

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>Executive Contact/Phone:</b>
LEG	Ketil Freeman / 206.684.8178	NA

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**a. Legislation Title:**

AN ORDINANCE relating to land use and zoning; amending Section 23.76.006 of the Seattle Municipal Code to clarify that a land use decision to waive or modify structure width or setbacks for a youth service center, and integrated SEPA decisions, are Type II decisions that may be appealed to the City Hearing Examiner.

**b. Summary and background of the Legislation:**

This legislation clarifies that decisions to waive or modify development standards for structure width and depth for youth service centers, and any integrated State Environmental Policy Act decision, are Type II decisions for the purposes of the Land Use Code. Type II decisions are discretionary decisions by the Seattle Department of Construction and Inspections (SDCI) that may be appealed to the City Hearing Examiner.

In 2014 the City passed Ordinance 124610, which added a new subsection 23.51A.004.B.6 to the Seattle Municipal Code (SMC). That section authorized the SDCI Director to waive development standards for youth service centers as a Type II decision. Ordinance 124610 did not contain a corresponding amendment to SMC Section 23.76.006, which contains a list of Type II decisions. Based on that omission, the Hearing Examiner determined that she lacked jurisdiction to hear an appeal. See Seattle Hearing Examiner File No. MUP-10-001.

**2. CAPITAL IMPROVEMENT PROGRAM**

**a. Does this legislation create, fund, or amend a CIP Project? \_\_\_ Yes \_\_\_ X No**

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**a. Does this legislation amend the Adopted Budget? \_\_\_ Yes \_\_\_ X No**

If there are no changes to appropriations, revenues, or positions, please delete the table below.

**4. OTHER IMPLICATIONS**

- a. Does this legislation affect any departments besides the originating department?**  
This legislation affects the Seattle Department of Construction and Inspections, which has regulatory and permitting authority, over development not located in rights-of-way.
- b. Is a public hearing required for this legislation?**  
A public hearing is required pursuant to Chapter 23.76 of the Seattle Municipal Code.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**  
No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Yes. Notice was provided in the April 13, 2017 Land Use Information Bulletin and Daily Journal of Commerce