

**Legislation to improve the procedures for land use permits  
Central Staff Report and Recommendation  
April 23, 2012**

**1. Introduction**

The City Council is sponsoring legislation that would amend Seattle’s regulations for processing land use permit applications. The proposed amendments are intended to streamline administration of the Land Use Code and to update methods for public notice. Many of the changes are clarifications and technical corrections (such as correcting cross-references, combining sections that address the same topics, and updating grammar and format). In addition to these amendments, the legislation would expand public notice requirements and clarify procedures for Council land use decisions.

To carry out the changes in the proposed bill, the Council is also sponsoring amendments to the City Council Rules for Quasi-Judicial Proceedings, which are proposed to be adopted by a companion resolution.

Sections 2 and 3 of this report address the proposed changes to public notice and Council procedures in detail. Section 4 provides a section-by-section description of the proposed Land Use Code amendments, and Section 5 summarizes the proposed amendments to the Council Rules. Where the only changes are to fix incorrect cross-references or to update formatting, the descriptions are limited or omitted.

The Council has sent notice of the proposal to the Department of Neighborhoods (DON) mailing lists for Neighborhood District Councils, business associations, and community representatives, as well as the list of those who have signed up to receive information from the Council’s Planning, Land Use, and Sustainability Committee. Notice of the public hearing about the proposal, which is scheduled for June 13, 2012, will be published in DPD’s Land Use Information Bulletin, and in the Daily Journal of Commerce, Seattle’s official newspaper. In addition, notice has been provided to the DON mailing list of community media outlets, and the May issue of the Department of Planning and Development (DPD) newsletter contains an article about the proposal.

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## 2. Proposed Public Notice Changes

The requirements for notice of project applications and decisions, and related public meetings and hearings, are set by the Land Use Code. Public notice is required by state law and is intended to provide information to the general public and interested parties of permit applications, and to encourage participation in the planning process. For every project for which notice is required, the notice is included in the Land Use Information Bulletin (Bulletin), which is produced twice a week by the Department of Planning and Development (DPD). For projects subject to review pursuant to the State Environmental Policy Act (SEPA), a large sign similar to a billboard is required. For certain types of projects, the Code requires that DPD mail a notice to all property owners and tenants within 300 feet of the development site. Publication in the City's official newspaper, the Daily Journal of Commerce, or in a community newspaper may also be required. A table comparing the current and proposed notice requirements is presented in Attachment A to this report. As described below, proposed notice changes include:

- Authorizing the use of email for notice;
- Modifying requirements for legal notice in community newspapers;
- Removing a requirement that notices be posted at DPD and DON;
- Adding a requirement for 300-foot mailed notice for more types of permits; and
- Requiring that DPD include a summary of its outreach activities in DPD Director's Reports for Land Use Code text amendments and area-wide amendments to the Official Land Use Map.

The main change that the legislation proposes to the requirements for public notice is to permit the use of e-mail to provide notice when the recipient provides an e-mail address. People commenting on project applications have requested that the City provide this option, which would save money that would otherwise be spent on postage and paper. This proposed change would apply to all types of land use permits, as well as the formation and meetings of School Use Advisory Committees and the advisory committees that review requests to depart from development standards for public schools. These Advisory Committees for public schools are administered by DON.

The legislation also proposes changing the way that notice is provided through community newspapers. The Code currently requires that DPD provide notice in a community newspaper "in the area affected by the proposal" for two types of projects: 1) full subdivisions (which require such publication at two points in the process) and 2) Council quasi-judicial (Type IV) decisions in the Southeast Seattle Reinvestment Area (SESRA) Overlay District in the Rainier Valley. In addition, DON is required to publish notice of School Use Advisory Committees and Development Standard Advisory Committees for public schools in a community newspaper. For several other types of projects, the Code requires that DPD submit the issue of the Bulletin that includes the notice about a project to a community newspaper in the affected area.

For the past six years, there have been an average of three full subdivision applications annually, most of which were to subdivide already-constructed townhouse developments into unit lots. During that time there were six school departure requests and no projects that required Council action in the SESRA area, for a total of approximately four projects per year that required publication of notice in a community newspaper. Publishing such notice costs between \$800 and

\$1,000 depending on the length of the notice, or up to \$2,000 per subdivision. DPD currently charges applicants \$140 for this notice.

Instead of requiring publication of notice in a community newspaper, DPD has committed to sending each issue of the Bulletin to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. DPD would update the list of media outlets that receive the Bulletin on an annual basis, in consultation with DON. By using this list, which will include both traditional newspapers and social media, and by updating the list consistently, DPD will provide notice of all types of projects to a more diverse population. This practice would make it more likely that information about a project will be treated as news that merits an article, rather than being published in the “legal notice” section of the newspaper where it may not catch readers’ attention.

DPD has also committed to sending annual reminders to community councils, chambers of commerce, and other local groups to sign up for the Bulletin, using DON’s list of community contacts. It would then be up to these people to decide whether or not they want to receive the Bulletin. DPD would adopt a Director’s Rule establishing these new requirements for the distribution of the Bulletin.

Another change in the notice requirements is to delete the requirement for some projects that notice be “posted at the Department” (either DPD or DON). As people generally do not visit department offices downtown to find out about projects, this requirement has not been effective.

For publication of Draft Environmental Impact Statements, and for Hearing Examiner hearings on full subdivisions and Type IV Council land use decisions, the proposal would add a new requirement that notice be provided to those who either submitted written comments to DPD about the project, or who requested in writing to be notified.

Notice requirements for public meetings held by DPD, such as Design Review Board meetings, are also proposed to be added to the Code. Notice of meetings would be provided by at least four placards posted near the site, inclusion in the Bulletin, and notice sent to everyone who commented on the proposal, attended an earlier meeting about it, or requested notice.

The legislation would also clarify the notice requirements for Council quasi-judicial land use decisions (generally called “Type IV” decisions in the Code) and provide broader public notice for them. Currently, the Code section about Council decisions refers to Section 23.76.012 for notice requirements. However, Section 23.76.012 is about Master Use Permits and makes no specific mention of Council decisions. The legislation would make the notice requirements explicit, and would add a requirement that notice *of the application* be mailed to owners and occupants within 300 feet of a proposed project. Currently the mailed notice is sent later in the process when the DPD Director’s recommendation is made to the Hearing Examiner. A new requirement for mailed notice is also proposed to be added for amendments to property use and development agreements (PUDAs) associated with contract rezones.

New notice requirements are not proposed for Council Type V decisions, such as Land Use Code text amendments, area-wide zoning map amendments, and planned action ordinances. The

scope of these legislative actions can vary widely, and DPD's outreach efforts are tailored to the type and size of the proposal. Instead, the legislation would add a requirement that the DPD Director's report to the Council about these actions include a summary of DPD's public notice and outreach efforts.

The final notice change would address the content of the notice rather than how it is provided. If a proposed development could not be built without an amendment to the Land Use Code, the legislation would require that notice for the development include this information.

### **3. Council Land Use Decisions**

The Council makes several types of land use decisions, which are summarized in Attachment B to this report. Type IV decisions are quasi-judicial, which means that the Councilmembers are acting as judges, rather than in their usual legislative role. Type V Council decisions are legislative.

In addition to clarifying and broadening the notice requirements for Council decisions as described above, the proposed legislation would make the following changes to the process for Council land use decisions:

- a) Amend the list of Council decisions to make it clear that when a Council land use decision also requires a shoreline permit, the Council will make the shoreline decision rather than the DPD Director. This change would synchronize the appeal process, allowing the City to make all the decisions related to an application before the decision can be appealed to the State Shoreline Hearings Board.
- b) Require a preapplication conference between the applicant and DPD for all Type IV Council land use decisions and Type V Council land use decisions that affect City facilities, rather than provide for an optional preapplication conference. The DPD Director may waive the preapplication conference requirement if an applicant demonstrates experience with the process.
- c) Clarify in Section 23.76.040 whether a proposed Council decision requires a formal application, or whether a request is being made. For example, proposals to change the text of the Land Use Code would be characterized as requests, because they are legislative actions, and the Council has broad discretion to decide whether or not to consider them. Quasi-judicial actions would continue to require an application.
- d) Specify who can apply for a Council land use decision. Applications for most decisions must be made by a City department or the property owner. A requirement would be added that applications for quasi-judicial (Type IV) rezones must be made by *all* the owners of the properties in the area proposed to be rezoned. Currently, the Code is ambiguous about whether a developer or property owner may apply for a rezone of property which he or she does not own or control. The Code currently allows any City department or interested person to *request* a Code amendment or area-wide map amendment.

e) Change who has standing to appeal the Hearing Examiner’s recommendation to the City Council on a Type IV Council land use decision by limiting the appeal to persons who have participated by submitting written comments to the DPD Director on the proposal, or who have provided written or oral comments to the Hearing Examiner. This would make it more difficult for people to circumvent the DPD and Hearing Examiner review process by going straight to the City Council with an appeal. There is still an option in the Council Rules for someone to request that the Council grant them status as an intervenor, if they were not able to participate in the review process, and if they have a significant interest that is not adequately represented by other parties of record.

f) Increase the default expiration period for most Type IV Council land use decisions from two to three years, which is the same as the expiration period for a Master Use Permit. In addition, the proposal would clarify the regulations about the expiration of Council decisions and the life of conditions imposed by Council land use decisions.

#### 4. Summary of Proposed Changes by Code Section

Land Use Code Section	Proposed Changes
<b>23.04.010 Transition to the Land Use Code</b>	Clarifies that Property Use and Development Agreements (PUDAs) associated with contract rezones to zoning categories under Seattle’s previous Zoning Code (Seattle Municipal Code (SMC) Title 24) may be released by filing a certificate of expiration without following the regular PUDA amendment procedures, for properties that the owner now chooses to develop under current zoning regulations (SMC Title 23).
<b>23.34.004 Contract rezones</b>	Clarifies the terms in the section, taking advantage of the proposed new definition of “contract rezone” in Section 23.84A.032, and “property use and development agreement” in Section 23.84A.030.
<b>23.69.032 Master Plan Process</b>	Corrects the cross-references to three sections in Chapter 23.76 that have amended titles in the proposed legislation.
<b>23.76.004 Land Use Decision Framework</b>	<ul style="list-style-type: none"> <li>• States that when notice is required to be sent to an individual as part of the permit process, the notice may be in electronic form if the person provides an e-mail address.</li> <li>• Adds decisions to the lists in the table of land use decision types to make it more complete.</li> <li>• Reformats the table of land use decision types to make it easier to read.</li> <li>• Clarifies that the table of land use decision types provides only a <i>general</i> description of the decision types, and that Sections 23.76.006 and 23.76.036 officially establish the types of land use decisions in each category.</li> <li>• Clarifies that Type I Master Use permit (MUP) decisions are subject to administrative review through the land use interpretation process described in Section 23.88.020, if the decision is one that is subject to interpretation.</li> <li>• Clarifies that shoreline special use approvals that are not part of a shoreline substantial development permit are Type I MUPs.</li> </ul>
<b>23.76.005 Time for Decisions</b>	<ul style="list-style-type: none"> <li>• Consolidates all regulations about permit processing timelines in this section for ease of use, by moving language here from Sections 23.76.019 and 23.76.049 about the timeline for review of Environmental Impact</li> </ul>

Land Use Code Section	Proposed Changes
	<p>Statements for MUPs and Council land use decisions. Those two sections are proposed to be repealed.</p> <ul style="list-style-type: none"> <li>• For all types of permits, adds an exception to the processing timelines for the time during which the applicant has not paid past-due City fees.</li> <li>• Adds an exception to the timelines for full subdivision applications for any time that the Hearing Examiner remands the DPD report for further information and analysis.</li> <li>• Adds an exception from the Hearing Examiner’s timeline for acting on a subdivision application, and from the Council timeline for acting on quasi-judicial decisions, when the applicant and the Hearing Examiner or Council agree to a delay.</li> </ul>
<p><b>23.76.006 Master Use Permits required</b></p>	<ul style="list-style-type: none"> <li>• Clarifies that placing conditions on a project under the City’s State Environmental Policy Act (SEPA) policies, also called “substantive SEPA authority”, is done by the Council for Type IV Council land use decisions.</li> <li>• Clarifies that when a Council land use decision also requires a shoreline permit, the Council will make the shoreline decision rather than the DPD Director. This change would simplify the process for potential appeals.</li> <li>• Adds installation of curb cuts not associated with new development to the list of Type I MUPs.</li> <li>• Clarifies that shoreline special use approvals that are not part of a of a shoreline substantial development permit are Type I MUPs.</li> </ul>
<p><b>23.76.008 Preapplication conferences</b></p>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the Section that it applies to both Type II and Type III MUPs.</li> <li>• Corrects a cross reference to the DPD Permit Fee Subtitle.</li> </ul>
<p><b>23.76.010 Applications for Master Use Permits</b></p>	<ul style="list-style-type: none"> <li>• Clarifies that DPD will continue to process applications (other than for subdivisions) when a quiet title or adverse possession claim is made informally or is filed in court affecting the property that is the subject of the application, unless an injunction is obtained. In 2007, King County Superior Court ruled that this was the correct way to handle this situation, but the ruling has not yet been reflected in the Land Use Code.</li> <li>• Corrects a cross reference to the DPD Permit Fee Subtitle.</li> <li>• Removes the detailed list of MUP application requirements, and requires instead that the DPD Director make available a general list of submittal requirements for a complete application.</li> <li>• Clarifies that the DPD Director may cancel an application if the applicant does not provide requested information within the time required by a notice of intent to cancel, and adds the option of sending the applicant a notice of intent to cancel by e-mail.</li> </ul>
<p><b>23.76.012 Notice of application</b></p>	<ul style="list-style-type: none"> <li>• Clarifies the notice requirements for applications for Council land use decisions, and moves the specific notice requirements for these decisions from 23.76.042 to this section.</li> <li>• Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</li> </ul>
<p><b>23.76.014 - Notice of scoping and draft EIS</b></p>	<p>Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</p>
<p><b>23.76.015 - Public meetings</b></p>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type II and Type III</li> </ul>

Land Use Code Section	Proposed Changes
	<p>MUPs.</p> <ul style="list-style-type: none"> <li>• Adds notice requirements for public meetings as described in the table in Attachment A.</li> </ul>
<b>23.76.016 - Public hearings</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it is about public hearings for draft Environmental Impact Statements (EISs).</li> <li>• Clarifies in the text that the section applies to draft EISs for MUPs.</li> <li>• Removes text that duplicates requirements in the City’s SEPA regulations.</li> </ul>
<b>23.76.018 Notice of final EIS</b>	<ul style="list-style-type: none"> <li>• Replaces the term “General Mailed Release” with “Land Use Information Bulletin”, which is the term currently used by DPD.</li> <li>• Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</li> </ul>
<b>23.76.019 - Time required for preparation of an EIS</b>	<p>Moves the contents of this section, which applies to EISs prepared for MUPs, to Section 23.76.005, so that all regulations about permit processing timelines are in one place, and repeals this section.</p>
<b>23.76.020 Director's decisions</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type I and Type II MUPs.</li> <li>• Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</li> <li>• Moves the language about the timing for issuance of a shoreline decision on limited utility extensions and bulkheads to Section 23.76.028, the section about MUP issuance.</li> </ul>
<b>23.76.022 Administrative appeals</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type I and Type II MUPs.</li> <li>• For Type I MUP decisions, which are not appealable to the Hearing Examiner, adds a cross-reference to the section on code interpretations, which may provide a different type of administrative review.</li> </ul>
<b>23.76.024 Hearing Examiner open record hearing and decision for subdivisions</b>	<p>Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</p>
<b>23.76.026 Vesting</b>	<p>Clarifies that one way that a MUP vests is when a valid and fully complete building permit application is filed <i>prior</i> to notice of the DPD Director’s decision on the MUP (publication of the notice of the Director’s decision also vests a MUP, so a building permit filed after the date of the notice is not needed to vest).</p>
<b>23.76.028 Type I and II Master Use Permit issuance</b>	<ul style="list-style-type: none"> <li>• Moves the language about the timing for issuance of a shoreline decision on limited utility extensions and bulkheads here from Section 23.76.020.</li> <li>• Once DPD approves a MUP for issuance, the applicant has three years to make progress on construction before the MUP expires. The proposal would delete the following three provisions that now require the applicant to take action at an earlier time in order to keep the MUP alive: <ol style="list-style-type: none"> <li>1) the requirement that if issuance of a MUP is conditioned on making changes to the plans, the changes have to be made within 60 days of the date the MUP is approved for issuance;</li> <li>2) the requirement that a MUP that has been approved for issuance be picked up by the applicant within 60 days; and</li> <li>3) the limit of 18 months for applicants to pick up a MUP that is</li> </ol> </li> </ul>

Land Use Code Section	Proposed Changes
	<p>approved for issuance.</p> <p>These additional requirements are difficult and costly for DPD to track, and could result in early cancellation of MUPs, especially during downturns in the economy.</p>
<p><b>23.76.032 Expiration and renewal of Type I and II Master Use Permits</b></p>	<ul style="list-style-type: none"> <li>• Deletes the requirement that a complete building permit application must be made at least 60 days advance in order to keep an issued MUP alive or to renew a MUP. The 60 days used to be necessary to determine whether the building permit application was complete, but this determination is now made at the intake appointment, so the building permit application may be made closer to the date the MUP would otherwise expire.</li> <li>• Deletes unnecessary language about what a building permit application that is filed to keep an issued MUP alive has to include.</li> <li>• Clarifies that the conditions imposed by a MUP continue for the life of the approved project, or until an earlier date on which (1) the condition by its terms expires, (2) the condition is removed through a permitting decision, or (3) if the condition was imposed as to a specific use within the project, that use is terminated.</li> </ul>
<p><b>23.76.034 Suspension and revocation of Master Use Permits</b></p>	<ul style="list-style-type: none"> <li>• Adds failure to pay past-due fees as a reason to suspend or revoke a MUP;</li> <li>• Adds the option for electronic mailings of stop-work orders, the notice of hearings on stop-work orders, and the notice of decisions on stop-work orders.</li> </ul>
<p><b>23.76.036 Council decisions required</b></p>	<ul style="list-style-type: none"> <li>• Clarifies that SEPA conditioning is done by the Council for Type IV and Type V Council land use decisions, and that the Council makes the decision on associated shoreline permits, consistent with the proposed changes to Section 23.76.006.</li> <li>• Adds a separate subsection to the list of Council land use decisions to clearly show that minor PUDA amendments, and applications to extend previously approved Council land use decisions, are quasi-judicial actions, but are not Type IV Council land use decisions. The main difference is that these decisions do not require a Hearing Examiner hearing, as Type IV decisions do.</li> </ul>
<p><b>Section 23.76.038 Preapplication conferences</b></p>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to all types of Council land use decisions.</li> <li>• Changes the section to require a preapplication conference between the applicant and DPD for all Type IV Council land use decisions and Type V Council land use decisions that affect City facilities, rather than provide for an optional preapplication conference.</li> <li>• Corrects a cross reference to the DPD Permit Fee Subtitle.</li> </ul>
<p><b>23.76.040 Applications for Council land use decisions</b></p>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that a request, rather than an application, must be made for some Council land use decisions, and that proposals to change the text of the Land Use Code or to make an area-wide amendment to the Official Land Use Map are requests, not applications.</li> <li>• Lists those eligible to apply for each type of Council land use decision. Applications for most decisions may be made by a City department or the property owner. Any interested person may request an area-wide amendment to the Official Land Use Map, a correction of errors in the Official Land Use Map due to cartographic or clerical mistakes, or an</li> </ul>

Land Use Code Section	Proposed Changes
	<p>amendment to the text of the Land Use Code.</p> <ul style="list-style-type: none"> <li>• Adds a requirement that applications for quasi-judicial (Type IV) rezones must be made by <i>all</i> the owners of the properties in the area proposed to be rezoned. If not all property owners in the affected area agree with the proposal, the option for those who are interested in changing the zoning is to request an area-wide rezone, which is a legislative (Type V) decision.</li> <li>• Changes the point at which DPD notifies the City Clerk of a rezone for which Early Design Guidance (EDG) is required from the point that notice is given of the first public meeting about the project to the earlier point at which application for EDG is made. This has the effect of making the project “pending” for the purpose of the State’s Appearance of Fairness doctrine at an earlier point in the permit process.</li> <li>• Adds a requirement that DPD send prompt notice to the City Clerk of applications and requests for Type V Council land use decisions, as they are now required to do for Type IV decisions.</li> <li>• Clarifies how DPD should handle a quiet title or adverse possession claim, in the same way proposed for Master Use Permit applications in Section 23.76.010.</li> <li>• Removes the specific list of application requirements for Council land use decisions, and requires instead that the DPD Director make available a general list of submittal requirements for a complete application.</li> <li>• Adds language similar to the language proposed in 23.76.010 for MUPs that clarifies that the DPD Director may cancel an application for a Council land use decision if the applicant does not provide requested information within the time required by a notice of intent to cancel.</li> </ul>
<p><b>23.76.042 Notice of application</b></p>	<ul style="list-style-type: none"> <li>• Changes the section so that it applies only to Type IV Council land use decisions and amends the title to make this clear. The notice requirements for Type V Council land use decisions are proposed to be moved to Section 23.76.062.</li> <li>• Deletes the special provisions for different types of notice of applications for Type IV Council land use decisions, which are proposed to be moved to Section 23.76.012.</li> <li>• Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</li> </ul>
<p><b>23.76.046 Public meetings and hearings</b></p>	<ul style="list-style-type: none"> <li>• Clarifies that the DPD Director will hold a public hearing for draft EISs for those Council land use decisions for which DPD is the lead agency.</li> <li>• Adds provisions allowing the DPD Director to combine the draft EIS hearing with hearings required by other agencies, similar to what is allowed for MUP applications.</li> </ul>
<p><b>23.76.049 Time required for preparation of an EIS</b></p>	<p>The contents of this section, which applies to EISs prepared for Council land use decisions, are proposed to be moved to 23.76.005, so that all regulations about permit timelines are in one place. 23.76.049 is proposed to be repealed.</p>
<p><b>23.76.050 Report of the Director</b></p>	<ul style="list-style-type: none"> <li>• Clarifies that the Council has the authority to place conditions on a Council land use decision under the City’s SEPA policies, and that the Council will also make any shoreline decisions associated with a Council land use decisions.</li> <li>• Removes the exception that states that the DPD Director does not have to prepare a written report for proposed Land Use Code text amendments.</li> <li>• Adds a requirement that the DPD Director’s report for Land Use Code</li> </ul>

Land Use Code Section	Proposed Changes
	text amendments, area-wide amendments to the Official Land Use Map, and Planned Action Ordinances include a summary of the public notice and outreach process for the proposal.
<b>23.76.052 Hearing Examiner open record predecision hearing and recommendation</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type IV Council land use decisions.</li> <li>• Takes out references to Type V decisions, which are moved to Section 23.76.062.</li> <li>• Clarifies that at the required hearing on Type IV Council land use decisions held by the Hearing Examiner, the Hearing Examiner will consider associated decisions to approve, condition, or deny the proposal based on the City’s SEPA policies.</li> <li>• Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.</li> </ul>
<b>23.76.054 Council consideration of Hearing Examiner recommendation</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type IV Council land use decisions.</li> <li>• Changes who may appeal the Hearing Examiner’s recommendation to the City Council as described in section 3.e on page 5 of this report.</li> <li>• Adds the option for electronic mailings by Council staff for notices of appeals of the Hearing Examiner’s recommendation on a Type IV Council land use decision.</li> </ul>
<b>23.76.056 Council decision on Hearing Examiner recommendation</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type IV Council land use decisions.</li> <li>• Clarifies that Type IV decisions are not subject to Mayoral veto.</li> <li>• Clarifies the State Land Use Petition Act (LUPA) appeal period (21 days from Council action) and effective date of a Type IV decision (30 days from Council action).</li> </ul>
<b>23.76.058 Rules for specific decisions</b>	<ul style="list-style-type: none"> <li>• Clarifies: <ul style="list-style-type: none"> <li>1) that the PUDA amendment process applies only to rezones of zones established by Seattle Municipal Code (SMC) Title 23 (not zones from Title 24, which is no longer in effect); and</li> <li>2) that the DPD Director must provide a 21-day comment period for PUDA amendments.</li> </ul> </li> <li>• Adds a requirement for mailed notice to those within 300 feet of a lot for which a PUDA amendment is proposed.</li> <li>• States that expiration of a contract rezone automatically amends the Official Land Use Map.</li> <li>• Requires that DPD file a notice of the expiration with the property records kept by the King County Recorder when a contract rezone expires.</li> <li>• States that a subsequent rezone terminates a contract rezone for a property that is subject to a PUDA.</li> <li>• Clarifies the procedure for a major amendment to a PUDA by cross-referencing the section that outline the process for Type IV Council land use decisions.</li> </ul>
<b>23.76.060 Expiration of land use approvals—Extensions</b>	<ul style="list-style-type: none"> <li>• Clarifies in the title of the section that it applies to Type IV and Type V Council land use decisions.</li> <li>• States that for Council conditional uses and approvals of public (non-City) projects, the conditions imposed by the Council decision continue</li> </ul>

Land Use Code Section	Proposed Changes
	<p>for the life of the approved project, or until an earlier date on which (1) the condition by its terms expires, (2) the condition is removed through a subsequent permitting decision, or (3) if the condition was imposed as to a specific use within the project, that use is terminated.</p> <ul style="list-style-type: none"> <li>• Changes the default expiration period for Council conditional uses, public project approvals, and contract rezones from two to three years, so that it is not shorter than the expiration period for a MUP.</li> <li>• Clarifies that when a contract rezone expires, the Official Land Use Map is automatically amended so that the immediately previous zoning designation applies.</li> <li>• Requires that DPD Director file a notice of expiration for a PUDA with City Clerk and the King County Recorder.</li> <li>• Changes the point of application for an extension of a Council land use decision from the City Clerk to DPD, since a review of the application to determine whether the zoning has changed has to be performed by DPD before the Council can make a decision on the extension.</li> </ul>
<b>23.76.062 Council hearing and decision</b>	<ul style="list-style-type: none"> <li>• Changes the title of the section to clarify that it addresses procedures for Type V decisions.</li> <li>• Sets out the process for Type V decisions, including applications and requests, hearings, notice, and decisions. Some provisions are proposed to be moved here from Section 23.76.040, which currently addresses both types of Council land use decisions.</li> <li>• Removes the requirement that notice of application for a Type V decision be posted at DPD.</li> <li>• Clarifies that area-wide amendments to the Official Land Use Map and amendments to the text of the Land Use Code may be requested, but that there is not a formal application process for these decisions.</li> </ul>
<b>23.76.067 Amendments pursuant to RCW 43.21C.420</b>	Clarifies the City’s position that RCW 43.21C.420 does not apply to SEPA review of City proposals to amend developments regulations unless the City affirmatively states that it is acting pursuant to this statute.
<b>23.76.068 Re-application rule for text amendments</b>	Repeals this section, which prohibits people from “reapplying” for a Land Use Code text amendment within 12 months of their previous application. Proposed changes to Section 23.76.062 clarify that proposals to amend the Land Use Code are requests, rather than formal applications.
<b>23.78.002 Application for establishment of criteria</b>	Clarifies that a School Use Advisory Committee (SUAC) process does not have to be followed for a current or former school site if a rezone of the site is requested instead.
<b>23.78.006 Notice provided (of formation of a School Use Advisory Committee)</b>	Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.
<b>23.78.012 - Duties of Director of the Department of Neighborhoods (DON)</b>	Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.
<b>23.78.014 Appeal of use criteria</b>	Allows electronic notice of the Hearing Examiner’s decision on an appeal of the DON Director’s decision on the criteria for the use of a current or former school site.

Land Use Code Section	Proposed Changes
<b>23.79.006 - Notice provided for development standard departure</b>	Changes the notice provisions for formation of an advisory committee to review a request to depart from development standards for a public school site, as described in Section 2 of this report and the table in Attachment A.
<b>23.79.010 - Duties of Director (of the Department of Neighborhoods)</b>	Changes the notice provisions as described in Section 2 of this report and the attached table.
<b>23.79.012 Appeal of development standard departure</b>	Allows electronic notice of the Hearing Examiner's decision on an appeal of the DON Director's decision on the criteria for the use of a current or former school site.
<b>Definitions Ch. 23.84A</b>	<p><b>23.84A.014 "G."</b> Changes the definition of "General mailed release" to refer to the definition of "Land use information bulletin", which is now the official name of DPD's twice-weekly notice of land use projects.</p> <p><b>23.84A.024 "L"</b> Changes the definition of "Land use information bulletin" so that it no longer refers to the definition of "General mailed release" and instead contains the substance of the definition. DPD will establish a Director's Rule based on this definition that describes the expanded distribution of the Bulletin to media outlets, and the process for annual updates of the distribution list.</p> <p><b>23.84A.025 "M"</b> Changes the definition of "Mailed notice", which is notice mailed to those who live, rent, or own property within 300 feet of a proposed development, as follows:  <ol style="list-style-type: none"> <li>1) Removes the special requirements for mailed notice downtown, which in the past had to be sent to building managers to distribute to residential tenants. Because of new technology, DPD is now able to mail notice directly to residents of large apartment buildings.</li> <li>2) Removes the requirement that the Director publish additional reference(s) used to supplement the Assessor's records in the City's official newspaper each year.</li> </ol> </p> <p><b>23.84A.032 "R"</b> Adds a definition of contract rezone.</p> <p><b>23.84A.036 "S"</b> Changes the name of the "environmental review sign" to "large notice sign". This sign is now required both for notice of environmental review and for design review projects that come before the Design Review Board, so the "environmental review" sign name no longer describes all of its functions.</p>
<b>25.05.355 Early review DNS (optional DNS) process</b>	Changes the notice provisions as described in Section 2 of this report and the table in Attachment A.
<b>25.05.680 Appeals</b>	Addresses how the City interprets RCW 43.21C.420, and states that this statute applies to SEPA review of proposed amendments to developments regulations only when the City affirmatively states that it is acting pursuant to this statute

## 5. Proposed Changes to City Council Rules for Quasi-Judicial Proceedings

Changes to the City Council Rules for Quasi-Judicial Proceedings are proposed in a companion resolution to the process improvement legislation. The changes to the Rule would implement the proposed Land Use Code amendments, and address issues that have arisen since 2007, when the Council last revised its Quasi-Judicial Rules. The Council now has more than four years of experience in using those Rules, and the proposed resolution would adopt amendments to clarify procedural questions that were raised during that time.

The City Council makes decisions on an average of six quasi-judicial actions annually. Quasi-judicial actions are those in which the Council is acting as a panel of judges, rather than a legislative body, to “determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding” (Revised Code of Washington (RCW) 42.36.010). When sitting in a quasi-judicial capacity, the Council is subject to the State Appearance of Fairness Doctrine, RCW Chapter 42.36. The proposed rules implement the State Appearance of Fairness Doctrine and provide procedures for the parties appearing before the Council in quasi-judicial proceedings.

Rule Section	Proposed Changes
<b>Section II. Definitions</b>	Clarifies who the parties of record are for extensions of Type IV land use decisions and minor amendments to Property Use and Development Agreements, which were not previously addressed in the definition of party of record.
<b>Section III. Appearance of Fairness</b>	Changes the wording so that it more closely matches the state Appearance of Fairness Doctrine.
<b>Section IV. General Procedures</b>	<ul style="list-style-type: none"> <li>• Except for documents that must be filed with the City Clerk, allows notices and other documents to be provided by either first class mail or electronically.</li> <li>• Clarifies that the City Clerk must receive a document on the day of a deadline, and that the date received is not determined by the postmark of the mailing.</li> </ul>
<b>Section V. Procedures Prior to Committee Action</b>	<ul style="list-style-type: none"> <li>• Changes who may appeal the Hearing Examiner’s recommendation to the City Council as described in section 3.e on page 5 of this report.</li> <li>• Adds new provisions for Council requests to clarify an appeal, including a requirement that the response to the Council’s request for clarification be provided to all parties of record.</li> <li>• Clarifies the time at which a motion requesting intervenor status may be filed and the criteria for granting intervenor status.</li> </ul>
<b>VI. Committee Action on all Quasi-Judicial Actions</b>	Adds provisions for notice of Council review of extensions of Type IV land use decisions and minor amendments to Property Use and Development Agreements, and for Council acceptance of written or oral comments on these Council actions. These two types of decisions differ from other Council quasi-judicial land use decisions because they do not require a Hearing Examiner hearing. They are not clearly addressed in the current Rules.

**Attachment A to Staff Report: Comparison of Current and Proposed Public Notice Requirements for Land Use Permits, School Use Advisory Committees, and Public School Development Standard Departures**

Decision Type	Current Notice Requirements	Proposed Notice Requirements
<b>All types of Decisions</b>		
To allow notices to be sent by electronic means, new subsections are added to Sections 23.76.004, 23.78.006, and 23.79.006 that state that if notice is required, except mailed notice <sup>1</sup> , it may be provided by electronic means if the recipient provides an e-mail address.		
<b>Notice of application</b>		
<b>Type I (23.76.012)</b>	No notice of application.	No change.
<b>Type II, with environmental review or full design review (23.76.012)</b>	<ul style="list-style-type: none"> <li>• Environmental review (large) sign, or ten placards if an environmental review sign can't be posted;</li> <li>• Land Use Information Bulletin (LUIB);</li> <li>• Mailed notice for certain applications<sup>1</sup>.</li> </ul>	No change, except that the name of the environmental review sign is changed to “large notice sign”, because it is also used for design review projects. This change is proposed throughout the land use procedures chapter of the code.
<b>Type II without environmental or full design review (23.76.012)</b>	<ul style="list-style-type: none"> <li>• Land use sign on each street frontage;</li> <li>• LUIB;</li> <li>• Mailed notice for certain applications<sup>1</sup>;</li> <li>• For design review projects, notice to persons involved at the early design guidance (EDG) stage.</li> </ul>	No change.
<b>Type III (full subdivisions) (23.76.012)</b>	<ul style="list-style-type: none"> <li>• Land use sign on each street frontage;</li> <li>• LUIB;</li> <li>• Mailed notice;</li> <li>• Publication in a community newspaper in the affected area.</li> </ul>	No change except that publication of a project-specific notice in a community newspaper is replaced by LUIB distribution to a list of Seattle community media outlets <sup>2</sup> .
<b>Type IV, with environmental or design review (23.76.042, which refers to 23.76.012)</b>	<p>Note— For almost all Type IV decisions, Section 23.76.042, which specifies notice requirements for Type IV applications, refers to Section 23.76.012, which establishes the notice requirements for Type II applications. However, Section 23.76.012 does not say anything specific about Type IV notice requirements. Unless otherwise noted, the following notice “requirements” are based on current DPD practice given the lack of specific standards in the Code:</p> <ul style="list-style-type: none"> <li>• Environmental review sign or placards if an environmental</li> </ul>	<p>Add specific requirements for Type IV applications in Section 23.76.012:</p> <ul style="list-style-type: none"> <li>• Environmental review sign or placards if a large sign can't be posted;</li> <li>• LUIB;</li> <li>• For design review projects, notice to those involved at the early design guidance (EDG) stage;</li> </ul>

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

Decision Type	Current Notice Requirements	Proposed Notice Requirements
	<p>review sign can't be posted;</p> <ul style="list-style-type: none"> <li>• LUIB;</li> <li>• For design review projects, notice to those involved at the early design guidance (EDG) stage;</li> <li>• For intent to file an application for a Major Institution master plan, mailed notice (from Section 23.76.042);</li> <li>• For projects in the Southeast Seattle Reinvestment Area (SESRA), publication in a community newspaper (from Section 23.76.042);</li> </ul>	<ul style="list-style-type: none"> <li>• Mailed notice<sup>1</sup> for all applications, not only Major Institution master plans;</li> <li>• Require only one published notice in the Daily Journal of Commerce (DJC) for intent to file an application for a major institution master plan;</li> <li>• For SESRA projects, publication of a project-specific notice in a community newspaper is replaced by LUIB distribution to a list of Seattle community media outlets<sup>2</sup>; and</li> </ul> <p>The requirement for special notice of modifications of Overlay Districts is deleted.</p>
<p><b>Type IV, without environmental or design review (23.76.042, which refers to 23.76.012)</b></p>	<ul style="list-style-type: none"> <li>• Same as projects with environmental or full design review, except that land use signs are used rather than a large sign.</li> </ul>	<p>Same changes as projects with environmental or full design review.</p>
<p><b>Type V</b></p>	<p>For concept approval of City facilities, waivers of development standards for City facilities, and Major Institution designation or revocation only:</p> <ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Mailed notice;</li> <li>• For Major Institution designation or revocation, notice published in the DJC for two consecutive weeks.</li> </ul> <p>For Land Use Code text amendments, Area-wide amendments to the Official Land Use Map, and Planned Action Ordinances:</p> <ul style="list-style-type: none"> <li>• No specific notice requirements, except that for the modification of Overlay Districts established pursuant to a neighborhood plan, notice to any City-recognized stewardship group for that neighborhood plan, community</li> </ul>	<p>No change, except that:</p> <ul style="list-style-type: none"> <li>• For Major Institution designation or revocation, notice would only have to be published in the DJC for one week, not two consecutive weeks; and</li> <li>• For Land Use Code text amendments, Area-wide map amendments, and Planned Action Ordinances, delete the specific requirement for modification of Overlay Districts, and add a requirement that the DPD Director's Report summarize the public notice</li> </ul>

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

Decision Type	Current Notice Requirements	Proposed Notice Requirements
	groups, and chambers of commerce is required. The method of notice is at the discretion of DPD. If the proposal is subject to environmental review and requires an EIS, the notice requirements below for the EIS process apply.	and outreach process for the proposal.
<b>Notice of EIS scoping for all types of land use decisions (23.76.014)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC;</li> <li>• Submission of the LUIB to at least one community newspaper in the area affected by the proposal;</li> <li>• Notice to those who have requested it;</li> <li>• Filing with the SEPA Public Information Center (PIC) (there are also requirements to circulate copies in the SEPA Chapter, 25.05.360)</li> </ul>	No change, except that the requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets <sup>2</sup> .
<b>Notice DEISs for all types of land use decisions (23.76.014)</b>	<ul style="list-style-type: none"> <li>• LUIB ;</li> <li>• Publication in the DJC</li> <li>• Submission of the LUIB to at least one community newspaper in the area affected by the proposal;</li> <li>• Mailed notice;</li> <li>• Notice to those who have requested it;</li> <li>• Posting in the Department (DPD);</li> <li>• Filing with the SEPA PIC (there are also requirements to circulate copies in the SEPA Chapter, 25.05.455).</li> </ul>	No change, except that: <ul style="list-style-type: none"> <li>• The requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets<sup>2</sup>;</li> <li>• Notice to those who commented on the EIS scope would be required; and</li> <li>• The requirement that notice be posted at DPD is deleted.</li> </ul>
<b>Notice of Final EIS for all types of land use decisions (23.76.018)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC</li> <li>• Submission of the LUIB to at least one community newspaper in the area affected by the proposal;</li> <li>• Notice provided to persons who have made a written request for it, and to anyone who received or commented on the DEIS;</li> <li>• Posting at DPD;</li> <li>• Filing with the SEPA PIC (there are also requirements to circulate copies in the SEPA Chapter, 25.05.460).</li> </ul>	No change, except that: <ul style="list-style-type: none"> <li>• The requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets<sup>2</sup>; and</li> <li>• The requirement that notice be posted at DPD is deleted.</li> </ul>

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

Decision Type	Current Notice Requirements	Proposed Notice Requirements
<b>Notice of Public Meetings</b>		
<b>Design Review Board meetings and other public meetings (23.76.015)</b>	No specific requirements are listed; in practice, DPD provides notices as follows: <ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Notice provided to persons who have made a written request for it,</li> <li>• Posting of four placards within 300 feet of the site;</li> <li>• Notice to those who have requested it, or who attended a previous meeting on the proposal</li> </ul>	No change, except that the requirements would be added to the Code.
<b>Notice of Director's decision</b>		
<b>Type I (23.76.020)</b>	No notice of Director's decision	No change
<b>Type II (23.76.020)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC</li> <li>• Submission of the LUIB to at least one community newspaper in the area affected by the proposal;</li> <li>• Notice provided to persons who have requested it, or who commented;</li> <li>• Filing of DNSs with the SEPA PIC; and</li> <li>• Filing of shoreline decisions with DOE.</li> </ul>	No change, except that: <ul style="list-style-type: none"> <li>• The requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets<sup>2</sup>.</li> </ul>
<b>Notices of hearings and appeals</b>		
<b>Type II Hearing Examiner appeal hearings (23.76.018)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Notice to parties of record and those requesting notice.</li> </ul>	No change
<b>Type III hearing notice (23.76.024) (full subdivisions)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Posting at DPD;</li> <li>• Mailed notice;</li> <li>• Notice to the applicant and governmental agencies who received copies of the preliminary plat; and</li> <li>• Notice mailed to all property owners within 300 feet of any portion of the boundaries of parcels of real property adjacent to the property to be subdivided, if the owner of the property to be subdivided owns such adjacent parcels.</li> </ul>	No change, except that: <ul style="list-style-type: none"> <li>• A requirement is added for notice to be provided to anyone who submitted written comments on the application, and to all those who made a timely request for notice; and</li> <li>• The requirement that notice be posted at DPD is deleted.</li> </ul>
<b>Notice of Hearing Examiner</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> </ul>	No change, except that:

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

Decision Type	Current Notice Requirements	Proposed Notice Requirements
<b>hearing on Type IV decision (23.76.052)</b>	<ul style="list-style-type: none"> <li>• Publication in the DJC;</li> <li>• Submission of the LUIB to at least one community newspaper in the area affected by the proposal;</li> <li>• One land use sign at each street frontage abutting the site;</li> <li>• Mailed notice<sup>1</sup>;</li> <li>• Posting at DPD; and</li> <li>• DNSs filed with the SEPA PIC.</li> </ul>	<ul style="list-style-type: none"> <li>• The requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets<sup>2</sup>;</li> <li>• A requirement is added for notice to be provided to anyone who submitted written comments on the application, and to all those who made a timely request for notice; and</li> <li>• The requirement that notice be posted at DPD is deleted.</li> </ul>
<b>Type V: Concept approval for City facilities, waiver or modification of standards for City facilities, and major institution designation or revocation (23.76.062)</b>	Notice of Council hearing: <ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC</li> <li>• Posting in the Department (DPD);</li> <li>• Mailed notice<sup>1</sup>;</li> <li>• Land use sign on each street frontage.</li> </ul>	No change, except that the requirement that notice be posted at DPD is deleted.
<b>Type V: Area-wide map amendments and text amendments (23.76.062)</b>	Notice of Council hearing: <ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC;</li> <li>• Posting in the Department (DPD).</li> </ul>	No change, except that the requirement that notice be posted at DPD is deleted.
<b>Other Types of Decisions</b>		
<b>Applications for amendments to PUDAs (23.76.058)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Environmental review sign if subject to environmental review; otherwise a land use sign.</li> </ul>	Add the following requirements to the current notice requirements: <ul style="list-style-type: none"> <li>• Mailed notice<sup>1</sup>; and</li> <li>• Notice provided to parties to the original rezone, and to those who received written notice of the rezone from the Hearing Examiner, to the extent practicable.</li> </ul>
<b>Applications for extensions of Type IV decisions</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Environmental review sign if subject to environmental</li> </ul>	No change

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

Decision Type	Current Notice Requirements	Proposed Notice Requirements
(23.76.060)	review; otherwise a land use sign; <ul style="list-style-type: none"> <li>• Notice provided to parties to the original Type IV proceeding, and those who received written notice of it from the Hearing Examiner, to the extent possible.</li> </ul>	
<b>Notice of application for Public School Use Advisory Committees (23.78.006)</b>	<ul style="list-style-type: none"> <li>• Mailed notice<sup>1</sup>;</li> <li>• LUIB;</li> <li>• Publishing in a newspaper of substantial local circulation;</li> <li>• Posting one land use sign visible to the public at each street frontage abutting the site;</li> <li>• If there is an existing parents' organization, notice is given through their regular processes.</li> </ul>	No change, except that the requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets <sup>2</sup> .
<b>Notice of decision for Public School Use Advisory Committees (23.78.006)</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC;</li> <li>• Posting in the Department of Neighborhood (DON) offices; and</li> <li>• Notice provided to the applicant, and to persons who have requested notice.</li> </ul>	No change, except that: <ul style="list-style-type: none"> <li>• Notice is provided to members of the Advisory Committee; and</li> <li>• The requirement that notice be posted at DON is deleted.</li> </ul>
<b>Notice of application for Public School Development Standard Departures (23.79.006)</b>	<ul style="list-style-type: none"> <li>• Mailed notice<sup>1</sup>;</li> <li>• LUIB;</li> <li>• Publishing in a newspaper of substantial local circulation and any relevant ethnic publications having substantial local circulation;</li> <li>• Posting one land use sign visible to the public at each street frontage abutting the site;</li> <li>• If there is an existing parents' organization, notice is given through their regular processes;</li> <li>• Notice provided to community organizations known to the Department as representing the local area and to other related organizations who have requested notice.</li> </ul>	No change, except that the requirement for submittal of the LUIB to a community newspaper would be replaced by LUIB distribution to a list of Seattle community media outlets <sup>2</sup> .
<b>Notice of decision for Public School Development Standard Departures</b>	<ul style="list-style-type: none"> <li>• LUIB;</li> <li>• Publication in the DJC;</li> </ul>	No change, except that the requirement that notice be posted at DON is deleted.

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

Decision Type	Current Notice Requirements	Proposed Notice Requirements
(23.79.010)	<ul style="list-style-type: none"> <li>• Posting at DON; and</li> <li>• Notice provided to the applicant, members of the Advisory Committee, and persons who have requested notice.</li> </ul>	
<b>Definitions</b>		
<b>Definition of “Land Use Information Bulletin” (LUIB) (23.84A.014 and 23.84A.024)</b>	The current LUIB definition refers to the definition of “General Mailed Release”.	A new definition of "Land Use Information Bulletin" is added, which would become the main definition in the Code, rather than “General Mailed Release”. The new definition recognizes that the Bulletin is sent electronically rather than mailed, and it states that the Bulletin is an “information distribution to the persons on a master distribution list as may be established by the Department.”
<b>Definition of “mailed notice” (Section 23.84A.025)</b>	Notice is sent by regular mail to all property owners, commercial tenants, and residents within 300 feet of a project site, except that in downtown, notice is sent to building managers rather than to residents, and the applicant must post a land use sign on each street frontage abutting the site.	Due to technological advances, notice can now be sent directly to downtown residents, so the definition would no longer distinguish between downtown and the rest of the city.
<b>Definition of “environmental review sign” (Section 23.84A.036)</b>	Change the name of the environmental review sign to large notice sign.	This change recognizes that this type of sign is used for notice of design review projects as well as environmental review.

<sup>1</sup> Mailed notice is sent to owners and occupants of property on a development site and within 300 feet of the site. The Type II MUPs requiring mailed notice are variances, administrative conditional uses, temporary uses for more than four weeks, shoreline variances, shoreline conditional uses, short plats, and early design guidance process.

<sup>2</sup> DPD would distribute each issue of the LUIB to a list of newspapers, blogs, and social media that includes both geographic and ethnic community media outlets. The list would be updated on an annual basis in consultation with the Department of Neighborhoods.

**Attachment B to Staff Report:  
List of Council Quasi-Judicial and Legislative Land Use Actions**

**Quasi-judicial Type IV Actions:**

1. Council conditional uses (examples: helistops in downtown zones, work-release centers in commercial zones, and solid waste incinerators in industrial zones).
2. Amendments to the Official Land Use Map (rezones), except for area-wide amendments, and correction of errors in the map.
3. Major amendments to a property use and development agreement (PUDA) that is required as a condition of approving a contract rezone.
4. Major institution master plan (MIMP) adoption, major amendments to a MIMP, and renewal of a MIMP.
5. Projects proposed by any public agency except the City of Seattle that require City Council approval (example: King County stormwater control facilities in residential zones).

**Quasi-judicial Actions that follow a different process from Type IV Actions:**

1. Minor amendments to a property use and development agreement (PUDA) that is required as a condition of approving a contract rezone.
2. Requests to extend the life of Type IV Land Use Decisions past the date originally set by the Council.

**Legislative (Type V) Land Use Actions:**

1. Land Use Code text amendments.
2. Area-wide amendments to the Official Land Use Map.
3. Major Institution designations (examples: designation of a new major institution (this hasn't happened since the major institution zoning was established); "de-designation" of a current major institution, such as Cabrini Hospital).
4. Concept approval for new City facilities (examples: new southwest police precinct, new Seattle Public Utilities stormwater detention facility in the Madison Valley).
5. Waiver or modification of development standards for City facilities (examples: waiver of height limits for new light poles in City parks; waiver of height or setback standards for new or renovated fire stations).
6. Planned Action Ordinances (example: Yesler Terrace redevelopment).