, last amended by Ordinance 124636, is renumbered 22.900G.080 and further amended to read as follows:

((~~22.900D.170~~)) 22.900G.080 Design Commission fees

A. City Capital Improvement Projects, as Defined in ((~~SMC~~)) Section 3.58.020. Design Commission fees shall be assessed at a rate of 0.3 percent of the construction cost for City capital improvement projects for which billing will commence on or before December 31, 1998, except as specified in subsections 22.900G.080.B and 22.900G.080.D ((~~of this section~~)). Billing will occur at the time of contract award by the Department of Finance, who will forward the bills to the Department for distribution to appropriate City departments. Payment will be made through a fund transfer to the Department Operating Fund.

B. Major City Capital Improvement Projects. Except as specified in subsection 22.900G.080.D ((~~of this section~~)), Design Commission fees shall be assessed at a rate of up to 0.3 percent of the construction cost for major City capital improvement projects (greater than $10,000,000 ((~~)~~)) construction budget) for which billing will commence on or before December 31, 1998. The fee shall be set through negotiations with the City Budget Director and the Design Commission. Billing shall occur in accordance with a schedule agreed upon by the City Budget Director and the Design Commission.

C.

1. For City capital improvement projects, as defined in Section 3.58.020, for which no billing commenced under subsections 22.900G.080.A or 22.900G.080.B on or before December 31, 1998, and that do not fall within an exception in subsection 22.900G.080.D ((~~of this section~~)), the City Budget Director, the Design Commission, and each affected City department will attempt to agree on that department's projects ((~~,~~)) that are expected to be assessed by the Design Commission in the following year. If no agreement is reached by a date established by the City Budget Director, the City Budget Director will establish the list of such projects. The City Budget Director may establish the assessable appropriation of a City capital

improvement below the actual appropriation in order that the project not be assessed an unduly high fee relative to the cost of the anticipated Design Commission review.

2. The City Budget Director will assess a uniform fee of up to ((~~one-percent~~)) one percent of the total of all departments' capital improvement project appropriations for those projects assessable for Design Commission fees. Such fee shall be set so as to be sufficient, when combined with other funding sources, to support the anticipated costs of the Design Commission for the following year, but in no case shall the fee exceed ((~~one-percent~~)) one percent.

3. The Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections shall bill each department in the amount determined by the City Budget Director, and that amount shall be paid by fund transfer to the Department Operating Fund.

4. If a capital improvement project's appropriation has been included in a fee assessed under this section, but Design Commission review of that project is delayed into a future year, that appropriation amount shall not be counted again in the calculation of the fee for any future year. If review of a project on which a fee has been assessed under this subsection 22.900G.080.C is canceled, or if review commences on a project that, but for timeliness, would have been included but was not included in the calculation of a fee under this subsection 22.900G.080.C, the City Budget Director shall adjust the department's total assessable appropriation downwards or upwards, respectively, when establishing the subsequent year's fee.

D. Special Exceptions. The Commission will bill non-City projects at the hourly rate of $107 an hour per Commissioner for subcommittee review, or $754 an hour for full Commission review, except that fees may be waived, in whole or in part, at the discretion of the Commission with the concurrence of the City Budget Director in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment of the project for the following types of projects: art-works, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and small capital improvements;

2. For low-income and special needs housing projects subject to Design Commission review.

E. Street Use Permit Reviews. Street use permit reviews, which are required before issuance of a street use permit for improvements within the public right-of-way, will be billed at the hourly rate of $107 an hour per Commissioner for subcommittee review, or $754 an hour for full Commission review. Billing will be sent to the Seattle Department of Transportation for inclusion into the plan review costs charged to the applicant, or be billed directly by the Department. For those projects billed through the Seattle Department of Transportation, payment will be made by a fund transfer from the Seattle Transportation Operating Fund to the Department Operating Fund from funds paid by the applicant.

F. Early Master Use Permit Stage or Projects Outside City Contract Process. For design review at an early Master Use Permit stage or for projects outside The City of Seattle contract award process, Design Commission fees will be billed by the Department at an hourly rate of $107 an hour per Commissioner for subcommittee review, or $754 an hour for full Commission review.

Section 112. Subsection 22.900F.020.B of the Seattle Municipal Code, which section was amended by Ordinance 124047, is amended as follows:

22.900F.020 Noise fees

* * *

B. Noise Variances

1. Applications for noise variances shall be charged according to Table F-2 for 22.900F.020, except for applications for temporary noise variances as components of a master filming permit issued pursuant to Section 15.35.010 which shall be charged as part of the single fee for the master filming permit.

2. In addition to the amounts specified in Table F-2 for 22.900F.020, applicants shall reimburse the Department for actual costs associated with review of the application.

3. The fee for renewal of noise variances is the same as for new applications.

4. Fees for noise variances are not refundable.

Table F-2 for 22.900F.020 – Noise Fees				
Type	Permit Fee	Land Use Review	Other Project Hourly Fees	Inspection and Enforcement
Temporary noise variance (No separate fee when issued as part of a master filming permit)	((~~DPD~~)) SDCI base fee × 1	None	None	((~~DPD~~)) SDCI hourly rate - 1 hour minimum[1]
Economic, Technical, or Major Public Project variance	((~~DPD~~)) SDCI base fee × 1	Land Use hourly rate	((~~DPD~~)) SDCI hourly rate - 2 hour minimum	((~~DPD~~)) SDCI hourly rate - 2 hour minimum[1]
Noise survey reviews, inspections and monitoring on Land Use and Construction permits	None	None	((~~DPD~~)) SDCI hourly rate - 1 hour minimum	None
Footnote to Table F-2 for 22.900F.020: [1]Inspection and Enforcement Minimum fee shall be paid at the time of Permit Issuance, any hourly fees beyond the minimum shall be paid prior to permit Final or Occupancy.				

Section 113. Section 22.900F.060 of the Seattle Municipal Code, enacted by Ordinance 123755, is amended as follows:

22.900F.060 Housing and Building Maintenance Code Variance

The fee to conduct research, inspections and review of associated variance decisions requested pursuant to Section 22.206.217 of the Housing and Building Maintenance Code is two times the ((~~DPD~~)) SDCI base fee.

Section 114. Subsection 22.900G.010.G of the Seattle Municipal Code, which section was last amended by Ordinance 124047, is amended as follows:

22.900G.010 Fees for Department of Neighborhoods review

* * *

G. Requests for reviewing character structure TDP sending sites in the Pike/Pine Conservation Overlay District. The Department of Neighborhoods' hourly review fee is $250 an hour for determining whether a character structure may, if requested by a property owner, be added to the list of character structures in the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections Director's Rule promulgated according to Section 23.73.005.

Section 115. Subsection 22.900G.015.C of the Seattle Municipal Code, which section was last amended by Ordinance 124047, is amended as follows:

22.900G.015 Fees for review by the Office of Housing

* * *

C. Fees in the MPC-YT zone

1. A land use permit applicant who seeks to provide 80 percent of area median income housing to meet an affordable housing production condition in Section 23.75.085 shall pay a fee in the amount of $550 to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for transfer to the Office of Housing for review of the application.

2. This subsection 22.900G.015.C.2 applies to 80 percent of area median income housing that is provided to meet an affordable housing production condition in Section 23.75.085:

a. An owner of such housing shall pay an annual monitoring fee of $65 per rental unit of 80 percent of area median income rental housing to the Office of Housing to determine compliance with Section 23.75.085.

b. An owner of an owner-occupied unit of 80 percent of area median income housing shall, prior to closing any sale or other transfer of the unit after the initial sale or transfer, pay a fee in the amount of $300 to the Office of Housing to determine compliance with Section 23.75.085.

Section 116. Section 22.902.060 of the Seattle Municipal Code, last amended by Ordinance 115105, is amended as follows:

22.902.060 Notice to all tenants prior to offering any unit for sale to the public as a cooperative unit.

At least ((~~one hundred twenty (~~))120((~~)~~)) days prior to offering any rental unit or units for sale to the public as a cooperative unit, the developer shall deliver to each tenant in the building written notice of ((~~his or her~~)) intention to sell the unit or units. The notice shall specify the individual units to be sold and the sale price of each unit. This notice shall be in addition to and not in lieu of the notices required for eviction by ((~~RCW Chapters~~)) chapters 59.12 and 59.18 RCW, and shall be delivered as provided in Section 22.902.210. With the notice the developer shall also deliver to the tenant a statement, in a format to be provided by the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections, of the tenant's rights.

Section 117. Section 22.902.150 of the Seattle Municipal Code, last amended by Ordinance 109125, is amended as follows:

22.902.150 Mandatory Housing Code inspection and repair - Notice to buyers and tenants.

Prior to delivery of the ((~~one hundred twenty (~~))120((~~)~~)) day notice described in Section 22.902.060, developers shall, at their expense, request a Housing Code inspection of the entire building by the Seattle Department of Construction and ((~~Land Use~~)) Inspections. The inspection shall be completed within ((~~forty-five (~~))45((~~)~~)) days of a developer's request. The inspection for compliance shall be completed within ((~~seven (~~))7~~)~~)) days of a developer's request unless the developer fails to provide or refuses access to Seattle Department of Construction and ((~~Land Use~~)) Inspections personnel. All violations of the Housing Code revealed by the inspection must be corrected at least ((~~seven (~~))7~~)~~)) days prior to the closing of the sale of the first unit or by the compliance date on the inspection report, whichever is sooner. A copy of the Seattle Department of Construction and ((~~Land Use's~~)) Inspections' inspection report and certification of repairs shall be provided by the developer to each prospective purchaser at least ((~~seven (~~))7~~)~~)) days before the signing of any earnest money agreement or other binding purchase commitment. Copies of the inspection report shall be delivered to tenants in the converted building by the developer with the notice of sale as provided in Section 22.902.060.

Section 118. Section 22.902.160 of the Seattle Municipal Code, last amended by Ordinance 115105, is amended as follows:

22.902.160 Seattle Department of Construction and ((~~Land Use~~)) Inspections certification of repairs.

For the protection of the general public, the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall inspect the repairs of defective conditions identified in the inspection report and

certify that the violations have been corrected. The certification shall state that only those defects discovered by the Housing Code inspection and listed on the inspection report have been corrected and that the certification does not guarantee that all Housing Code violations have been corrected. Prior to closing any sale the developer shall deliver a copy of the certificate to the purchaser. No developer, however, shall use the Seattle Department of Construction and ((~~Land Use's~~)) Inspections' certification in any advertising or indicate to anyone, in any fashion, for the purpose of inducing a person to purchase a cooperative unit, that the City or any of its departments has "approved" the building or any unit for sale because the City has certified the building or any unit to be in any particular condition.

Section 119. Section 22.902.230 of the Seattle Municipal Code, last amended by Ordinance 109125, is amended as follows:

22.902.230 Filing of complaint.

Any person subjected to any unlawful practice as set forth in this ((~~chapter~~)) Chapter 22.902 may file a complaint in writing with the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections. The ((~~City~~))Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections is authorized and directed to receive complaints and conduct such investigations as are deemed necessary. Whenever it is determined that there has been a violation of this ((~~chapter~~)) Chapter 22.902 the ((~~City~~))Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections is authorized, at the Director's discretion, to follow one (((~~1~~))) or more of the following procedures:

A. Attempt to conciliate the matter by conference or otherwise and secure a written conciliation agreement;

B. Refer the matter to the City Attorney for criminal prosecution.

Section 120. Section 22.902.250 of the Seattle Municipal Code, last amended by Ordinance 109125, is amended as follows:

22.902.250 Authority to make rules.

The Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections is authorized and directed to adopt, promulgate, amend and rescind in accordance with the Administrative Code of the City, administrative rules consistent with the provisions of this chapter and necessary to carry out the duties of the Director under this ((~~chapter~~)) Chapter 22.902.

Section 121. Subsections 22.903.020.E and 22.903.020.G of the Seattle Municipal Code, which section was last amended by Ordinance 122728, are amended as follows:

22.903.020 Definitions.

* * *

E. "Department" means the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

G. "Director" means the Director of the ((~~Seattle Department of Planning and Development~~)) Seattle Department of Construction and Inspections or the Director's designee.

* * *

Section 122. Subsection 22.904.010.B of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

22.904.010 Definitions.

* * *

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

* * *

Section 123. Section 22.904.060 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

22.904.060 License applications.

Applications for mobile home park licenses and renewals thereof shall be made to the Director of Finance and Administrative Services upon forms provided by ((~~him/her~~)) the Director and shall set forth the name and residence address of the applicant, the location of the mobile home park, and the number of mobile home lots to which such license applies. The Director of Finance and Administrative Services thereupon shall request the Director of Public Health, the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, and the Fire Chief to inspect the premises therein described and the fixtures and facilities to be used. If the Director of Public Health, Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, and the Fire Chief find, upon inspection, that such premises, fixtures, and facilities are constructed, installed, operated, and maintained in compliance with this ((~~chapter~~)) Chapter 22.904 and other applicable ordinances, they shall approve the

application and so notify the Director of Finance and Administrative Services, who shall issue the license. If the Director of Public Health, Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, or the Fire Chief shall find that the premises, fixtures or facilities are not constructed, installed, operated or maintained in compliance with this ((~~chapter~~)) Chapter 22.904 or any other applicable ordinance, ((~~he/she~~)) that person shall forthwith disapprove the application and so notify the applicant and the Director of Finance and Administrative Services, citing the reason therefor. If, after 30 days from date of application for a new license, or, in the case of renewal, upon expiration of an existing license, approval of the Director of Public Health, Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, and the Fire Chief are not forthcoming, the Director of Finance and Administrative Services thereupon shall deny the license.

Section 124. Section 22.904.070 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

22.904.070 License revocation.

Any mobile home park license may be revoked by the Director of Finance and Administrative Services in the manner and subject to the procedure provided in the License Code upon the filing with ((~~him or her~~)) the Director of Finance and Administrative Services by the Director of Public Health, the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, or the Fire Chief of a written notice stating the premises licensed or any fixtures or facilities used therein have become or are unsafe or unsanitary, or that otherwise they are not being operated or maintained in compliance with the provisions of this ((~~chapter~~)) Chapter 22.904 or any other applicable ordinance.

Section 125. Section 22.904.080 of the Seattle Municipal Code, last amended by Ordinance 109125, is amended as follows:

22.904.080 Filing of site plan.

It is unlawful to construct a mobile home park without first placing on file with the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections three ((~~(3)~~)) complete copies of a site plan therefor, approved as provided in this ((~~chapter~~)) Chapter 22.904. Such plan shall be drawn to scale and completely dimensioned, shall be prepared by a licensed professional architect or engineer or by an owner capable of producing drawings equivalent to the conventional drawings of architects and engineers, and shall set forth the address and legal description of the mobile home park site, and the name and address of the applicant.

Section 126. Section 22.904.100 of the Seattle Municipal Code, last amended by Ordinance 109125, is amended as follows:

22.904.100 Approval of site and building plans.

Site and building plans and specifications shall be examined by the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections, and by the Fire Chief and the Director of Public Health, to whom the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall supply copies. Upon approval of the Fire Chief and the Director of Public Health, and, upon being himself satisfied that the plans conform to the requirements of this ((~~chapter~~)) Chapter 22.904 and other applicable ordinances, the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall approve the same. One ((~~(1)~~)) copy of approved plans shall be retained in the office of the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections, one ((~~(1)~~)) copy in the office of the Director of

Public Health, and one ((~~(1)~~)) copy, which shall be maintained in the mobile home park office, shall be returned to the applicant.

Section 127. Section 22.904.410 of the Seattle Municipal Code, last amended by Ordinance 115183, is amended as follows:

22.904.410 Eviction notices for change of use or closure of a mobile home park.

A. Before a mobile home park owner may issue eviction notices pursuant to a closure or change of use under chapter 59.21 RCW ((~~Chapter 59.21~~)), the mobile home park owner must first submit to the Seattle Department of Construction and ((~~Land Use~~)) Inspections a relocation report and plan that meets the requirements of Section 22.904.420. If applying for a change of use, the mobile home park owner shall submit the relocation report and plan together with the master use permit application. Once the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections determines that the relocation report and plan meets the requirements of Section 22.904.420, the Director shall stamp ((~~his or her~~)) approval on the relocation report and plan and return a copy of the approved plan to the mobile home park owner. If the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections determines that the relocation report and plan does not meet the requirements of Section 22.904.420, the Director may require the mobile home park owner to amend or supplement the relocation report and plan as necessary to comply with this ((~~chapter~~)) Chapter 22.904 before approving it.

B. No sooner than upon approval of the relocation report and plan, the owner of the mobile home park may issue the ((~~twelve (~~))12((~~)~~)) month eviction notice to the mobile home park tenants. The eviction notice shall comply with RCW 59.20.080 and RCW 59.21.030. No mobile home park tenant who rents the mobile home in which ((~~he or she~~)) the tenant resides may be evicted until the ((~~twelve (~~))12((~~)~~)) month notice period expires, except for good cause as

defined in ((~~SMC~~)) Section 22.206.160. No mobile home owner who rents a mobile home lot may be evicted until the ((~~twelve (~~))12((~~)~~)) month notice period expires, except pursuant to the ((~~State~~)) Manufactured Mobile Home Landlord-Tenant Act, ((~~RCW Chapter~~)) chapter 59.20 RCW.

Section 128. Section 22.904.420 of the Seattle Municipal Code, last amended by Ordinance 115183, is amended as follows:

22.904.420 Relocation report and plan.

A. The relocation report and plan shall describe how the mobile home park owner intends to comply with ((~~RCW Chapters~~)) chapters 59.20 and 59.21 RCW, relating to mobile home relocation assistance, and with Sections 22.904.400 through 22.904.480 ((~~of this chapter~~)). The relocation report and plan must provide that the mobile home park owner will assist each mobile home park tenant household to relocate; in addition to making State-required relocation payments, such assistance must include providing tenants an inventory of relocation resources, referring tenants to alternative public and private subsidized housing resources, helping tenants obtain and complete the necessary application forms for State-required relocation assistance; and helping tenants to move the mobile homes from the mobile home park. Further, the relocation report and plan shall contain the following information:

1. The name, address, and family composition for each mobile home park tenant household;

2. The condition, size, ownership status and probable mobility of each mobile home occupying a mobile home lot;

3. Copies of all lease or rental agreement forms the mobile home park owner used both before and during the change of use or closure process;

4. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of current monthly housing costs, including rent or mortgage payments and utilities, for each mobile home park tenant household;

5. To the extent mobile home park tenants voluntarily make such information available, a confidential listing of net annual income for each mobile home park tenant household;

6. Specific actions the mobile home park owner will take to assist each mobile home park tenant household to relocate, in addition to making State-required relocation payments to mobile home owners;

7. An inventory of relocation resources, including available mobile home spaces in King, Snohomish, Kitsap, and Pierce Counties;

8. Actions the mobile home park owner will take to refer mobile home park tenants to alternative public and private subsidized housing resources;

9. Actions the mobile home park owner will take to assist mobile home park tenants to move the mobile homes from the mobile home park; and

10. Other actions the owner will take to minimize the hardship mobile home park tenant households suffer as a result of the closure or conversion of the mobile home park.

B. The Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections may require the mobile home park owner to designate a Relocation Coordinator to administer the provisions of the relocation report and plan and work with the mobile home park tenants and the Seattle Department of Construction and ((~~Land Use~~)) Inspections and other City and State offices to ensure compliance with the relocation report and plan and with state laws governing

mobile home park relocation assistance, eviction notification, and landlord/tenant responsibilities.

C. The owner shall make available to any mobile home park tenant residing in the mobile home park copies of the proposed relocation report and plan, with confidential information deleted. Once the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections approves the relocation report and plan, a copy of the approved relocation report and plan shall be delivered to each mobile home park tenant with the required ((~~twelve (~~))12((~~)~~)) month eviction notice.

D. The mobile home park owner shall update the information required under this ((~~section~~)) Section 22.904 to include any change of circumstances occurring after submission of the relocation report and plan that affects the relocation report and plan's implementation.

Section 129. Section 22.904.430 of the Seattle Municipal Code, last amended by Ordinance 115183, is amended as follows:

22.904.430 Certificate of completion of the relocation report and plan.

No mobile home park owner may close a mobile home park or establish a change of use of a mobile home park until the mobile home park owner obtains a certificate of completion from the Seattle Department of Construction and ((~~Land Use~~)) Inspections. The Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall issue a certificate of compliance only if satisfied that the owner has complied with the provisions of an approved relocation report and plan, with eviction notice requirements of RCW 59.20.080 and 59.21.030, with relocation assistance requirements of RCW 59.21.020, and any additional requirements imposed in connection with a master use permit application.

Section 130. Section 22.904.450 of the Seattle Municipal Code, last amended by Ordinance 115183, is amended as follows:

22.904.450 Administration.

The Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall administer and enforce Sections 22.904.400 through 22.904.460 ((~~of this chapter~~)) and is authorized to adopt rules and regulations consistent with and necessary to carry out these sections. Whenever an owner or an owner's agent fails to comply with the provisions of Sections 22.904.400 through 22.904.470, the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections may deny or revoke a master use permit and/or other permits or approvals, or may, in ((~~his or her~~)) the Director's discretion, condition any permit upon the owner's successful completion of remedial actions that the Director of the Seattle Department of Construction and ((~~Land Use~~)) Inspections deems necessary to carry out the purposes of Sections 22.904.400 through 22.904.460.

Section 131. Section 22.920.020 of the Seattle Municipal Code, last amended by Ordinance 123993, is amended as follows:

22.920.020 Definitions

* * *

"Director" means the Director of the Seattle Department of ((~~Planning and Development or his or her~~)) Construction and Inspections or the Director's designee, and includes any person or agency or representative of such person or agency to whom authority is delegated under this Chapter 22.920.

* * *

Section 132. Subsection 23.42.054.B of the Seattle Municipal Code, which section was last amended by Ordinance 124747, is amended as follows:

23.42.054 Transitional encampments accessory to religious facilities or to other principal uses located on property owned or controlled by a religious organization

* * *

B. The encampment operator or applicant shall comply with the following provisions:

1. Allow no more than 100 persons to occupy the encampment site as residents of the encampment.

2. Comply with the following fire safety and health standards:

a. Properly space, hang, and maintain fire extinguishers within the encampment as required by the Fire Department;

b. Provide and maintain a 100-person first-aid kit;

c. Establish and maintain free of all obstructions access aisles as required by the Fire Department ((.)) ;

d. Install appropriate power protection devices at any location where power is provided;

e. Designate a smoking area;

f. Keep the site free of litter and garbage;

g. Observe all health-related requirements made by the Public Health Department of Seattle & King County; and

h. Post and distribute to encampment residents, copies of health or safety information provided by the City of Seattle, King County, or any other public agency.

i. Prohibit any open flames except an outdoor heat source approved by the Fire Department.

3. Provide toilets, running water, and garbage collection according to the following standards:

a. Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to toilets in an indoor location;

b. Provide running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and

c. Remove garbage frequently enough to prevent overflow.

4. Cooking facilities, if they are provided, may be located in either an indoor location or outdoors according to the following standards:

a. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City;

b. Provide a nonabsorbent and easily-cleanable food preparation counter;

c. Provide a means to keep perishable food cold; and

d. Provide all products necessary to maintain the cooking facilities in a clean condition.

5. Allow officials of the Public Health Department of Seattle & King County, the Seattle Fire Department, and ((~~Seattle Department of Planning and Development~~)) the Seattle

Department of Construction and Inspections to inspect areas of the encampment that are located outdoors and plainly visible without prior notice to determine compliance with these standards.

6. Individuals under the age of 18 years that are not accompanied by a parent or legal guardian shall not be permitted in an encampment.

7. File a site plan with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections showing the arrangement of the encampment, including numbers of tents or similar sleeping shelters, all facilities that are separate from the sleeping shelters, and all existing structures on the property, if any. The site plan is for informational purposes and is not subject to City review or permitting requirements.

* * *

Section 133. Subsection 23.42.106.B of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.42.106 Expansion of nonconforming uses

* * *

B. In addition to the standards in subsection 23.42.106.A, a structure in a single-family zone occupied by a nonconforming residential use may be allowed to expand subject to the following:

1. The number of dwelling units shall not be increased, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015.

2. For a nonconforming residential use that is not a multifamily use, except as may be allowed pursuant to Section 23.40.040 or Section 23.44.015, the number of residents may not be increased beyond the maximum number that was allowed by the standards of the

zone at the time of approval; if originally permitted by conditional use, the number shall not be allowed to increase above the number permitted by the conditional use approval.

3. An expansion of no more than ((~~five hundred (~~))500((~~)~~)) square feet of gross floor area, meeting the development standards for single-family construction and not exceeding the average height of the closest principal structures on either side, is allowed.

4. An expansion greater than ((~~five hundred (~~))500((~~)~~)) square feet of gross floor area and/or exceeding the average height of the closest principal structures on either side may be approved by ((~~DPD~~)) the Seattle Department of Construction and Inspections through a special exception, Type II Master Use Permit, if the proposed expansion meets the development standards for single-family construction and is compatible with surrounding development in terms of:

a. Architectural character;

b. Existing streetscape and pattern of yards; and

c. Scale and proportion of principal structures.

5. If an addition proposed under subsections 23.42.106.B.3 or 23.42.106.B.4 ((~~of this section~~)) would require additional parking under the requirements of Section 23.54.015 for multifamily structures, that additional parking must be provided.

* * *

Section 134. Subsection 23.44.051.D of the Seattle Municipal Code, which section was last amended by Ordinance 123361, is amended as follows:

23.44.051 Bed and breakfasts

* * *

D. Neighborhood ((~~Mitigation~~)) mitigation provisions ((~~.~~))

1. The owner will make public transit information available to patrons, and the owner's operating plan must describe how the transit information will be made available to patrons.

2. The design of the structure in which the use is located and the orientation of the access will minimize impacts, such as noise, light and parking, to neighboring structures.

3. The owner's operating plan includes quiet hours, limits on programmed on-site outdoor activities, and parking policies to minimize impacts on residential neighbors.

4. The delivery of goods and services associated with the bed and breakfast use are accommodated at a time and in a manner that will limit, to the extent feasible, impacts on surrounding properties.

5. The operating plan shall be distributed to all residents and property owners within 300 feet of the proposed bed and breakfast use. The distributed plan shall reference this Section 23.44.051 and provide contact information for the Seattle Department of ((~~Planning and Development's~~)) Construction and Inspections' Review and Inspection Center and contact information for the operator of the bed and breakfast. Applicants for a permit to establish a bed and breakfast use shall provide proof to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections that they made a good faith effort to provide the required distribution prior to issuance of a permit establishing the use.

Section 135. Subsection 23.45.526.B, which section was last amended by Ordinance 124378, is amended as follows:

23.45.526 LEED, Built Green, and Evergreen Sustainable Development standards

* * *

B. The Director may establish, by rule, procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or a Built Green 4-star rating, or met the ESDS, provided that no rule may assign authority for making a final determination to any person other than an officer of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or another City agency with regulatory authority and expertise in green building practices.

* * *

Section 136. Subsection 23.47A.009.D of the Seattle Municipal Code, which section last amended by Ordinance 124378, is amended as follows:

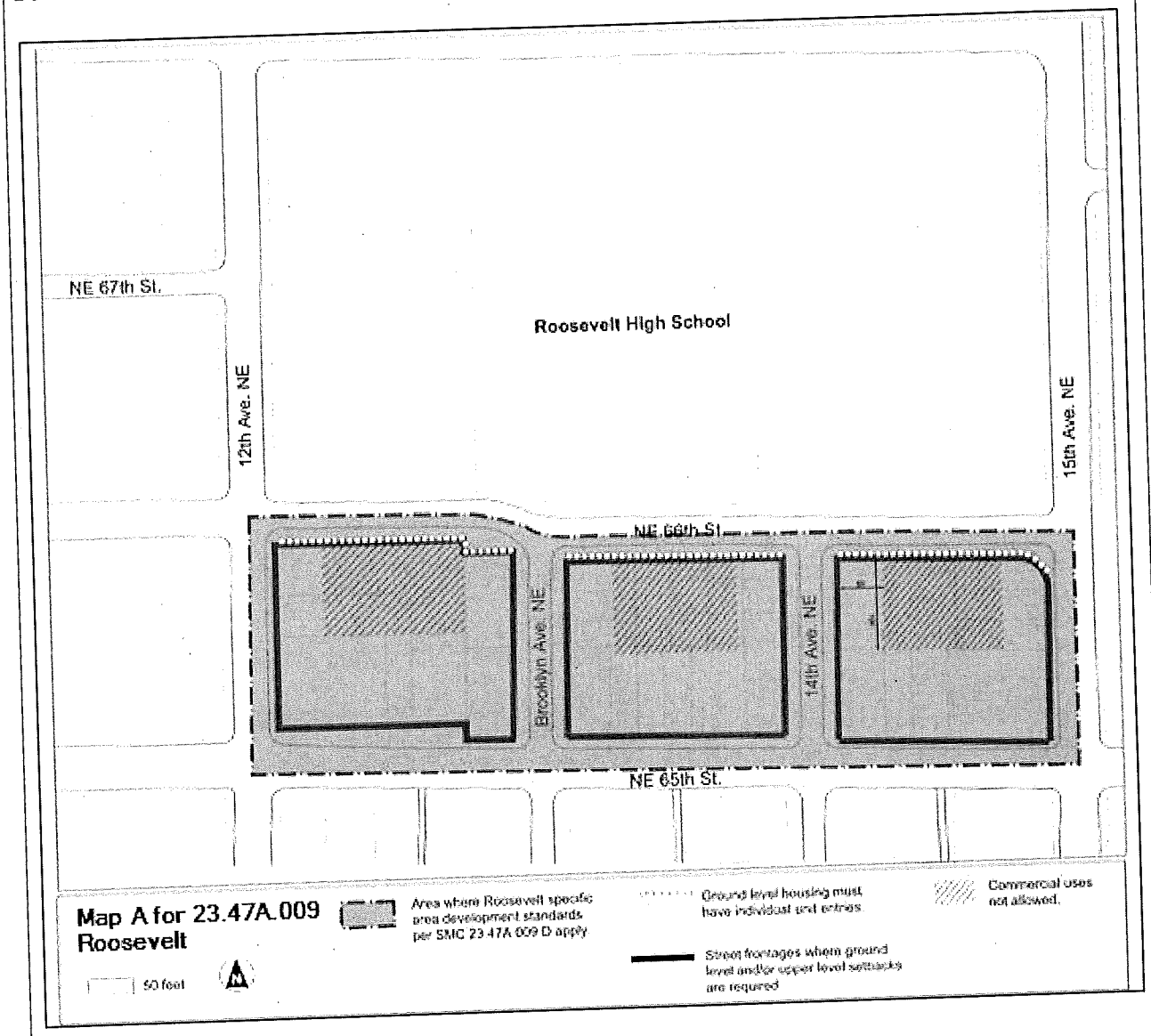
23.47A.009 Standards applicable to specific areas

* * *

D. Roosevelt Urban Village. The following provisions apply within the area shown on Map A for 23.47A.009.

Map A for 23.47A.009

Roosevelt



1. Setback requirements

a. The following setbacks are required from the listed street property lines:

1) Northeast 66th Street. An average ground level setback of 10 feet along the length of the street property line and a minimum upper level setback of 4 feet. The minimum upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

2) Brooklyn Avenue Northeast. An average ground level setback of 5 feet along the length of the street property line and a minimum upper level setback of 4 feet. The minimum upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

3) 14th Avenue Northeast. An average ground level setback of 15 feet and a minimum ground level setback of 5 feet along the length of the street property line and a minimum upper level setback of 3 feet. The minimum upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

4) 15th Avenue Northeast. A minimum ground level setback of 5 feet along the length of the street property line and an average upper level setback of 7 feet. The average upper level setback shall be provided in addition to the required ground level setback at all points along the length of the street property line at 45 feet of height and above, as measured from average finished grade.

5) Northeast 65th Street and 12th Avenue Northeast. An average ground level setback of 8 feet shall be provided, and the setback may include pedestrian access and circulation.

b. Structures permitted in required setbacks are:

1) Decks with open railings may project up to 5 feet into the required setback area if they are no lower than 20 feet above existing or finished grade. Decks may cover no more than 20 percent of the total setback area.

2) Stoops or porches providing direct access to individual housing units may project up to 5 feet into the required ground level setback area, except that portions of stoops or porches not more than 2.5 feet in height from existing or finished grade, whichever is lower, may extend to a street lot line. The 2.5 foot height limit for stoops or porches does not apply to guard rails or hand rails. Such stoops or porches shall cover no more than 20 percent of the total ground level setback area.

3) Eaves, cornices, fireplaces, chimneys, and gutters may project no more than 18 inches from the structure facade.

4) Ramps or other devices necessary for access for the disabled and elderly that meet Seattle Building Code, Chapter 11.

5) Fences no greater than 4 feet in height are permitted in the required ground level setback, and up to 2 feet of additional height for architectural features such as arbors or trellises on the top of a fence is permitted. Fence height may be averaged along sloping grades for each 4 foot long segment of the fence, but in no case may any portion of the fence exceed 6 feet in height.

6) Underground structures.

c. Where required setbacks may be averaged, measurement shall be per ((~~SMC~~)) <u>subsection</u> 23.86.012.A and the following:

1) Where a building is setback more than 30 feet from a lot line at ground level, 30 feet shall be used as the ground level setback amount for averaging purposes.

2) Where averaging is allowed for a required upper level setback, the measurement shall be taken horizontally from points directly above the lot line to the façade of the structure at the height where the upper level setback is required.

2. Landscaping. Required ground level setbacks shall be landscaped, and may include paving and lighting to enhance pedestrian safety and comfort. Sidewalks, plazas, and other amenities or landscaped areas approved by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections are permitted in required ground level setbacks.

3. Limit on Commercial Uses. Commercial uses are prohibited within 80 feet of the street property line of Northeast 66th Street, except within 50 feet of the intersections of Northeast 66th Street with Brooklyn Avenue Northeast, 14th Avenue Northeast, 12th Avenue Northeast, and 15th Avenue Northeast, as shown on Map A for 23.47A.009.

4. Housing units on the ground floor. All housing units with a façade that faces Northeast 66th Street with no intervening housing units or commercial uses between the housing unit and the Northeast 66th Street lot line, and located on the first floor of a building, shall have the primary pedestrian entrance to each housing unit directly accessible from the exterior of the structure rather than a primary pedestrian entry through a common entrance hallway.

5. Underground Parking. Parking shall be located below grade, except a portion of a below-grade garage may extend up to 4 feet above existing or finished grade, whichever is lower, provided that the parking that extends above grade is fully screened from direct street view by the street-facing façade of the structure or by landscaping.

Section 137. Subsection 23.47A.016.B of the Seattle Municipal Code, which section was last amended by Ordinance 124608, is amended as follows:

23.47A.016 Landscaping and screening standards

* * *

B. Street tree requirements ((.))

1. Street trees are required when any development is proposed, except as provided in subsection 23.47A.016.B.2 and Section 23.53.015. Existing street trees shall be retained unless the Director of Transportation approves their removal. The Director, in consultation with the Director of Transportation, will determine the number, type and placement of street trees to be provided:

a. to improve public safety;

b. to promote compatibility with existing street trees;

c. to match trees to the available space in the planting strip;

d. to maintain and expand the urban forest canopy;

e. to encourage healthy growth through appropriate spacing;

f. to protect utilities; and

g. to allow access to the street, buildings and lot.

2. Exceptions to street tree requirements ((.))

a. If a lot borders an unopened right-of-way, the Director may reduce or waive the street tree requirement along that street if, after consultation with the Director of Transportation, the Director determines that the street is unlikely to be opened or improved.

b. Street trees are not required for any of the following:

1) establishing, constructing or modifying single-family dwelling units; or

2) changing a use, or establishing a temporary use or intermittent use; or

3) expanding a structure by 1,000 square feet or less; or

4) expanding surface area parking by less than ((~~10~~)) ten percent in area and less than ((~~10~~)) ten percent in number of spaces.

3. When an existing structure is proposed to be expanded by more than 1,000 square feet, one street tree is required for each 500 square feet over the first 1,000 square feet of additional structure, up to the maximum number of trees that would be required for new construction.

4. If it is not feasible to plant street trees in a right-of-way planting strip, a 5-foot setback shall be planted with street trees along the street property line or landscaping other than trees shall be provided in the planting strip, subject to approval by the Director of Transportation. If, according to the Director of Transportation, a 5-foot setback or landscaped planting strip is not feasible, the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections may reduce or waive this requirement.

* * *

Section 138. Subsection 23.48.025.B of the Seattle Municipal Code, which section was last amended by Ordinance 124172, is amended as follows:

23.48.025 Demonstration of LEED rating

* * *

B. The Director is authorized to determine, as a Type I decision, whether the applicant has demonstrated that a new structure has earned a LEED rating or met a substantially equivalent standard. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Seattle Department of ((~~Planning and Development~~))

Construction and Inspections or another City agency with regulatory authority and expertise in green building practices.

* * *

Section 139. Subsection 23.49.020.B of the Seattle Municipal Code, which section was last amended by Ordinance 123649, is amended as follows:

23.49.020 Demonstration of LEED Silver rating

* * *

B. The Director is authorized to determine, as a Type I decision, whether the applicant has demonstrated that a new structure has earned a LEED Silver rating or met a substantially equivalent standard. The Director may establish by rule procedures for determining whether an applicant has demonstrated that a new structure has earned a LEED Silver rating or met any such substantially equivalent standard, provided that no rule shall assign authority for making a final determination to any person other than an officer of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or another City agency with regulatory authority and expertise in green building practices.

* * *

Section 140. Subsection 23.49.181.E of the Seattle Municipal Code, which section was last amended by Ordinance 124378 , is amended as follows:

23.49.181 Bonus floor area for affordable housing in the PSM 85-120 zone

* * *

E. Affordable housing

1. Amount. An applicant using bonus floor area shall provide an amount of net rentable floor area of low-income housing, applicable to units for sale or rent, equal to at least

17.5 percent of the net bonus floor area obtained. For purposes of this subsection 23.49.181.E, "net rentable floor area" is equal to 80((~~%~~)) percent of the gross floor area of the low-income housing.

2. Serving income-eligible households. For the purposes of this Section 23.49.181, a housing unit serves income-eligible households only if either:

a. For a period of 50 years beginning upon the issuance of a final certificate of occupancy by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for the affordable housing, the housing is used as rental housing solely for income-eligible households at rent limited so that annual housing costs, including rent and basic utilities, do not exceed 30 percent of 80 percent of median income, and the housing unit and the structure in which it is located are maintained in decent and habitable condition, including basic appliances in the housing unit; or

b. The unit is sold for owner-occupancy to an income-eligible household at an initial sale price limited so that the annual housing costs, including mortgage principal and interest, real estate taxes, insurance, plus homeowner dues if applicable, are not expected to exceed 35 percent of median income, according to a calculation based on reasonable assumptions and approved by the Director of Housing, and the unit is subject to a recorded instrument satisfactory to the Director of Housing with a term extending until 50 years after the issuance of a final certificate of occupancy by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for the structure using the bonus floor area for which that affordable housing is provided, providing for sales prices on any resale consistent with affordability on the same basis as the initial sale, allowing resales only to income-eligible

households, and requiring that upon any resale, the housing unit be in decent and habitable condition, including adequate basic appliances in the housing unit.

3. Location, size, and other requirements. Affordable housing may be provided within the area defined on Map A for 23.49.180 where additional height is permitted. Alternatively, affordable housing may be provided on one or more different lots within South Downtown, subject to approval by the Director of Housing under the criteria in this subsection 23.49.181.E and to the conditions in subsection 23.49.181.B.2. Approval requires a determination by the Director of Housing that the affordable housing will (a) provide a public benefit; and (b) be more affordable than market rents or sale prices, as applicable, for housing in South Downtown. The affordable housing shall be provided in a range of unit sizes consistent with RCW 36.70A.540 and comply with all requirements of RCW 36.70A.540.

4. Time of completion. Unless affordable housing is to be provided on a lot other than that of the project using the bonus and the Director of Housing has made all approvals described in subsections 23.49.181.B.2 and 23.49.181.E.3, the affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any bonus floor area that is based on the affordable housing and as a condition to any right of the applicant to such a certificate of occupancy.

5. No subsidies for affordable housing; exceptions ((.))

a. In general, and except as may be otherwise required by applicable federal or state law, no bonus floor area may be earned by providing affordable housing if:

1) Any person is receiving or will receive with respect to the housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, low-income housing tax credits, federal

loans or grants, City of Seattle housing loans or grants, county housing funds, and State of Washington housing funds; or

2) The housing is or would be, independent of the requirements for the bonus floor area, subject to any restrictions on the income of occupants, rents or sale prices.

b. As exceptions to the general rule in subsection 23.49.181.E.5.a:

1) All affordable housing provided as a condition to bonus floor area within the area defined on Map A for 23.49.180 where additional height is permitted may consist wholly or in part of the same units used to satisfy terms under which the lot or a portion thereof was transferred by a public body, and any units of affordable housing provided as a condition to bonus floor area on a lot outside the area defined on Map A for 23.49.180 where additional height is permitted, may consist wholly or in part of the same units used to satisfy terms under which the lot or a portion thereof was transferred by a public body;

2) The improvements on the lot may qualify for, and affordable housing provided as a condition to bonus floor area may consist wholly or in part of the same units used to satisfy conditions of, property tax exemptions pursuant to Chapter 5.73; and

3) The prohibition on public subsidies for affordable housing does not include Internal Revenue Code Section 45D, New Markets Tax Credits.

c. The Director of Housing may require, as a condition of any bonus floor area, that the owner of the lot upon which the affordable housing is located agree not to seek or accept any subsidies, other than as described in subsection 23.49.181.E.5.b, related to housing. The Director of Housing may require that such agreement provide for the payment to the City, for deposit in an appropriate sub-fund or account, of the value of any subsidies received in excess of any amounts allowed by such agreement.

d. As an exception to the restriction on subsidies, the Director of Housing may allow the building or buildings in which the affordable housing is located to be financed in part with subsidies based on determinations that:

1) the total amount of affordable housing is at least 300 net residential square feet greater than the minimum amount of affordable housing that would be needed to satisfy the conditions of this Section 23.49.181;

2) the public benefit of the affordable housing net of those subsidies, as measured through an economic analysis, exceeds the public benefit from the minimum amount of affordable housing; and

3) the subsidies being allowed would not be sufficient to leverage private funds for production of the affordable housing, under restrictions required in this Section 23.49.181, without additional City subsidy.

6. Agreements and approvals. The Director of Housing is authorized to accept and execute agreements and instruments to implement this Section 23.49.181. Except with respect to bonus floor area based on an amount of affordable housing for which a certification by the Director of Housing is delivered pursuant to subsection 23.49.181.B.3, issuance of the Master Use Permit, building permit, or certificate of occupancy for the project using the bonus floor area may be conditioned on satisfactory agreements and instruments signed by applicants and other owners. An applicant or prospective applicant may request, and the Director of Housing may provide, a determination that a linkage agreement or security arrangement, or both, would satisfy specific provisions of this Section 23.49.181, whether or not an applicant has proposed a specific development to use bonus floor area, but no such approval or agreement shall affect the

determination, under Chapter 23.76 or other applicable law, of the date as of which any development regulations apply to a permit application.

7. Reports and fees. An applicant for bonus floor area shall pay a review fee and the housing owner shall provide annual reports to the Office of Housing. Fees shall be paid in accordance with the applicable fee ordinance item or Section 22.900G.015.

* * *

Section 141. Section 23.53.004 of the Seattle Municipal Code, enacted by Ordinance 122205, is amended as follows:

23.53.004 Requirements and design criteria ((~~.~~))

Where, because of specific site conditions, the requirements of this ((~~chapter~~)) Chapter 23.53 do not protect public health, safety, and welfare, the Director of Transportation and the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections together may impose different or additional right-of-way improvement requirements consistent with the Right-of-Way Improvements Manual.

Section 142. Subsection 23.53.030.F of the Seattle Municipal Code, which section was amended by Ordinance 123649, is amended as follows:

23.53.030 Alley improvements in all zones

* * *

F. Existing Alleys Which Do Not Meet the Minimum Width ((~~.~~))

1. When an existing alley is used for access to parking spaces, open storage, or loading berths on a lot, and the alley does not meet the minimum width established in subsection 23.53.030.D ((~~of this section~~)), except as provided in subsection 23.53.030.G ((~~of this section~~)), a dedication equal to half the difference between the current alley right-of-way width and

minimum right-of-way width established in subsection 23.53.030.D ((~~of this section~~)) shall be required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block shall not be required to dedicate more than that amount of right-of-way. Underground and overhead portions of structures that would not interfere with the functioning of the alley may be allowed by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections after consulting with the Director of Transportation. When existing structures are located in the portion of the lot to be dedicated, that portion of the lot shall be exempt from dedication requirements. The improvements required under subsection 23.53.030.E.1 ((~~of this section~~)) shall then be installed, depending on the type of project.

2. When an existing alley is not used for access to parking spaces or loading berths on an abutting lot, but the alley does not meet the minimum width established in subsection 23.53.030.D ((~~of this section~~)), except as provided in subsection 23.53.030.G ((~~of this section~~)), the following requirements shall be met:

a. A setback equal to half the distance between the current alley right-of-way width and the minimum right-of-way width established in subsection 23.53.030.D shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground and overhead structures which would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections after consulting with the Director of Transportation.

b. All structures shall be designed to accommodate the grade of the future alley right-of-way.

c. A no-protest agreement to future street improvements shall be required, as authorized by ((~~RCW Chapter~~)) chapter 35.43 RCW. The agreement shall be recorded with the title to the property with the King County ((~~Department of Records and Elections~~)) Recorder's Office.

* * *

Section 143. Subsection 23.55.005.B of the Seattle Municipal Code, which section was last amended by Ordinance 121477, is amended as follows:

23.55.005 Video display methods

* * *

B. In lieu of complying with subsection 23.55.005.A.3 above, the Director of ((~~DPD~~)) SDCI shall allow video display methods on a sign if the sign meets all of the following additional development standards:

1. The sign is within the area shown on the map attached as Exhibit 23.55.005 A and not within a Special Review District, Historic District, Preservation District, residential zone, or shoreline environment;

2. The sign is a minimum distance of ((~~fifteen (~~))15((~~)~~)) feet from the curb; and

3. The maximum size of the sign is ((~~twenty (~~))20((~~)~~)) square feet as independently applied to each sign face, including framework and border.

* * *

Section 144. Subsection 23.55.014.F of the Seattle Municipal Code, which section was last amended by Ordinance 123543, is amended as follows:

23.55.014 Off-premises signs.

* * *

F. Registration of Advertising Signs. Each owner of an off-premises advertising sign shall file a written report with the Director on or before July 1((~~st~~)) of each year. The report shall be submitted on a form supplied by the Director. The owner shall identify the number and location of advertising signs maintained by the owner in the City at any time during the previous year ((~~,~~)) and provide such other information as the Director deems necessary for the inspection of signs and for the administration and enforcement of this ((~~section~~)) 23.55.014. The owner shall pay a fee to the Director at the time the written report is filed. The amount of the fee is ((~~Forty Dollars (~~))$40((~~)~~)) for each sign face identified in the report. ((~~DPD~~)) SDCI shall assign a registration number to each sign face, and the sign number shall be displayed on the face of the billboard frame in figures which are a minimum of ((~~eight (~~))8((~~)~~)) inches tall. It is unlawful to maintain a sign face which has not been registered as required by this ((~~section~~)) 23.55.014. Notwithstanding any other provision of this code, any person who maintains an unregistered sign face is subject to an annual civil penalty of ((~~Five Thousand Dollars (~~))$5,000((~~)~~)) for each unregistered sign face.

* * *

Section 145. Subsection 23.58A.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 124172, is amended as follows:

23.58A.014 Bonus residential floor area for affordable housing

* * *

B. Performance option

1. Amount of affordable housing. An applicant using the performance option shall provide affordable housing with a gross floor area at least equal to the greatest of

a. ((~~Fourteen~~)) 14 percent of the gross bonus residential floor area obtained through the performance option, except that an applicant may elect to provide affordable housing equal to ((~~8~~)) eight percent of the gross bonus residential floor area obtained through the performance option if the housing is affordable to, and restricted to occupancy by, households with incomes no higher than 50 percent of median income as defined by Section 23.84A.025; or

b. ((~~Three hundred~~)) 300 net residential square feet; or

c. any minimum floor area specified in the provisions of the zone.

The percentage of gross bonus residential floor area obtained through the performance option to be provided as affordable housing may be reduced by the Council below 14 percent of the gross bonus residential floor area to no less than 12 percent of the gross bonus residential floor area as a Type V decision on an official land use map amendment or text amendment when the Council determines that the reduction is needed to accomplish Comprehensive Plan goals and policies or to reflect economic conditions of the area. Applicants may provide affordable housing as part of the development using extra floor area, or by providing or contributing to affordable housing at another location, subject to requirements in subsection 23.58A.014.B.8 and approval in writing by the Director of Housing prior to issuance of any permit after the first building permit for the development using the bonus residential floor area and before any permit for any construction activity other than excavation and shoring for the development using the bonus residential floor area is issued.

2. Agreement. The City and the affordable housing owner shall enter into an agreement specifying the affordable housing requirements under this subsection 23.58A.014.B. This agreement shall be executed and recorded prior to issuance and as a condition to issuance of any permit after the first building permit for the development using the bonus residential floor area and before any permit for any construction activity other than excavation and shoring for the development using the bonus residential floor area is issued.

3. Duration. Affordable housing shall serve only income-eligible households for a minimum period of 50 years from the later of the date when the agreement between the housing owner and the City is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City.

4. Unit size and distribution. Affordable housing shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development.

5. Additional standards for rental housing. For rental housing:

a. monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the Director of Housing, for a minimum period of 50 years; and

b. the housing owner shall submit a report to the Office of Housing annually that documents how the affordable housing meets the terms of the recorded agreement.

6. Additional standards for owner-occupied housing. For owner-occupied housing, the initial sale price of the unit and subsequent sale prices upon resale of the unit during the 50-year affordability period shall be restricted to an amount determined by the Director of Housing to be affordable to an income-eligible household, such that the annualized housing payment for the unit does not exceed 35 percent of the annual income of an income-eligible household, adjusted by the household size expected to occupy the unit based on the number of bedrooms. The method to determine the sale price of the unit, subject to approval by the Director of Housing, includes mortgage principal and interest payments as calculated by prevailing interest rates, real estate taxes, insurance, homeowner association dues and any other housing cost deemed reasonable by the Director of Housing, and requirements relating to down-payment amount and homebuyer contributions. The unit shall be subject to recorded instruments satisfactory to the Director of Housing providing for sale prices on any resale consistent with the affordability restriction on the same basis for a minimum period of 50 years.

7. Additional standards for on-site performance. If the affordable housing is provided within the development using the bonus residential floor area, the affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any other units in the development using the bonus residential floor area, and as a condition to any right of the applicant to such a certificate of occupancy.

8. Additional standards for off-site performance. If the affordable housing is not provided within the development using the bonus residential floor area, it may be provided off-site according to the following standards:

a. Development that uses bonus residential floor area within the South Lake Union Urban Center must provide off-site affordable housing within the South Lake Union

Urban Center. Outside the South Lake Union Urban Center, the applicant shall demonstrate to the satisfaction of the Director of Housing that the off-site affordable housing is located within the same urban center or village as the development using the bonus residential floor area or within 1 mile of the development using the bonus residential floor area or that it is infeasible for the off-site affordable housing to be located within this area. If the affordable housing is not located within the same urban center or village as the development using the bonus residential floor area or within 1 mile of the development using the bonus residential floor area, it shall be:

1) located within Seattle city limits and within 0.5 mile of a light rail or bus rapid transit station; or

2) if the applicant demonstrates that providing the affordable housing in such a location is also infeasible, then the Director of Housing may allow the affordable housing to be provided within the Seattle city limits and within 0.25 mile of a bus or streetcar stop.

b. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to issuance and as a condition of issuance of any permit after the first building permit for the development using the bonus residential floor area and before any permit for any construction activity other than for excavation and shoring for the development is issued, unless completion of the affordable housing has already been documented to the satisfaction of the Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be in an amount equal to the Payment Option amount calculated according to provisions in subsection 23.58A.014.C, plus an amount equal to interest on such payment. The Director of Housing is authorized to adopt, by rule, terms and conditions

of such security including the amount of security and rate of annual interest, conditions on which the City shall have a right to draw on the letter of credit or other security, and terms should the City become entitled to realize on any such security.

c. Any failure of the affordable housing to satisfy the requirements of this subsection 23.58A.014.B shall not affect the right to maintain or occupy the bonus residential floor area if the Director of Housing certifies to the Director that either:

1) the applicant has provided the City with a letter of credit or other sufficient security pursuant to subsection 23.58A.014.B.8.b; or

2) there have been recorded one or more agreements or instruments satisfactory to the Director of Housing providing for occupancy and affordability restrictions on affordable housing with the minimum floor area determined under this Section 23.58A.014, all affordable housing has been completed, and the affordable housing is on a different lot from the bonus residential floor area or is in one or more condominium units separate from the bonus residential floor area under condominium documents acceptable to the Director of Housing.

d. Unless and until the Director of Housing shall certify as set forth in subsection 23.58A.014.B.8.c, it shall be a continuing permit condition, whether or not expressly stated, for each development obtaining bonus residential floor area based on the provision of housing to which this Section 23.58A.014 applies, that the affordable housing shall be maintained in compliance with the terms of this Section 23.58A.014 and any applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.

9. Limits on subsidies for affordable housing

a. Except as allowed in subsections 23.58A.014.B.9.b and 23.58A.014.B.9.c, no bonus residential floor area may be earned by providing affordable housing if:

1) Any person is receiving or will receive with respect to the affordable housing any charitable contributions or public subsidies for development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, and State of Washington housing funds; or

2) The housing is or would be, independent of the requirements for the bonus residential floor area and Chapter 5.73, subject to any restrictions on the income of occupants, rents or sale prices.

b. For the purpose of this subsection 23.58A.014.B.9, the qualification for and use of property tax exemptions pursuant to Chapter 5.73, or any other program implemented pursuant to ((~~RCW~~)) chapter 84.14 RCW, does not constitute a subsidy and any related conditions regarding incomes, rent or sale prices do not constitute restrictions.

c. As an exception to subsection 23.58A.014.B.9.a, the Director of Housing may allow the building or buildings in which the affordable housing is located to be financed in part with subsidies based on the determination that:

1) the total amount of affordable housing is at least 300 net residential square feet greater than the amount otherwise required through the performance option under this Section 23.58A.014;

2) the public benefit of the affordable housing, as measured through an economic analysis, exceeds the amount of the payment-in-lieu that would otherwise be paid by at least the value of any subsidies; and

3) the subsidies being allowed would not be sufficient to leverage private funds for production of the affordable housing, under restrictions as required for the performance option, without additional City subsidy in an amount greater than the payment-in-lieu amount that would otherwise be paid.

10. Fees shall be paid by the applicant and owner of affordable housing to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and the Office of Housing as specified under Chapter 22.900G.

* * *

Section 146. Subsection 23.58A.024.B of the Seattle Municipal Code, which section was amended by Ordinance 124378, is amended as follows:

23.58A.024 Bonus non-residential floor area for affordable housing and child care

* * *

B. Performance option for housing

1. Amount of affordable housing. An applicant using the housing performance option shall provide affordable housing with a gross floor area at least equal to 15.6 percent of gross bonus non-residential floor area obtained through the performance option.

2. Agreement. The City and the affordable housing owner shall enter into an agreement specifying the affordable housing requirements under this subsection 23.58A.024.B. This agreement shall be executed and recorded prior to issuance and as a condition to issuance of any permit after the first building permit for the development using the bonus non-residential

floor area and before any permit for any construction activity other than excavation and shoring for the development is issued.

3. Duration. Affordable housing shall serve only income-eligible households for a minimum period of 50 years from the later of the date when the agreement between the housing owner and the City is recorded, or the date when the affordable housing becomes available for occupancy as determined by the City.

4. Unit size and distribution. Affordable housing shall be provided in a range of sizes comparable to those units that are available to other residents. To the extent practicable, the number of bedrooms in affordable units must be in the same proportion as the number of bedrooms in units within the entire development. The affordable units shall generally be distributed throughout the development and have substantially the same functionality as the other units in the development.

5. Additional standards for rental housing. For rental housing:

a. monthly rent, including basic utilities, shall not exceed 30 percent of the income limit for the unit, all as determined by the Director of Housing, for a minimum period of 50 years; and

b. the housing owner shall submit a report to the Office of Housing annually that documents how the affordable housing meets the terms of the recorded agreement.

6. Additional standards for owner-occupied housing. For owner-occupied housing, the initial sale price of the unit and subsequent sale prices upon resale of the unit during the 50-year affordability period shall be restricted to an amount determined by the Director of Housing to be affordable to an income-eligible household, such that the annualized housing payment for the unit does not exceed 35 percent of the annual income of an income-eligible

household, adjusted by the household size expected to occupy the unit based on the number of bedrooms. The method to determine the sale price of the unit, subject to approval by the Director of Housing, includes mortgage principal and interest payments as calculated by prevailing interest rates, real estate taxes, insurance, homeowner association dues and any other housing cost deemed reasonable by the Director of Housing, and requirements relating to down-payment amount and homebuyer contributions. The unit shall be subject to recorded instruments satisfactory to the Director of Housing providing for sale prices on any resale consistent with the affordability restriction on the same basis for a minimum period of 50 years.

7. Additional standards for on-site performance. If the affordable housing is provided within the development using the bonus non-residential floor area, the affordable housing shall be completed and ready for occupancy at or before the time when a certificate of occupancy is issued for any chargeable floor area in the development using the bonus non-residential floor area, and as a condition to any right of the applicant to such a certificate of occupancy.

8. Additional standards for off-site performance. If the affordable housing is not provided within the development using the bonus non-residential floor area, it may be provided off-site according to the following standards:

a. Developments that use bonus non-residential floor area within the South Lake Union Urban Center shall provide off-site affordable housing within the South Lake Union Urban Center or within one mile of the development using the bonus non-residential floor area and no more than 0.25 mile from the South Lake Union Urban Center boundary. Outside of the South Lake Union Urban Center, the applicant shall demonstrate to the satisfaction of the Director of Housing that the off-site affordable housing is located within the same urban center

or village as the development using the bonus residential floor area or within one mile of the development using the bonus non-residential floor area or that it is infeasible for the off-site affordable housing to be located within this area. If the affordable housing is not located within the same urban center or village as the development using the bonus residential floor area or within one mile of the development using the bonus non-residential floor area, it shall be located either:

1) within the Seattle city limits and within 0.5 mile of a light rail or bus rapid transit station; or

2) if the applicant demonstrates that providing the affordable housing in such a location is also infeasible, then the Director of Housing may allow the affordable housing to be provided in the city within the Seattle city limits and within 0.25 mile of a bus or streetcar stop.

b. The applicant shall provide to the City an irrevocable letter of credit, or other sufficient security approved by the Director of Housing, prior to and as a condition of issuance of any permit after the first building permit for the development using the bonus nonresidential floor area and before any permit for construction activity other than excavation and shoring is issued, unless completion of the affordable housing has already been documented to the satisfaction of the Director of Housing and the affordable housing is subject to recorded restrictions satisfactory to the Director of Housing. The letter of credit or other security shall be in an amount equal to the payment option amount calculated according to provisions in subsection 23.58A.024.D, plus an amount equal to interest on such payment. The Director of Housing is authorized to adopt, by rule, terms and conditions of such security including the amount of security and rate of annual interest, conditions on which the City shall have a right to

draw on the letter of credit or other security, and terms should the City become entitled to realize on any such security.

c. Any failure of the affordable housing to satisfy the requirements of this subsection 23.58A.024.B shall not affect the right to maintain or occupy the bonus nonresidential floor area if the Director of Housing certifies to the Director that either:

1) the applicant has provided the City with a letter of credit or other sufficient security pursuant to subsection 23.58A.024.B.8.b; or

2) there have been recorded one or more agreements or instruments satisfactory to the Director of Housing providing for occupancy and affordability restrictions on affordable housing with the minimum floor area determined under this Section 23.58A.024, all affordable housing has been completed, and the affordable housing is on a different lot from the bonus nonresidential floor area or is in one or more condominium units separate from the bonus development under condominium documents acceptable to the Director of Housing.

d. Unless and until the Director of Housing certifies as set forth in subsection 23.58A.024.B.8.c, it shall be a continuing permit condition, whether or not expressly stated, for each development obtaining bonus nonresidential floor area based on the provision of housing to which this Section 23.58A.024 applies, that the affordable housing shall be maintained in compliance with the terms of this Section 23.58A.024 and any applicable provisions of the zone, as documented to the satisfaction of the Director of Housing.

9. Limits on subsidies for affordable housing

a. Except as allowed in subsection 23.58A.014.B.9.b and 23.58A.014.B.9.c, no bonus nonresidential floor area may be earned by providing affordable housing if:

1) Any person is receiving or will receive with respect to the affordable housing any charitable contributions or public subsidies for housing development or operation, including, but not limited to, tax exempt bond financing, tax credits, federal loans or grants, City of Seattle housing loans or grants, county housing funds, and State of Washington housing funds; or

2) The housing is or would be, independent of the requirements for the bonus nonresidential floor area and Chapter 5.73, subject to any restrictions on the income of occupants, rents or sale prices.

b. For the purpose of this subsection 23.58A.024.B.9, the qualification for and use of property tax exemptions pursuant to Chapter 5.73, or any other program implemented pursuant to RCW 84.14, does not constitute a subsidy and any related conditions regarding incomes, rent or sale prices do not constitute restrictions.

c. As an exception to subsection 23.58A.024.B.9.a.1, the Director of Housing may allow the building or buildings in which the affordable housing is located to be financed in part with subsidies based on the determination that:

1) the total amount of affordable housing is at least 300 net residential square feet greater than the amount otherwise required through the performance option under this Section 23.58A.024;

2) the public benefit of the affordable housing, as measured through an economic analysis, exceeds the amount of the payment-in-lieu that would otherwise be paid by at least the value of any subsidies; and

3) the subsidies being allowed would not be sufficient to leverage private funds for production of the affordable housing, under restrictions as required for the

performance option, without additional City subsidy in an amount greater than the payment-in-lieu amount that would otherwise be paid.

10. Fees shall be paid by the applicant and owner of affordable housing to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and the Office of Housing as specified under Section 22.900G.015.

* * *

Section 147. Subsection 23.60A.027.C of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.027 Habitat Evaluation Procedures

* * *

C. At least 30 days prior to the Department adopting the Director's Rule, the ((~~DPD~~)) Seattle Department of Construction and Inspections shall present the rule to the City Council for review and comment.

* * *

Section 148. Subsection 23.60A.062.B of the Seattle Municipal Code, which section was enacted by Ordinance 124105, is amended as follows:

23.60A.062 Procedures for determining consistency with the chapter and for obtaining exemptions from shoreline substantial development permit requirements

* * *

B. A Letter of Exemption or other documentation satisfactory to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections is required for all development the Director determines is exempt from the requirement for a shoreline substantial development permit.

* * *

Section 149. Section 23.60A.065 of the Seattle Municipal Code, enacted by Ordinance 124105, is amended as follows:

23.60A.065 Procedures for relief for property impacted by shift in shoreline location

A. To obtain the relief set out in Section 23.60A.041, the applicant shall submit a written application to the Director.

B. The Director shall review the application during the normal review of an application for a shoreline substantial development permit, special use approval, shoreline conditional use permit or variance, or if none of these apply, during the review of any application for authorization from the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and if no other authorization is required, the review shall be made prior to any construction or use.

C. Written approval by Ecology of the Director's decision to approve the application is required for the decision to be effective.

Section 150. Subsection 23.60A.152.V of the Seattle Municipal Code, which section was last amended by Ordinance 124750, is amended as follows:

23.60A.152 General development

* * *

V. If at any time project-related activities cause a fish kill, the permittee shall stop all work relating to the fish kill and immediately notify the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, WDFW, and Ecology.

* * *

Section 151. Subsection 23.60A.190.D of the Seattle Municipal Code, which section was amended by Ordinance 124750, is amended as follows:

23.60A.190 Standards for vegetation and impervious surface management

* * *

D. Shoreline District landward of the OHW mark. Vegetation and impervious surface management activities are prohibited within the portion of the Shoreline District that is landward of the OHW mark, both within and outside the shoreline setback, except as follows or as otherwise provided in this Section 23.60A.190:

1. Normal and routine pruning and maintenance that promotes the health and vigor of trees and shrubs and maintenance of existing impervious surface is allowed as set out in this subsection 23.60A.190.D.1 without submitting an application and without complying with Section 23.60A.158 unless a violation has occurred:

a. Up to 750 square feet of trees and vegetative cover lawfully maintained prior to May 9, 2006;

b. Lawns paths and landscaping lawfully maintained prior to May 9, 2006, that were not in an environmentally critical area or buffer prior to May 9, 2006, but are in an environmentally critical area or buffer as a result of the passage of Ordinance 122050 enacting regulations for environmentally critical areas;

c. Steep slope areas created through previous legal grading activities, including rockeries or retaining walls resulting from right-of-way improvements, if no adverse impact on the steep slope or shoreline area will result;

d. Trees and vegetation specifically approved by permit prior to May 9, 2006, if the conditions of that permit are complied with;

e. Vegetation and tree planting and removal approved by the Director under subsections 25.09.320.A.3.b and 25.09.320.A.3.c before ((~~the effective date of this ordinance~~)) June 15, 2015; and

f. Vegetation and tree planting and removal shown on a plan filed with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections in compliance with subsection 25.09.320.A.3.b before ((~~the effective date of this ordinance~~)) June 15, 2015.

2. Actions taken under subsections 23.60A.190.D.1.d, 23.60A.190.D.1.e, and 23.60A.190.D.1.f are required to comply with the conditions on such permit or plans.

3. Removing trees is allowed if the Director determines the tree is a threat to health or safety based on a report prepared by a qualified professional with a Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent experience and training and the removal is performed by or under the direction of a qualified professional. If a tree is removed from designated shorelines of statewide significance as defined by RCW 90.58.030, a shoreline conditional use permit is required.

4. Permits authorizing development, shoreline modifications and uses may authorize disturbance areas and land clearing using mitigation sequencing set forth in Section 23.60A.158 and complying with the following standards:

a. Any surface disturbed or cleared of vegetation and not to be used for development shall be planted with native vegetation, except that pre-disturbance landscaped areas containing non-native vegetation located farther than 100 feet from the OHW may be re-landscaped using non-native, noninvasive vegetation;

b. Mitigation required for subsection 23.60A.158.B.1.e (Step E) shall include a plan with the vegetation areas and improvements required for project impacts; and

c. Mitigation required for subsection 23.60A.158.B.1.e (Step E) for the removal of trees shall include compensation for any loss of the contribution of woody debris into the adjacent aquatic environment.

* * *

Section 152. Subsection 23.60A.202.D of the Seattle Municipal Code, which section was last amended by Ordinance 124750, is amended as follows:

23.60A.202 Standards for floating homes and floating home moorages

* * *

D. Standards for floating homes

1. Floating homes shall be moored at sites established as floating home moorages.

2. Floating homes may relocate to any established floating home moorage, consistent with the standards of this Section 23.60A.202.

3. Floating homes shall be lawfully connected to sewer service for all wastewater including black and grey water discharge.

4. Float area shall be no larger than 1,200 square feet or the area of the existing float.

5. A floating home may be rebuilt, replaced, repaired, or remodeled consistent with the following standards and subsection 23.60A.202.D.6, if applicable:

a. The float area or overwater coverage of the floating home is not increased, including cantilevered portions that extend beyond the edge of the float.

b. No portion of any addition to a floating home exceeds:

1) 18 feet in height, as measured from the main deck or 3 feet above the surface of the water, whichever is lower, or

2) if current height as measured from the main deck or 3 feet above the surface of the water, whichever is lower, is above 18 feet, does not exceed its current height, but the height cannot exceed 21 feet as measured from the main deck or 3 feet above the surface of the water, whichever is lower, except to the minimum extent necessary to satisfy the provisions of the Building Code for open railings, chimneys, and mechanical vents. Open railings are limited to 36 inches in height.

c. Setbacks between adjacent floating homes ((.))

1) If a floating home is being remodeled, the minimum distance between adjacent floating home walls shall not be decreased to less than 10 feet or, if the existing distance is less than 10 feet, the distance between adjacent floating home walls shall not be reduced to less than 6 feet.

2) If a floating home is being rebuilt or replaced, and

a) the existing distance between floating home walls is greater than 6 feet, the minimum distance between adjacent floating home walls shall not be reduced below 10 feet or the existing distance, whichever is less, or

b) If the existing distance is less than 6 feet, the minimum distance shall be 6 feet.

3) In no case shall the distance between floats be decreased.

4) The minimum distance between the exterior walls of floating homes on opposite sides of a moorage walkway shall be 10 feet or the existing distance, whichever is less.

d. Setbacks between floating home walls and floating home moorage sites

1) If a floating home is being remodeled, the minimum distance between any floating home wall and the boundary of any floating home moorage site shall not be decreased to less than 5 feet or, if the existing distance is less than 5 feet, the distance between any floating home wall and the boundary of any floating home moorage site shall not be reduced to less than 3 feet.

2) If a floating home is being rebuilt or replaced, and

a) the existing distance between any floating home wall and the boundary of any floating home moorage site is greater than 3 feet, this distance shall not be reduced below 5 feet or the existing distance, whichever is less, or

b) If the existing distance between any floating home wall and the boundary of any floating home moorage site is less than 3 feet, the minimum distance shall be 3 feet.

3) In no case shall the distance between existing floats and the boundary of any floating home moorage site be decreased except as provided in 23.60A.202.D.5.d.4.

4) No minimum distance is required between a floating home wall and a moorage lot line when the lot line is adjacent to a public street right-of-way, a waterway, or the fairway.

e. No new accessory floating structures are allowed. Accessory floating structures that have been continuously in use since March 1, 1977 ((,)) may be maintained or replaced or relocated with the associated floating home but not expanded or transferred.

f. The design of the floating home shall not block the view from the waterward end of a pier more than any existing view blockage.

g. No new living or storage spaces shall be located below water level. Existing living or storage spaces below water level may be remodeled, replaced, or rebuilt, but may not be expanded.

h. Unenclosed Styrofoam or similar material that has the potential to break apart is prohibited for use in new floats or for repairing or replacing all or parts of existing floats or for other purposes that would allow the broken pieces to enter the water.

i. Floats shall be maintained and repaired using the minimum amount of structure below the OHW mark necessary to maintain floatation and:

1) At the time of replacement of the float, the replacement float shall be the minimum necessary; and

2) At the time of replacement of the floating home, any structure below the OHW mark and outside the primary float structure that provides minimal or no floatation shall be removed.

j. Any proposal to replace, remodel, rebuild, or relocate a floating home shall be accompanied by an accurate, fully dimensioned floating home site plan, at a scale of not less than 1 inch to 20 feet, unless such plan is already on file with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

k. If a floating home is demolished, application for permits associated with the replacement structure, including but not limited to SEPA review and a Shoreline Substantial Development Permit, shall be made at the same time as application for the demolition permit.

6. Remodeling a floating home located in whole or in part outside the Construction Limit Line in Lake Union, including removing and replacing its floats and superstructure, is allowed subject to the following standards:

a. The floating home was located outside the Construction Limit Line in Lake Union prior to December 18, 1968;

b. The replacement is completed within 12 months of any removal or demolition; and

c. The development complies with the standards of subsection 23.60A.202.D.5.

7. Application for permits associated with a replacement floating home structure, including but not limited to SEPA review and a shoreline substantial development permit, shall be made at the same time as application for the demolition permit.

* * *

Section 153. Subsection 23.60A.203.D of the Seattle Municipal Code, which section was enacted by Ordinance 124750, is amended as follows:

23.60A.203 Standards for floating on-water residences

* * *

D. Verification of a floating on-water residence

1. Each floating on-water residence shall be verified by the Director, and the owner shall pay a one-time fee to receive a verification number. The fee shall be established by the Director to recover the reasonable costs of the program for issuing a verification number. Owners of a floating on-water residence allowed pursuant to subsection 23.60A.203.B may apply to the Director for verification or may wait until the Director asks for verification

information. If a floating on-water residence is not verified, the Director may require the owner to submit verification information and pay the required fee.

2. Verification shall constitute legal establishment of a floating on-water residence pursuant to the requirements of subsection 23.60A.203.B and the definition of floating on-water residence in Section 23.60A.912.

3. A house barge authorized under Section 23.60A.204 may submit verification and be regulated as a floating on-water residence rather than a house barge.

4. If an owner disputes the Director's denial of verification as a floating on-water residence, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.203 precludes the City from enforcing this code under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's denial of floating on-water residence verification.

5. The owner shall display the verification number issued by the ((~~DPD~~)) Seattle Department of Construction and Inspections on the pier and landward side of the floating on-water residence in ((~~numbers~~)) numerals at least 3 inches high in a location legible from the pier, or on the side most commonly used for access from the pier, or if public access to the pier is not available then on a side visible from the water.

6. Failure to verify a floating on-water residence or to correctly display a verification number is a violation of this Chapter 23.60A that is subject to the enforcement

process in Chapter 23.90 and does not forfeit the owner's right to maintain a floating on-water residence.

7. Verification is transferable between owners but is not transferable to another floating on-water residence, except for a replaced floating on-water residence as provided in subsections 23.60A.203.C.1.f and 23.60A.203.C.1.g.

* * *

Section 154. Subsection 23.60A.204.B of the Seattle Municipal Code, which section was last amended by Ordinance 124750, is amended as follows:

23.60A.204 Floating structures and standards for house barges

* * *

B. For purposes of this Chapter 23.60A, house barges are only allowed under the following conditions:

1. The house barge was moored at a recreational marina in the City before July 1990.

2. A permit for the house barge was secured from the ((~~DPD~~)) Seattle Department of Construction and Inspections verifying that the house barge existed and was used for residential purposes within the City before July 1990 and has been continuously used since that time.

3. Verification

a. Each house barge must be verified by the Director, and owners shall pay a one-time fee to receive a verification number. The fee shall be established by the Director to recover the reasonable costs of the program for issuing a verification number. Owners of house barges authorized by this Section 23.60A.204 may apply to the Director for verification or may

wait until the Director asks for verification information. If a house barge is not verified pursuant to this subsection 23.60A.204.((~~C~~))B, the Director may require the owner to submit verification information and pay the required fee.

b. If an owner disputes the Director's denial of verification as a house barge under this Section 23.60A.204, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.204 precludes the City from enforcing this code under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's denial of house barge verification.

c. The owner of a house barge that complies with the requirements of subsections 23.60A.204.B.1 and 23.60A.204.B.2 may choose to have the house barge verified and regulated as a floating on-water residence under Section 23.60A.203 instead of under this Section 23.60A.204.

d. The owner shall display the verification number issued by the ((~~DPD~~)) Seattle Department of Construction and Inspections on the pier and landward side of the vessel, in ((~~numbers~~)) numerals at least 3 inches high in a location legible from the pier, or on the side most commonly used for access from the pier, or if public access to the pier is not available then on a side visible from the water.

e. Failure to verify an authorized house barge or correctly display a verification number is a violation of this Chapter 23.60A that is subject to the enforcement

process in Chapter 23.90 and does not forfeit the owner's right to maintain an authorized house barge.

4. A house barge verification number is transferable between owners but is not transferable to another house barge, except to a house barge that has been replaced as provided in subsection 23.60A.204.C.

5. House barges must be moored at a recreational marina, as defined by Section 23.60A.926.

* * *

Section 155. Subsection 23.60A.214.D of the Seattle Municipal Code, which section was last amended by Ordinance 124750, is amended as follows:

23.60A.214 Standards for vessels containing dwelling units

* * *

D. Other vessels containing dwelling units

1. A vessel containing a dwelling unit that does not meet the standards of subsection 23.60A.214.B is allowed if it:

a. Complies with the definition of vessel in Section 23.60A.942; and

b. Was lawfully moored in the City and used as a dwelling unit prior to the effective date of this ordinance.

2. A vessel, including the dwelling unit portion of the vessel, that meets the standards of subsection 23.60A.214.D.1 but that does not meet the standards of subsection 23.60A.214.B may be:

a. Maintained and repaired within the vessel overwater coverage existing as the date of this ordinance.

b. Remodeled and structurally altered within the vessel's existing envelope, including height, width, depth, and overwater coverage, as of the date of this ordinance, except new open railings up to 36 inches in height around existing spaces and stairs to access these spaces are allowed, if the vessel as remodeled or structurally altered will comply with the definition of vessel in Section 23.60A.942.

c. Relocated to a different moorage within Seattle if the new moorage is in compliance with the marina standards in Section 23.60A.200 and the verification required under subsection 23.60A.214.D.4 to legally establish the vessel is updated with its new marina location.

d. Replaced with a vessel that complies with subsection 23.60A.214.B.

e. Rebuilt if destroyed by fire, act of nature, or other causes beyond the control of the owner, excluding normal deterioration of vessels constructed in or over the water, and if:

1) Action toward replacement is commenced within 12 months after destruction;

2) The vessel or portion of the vessel is rebuilt to the same or smaller configuration existing immediately prior to the destruction; and

3) The vessel as rebuilt will comply with the definition of vessel in Section 23.60A.942.

3. When an owner of a vessel verified according to subsection 23.60A.214.D.4 containing a dwelling unit intends to remodel, structurally alter, or rebuild the vessel, prior to beginning any work the owner shall present information to the Director demonstrating that the vessel as remodeled, structurally altered, or rebuilt will comply with subsections

23.60A.214.D.2.a through 23.60A.214.D.2.e, as applicable, and the verification records for the vessel shall be updated as part of this process.

4. Verification to legally establish a vessel containing a dwelling unit

a. The owner of each vessel allowed under subsection 23.60A.214.D.1 that does not qualify for verification under Section 23.60A.203 is required to apply to the Director for a verification number legally establishing the use within six months of the effective date of this ordinance and pay the hourly rate for land use review established by subsection 22.900B.010.B for the ((~~DPD~~)) Seattle Department of Construction and Inspections review time spent to establish the use.

b. If the Director denies verification as a vessel containing a dwelling unit under this subsection 23.60A.214.D and an owner disputes the Director's denial of verification, the owner may appeal the Director's determination to the hearing examiner, in conformance with the hearing examiner rules, within 30 days of the date the Director's determination was mailed. The appeal shall be conducted de novo, and the City shall have the burden of showing by a preponderance of the evidence that the decision of the Director was correct. Nothing in this Section 23.60A.214 precludes the City from enforcing this code under Chapter 23.90 if there is no timely appeal to the hearing examiner or following a decision of the hearing examiner upholding the City's denial of verification under this subsection 23.60A.214.D.

c. The owner shall display the verification number plate issued by the ((~~DPD~~)) Seattle Department of Construction and Inspections on the pier and landward side of the vessel, or on the side most commonly used for access from the pier, or if public access to the pier is not available then on a side visible from the water.

d. Failure to apply within six months for verification legally establishing the use as a vessel containing a dwelling unit or correctly display a verification number is a violation of this Chapter 23.60A that is subject to the enforcement process in Chapter 23.90 but does not forfeit the owner's right to maintain a vessel containing a dwelling unit.

e. Verification is transferable between owners but is not transferable to another vessel, except to a rebuilt vessel as provided in subsection 23.60A.214.D.2.e.

* * *

Section 156. Subsection 23.60A.386.A of the Seattle Municipal Code, which section was last amended by Ordinance 124750, is amended as follows:

23.60A.386 Height in the UC Environment

A. Maximum height. The maximum heights in the UC Environment are as follows, as modified in subsections 23.60A.386.B through 23.60A.386.E:

1. The maximum height is 30 feet in all locations except those listed in subsections 23.60A.386.A.2 through 23.60A.386.A.4;

2. The maximum height on upland lots along Westlake Avenue North is as follows:

a. Fremont Bridge to Newton Street 40 feet; and

b. South of Newton Street 65 feet.

3. The maximum height on upland lots along Harbor Avenue Southwest between California Way Southwest and Southwest Bronson Way, which is 665 feet south of the southern edge of Fairmont Avenue Southwest and is an unimproved right-of-way, see quarter section map or DPD GIS for location, is 65 feet.

4. The maximum height on upland lots along Seaview Avenue Northwest between Northwest 61st Street and Northwest 62nd Street is 40 feet.

* * *

Section 157. Section 23.60A.908 of the Seattle Municipal Code, last amended by Ordinance 124750, is amended as follows:

23.60A.908 Definitions – "D"

* * *

"Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

Section 158. Section 23.60A.970 of the Seattle Municipal Code, last amended by Ordinance 124750, is amended as follows:

23.60A.970 General abbreviations and acronyms

BMPs – Best management practices

((~~Ecology – Department of Ecology~~))

DBH – Diameter at breast height

DNR – Washington State Department of Natural Resources

((~~DPD – Department of Planning and Development~~))

Ecology – Department of Ecology

MHHW – Mean higher high water

MLLW – Mean lower low water

((~~MHHW – Mean higher high water~~))

NPDES - National Pollutant Discharge Elimination System

OHW - Ordinary high water

RCW - Revised Code of Washington

SDCI – Seattle Department of Construction and Inspections

SFR - Single-family residence

SMA - Shoreline Management Act

SMC - Seattle Municipal Code

SMP - Shoreline Master Program

SPU - Seattle Public Utilities

USACE - U.S. Army Corps of Engineers

USEPA - U.S. Environmental Protection Agency

WAC - Washington Administrative Code

WDFW - Washington Department of Fish and Wildlife

WRIA - Water Resource Inventory Area

Section 159. Subsections 23.66.030.D, 23.66.030.E, and 23.66.030.G of the Seattle Municipal Code, which section was last amended by Ordinance 124378, are amended as follows:

23.66.030 Certificates of approval – Application, review and appeals

* * *

D. Review ((~~.~~))

1. ((~~Review When No Special Review Board is Established .~~)) Review when no special review board is established

a. When there is no special review board, the Department of Neighborhoods Director shall, within ((~~thirty (~~))30((~~)~~)) days of a determination that an application for a certificate of approval is complete, determine whether the proposed action is

consistent with the use and development standards for the district and shall, within ((~~fifteen (~~))15((~~)~~)) additional days, issue, issue with conditions, or deny the requested certificate of approval.

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

2. ((~~Review When Special Review Board is Established.~~)) Review when special review board is established

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

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

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this ((~~chapter~~)) Chapter 23.66, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within ((~~thirty (~~))30((~~)~~)) days of the receipt of a completed application by the board staff, except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines

on the review or issuance of related permits that are under review by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

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

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

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

E. Appeal to Hearing Examiner

1. Any interested person may appeal the decision of the Department of Neighborhoods Director to the Hearing Examiner by filing a notice of appeal within 14 days of the Department of Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of approval is also the subject of one or more related permit applications under review by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, then the appellant must also file notice of the appeal with the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits or any environmental determinations have expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases

may proceed immediately without being consolidated. The appeal of the certificate of approval shall be consolidated with the predecision hearing required for any Type IV Council land use decision, or if one or more appeals are filed regarding the other permits or environmental determinations, the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals or predecision hearing, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed without being consolidated.

2. If the related permit decisions would not be appealable, and no predecision hearing is required, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

3. The applicant for the certificate of approval, not involving approval of preliminary and subsequent design phases also may elect to have the appeal proceed immediately rather than be postponed for consolidation with appeals of related permit applications or with a predecision hearing, if the applicant agrees in writing that the time period for review of those permits or approvals is suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

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

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

6. The Hearing Examiner shall issue a decision not later than 90 days after the last of any appeals of related permit decisions is filed provided that, when an appeal of a certificate of approval is consolidated with a predecision hearing, the Hearing Examiner shall issue the decision on the certificate of approval with the recommendation to the City Council on a Type IV Council land use decision, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection 23.66.030.E.3, then not later than 90 days from the filing of that appeal. The time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications or approvals.

7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision shall be provided to all parties of record before the Hearing Examiner. Any judicial review must be commenced as provided by state law.

* * *

G. Expiration of Certificates of Approval. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be

valid for the life of the permit issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, including any extension granted by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections in writing.

Section 160. Subsections 23.69.032.B and 23.69.032.D of the Seattle Municipal Code, which section was last amended by Ordinance 124378, are amended as follows:

23.69.032 Master plan process

* * *

B. Formation of a Citizens Advisory Committee

1. Immediately following submittal of a notice of intent to prepare a master plan, the institution shall initiate the establishment of a Citizens Advisory Committee of at least six (((~~6),~~)) but no more than ((~~twelve (~~))12((~~)~~)) members. In addition, all institutions with adopted master plans shall have a standing Advisory Committee.

2. Where there is more than one (((~~1~~))) Major Institution in the same general area, as determined by the Director, a single Advisory Committee serving more than one (((~~1~~))) institution may be permitted.

3. The institution, in consultation with the Director of the Department of Neighborhoods, shall develop a list of potential members to serve on the Advisory Committee. Groups from which members may be selected for appointment to the advisory committee shall include area community groups, residents, property owners, and business persons; consumer groups using the services of the institution; and any other persons or organizations directly affected by the actions of the institution. One member of the Advisory Committee shall be selected from persons in the area participating in neighborhood planning. One member of the Advisory Committee shall be a general community or citywide organization representative. To

the extent possible, members of the Advisory Committee should possess expertise or experience in such areas as neighborhood organization and issues, land use and zoning, architecture or landscape architecture, economic development, building development and educational or medical services. A nonmanagement representative of the institution shall be included.

4. Members of the Advisory Committee shall have no direct economic relationship with the institution except as provided in subsection 23.69.032.B.3.

5. The Director of the Department of Neighborhoods shall review the list of potential members and recommend to the Council those individuals appropriate to achieve a balanced, independent and representative committee. After the recommendation has been submitted, the Department of Neighborhoods may convene the Advisory Committee. The Council may confirm the Advisory Committee composition, make changes in the size and/or composition of the Advisory Committee, or remand the matter to the Director of the Department of Neighborhoods for further action. The Council shall establish the final composition of the committee through a memorandum of agreement with the institution, prepared by the Department of Neighborhoods ((~~,~~)) and adopted by resolution.

6. Four nonvoting, ex-officio members of the Advisory Committee shall represent the Major Institution, the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, the Department of Neighborhoods, and the Seattle Department of Transportation.

7. The Committee shall be staffed by the Department of Neighborhoods with the cooperation and assistance of the Major Institution. Technical assistance to the committee shall be provided by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, the Seattle Department of Transportation, and the Department of Neighborhoods.

8. During the master plan review and adoption process, the Council may, in the interest of ensuring representative community participation on the Advisory Committee, amend the size and/or composition of the Advisory Committee.

9. The City-University Community Advisory Committee (CUCAC) shall serve as the Advisory Committee for the University of Washington.

10. The Director of the Department of Neighborhoods shall promulgate rules applicable to advisory committees, including terms of office, selection of chairpersons, and methods of conflict resolution.

* * *

D. Development of Master Plan ((~~.~~))

1. The Advisory Committee shall participate directly in the formulation of the master plan from the time of its preliminary concept so that the concerns of the community and the institution are considered. The primary role of the Advisory Committee is to work with the Major Institution and the City to produce a master plan that meets the intent of Section 23.69.025. Advisory Committee comments shall focus on identifying and mitigating the potential impacts of institutional development on the surrounding community based on the purpose and intent of this ((~~chapter~~)) Chapter 23.69 as described in Section 23.69.002 ((~~,~~)) and as prescribed in Chapter 25.05, Environmental Policies and Procedures. The Advisory Committee may review and comment on the mission of the institution, the need for the expansion, public benefits resulting from the proposed new development, and the way in which the proposed development will serve the public purpose mission of the Major Institution, but these elements are not subject to negotiation nor shall such review delay consideration of the master plan or the final recommendation to Council.

2. The Advisory Committee shall hold open meetings with the institution and City staff to discuss the master plan and resolve differences. The institution shall provide adequate and timely information to the Advisory Committee for its consideration of the content and level of detail of each of the specific elements of the master plan.

3. The threshold determination of need for preparation of an Environmental Impact Statement (EIS) shall be made as required by Chapter 25.05, Environmental Policies and Procedures.

4. If an EIS is required and an institution is the lead agency, it shall initiate a predraft EIS consultation with the Director. The Advisory Committee shall meet to discuss the scope of the document. The Advisory Committee shall submit its comments on the scope of the draft EIS to the lead agency and the Director before the end of the scoping comment period. The lead agency shall prepare a final scope within one week after the end of the scoping period.

5. The institution shall prepare a preliminary draft master plan within 70 days of completion of the final scope of the EIS.

6. If an EIS is required, the institution or ((~~DPD~~)) Seattle Department of Construction and Inspections, whichever is lead agency, shall be responsible for the preparation of a preliminary draft EIS within 70 days of the completion of the final scope, or approval of an EIS consultant contract, whichever is later.

7. The Advisory Committee, the Director of Transportation, the Director, and the institution shall submit comments on the preliminary draft master plan and the preliminary draft EIS to the lead agency within three weeks of receipt, or on the environmental checklist and supplemental studies if an EIS is not required. If ((~~DPD~~)) the Seattle Department of Construction

1 and Inspections is the lead agency, a compiled list of the comments shall be submitted to the
2 institution within ten days of receipt of the comments.
3 8. Within three weeks of receipt of the compiled comments, the institution shall
4 review the comments and revise the preliminary draft master plan, if necessary, discussing and
5 evaluating in writing the comments of all parties. The lead agency shall review the comments
6 and be responsible for the revision of the preliminary draft EIS if necessary. If no EIS is
7 required, the lead agency shall review the comments and be responsible for the annotation of the
8 environmental checklist and revisions to any supplemental studies if necessary. Within three
9 weeks after receipt of the revised drafts, the Director shall review the revised drafts and may
10 require further documentation or analysis on the part of the institution. Three additional weeks
11 may be spent revising the drafts for publication.
12 9. The Director shall publish the draft master plan. If an EIS is required, the lead
13 agency shall publish the draft EIS.
14 10. The Director and the lead agency shall hold a public hearing on the draft
15 master plan and if an EIS is required, on the draft EIS.
16 11. The Advisory Committee, the Director of Transportation and the Director
17 shall submit comments on the draft master plan and if an EIS is required, on the draft EIS within
18 six weeks after the issuance of the draft master plan and EIS.
19 12. Within 13 weeks after receipt of the comments, the institution shall review the
20 comments on the draft master plan and shall prepare the final master plan.
21 13. If an EIS is required, the lead agency shall be responsible for the preparation
22 of a preliminary final EIS, following the public hearing and within six weeks after receipt of the

comments on the draft EIS. The Director of Transportation, the Director, and the institution shall submit comments on the preliminary final EIS.

14. The lead agency shall review the comments on the preliminary final EIS and shall be responsible for the revision of the preliminary final EIS, if necessary. The Director shall review the revised final document and may require further documentation or analysis on the part of the institution.

15. Within seven weeks after preparation of the preliminary final EIS, the Director shall publish the final master plan and, if an EIS is required, the lead agency shall publish the final EIS.

Section 161. Subsections 23.71.018.E and 23.71.018.J of the Seattle Municipal Code, which section was last amended by Ordinance 124378, are amended as follows:

23.71.018 Transportation management program

* * *

E. The owner of each property subject to this implementation guideline shall submit an annual progress report to the Director of Transportation, who will advise the Director of ((~~DPD~~)) <u>the Seattle Department of Construction and Inspections</u> on compliance. The progress report shall contain:

1. The number of full and part-time employees, students and/or residents at a site during the peak hour;

2. A summary of the total p.m. peak hour vehicle trips generated by the site, including employees, students, and residents;

3. A description of any programs, incentives, or activities or other measures targeted to reduce vehicle trips, in which employees, students, or residents at the site participate;

4. The number of people participating in the TMP measures;

5. The peak hour proportion of SOV trips of the employees, students, and/or residents.

* * *

J. Seattle Department of Transportation and ((~~DPD~~)) the Seattle Department of Construction and Inspections shall prepare a Director's Rule explaining how each department shall implement this ((~~section~~)) Section 23.71.018.

Section 162. The title of Chapter 23.76, Subchapter III, Part 1 of the Seattle Municipal Code, the name of which was enacted by Ordinance 112522 and revised by Ordinance 121276, is amended as follows:

Part 1 Application and ((~~DPD~~)) SDCI Review

***

Section 163. Section 23.76.050 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.050 – Reports for Type IV and V Council land use decisions

A. Except for Type V Council land use decisions that are proposed by the Director of the Office of Planning and Community Development, the Director shall prepare a written report on Type IV and V decisions and any associated Type II decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g and SEPA decisions integrated with such Type II decisions as set forth in subsection 23.76.006.C.2.l. For Type V Council land use decisions proposed by the Director of the Office of Planning and Community Development, the Director of the Office of Planning and Community Development shall prepare the report required under Section 23.76.050. For purposes of this Section 23.76.050 the word

"Director" refers to the Director of the Seattle Department of Construction and Inspections or the Director of the Office of Planning and Community Development that is responsible for preparation of the report required by this section.

***

Section 164. Section 23.84A.008 of the Seattle Municipal Code, last amended by Ordinance 124608, is amended as follows:

23.84A.008 "D((,))"

* * *

"Department" means the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

"Depth." See "Structure depth."

"Detached accessory dwelling unit." See "Residential use."

"Development regulations." See RCW 36.70A.030.

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

* * *

Section 165. Section 23.84A.032 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.032 "R"

* * *

"Right-of-Way Improvements Manual" means a set of detailed standards for street, alley and easement construction, adopted by a joint Administrative Rule of Seattle Department of

Transportation and the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

Section 166. Section 23.84A.040 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.040 "U"

* * *

"Use, conditional" means a use or other feature of development that may be permitted when authorized by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections ("administrative conditional use"), or by the Council ("Council conditional use"), pursuant to specified criteria.

* * *

Section 167. Section 23.88.010 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.88.010 Rulemaking

A. The Director may promulgate rules consistent with this ((~~title~~)) Title 23 pursuant to the authority granted in Section 3.06.040 and pursuant to the procedures established for rulemaking in the Administrative Code, Chapter 3.02. In addition to the notice provisions of Chapter 3.02, notice of the proposed adoption of a rule shall be placed in the Land Use Information Bulletin.

B. The Director may adopt and amend, by rule, performance standards for determining whether a proposed new structure has earned, at a minimum, a Leadership in Energy and Environmental Design (LEED) Silver rating, a Built Green 4-star rating of the Master Builders

Association of King and Snohomish Counties, or meets the Washington Evergreen Sustainable Development Standards (ESDS). No rule may assign authority for making a final determination of whether a proposed new structure has earned, at a minimum, a LEED Silver rating, a Built Green 4-star rating of the Master Builders Association of King and Snohomish Counties, or meets the Washington Evergreen Sustainable Development Standards (ESDS) to any person other than an officer of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or another City agency with regulatory authority and expertise in green building practices.

Section 168. Subsections 23.90.018.B and 23.90.018.F of the Seattle Municipal Code, which section was last amended by Ordinance 124535, are amended as follows:

23.90.018 Civil enforcement proceedings and penalties

* * *

B. Specific violations

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in subsection 23.71.018.H.

2. Violations of the requirements of subsection 23.44.041.C are subject to a civil penalty of $5,000, which shall be in addition to any penalty imposed under subsection 23.90.018.A. Falsely certifying to the terms of the covenant required by subsection 23.44.041.C.3 or failure to comply with the terms of the covenant is subject to a penalty of $5,000, in addition to any criminal penalties.

3. Violations of Section 23.49.011, 23.49.015, 23.49.023, or 23.50.051 with respect to failure to demonstrate compliance with commitments to earn LEED Silver ratings under applicable sections are subject to penalty in amounts determined under Section 23.49.020,

and not to any other penalty, but final determination and enforcement of penalties under that Section 23.49.020 are subject to subsection 23.90.018.C.

4. Violations of Sections 23.45.510 and 23.45.526 with respect to failure to demonstrate compliance with commitments to earn a LEED Silver rating or a 4-Star rating awarded by the Master Builders Association of King and Snohomish Counties or other eligible green building ratings systems under applicable sections are subject to penalty in amounts determined under subsection 23.90.018.E, and not to any other penalty.

5. Violation of subsection 23.40.007.B with respect to failure to demonstrate compliance with a waste diversion plan for a structure permitted to be demolished under subsection 23.40.006.D is subject to a penalty in an amount determined as follows:

$P = SF \times .02 \times RDR$,

where:

P is the penalty;

SF is the total square footage of the structure for which the demolition permit was issued; and

RDR is the refuse disposal rate, which is the per ton rate established in Chapter 21.40, and in effect on the date the penalty accrues, for the deposit of refuse at City recycling and disposal stations by the largest class of vehicles.

6. Violations of subsection 23.40.060.E.2 by failing to submit the report required by subsection 23.40.060.E.2 by the date required ((~~is~~)) <u>are</u> subject to a penalty of $500 per day from the date the report was due to the date it is submitted.

7. Violation of subsection 23.40.060.E.1.a by failing to demonstrate full compliance with the standards contained in subsection 23.40.060.E.1.a is subject to a maximum

penalty of 10 percent of the construction value set forth in the building permit for the structure and a minimum penalty of 1 percent of construction value, based on the extent of compliance with standards contained in subsection 23.40.060.E.1.a.

8. Violations of subsections 23.55.030.E.3.a.3, 23.55.030.E.3.b, 23.55.034.D.2.a and 23.55.036.D.3.b, or, if ((~~DPD~~)) the Seattle Department of Construction and Inspections has issued an on-premises sign permit for a particular sign and the actual sign is not being used for on-premises purposes or does not meet the definition of an on-premises sign as defined in Chapter 23.84A, are subject to a civil penalty of $1,500 per day for each violation from the date the violation begins until compliance is achieved.

* * *

F. Use of Penalties. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsections 23.90.018.B.3, 23.90.018.B.5 and 23.90.018.E. Revenue from penalties under that subsection shall be allocated to activities or incentives to encourage and promote the development of sustainable buildings. The Director shall recommend to the Mayor and City Council how these funds should be allocated. A subfund shall be established in the City's General Fund to receive revenue from penalties under subsection 23.90.018.B.8, which shall annually be directed to the ((~~Department of Planning and Development's~~)) Seattle Department of Construction and Inspections' Operations Division, after ((~~10~~)) ten percent of the gross receipts are paid to the Parks and Recreation Fund as required by Article XI, Section 3 of the Charter.

Section 169. Section 23.91.010 of the Seattle Municipal Code, last amended by Ordinance 123899, is amended as follows:

23.91.010 Mitigation hearings

A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within 30 days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten days prior to the date of the hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from ((~~DPD~~)) the Seattle Department of Construction and Inspections may also be present and may present additional information, but attendance by a representative from ((~~DPD~~)) the Seattle Department of Construction and Inspections is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced unless ((~~DPD~~)) the Seattle Department of Construction and Inspections affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act, neglect, or abuse of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

Section 170. Subsection 23.91.012.E of the Seattle Municipal Code, which section was last amended by Ordinance 122407, is amended as follows:

23.91.012 Contested hearing.

* * *

E. Evidence at Hearing ((~~.~~))

1. The certified statement or declaration authorized by RCW 9A.72.085 submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation.

2. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the ((~~DPD~~)) Seattle Department of Construction and Inspections evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

* * *

Section 171. Section 25.05.070 of the Seattle Municipal Code, last amended by Ordinance 119096, is amended as follows:

25.05.070 Limitations on actions during SEPA process.

A. Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

1. Have an adverse environmental impact; or

2. Limit the choice of reasonable alternatives.

B. In addition, certain DNS's require a ((~~fourteen (~~))14((~~)~~)) day period prior to agency action (((~~Section~~)) subsection 25.05.340((-)).B), and FEIS's require a seven ((~~(7)~~)) day period prior to agency action (((~~Section~~)) subsection 25.05.460((-)).E).

C. In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under Section 25.05.800((-)).R (information collection and research), the activity may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

D. This section does not preclude developing plans or designs, issuing requests for proposals (RFP((-))s), securing options, or performing other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection 25.05.070.A.

E. No final authorization of any permit shall be granted until expiration of the time period for filing an appeal in accordance with Section 25.05.680, or if an appeal is filed, until the fifth day following termination of the appeal. If, on or before the fifth day following termination of an appeal, a party of record files with the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections, a written notice of intent to seek judicial review of the City's action, no direct modification of the physical environment shall begin or be authorized until the thirty-first day following termination of the appeal or until a court has disposed of any requests for preliminary injunctive relief, whichever occurs first. Where substantial injury to a party would result from a delay of construction, demolition, grading, or other direct modification of the physical environment, the official or body hearing the appeal shall grant an expedited hearing, in which case shorter notice less than ((~~twenty (~~))20((~~)~~)) days prior to the hearing may be given as permitted by ((~~Section~~)) subsection 3.02.090((-)).A.

Section 172. Section 25.05.510 of the Seattle Municipal Code, last amended by Ordinance 114057, is amended as follows:

25.05.510 Public notice.

A. Notice for Master Use Permits and Council Land Use Decisions. For proposals requiring a Master Use Permit (MUP) or Council Land Use Decision under Chapter 23.76, a notice of availability of environmental documents, administrative SEPA appeals and SEPA public hearings shall be given pursuant to Chapter 23.76. These notice procedures shall be in lieu of the requirements of subsections 25.05.510.C and 25.05.510.D ((~~of this section~~)). The general mailed releases (GMRs) constitute the City SEPA Register for these actions, as required by subsection 25.05.510.B.3 ((~~of this section~~)), but do not satisfy publication in the SEPA Register as required by subsection 25.05.510.E ((~~of this section~~)).

B. SEPA Public Information Center ((~~.~~))

1. The Seattle Department of Construction and ((~~Land Use~~)) Inspections shall be responsible for establishing and maintaining the City's SEPA Public Information Center at a location readily accessible to the public, and for making the existence and location of the Center known to the general public and City employees, and for satisfying the public information requirements of WAC 197-11-510.

2. The following documents shall be maintained at the SEPA Public Information Center:

a. Copies of all declarations of significance and declarations of nonsignificance filed by the City, for a period of one (((~~1~~))) year;

b. Copies of all EIS's prepared by or on behalf of the City, for a period of three (((~~3~~))) years;

c. Copies of all decisions in administrative appeals wherein SEPA issues were raised;

d. Copies of all adoption notices and addenda issued under Subchapter VI of these rules;

e. Copies of all general mailed releases (notice of master use permit applications) relating to master use permit applications requiring SEPA compliance;

f. For City of Seattle-sponsored projects, any programmatic EIS((.))s adopted by the City.

3. In addition, the Seattle Department of Construction and ((~~Land Use~~)) Inspections shall maintain the following registers at the SEPA Public Information Center, each register including for each proposal its location, a brief (one (((~~1~~))) sentence or phrase) description of the nature of the proposal, the date first listed on the register, and the contact person or office from which further information may be obtained:

a. A "Declaration of Nonsignificance Register" which shall contain a listing of all declarations of nonsignificance made by the City during the previous year;

b. An "EIS in Preparation Register" which shall contain a listing of all proposals for which the City is currently preparing an EIS, and the date by which the EIS is expected to be available to the public;

c. An "EIS Available Register" which shall contain a listing of all draft and final EIS's prepared by or on behalf of the City during the previous six (((~~6~~))) months, including thereon the date by which comments must be received on draft EIS((.))s, and the date for any public hearing scheduled for the proposal.

4. Each of the registers shall be kept current and maintained at the SEPA Public Information Center for public inspection. In addition, the registers, or updates thereof containing new entries added since the last mailing, shall be mailed once every week to those organizations

and individuals who make written request unless no new entries are made on the register, in which event a copy of the register or update shall be mailed when a new entry is added. The Seattle Department of Construction and ((~~Land Use~~)) Inspections may charge a periodic fee for the service of mailing the registers or updates, which shall be reasonably related to the costs of reproduction and mailing.

5. The documents required to be maintained at the SEPA Public Information Center shall be available for public inspection and copies thereof shall be provided upon written request. The City shall charge a fee for copies in the manner provided by ordinance, and for the cost of mailing.

6. Copies of all documents filed and registers maintained at the SEPA Public Information Center shall be maintained at the main branch of the Seattle Public Library.

C. Notice of Declarations of Nonsignificance. Notice of Declarations of Nonsignificance shall be provided as follows:

1. The SEPA Public Information Center shall maintain a "Declaration of Nonsignificance Register" which shall contain a listing of all DNS((~~'~~))s. The register shall be maintained and used in accordance with the provisions of subsection 25.05.510.D.

2. The information in the register or its update, along with notice of the right to appeal a DNS in accordance with Section 25.05.680 shall be published once every week in the City official newspaper. In addition, notice of a DNS and notice of the right to appeal a DNS in accordance with Section 25.05.680, shall be submitted in a timely manner to at least one ((~~(1)~~)) community newspaper with distribution in the area impacted by the proposal for which the DNS was adopted, and shall be posted in a conspicuous place in the Seattle Department of Construction and ((~~Land Use~~)) Inspections.

D. Notice of Scoping, Declarations of Significance (DS), and Draft and Final ((~~Eis's~~)) EISs.

1. Upon publication, notice of scoping, DS (excluding those for MUPs), and the draft and the final EIS shall be filed by the responsible official with the City's SEPA Public Information Center.

2. Notice of a draft EIS shall be published in the official newspaper. Notice of a final EIS and the procedures for appeal pursuant to Section 25.05.680 shall be similarly published. In addition, such notices shall be submitted in a timely manner to at least one ((~~(1)~~)) community newspaper with distribution in the area impacted by the proposal for which the EIS was prepared. Notice shall be mailed to those organizations and individuals who make written request thereof, and shall be posted in a conspicuous place in the Seattle Department of Construction and ((~~Land Use~~)) Inspections.

E. Publication in the SEPA Register. Documents which are required to be sent to the Department of Ecology under these rules will be published in the SEPA Register, which will also constitute a form of public notice. However, publication in the SEPA Register shall not, in itself, be considered compliance with this ((~~section~~)) Section 25.05.510.

Section 173. Section 25.05.680 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

25.05.680 Appeals

Appeal provisions in SEPA are found in RCW 43.21C.060, 43.21C.075, 43.21C.080, 43.21C.420, and WAC 197-11-680. The following provisions attempt to construe and interpret the statutory and administrative rule provisions. In the event a court determines that code provisions are inconsistent with statutory provisions or administrative rule, or with the

framework and policy of SEPA, the statute or rule will control. Persons considering either administrative or judicial appeal of any decision that involves SEPA are advised to read the statutory and rule sections cited above.

A. Master Use Permits and Council Land Use Decisions ((~~.~~))

1. For proposals requiring a Master Use Permit under ((~~SMC~~)) Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for which the Seattle Department of Construction and ((~~land use~~)) Inspections or a non-City agency is the lead agency, SEPA appeal procedures shall be as provided in Chapter 23.76.

2. For proposals requiring Master Use Permits or Council Land Use Decisions for which a City department other than the Seattle Department of Construction and ((~~land use~~)) Inspections is lead agency and is a project proponent or is funding a project and where the City department chooses to conduct SEPA review prior to submitting an application for the Master Use Permit or Council Land Use Decision:

a. The following agency environmental determinations shall be subject to appeal to the Hearing Examiner by any interested person as provided in this subsection:

((~~i.~~)) 1) Determination of Nonsignificance (DNS);

((~~ii.~~)) 2) Adequacy of the Final EIS as filed in the SEPA Public Information Center.

b. An appeal shall be commenced by filing of a notice of appeal with the Office of the Hearing Examiner no later than ((~~five (~~))5((~~:00~~))) p.m. the fourteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later; provided that when a ((~~fourteen (~~))14((~~)~~)) day DNS comment period is required pursuant to this ((~~chapter~~)) Chapter 25.05, appeals may be filed

no later than the twenty-first day following such filing or publication. The appeal notice shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

B. Decisions Not Related to Master Use Permits or Council Land Use Decisions ((~~.~~))

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

a. Determination of Nonsignificance.

b. Adequacy of the final EIS as filed in the SEPA Public Information Center. Notice of all decisions described in this subsection shall be filed promptly by the responsible official in the City's SEPA Public Information Center.

2. An appeal shall be commenced by the filing of a notice of appeal with the office of the Hearing Examiner no later than the fifteenth day following the filing of the decision in the SEPA Public Information Center or publication of the decision in the City official newspaper, whichever is later; provided that when a ((~~fourteen (~~))14((~~)~~)) day DNS comment period is required pursuant to this ((~~chapter~~)) Chapter 25.05, appeals may be filed no later than the twenty-first day following such filing or publication. The appeal notice shall set forth in a clear and concise manner the alleged errors in the decision. Upon timely notice of appeal the Hearing Examiner shall set a date for hearing and send notice to the parties. Filing fees for appeals to the Hearing Examiner are established in Section 3.02.125.

3. Appeals shall be considered de novo and limited to the issues cited in the notice of appeal. The determination appealed from shall be accorded substantial weight and the burden

of establishing the contrary shall be upon the appealing party. The Hearing Examiner shall have authority to affirm or reverse the administrative decisions below, to remand cases to the appropriate department with directions for further proceedings, and to grant other appropriate relief in the circumstances. Within ((~~fifteen (~~))15((~~)~~)) days after the hearing, the Hearing Examiner shall file and transmit to the parties written findings of fact, conclusions of law, and a decision.

4. The Hearing Examiner is authorized to promulgate rules and procedures to implement the provisions of this ((~~section~~)) Section 25.05. The rules shall be promulgated pursuant to Chapter 3.02 ((~~of this code~~)).

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

C. Judicial Appeals ((~~.~~))

1. SEPA authorizes judicial appeals of both procedural and substantive compliance with SEPA.

2. When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA (SEPA issues) and those which do not (non-SEPA issues). If there is a time limit established by statute or ordinance for appealing the underlying governmental action, then appeals (or portions thereof) raising SEPA issues must be filed within such time period. If there is no time period for appealing the underlying

governmental action, and a notice of action under RCW 43.21C.080 is used, appeals must be commenced within the time period specified by RCW 43.21C.080.

3. If the proposal requires more than one (((~~1~~))) governmental decision that will be supported by the same SEPA documents, then RCW 43.21C.080 still only allows one (((~~1~~))) judicial appeal of procedural compliance with SEPA, which must be commenced within the applicable time to appeal the first governmental decision.

4. If there is no time limit established by statute or ordinance for appeal, and the notice of action provisions are not used, then SEPA provides no time limit for judicial appeals. Appeal times may still be limited, however, by general statutes of limitation or the common law.

5. For the purposes of this subsection, "a time limit established by statute or ordinance" does not include time limits established by the general statutes of limitation in ((~~Chapter~~)) chapter 4.16 RCW.

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

E. Official Notice of the Date and Place for Commencing a Judicial Appeal ((~~.~~))

1. Official notice of the date and place for commencing an appeal must be given if there is a time limit established by statute or ordinance for commencing an appeal of the underlying governmental action. The notice shall include the time limit for commencing an appeal, the statute or ordinance establishing the time limit and where an appeal may be filed.

2. Notice is given by:

a. Delivery of written notice to the applicant, all parties to any administrative appeal, and all persons who have requested notice of decisions with respect to the particular proposal in question; and

b. Following the agency's normal methods of notice for the type of governmental action taken.

3. Written notice containing the information required by subsection 25.05.680.E.1 ((~~of this section~~)) may be appended to the permit, decision documents, or SEPA compliance documents or may be printed separately.

4. Official notices required by this subparagraph shall not be given prior to final agency action.

Section 174. Subsection 25.05.908.D of the Seattle Municipal Code, which section was last amended by Ordinance 122670, is amended as follows:

25.05.908 Environmentally critical areas.

* * *

D. The Official Land Use Map of The City of Seattle contains overlays identifying the general boundaries of all known environmentally critical areas within the city, which reference The City of Seattle's Environmentally Critical Areas Maps to determine the general boundaries of each environmentally critical area. The Environmentally Critical Areas Maps specify those

designated areas ((~~which~~)) that are subject to SEPA pursuant to WAC 197-11-908. A copy of the maps shall be maintained in the SEPA Public Information Center.

The maps shall be used and amended as follows:

1. The maps are advisory and used by the Director of ((~~DPD~~)) the Seattle Department of Construction and Inspections to provide guidance in determining applicability of SEPA to a property. If the Director of ((~~DPD~~)) the Seattle Department of Construction and Inspections determines that a proposal is located in an area that has been incorrectly mapped as an environmentally critical area, then the Director shall apply SEPA in the same manner as would be applied in areas that are not environmentally critical.

2. The boundaries and contents of these designated environmentally critical areas maps may be amended by the Director following the environmentally critical areas maps amendment process as set forth in subsection ((~~C of Section~~)) 25.09.020.C of the regulations for environmentally critical areas.

* * *

Section 175. Subsection 25.05.914.D of the Seattle Municipal Code, which section was last amended by Ordinance 123361, is amended as follows:

25.05.914 SEPA costs and fees.

* * *

D. Proceeds from fees and charges imposed pursuant to this ((~~subchapter~~)) Subchapter X shall be transmitted to the Director of Finance and Administrative Services and shall be deposited in the General Fund; provided, that proceeds from fees and charges collected by the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and

Inspections shall be deposited in the ((~~Department of Planning and Development~~)) Construction and Land Use Fund.

* * *

Section 176. Subsection 25.06.030.F of the Seattle Municipal Code, which section was last amended by Ordinance 124447, is amended as follows:

25.06.030 Definitions

* * *

F. "Director" means the Director of the Seattle Department of ((~~Design, Construction and land use~~)) Construction and Inspections. As used in this ((~~chapter~~)) Chapter 25.06, the term includes authorized representatives of the Director of the Seattle Department of ((~~Design, Construction and land use~~)) Construction and Inspections.

* * *

Section 177. Section 25.06.050 of the Seattle Municipal Code, last amended by Ordinance 124447, is amended as follows:

25.06.050 Identification of areas of special flood hazard

Areas of special flood hazard in The City of Seattle are identified by the most current map provided by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program, which is hereby adopted by reference and declared to be a part of this Chapter 25.06. The map shall be maintained on file at the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and ((~~the~~)) Seattle Public Utilities.

Section 178. Section 25.08.060 of the Seattle Municipal Code, last amended by Ordinance 122923, is amended as follows:

25.08.060 Administrator

"Administrator" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections or the Director's authorized representative.

Section 179. Section 25.08.500 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

25.08.500 Public disturbance noises ((.))

It is unlawful for any person knowingly to cause or make, or for any person in possession of property knowingly to allow or originate from the property, unreasonable noise which disturbs another, and to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a police officer or, in the case of noise described in subsection 25.08.500.A ((~~of this section~~)), when ordered to do so by any of the following: a police officer, an animal control officer, or, in the case of a pet daycare center as defined in ((~~chapter~~)) Chapter 23.84A ((~~of this Code~~)), any employee of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections authorized by the Director of that Department. "Unreasonable noise" shall include the following sounds or combination of sounds:

A. Loud and raucous, and frequent, repetitive, or continuous sounds made by any animal, except sounds made in animal shelters, commercial kennels, veterinary hospitals, pet shops, or pet kennels that have current permits issued under Chapter 10.72 ((~~of this Code~~)), are operated in compliance with that chapter, and are not pet daycare centers as defined in Chapter 23.84A ((~~of this Code~~)); provided, that notwithstanding any other provision of this chapter, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this subsection 25.08.500.A, the animal shall be impounded, subject to redemption in the manner provided by Chapter 9.25 ((~~of this Code~~));

B. Loud and raucous, and frequent, repetitive, or continuous sounds made by any horn or siren attached to a motor vehicle, except such sounds that are made to warn of danger or that are specifically permitted or required by law;

C. Loud and raucous, and frequent, repetitive, or continuous sounds made in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine;

D. Loud or raucous, and frequent, repetitive, or continuous sounds created by use of a musical instrument, or other device capable of producing sound when struck by an object, a whistle, or a sound amplifier or other device capable of producing, amplifying, or reproducing sound;

E. Loud and raucous, and frequent, repetitive, or continuous sounds made by the amplified or unamplified human voice between the hours of ((~~ten (~~))10((~~:00~~))) p.m. and ((~~seven (~~))7((~~:00~~))) a.m. The content of the speech shall not be considered against any person in determining a violation of this subsection 25.08.500.E; and

F. Loud and raucous, and frequent, repetitive, or continuous sounds made by the amplified human voice within the Pike Place Market Historical District, as designated in Chapter 25.24 ((~~of the Seattle Municipal Code~~)), between the hours of ((~~ten (~~))10((~~:00~~))) a.m. and ((~~five (~~))5((~~:00~~))) p.m. The content of the speech shall not be considered against any person in determining a violation of this subsection 25.08.500.F.

Section 180. Subsections 25.08.520.D and 25.08.520.E of the Seattle Municipal Code, which section was last amended by Ordinance 118409, are amended as follows:

25.08.520 Noise in public parks and places.

* * *

D. Before any permit or other authorizing document is issued for any event which will produce sounds which may violate this ((~~section~~)) Section 25.08.520, the application shall be circulated to the Administrator. The Seattle Department of Construction ((~~land use~~)) and Inspections is authorized to attach any conditions consistent with this ((~~chapter~~)) Chapter 25.08 and reasonably calculated to prevent annoying sounds.

E.

1. In any permit for use of a public park, public market, civic center, or other public place, the Superintendent of Parks and Recreation, the Director of Transportation or the Director of the Seattle Center or the designee of any of them, respectively, shall stipulate that the Seattle Department of Construction and ((~~land use~~)) Inspections provide sound-control monitoring services whenever:

a. Amplified sound will be used at the proposed event; and

b. The Administrator or his designee finds that, unless monitored, the sound level originating at the proposed event may exceed the sound level in ((~~SMC Section~~)) subsection 25.08.520((-)).A. The Administrator shall be guided principally by the expected power and type of amplification and, for those with a record of prior usage, by past events held on City property within the last two (((~~2~~))) years.

2. The Administrator, in ((~~his or her~~)) the Administrator's discretion, may perform the service directly, delegate performance to the authority issuing the permit, or retain an acoustician.

* * *

Section 181. Subsection 25.09.017.C of the Seattle Municipal Code, which section was last amended by Ordinance 124447, is amended as follows:

25.09.017 Administration

* * *

C. The Director shall review and analyze all applications for all permits or approvals subject to this Chapter 25.09 that are issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections. Such applications shall be approved only after the Director is satisfied the applications comply with this Chapter 25.09.

* * *

Section 182. Subsection 25.09.430.A of the Seattle Municipal Code, which section was enacted by Ordinance 122050, is amended as follows:

25.09.430 Stop-work order.

A. The Director may issue a stop-work order whenever any use, activity, work or development (1) is being done without a permit, determination, or authorization required by this ((~~chapter~~)) Chapter 25.09, (2) is being done contrary to any determination, authorization, permit, or approval of ((~~DPD~~)) the Seattle Department of Construction and Inspections and the use, activity, work or development will immediately impact an environmentally critical area or materially impair the Director's ability to secure compliance with this ((~~chapter~~)) Chapter 25.09, or (3) immediately threatens the public health, safety, and welfare with respect to the interests protected under this ((~~section~~)) Section 25.09.430.

* * *

Section 183. Subsection 25.09.450.C of the Seattle Municipal Code, which section was enacted by Ordinance 122050, is amended as follows:

25.09.450 Review by the Director.

* * *

C. The Director shall conduct the administrative review and issue a decision on the request for administrative review in the form of an Order of the Director. The Director shall review all written information received by the submission deadline and any additional evidence or information available to ((~~DPD~~)) the Seattle Department of Construction and Inspections staff and placed in the case file. The Director may also request clarification of information received and a site visit. After review of the case file and of the additional written information and/or after a site visit, the Director shall issue an Order of Director that may:

1. Sustain the notice or order;

2. Withdraw the notice or order;

3. Continue the review to a date certain for receipt of additional information; or

4. Modify the notice or order, which may include an extension of the compliance date, if any.

* * *

Section 184. Section 25.09.520 of the Seattle Municipal Code, last amended by Ordinance 124447, is amended as follows:

25.09.520 Definitions

* * *

"Director" means the Director of the Seattle Department of ((~~Planning and Development or his or her~~)) Construction and Inspections or the Director's designee.

* * *

Section 185. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance 122919, is amended as follows:

25.11.020 Definitions ((.))

"Director" means the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

"Exceptional tree" means a tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource, and is deemed as such by the Director according to standards promulgated by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

Section 186. Subsection 25.11.050.A of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

25.11.050 General Provisions for exceptional tree determination and tree protection area delineation in Single-family, Residential Small Lot, Lowrise, Midrise, and Commercial zones.

A. Exceptional trees and potential exceptional trees shall be identified on site plans and exceptional tree status shall be determined by the Director according to standards promulgated by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

* * *

Section 187. Section 25.12.040 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.040 Alteration.

"Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections is required.

Section 188. Section 25.12.115 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.115 Construction and ((~~land use~~)) Inspections.

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

Section 189. Section 25.12.240 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.240 Significant change ((.))

"Significant change" is any change in appearance not requiring a permit from the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, but for which a certificate of approval is expressly required by a Board approval of nomination, a Board report on designation, or a designating ordinance.

Section 190. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.320 Staff—Historic Preservation Officer ((.))

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as

Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, organize and supervise the Board staff and the clerical and technical work of the Board to the extent required to administer this ((~~chapter~~)) Chapter 25.12. In addition, the Historic Preservation Officer shall:

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

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

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

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

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

F. Consider methods other than those provided for in this ((~~chapter~~)) Chapter 25.12 for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this ((~~chapter~~)) Chapter 25.12;

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

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

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

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

Section 191. Section 25.12.370 of the Seattle Municipal Code, last amended by Ordinance 123937, is amended as follows:

25.12.370 Nomination ((~~.~~))

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

B. The Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall refer improvements, sites, or objects to the Landmarks Board that exceed the thresholds in Tables A and B for Footnote (1) for 25.05.800.B.5 and B.6, and that appear to meet criteria set forth in this ((~~chapter~~)) Chapter 25.12 for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections as part of its environmental review of pending permit applications.

Section 192. Section 25.12.400 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.400 Notification of approval of nomination.

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

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this ((~~chapter~~)) Chapter 25.12 are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board meeting on approval of designation;

D. A statement that the Board meeting on designation is the sole proceeding to consider whether the standards for designation are met, and that no further opportunity to present information regarding the standards for designation is afforded pursuant to this ((~~chapter~~)) Chapter 25.12.

Section 193. Section 25.12.670 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.670 Requirement of certificate of approval.

After the filing of an approval of nomination with the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may make alterations or significant changes to specific features or characteristics of the site, improvement or object, which are identified in the approved nomination, or the Board report on designation, or subject to controls in a controls and incentives agreement or a designating ordinance, whichever is most recent.

Section 194. Subsections 25.12.680.E and 25.12.680.F of the Seattle Municipal Code, last amended by Ordinance 121276, are amended as follows:

25.12.680 Application for certificate of approval – Filing.

* * *

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design of a project if the applicant waives in writing the deadline for a Board decision on the subsequent phase or phases of the project, and any deadlines for decisions

on related permit applications under review by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections and the applicant agrees in writing that the Board decision on the preliminary design is immediately appealable by the applicant or any interested person of record. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this ((~~chapter~~)) Chapter 25.12. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection 25.12.680.B, subparagraphs 1 through 8, 9a through 9c, 10, 13, and 14. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection 25.12.680.B, and upon Board approval prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be valid for the life of the permit issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, including any extensions granted by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections in writing.

Section 195. Section 25.12.690 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.690 Application for certificate of approval – In conjunction with permit application. If an application is made to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections for a permit for an action which requires a certificate of approval,

the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be required before the permit application to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may be determined to be complete. The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall continue to process the permit application, but shall not issue any such permit until the time has expired for acting upon the certificate of approval or a certificate of approval has been issued pursuant to this ((~~chapter~~)) Chapter 25.12.

Section 196. Section 25.12.730 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.730 Board decision on certificate of approval.

The Board shall issue a written decision granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, not later than ((~~forty-five (~~))45((~~)~~)) days after an application for a certificate of approval is determined to be complete. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.

Section 197. Section 25.12.740 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.740 Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within ((~~fourteen (~~))14((~~)~~)) days after such grant, denial, or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one ((~~(1)~~)) or more related permit applications under review by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, then the appellant must also file notice of the appeal with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately according to Section 25.12.680 without being consolidated. If one ((~~(1)~~)) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed according to Section 25.12.680 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit decisions, if

the applicant agrees in writing that the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

D. The Hearing Examiner shall issue a decision not later than ((~~ninety (~~))90((~~)~~)) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection 25.12.740.C, then not later than ((~~ninety (~~))90((~~)~~)) days from the filing of that appeal. The time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

Section 198. Subsection 25.12.760.B of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

25.12.760 Hearing Examiner procedure.

* * *

B. In all other instances, the Hearing Examiner shall serve notice of the date of the hearing on the parties not less than ((~~twenty (~~))20((~~)~~)) days before the hearing and shall hold a hearing not later than ((~~forty-five (~~))45((~~)~~)) days after the filing of the appeal. The Hearing Examiner shall issue a decision within ((~~fifteen (~~))15((~~)~~)) days after closing of the record, and shall serve the decision on the Board, the owner, and the applicant, and file the same with the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections. The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

* * *

Section 199. Section 25.12.770 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.770 Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, the owner, and the applicant within the times specified in this ((~~chapter~~)) Chapter 25.12 or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.

Section 200. Subsection 25.12.835.B of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

25.12.835 Demolition.

* * *

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections pursuant to the requirements of ((~~SMC Section~~)) subsection 23.40.008.B, the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal; and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of The State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A Master Use Permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under ((~~subparagraph~~)) subsection 25.12.835.B.4.a above) and available for such purpose.

* * *

Section 201. Section 25.12.910 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.12.910 Designated.

The Director of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall enforce this ((~~chapter~~)) Chapter 25.12 and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229 and may, in addition to any other remedy or penalty provided in this ((~~chapter~~)) Chapter 25.12, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this ((~~chapter~~)) Chapter 25.12 or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding ((~~Five Hundred Dollars (~~))$500((~~)~~)), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this ((~~chapter~~)) Chapter 25.12, as to which such violation or failure to comply is charged.

Section 202. Subsection 25.16.080.C of the Seattle Municipal Code, which section was last amended by Ordinance 119121, is amended as follows:

25.16.080 Certificate of approval—Application.

* * *

C. If, before a certificate of approval is obtained, an application is made to the Seattle Department of Construction and ((~~land use~~)) Inspections for a permit for which a certificate of approval is required, the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall require the applicant to submit an application to the District Board for a certificate of approval. Submission of a complete application for a certificate of approval to the District Board shall be required before the permit application to the Seattle Department of Construction and ((~~land use~~)) Inspections may be deemed to be complete. The Seattle

Department of Construction and ((~~land use~~)) Inspections shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~chapter~~)) Chapter 25.16, or the time has expired for filing with the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections the notice of denial of a certificate of approval.

* * *

Section 203. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance 118181, is amended as follows:

25.16.100 Certificate of approval—Issuance or denial.

A. Within ((~~thirty (~~))30((~~)~~)) days after receipt of a complete application the District Board shall hold a public meeting thereon. If after such meeting and upon consideration of the foregoing, the District Board determines that the changes and any new construction proposed in the application are consistent with the purpose of this ((~~chapter~~)) Chapter 25.16, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this ((~~chapter~~)) Chapter 25.16, it shall recommend that a certificate of approval be granted and the Director shall, within ((~~fifteen (~~))15((~~)~~)) days of receiving the recommendation, issue a decision granting the certificate of approval in accordance with the District Board's recommendation. If the recommendation is to deny such application, the Director shall issue a written notice of denial. If the District Board does not recommend granting, granting with conditions, or denial of an application within the time provided for such recommendation, the Director of the Department of Neighborhoods shall issue a decision without a recommendation from the District Board. If the Director of the Department of Neighborhoods does not issue a decision within the time provided by this ((~~chapter~~)) Chapter 25.16, then the application shall be deemed approved. Provided,

however, that the applicant may waive the deadlines in writing for the District Board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Seattle Department of Construction and ((~~land use~~)) Inspections. Before issuing a recommendation of denial, the District Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the District Board shall make its recommendation and the applicant shall be so notified by letter.

B. The Director of the Department of Neighborhoods shall send copies of the decision to the applicant, the property owner, the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application.

C. A certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of Construction and ((~~land use~~)) Inspections shall be valid for the life of the permit, including any extensions granted in writing by the Seattle Department of Construction and ((~~land use~~)) Inspections.

Section 204. Subsections 25.16.110.A and 25.16.110.B of the Seattle Municipal Code, which section last amended by Ordinance 123899, are amended as follows:

25.16.110 Certificate of approval—Appeal if denied

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within ((~~fourteen (~~))14((~~)~~)) days of the date of notice of the denials. When the proposed action that is the subject of the certificate of approval is also the subject of one ((~~(1)~~)) or more related permit applications under review by the Seattle Department of Construction and ((~~land use~~)) Inspections, then the appellant must also file notice of the appeal with the Seattle Department of Construction and ((~~land use~~)) Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately according to Section 25.16.080 without being consolidated. If one ((~~(1)~~)) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed according to Section 25.16.080 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

B. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Seattle Department of Construction and ((~~land use~~)) Inspections may suspend its review of the related permits, and that the time period for review of

those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

* * *

Section 205. Section 25.16.140 of the Seattle Municipal Code, last amended by Ordinance 109125, is amended as follows:

25.16.140 Enforcement and penalties.

The Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall enforce this ((~~chapter~~)) Chapter 25.16 and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding ((~~Five Hundred Dollars (~~))$500((~~.00~~))). Each day's violation or failure to comply shall constitute a separate offense.

Section 206. Section 25.20.010 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.20.010 Definitions.

The following terms used in this ((~~chapter~~)) Chapter 25.20 shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections is required.

B. "Application Review Committee" is the committee established by this ((~~chapter~~)) Chapter 25.20 to conduct informal reviews of applications for certificates of approval and make recommendations to the Seattle Landmarks Preservation Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.

D. "Certificate of approval" means written authorization which must be issued by the Board before any alteration or change may be made to the exterior of any building or structure, to the exterior appearance of any other property or right-of-way visible from a public street, alley, way or other public property, or to painting or signs, or before any new building or structure is constructed within the District. The term "certificate of approval" includes written approval of a preliminary design of a project as well as its subsequent design phases, as contemplated in Section 25.20.080.

E. "Council" is the City Council of The City of Seattle.

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

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 ((~~of the Seattle Municipal Code~~)), or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, ((~~SMC~~)) Section 25.12.320.

I. "Significant change" is any change in external appearance, other than routine maintenance or repair in kind, not requiring a permit from the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections, but for which a certificate of approval is expressly required by the Landmarks Board and by this ((~~chapter~~)) Chapter 25.12.

Section 207. Subsections 25.20.080.B and 25.20.080.C of the Seattle Municipal Code, which section was last amended by Ordinance 119121, are amended as follows:

25.20.080 Application for certificate of approval.

* * *

B. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design of a project if the applicant waives in writing the deadline for a Board decision on the subsequent design phase or phases of the project and any deadlines for decisions on related permit applications under review by the Seattle Department of Construction and ((~~land use~~)) Inspections and the applicant agrees in writing that the Board decision on the preliminary design is immediately appealable by the applicant or any interested person of record. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this ((~~chapter~~)) Chapter 25.20. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection 25.20.080.A.2, subparagraphs a through h, i(1) through i(3), j, m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection 25.20.080.A.2, and upon Board approval, prior to issuance of permits for work affecting any building or property in the District.

C. If before a certificate of approval is obtained, an application is made to the Seattle Department of Construction and ((~~land use~~)) Inspections for a permit for which a certificate of approval is required, the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be

required before the permit application to the Seattle Department of Construction and ((~~land use~~)) Inspections may be deemed to be complete. The Seattle Department of Construction and ((~~land use~~)) Inspections shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~chapter~~)) Chapter 25.20, or the time has expired for filing with the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections the notice of denial of a certificate of approval.

* * *

Section 208. Section 25.20.100 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.20.100 Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than ((~~forty-five (~~))45((~~)~~)) days after the application for a certificate of approval is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections within three (((~~3~~))) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this ((~~chapter~~)) Chapter 25.20 and adopted guidelines for the District.

B. A certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the

Seattle Department of Construction and ((~~land use~~)) Inspections shall be valid for the life of the permit, including any extensions granted in writing by the Seattle Department of Construction and ((~~land use~~)) Inspections.

Section 209. Subsections 25.20.110.B and 25.20.110.C of the Seattle Municipal Code, which section was enacted by Ordinance 120157, are amended as follows:

25.20.110 Appeal to Hearing Examiner.

* * *

B. When the proposed action that is the subject of the certificate of approval is also the subject of one ((~~(1)~~)) or more related permit applications under review by the Seattle Department of Construction and ((~~land use~~)) Inspections, then the appellant must also file notice of the appeal with the Seattle Department of Construction and ((~~land use~~)) Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately according to Section 25.20.080 without being consolidated. If one ((~~(1)~~)) or more appeals are filed regarding the other permits then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed according to Section 25.20.080 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

* * *

Section 210. Section 25.20.120 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.20.120 Enforcement and penalties.

The Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall enforce this ((~~chapter~~)) Chapter 25.20 and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding ((~~Five Hundred Dollars (~~))$500((~~)~~)). Each day's violation or failure to comply shall constitute a separate offense.

Section 211. Section 25.21.020 of the Seattle Municipal Code, enacted by Ordinance 122750, is amended as follows:

25.21.020 Definitions ((~~.~~))

The following terms used in this ((~~chapter~~)) Chapter 25.21 shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this ((~~chapter~~)) Chapter 25.21 to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as provided by ((~~SMC~~)) Section 25.12.270.

C. "Certificate of approval" means written authorization ((~~which~~)) that must be issued by the Board before any demolition or exterior alteration of a structure, any new construction, any addition or removal of major or significant landscape and site elements may be undertaken within the District. The term "certificate of approval" includes written approval of a preliminary design of a project as well as its subsequent design phases, as provided for in Section 25.22.100.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 ((~~of the Seattle Municipal Code~~)), or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, ((~~SMC~~)) Section 25.12.320.

H. "Significant change" is any external alteration, new construction, restoration, or demolition other than routine maintenance or repair.

Section 212. Section 25.21.054 of the Seattle Municipal Code, enacted by Ordinance 122750, is amended as follows:

25.21.054 Relationship between Landmark Board review and responsibilities of other City departments ((~~.~~))

The function of the Landmarks Board under ((~~SMC~~)) Section 25.21.060 is to review public or private applications for certificates of approval to demolish, alter, or construct buildings, structures, and site elements located within the District, for consistency with the landmarks criteria prescribed in ((~~SMC~~)) Section 25.21.110. It is not the function of the Landmarks Board to regulate the use of property within the District, which is the responsibility of the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, or to manage the use of City owned property within the District, which is the responsibility of the Department of Parks and Recreation.

Privately owned properties located in the Landmark District are not located in Discovery Park, and therefore are not subject to the Discovery Park Long Range Development Plan or to the authority of the Department of Parks and Recreation.

City owned properties located in the Landmark District are within the boundaries of Discovery Park and their management and use shall be consistent with the Discovery Park Long Range Development Plan. The Superintendent of Parks, with the advice of the Seattle Board of Park Commissioners, is the principal authority in matters relating to implementation of the Discovery Park Long-Range Development Plan, including City-owned properties within the Landmark District. The Superintendent of Parks has the primary responsibility for managing and maintaining these properties within the District, subject to the authority of the Landmarks Board as described in this Chapter 25.21. Therefore, all matters affecting the use and operation of these City-owned properties shall be approved by the Superintendent of Parks with advice from the Board of Park Commissioners.

Section 213. Subsections 25.21.080.C and 25.21.080.E of the Seattle Municipal Code, which section was enacted by Ordinance 122750, are amended as follows:

25.21.080 Application for certificate of approval.

* * *

C. If an application is made to the Director for a permit for which a certificate of approval is required, the Director shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be required before the permit application to the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections may be determined to be complete. The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~chapter~~)) Chapter 25.21, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

* * *

E. A certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be valid for the life of the permit, including any extensions granted in writing by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections.

Section 214. Subsections 25.21.130.B and 25.21.130.C of the Seattle Municipal Code, which section was enacted by Ordinance 122750, are amended as follows:

25.21.130 Appeal to Hearing Examiner.

* * *

B. When the proposed action that is the subject of the certificate of approval is also the subject of one ((~~(1)~~)) or more related permit applications under review by the Seattle Department

of ((~~Planning and Development~~)) Construction and Inspections, then the appellant must also file notice of the appeal with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately according to Section 25.22.080 without being consolidated. If one ((~~(1)~~)) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed according to Section 25.22.080 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

* * *

Section 215. Section 25.22.020 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.22.020 Definitions ((~~.~~))

The following terms used in this ((~~chapter~~)) Chapter 25.22 shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this ((~~chapter~~)) Chapter 25.22 to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348 or any ordinance amendatory or successor thereto.

C. "Certificate of approval" means written authorization which must be issued by the Board before any demolition or exterior alteration of a structure, any new construction, any addition or removal of major or significant landscape and site elements may be undertaken within the District. The term "certificate of approval" includes written approval of a preliminary design of a project as well as its subsequent design phases, as provided for in Section 25.22.100.

D. "Council" is the City Council of The City of Seattle.

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

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 ((~~of the Seattle Municipal Code~~)), or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, ((~~SMC~~)) Section 25.12.320.

H. "Significant change" is any external alteration, new construction, restoration, or demolition other than routine maintenance or repair.

Section 216. Subsections 25.22.100.C and 25.22.100.E of the Seattle Municipal Code, which section was last amended by Ordinance 119121, are amended as follows:

25.22.100 Application for certificate of approval.

* * *

C. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be required before the permit application to the Seattle Department of Construction and ((~~land use~~)) Inspections may be determined to be complete. The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this ((~~chapter~~)) Chapter 25.22, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

* * *

E. A certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of Construction and ((~~land use~~)) Inspections shall be valid for the life of the permit, including any extensions granted in writing by the Seattle Department of Construction and ((~~land use~~)) Inspections.

Section 217. Subsections 25.22.130.B and 25.22.130.C of the Seattle Municipal Code, which section was last amended by Ordinance 121276, are amended as follows:

25.22.130 Appeal to Hearing Examiner.

* * *

B. When the proposed action that is the subject of the certificate of approval is also the subject of one (((~~1~~))) or more related permit applications under review by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, then the appellant must also file notice of the appeal with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately according to Section 25.22.100 without being consolidated. If one (((~~1~~))) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed according to Section 25.22.100 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Seattle Department of ((~~Planning and Development~~))

Construction and Inspections may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

* * *

Section 218. Section 25.22.140 of the Seattle Municipal Code, last amended by Ordinance 109388, is amended as follows:

25.22.140 Enforcement and penalties ((~~.~~))

The Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall enforce this ((~~chapter~~)) Chapter 25.22. Any failure to comply with its provisions constitutes a violation subject to the provisions of Chapter 12A.02 and Chapter 12A.04 of the Seattle Criminal Code, and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed ((~~Five Hundred Dollars (~~))$500((~~)~~)). Each day's violation shall constitute a separate offense.

Section 219. Subsection 25.24.060.B of the Seattle Municipal Code, which section was last amended by Ordinance 119121, is amended as follows:

25.24.060 Approval of changes to buildings, structures and other visible elements.

* * *

B. Application ((~~.~~))

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of the Seattle Department of Construction and ((~~land use~~)) Inspections shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of

approval to the Commission shall be required before the permit application to the Seattle Department of Construction and ((~~land use~~)) Inspections may be determined to be complete.

2. The following information must be provided in order for the application to be complete, unless the Commission's staff indicates in writing that specific information is not necessary for a particular application:

a. Business name and business address;

b. Name of the building(s) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Landlord or building owner's name and address;

f. A written description of the ownership interest and role in the business operation;

g. Applicant's telephone number;

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

i. Confirmation that the fee required by ((~~SMC Chapter 22.901T of the Permit Fee Subtitle~~)) subsection 22.900G.010.A has been paid;

j. A detailed description of the proposed merchandise, service, or work, including:

((~~i.~~)) 1) Any changes it will make to the building or the site,

((~~ii.~~)) 2) Any effect that the proposed work or use would have on the public right-of-way or other public spaces,

((~~iii.~~)) 3) Any new construction,

((~~iv.~~)) 4) Any proposed use, change of use, or expansion of use,

((~~v.~~)) 5) Any change of ownership or location,

((~~vi.~~)) 6) Any proposed increase in the business area;

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

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

((~~ii.~~)) 2) A floor plan showing the existing features and a floor plan showing the proposed new features,

((~~iii.~~)) 3) Elevations and sections of both the proposed new features and the existing features,

((~~iv.~~)) 4) Construction details,

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

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

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

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

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

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

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

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

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

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

((~~i.~~)) 1) A statement of the reason(s) for demolition,

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

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

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

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this ((~~chapter~~)) Chapter 25.24 and in any rules adopted by the Commission, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

5. After the Commission has given notice of the meeting at which an application for a certificate of approval will be considered, no other application for the same alteration or change of use may be submitted until the application is withdrawn or the Commission has approved or denied the existing application and all appeals have been concluded, except when an application is made for a certificate of approval for the preliminary design of a project, a later application may be made for a certificate of approval for a subsequent design phase or phases of the same project.

* * *

Section 220. Section 25.24.070 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.24.070 Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this ((~~chapter~~)) Chapter 25.24 not later than ((~~thirty (~~))30((~~)~~)) days after any such application is determined to be complete, and a public meeting shall be held on each such application. If after such meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval within ((~~forty-five (~~))45((~~)~~)) days of the determination that the application is complete, and shall provide notice of its decision to the applicant, the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. After such a decision, the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections is then authorized to issue a permit.

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for ((~~eighteen (~~))18((~~)~~)) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections shall be valid for the life of the permit issued by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, including

any extensions granted by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections in writing.

Section 221. Subsections 25.24.080.B and 25.24.080.C of the Seattle Municipal Code, which section was last amended by Ordinance 121276, are amended as follows:

25.24.080 Appeal to Hearing Examiner.

* * *

B. When the proposed action that is the subject of the certificate of approval is also the subject of one (((~~1~~))) or more related permit applications under review by the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, then the appellant must also file notice of the appeal with the Seattle Department of ((~~Planning and Development~~)) Construction and Inspections, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired except that an appeal of a certificate of approval for the preliminary design or for subsequent design phases may proceed immediately according to Section 25.24.060 without being consolidated. If one (((~~1~~))) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals and except that an appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed according to Section 25.24.060 without being consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

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

* * *

Section 222. Section 25.24.090 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.24.090 Enforcement.

The provisions of this ((~~chapter~~)) Chapter 25.24 shall be enforced by the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections.

Section 3 Section 25.24.100 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

25.24.100 Violation – Penalty.

Anyone failing to comply with any provisions of this ((~~chapter~~)) Chapter 25.24 shall upon conviction thereof be subject to the penalties as provided by the laws of the City for failure to obtain a use permit from the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections.

Section 224. Subsection 25.28.230.H of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

25.28.230 Definitions.

* * *

H. "Superintendent" means the Director of ((~~Planning and Development~~)) the Seattle Department of Construction and Inspections and shall also include any duly authorized representative of the Director.

Section 225. The incumbent Director of the Department of Planning and Development shall be the first director of Seattle Department of Construction and Inspections and shall continue to serve the remainder of his or her term of office as appointed by the Mayor and confirmed by the City Council.

Section 226. This ordinance does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this ordinance or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

Section 227. If any section or subsection of the Seattle Municipal Code affected by this ordinance is amended by another ordinance without reference to amendments made by this ordinance, each ordinance shall be given effect to the extent that the amendments do not conflict in purpose, and the code reviser may publish the section or subsection in the official code with all amendments incorporated therein.

Section 228. This ordinance shall take effect and be in force on January 1, 2016.

Passed by a two-thirds vote of all the members of the City Council the 23rd day of NOVEMBER, 2015, and signed by me in open session in authentication of its passage this 23rd day of NOVEMBER, 2015.

President _____ of the City Council

Approved by me this 1st day of December, 2015.

Edward B. Murray, Mayor

Filed by me this 1st day of December, 2015.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

331452

No. 124914,915,916,918,919,20

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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:TITLE ONLY ORDINANCES

was published on

12/15/15

The amount of the fee charged for the foregoing publication is the sum of $139.50 which amount has been paid in full.

MELISSA M. DOWD
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
11-21-19

Subscribed and sworn to before me on

12/15/2015

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 November 23, 2015, 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. Document Type Contact: Office of the City Clerk at (206) 684-8344.

Ordinance 12491

AN ORDINANCE relating to the drainage and wastewater system of The City of Seattle; adopting a system or plan of additions and betterments to and extensions of the existing drainage and wastewater system; authorizing the issuance and sale of drainage and wastewater revenue bonds, in one or more series, for the purposes of paying part of the cost of carrying out that system or plan, providing for the reserve requirement, and paying the costs of issuance of the bonds; providing for certain terms, conditions, covenants and the manner of sale of the bonds; describing the lien of the bonds; creating certain accounts of the City relating to the bonds; ratifying and confirming certain prior acts; and amending certain definitions set forth in the Omnibus Refunding Bond Ordinance relating to drainage and wastewater refunding revenue bonds.

Ordinance 124915

AN ORDINANCE relating to the solid waste system of The City of Seattle; amending Ordinance 121940, as amended by Ordinance 122498, to conform Ordinance 121940 to reflect changes recently made by the City to update its standard form of bond ordinance; and ratifying and confirming certain prior acts.

Ordinance 124916

AN ORDINANCE relating to the electric system of The City of Seattle; authorizing the issuance and sale of municipal light and power revenue bonds for the purposes of providing funds for certain additions and betterments to and extensions of the existing municipal light and power plant and system of the City, paying the costs of issuance of those bonds and providing for the reserve fund requirement, providing for the terms, conditions, covenants and manner of sale of those bonds; describing the lien of those bonds; ratifying and confirming certain prior acts; and amending certain definitions set forth in the Omnibus Refunding Bond Ordinance relating to municipal light and power revenue bonds.

Ordinance 124918

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development; amending Seattle Municipal Code Sections 22.900B.010 and 22.900C.010.

Ordinance 124919

AN ORDINANCE establishing a new Office of Planning and Community Development and a new Seattle Department of Construction and Inspections; abolishing the Department of Planning and Development; and amending the Seattle Municipal Code to implement those organizational changes and make technical revisions; all by a 2/3 vote of the City Council.

Ordinance 124920

AN ORDINANCE relating to certain functions of the executive branch of City government; creating a Seattle Information Technology Department; establishing the powers and duties of the new department; abolishing the Department of Information Technology and transferring functions currently performed by that department; transferring functions currently performed by other departments in the executive branch; making provisions for transition; adding Chapter 3.23; repealing Chapters 3.22 and 18.14; and amending Sections 3.39.020, 4.13.010, 5.09.020, 10.02.060, 15.32.300, and 21.60.040 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, December 15, 2015.

12/15(331452)