

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE related to land use and zoning; adding a new Section 23.41.022 to the Seattle Municipal Code (SMC) and amending Section 23.76.005 of the SMC, to clarify the relationship between design review and review of street vacation petitions.

..body

WHEREAS, The City of Seattle’s Street Vacation Policies were adopted in 1986 by Resolution 27527; and

WHEREAS, the City Council intends to clarify the relationship between the street vacation review process and the Design Review program; NOW, THEREFORE,

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

Section 1. A new Section 23.41.022 is added to the Seattle Municipal Code as follows:

**23.41.022 Coordination of design review and vacations of right-of-way**

A. Full design review. The following requirements apply to projects that seek the vacation of a public right-of-way pursuant to Chapter 15.62 and are subject to or for which an applicant has elected full design review pursuant to Section 23.41.004:

1. Early design guidance. Before submitting any application materials to begin the early design guidance process, an applicant shall consult with the Seattle Design Commission. The purpose of the consultation is to have the Seattle Design Commission provide recommendations to the Design Review Board before the board holds any early design guidance meetings under Section 23.41.014. The Seattle Design Commission recommendations may include any initial concerns about the proposed project and any conceptual design or siting alternatives, including any no-vacation alternatives prepared.

1                   2. Design Review Board recommendation. The Design Review Board shall not  
2 hold a final recommendation meeting until the Seattle Design Commission makes a  
3 recommendation on the Public Trust Analysis phase of a street vacation review as described in  
4 the Street Vacation Policies.

5                   B. Administrative design review. The following requirements apply to projects that seek  
6 the vacation of a public right-of-way pursuant to Seattle Municipal Code Chapter 15.62 and are  
7 subject to or for which an applicant has elected administrative design review pursuant to Section  
8 23.41.004.

9                   1. Early design guidance. Before the Director makes guideline priorities available,  
10 an applicant shall consult with the Seattle Design Commission. The purpose of the consultation  
11 is to have the Seattle Design Commission provide recommendations to the Director, prior to the  
12 Director identifying priorities pursuant to Section 23.41.016. The Seattle Design Commission  
13 recommendations may include any initial concerns about the proposed project and any  
14 conceptual design or siting alternatives, including any no-vacation alternatives prepared.

15                   2. Design Review Board recommendation. The Director shall not make a  
16 recommendation pursuant to Section 23.41.016 until the Seattle Design Commission makes a  
17 recommendation on the Public Trust Analysis phase of a street vacation review.

18                   Section 2. Section 23.76.005 of the Seattle Municipal Code, last amended by Ordinance  
19 123913, is amended as follows:

20 **23.76.005 Time for decisions**

21                   A. Except as otherwise provided in this Section 23.76.005 or otherwise agreed to by the  
22 applicant, land use decisions on applications shall be made within 120 days after the applicant  
23 has been notified that the application is complete. In determining the number of days that have

1 elapsed after the notification that the application is complete, the following periods shall be  
2 excluded:

3 1. All periods of time during which the applicant has been requested by the  
4 Director to correct plans, perform required studies, or provide additional required information,  
5 until the Director determines that the request has been satisfied;

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

7 3. For projects for which an EIS has been required, the EIS process time period  
8 established in subsection 23.76.005.B;

9 4. Any time period for filing an appeal of the land use decision to the Hearing  
10 Examiner, and the time period to consider and decide the appeal; and

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

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

20 C. The time limits established by subsections 23.76.005.A and B do not apply if a permit  
21 application:

22 1. ~~((requires))~~ Requires an amendment to the Comprehensive Plan or the Land  
23 Use Code; or

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

2 3. ~~((is))~~ Is substantially revised by the applicant, in which case the time period

3 shall start from the date at which the revised project application is determined to be complete. ~~;~~

4 ~~((:))~~ ~~or~~

5 ~~4. Requires the vacation of public right-of-way.~~

6 \* \* \*

7 ~~Section 3.D. Exclusions pursuant to RCW 36.70B.140(1) :~~

8 1. Type II decisions. There is no time limit for a decision on an application that  
9 includes an exception from the regulations for Environmentally Critical Areas, Chapter 25.09.

10 2. Type III decisions :

11 a. The Director shall issue a recommendation within 120 days as that time  
12 is calculated pursuant to subsections 23.76.005.A, 23.76.005.B, and 23.76.005.C; and

13 b. The Hearing Examiner shall issue a decision within 90 days of issuance  
14 of the Director's recommendation, except that in determining the time limits for Type III  
15 decisions established in this subsection 23.76.005.D.2.b, the following periods shall be excluded:

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

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

1 3) Any extension of time mutually agreed upon by the Hearing

2 Examiner and the applicant.

3 3. Type IV Council land use decisions.

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

5 b. All other Type IV Council land use decisions and any associated Type  
6 II decisions listed in subsection 23.76.006.C.2, except for the exclusions listed in subsections  
7 23.76.005.D.1 and 23.76.005.D.3.c, shall be made within the following time periods:

8 1) The Director shall issue a recommendation within 120 days as  
9 that time period is calculated pursuant to subsections 23.76.005.A, 23.76.005.B, and  
10 23.76.005.C;

11 2) The Hearing Examiner shall issue a recommendation within 90  
12 days of issuance of the Director's recommendation; and

13 3) The Council shall issue its decision within 90 days of receipt of  
14 the Hearing Examiner recommendation, except that if a timely appeal is filed with the City  
15 Clerk, the Council shall issue its decision within 120 days of receipt of the Hearing Examiner  
16 recommendation.

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

19 1) The time during which a Type IV Council land use decision is  
20 remanded by the Hearing Examiner or Council for further information or analysis. The Hearing  
21 Examiner or the Council shall set a reasonable period for the remand after consideration of the  
22 nature and complexity of the issues, and, if practicable, after consultation with the parties about  
23 the reasonableness of the remand period;

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

4 3) Any extension of time mutually agreed upon by the Hearing  
5 Examiner and the applicant or the City Council and the applicant.

6 4. Vacation of public right-of-way. The Director shall issue a recommendation  
7 within 240 days as that time is calculated pursuant to subsections 23.76.005.A, 23.76.005.B, and  
8 23.76.005.C.

9 Section 3. The City Council requests that the Seattle Department of  
10 Transportation (SDOT), Seattle Department of Construction and Inspections (SDCI), and Seattle  
11 Design Commission (SDC) prepare recommendations for a decision time frame for vacations of  
12 public right-of-way. SDOT, SDCI, and SDC shall track the number of days needed to review  
13 projects throughout the process and submit a proposal by May 1, 2020.

14 \* \* \*

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

4           Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2018,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of  
6 \_\_\_\_\_, 2018.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9           Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12           Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)