

January 12, 2018

MEMORANDUM

To: Planning, Land Use and Zoning Committee
From: Aly Pennucci, Legislative Analyst
Subject: Council Bill 119168

On January 17, 2018, the Planning, Land Use and Zoning Committee will hold a public hearing, discuss, and may vote on [Council Bill \(CB\) 119168](#). CB 119168 is a corrective bill that would (1) amend the effective date for Section 28 of [Ordinance \(ORD\) 125429](#) and (2) correct a typographical error in Section 33 of that ordinance.

Background

ORD 125239, adopted in October 2017, effectuates changes to the City's Design Review Program. Many sections of that ordinance have a delayed effective date to allow adequate time for the Seattle Department of Construction and Inspections to prepare for implementation. Section 28 of Ordinance 125329 relates to the vesting rules for projects undergoing design review and offers projects more flexibility to opt in to newly adopted land use codes and rules. "Vesting" describes the process and timing whereby an applicant for development approvals secures the right to develop under an existing set of development standards.

This section was inadvertently included in the list of sections with a delayed effective date of July 1, 2018. CB 119168 would amend Ordinance 125429 to make that section take effect sooner than July 1. In addition, the bill removes superfluous language related to the effective date.

Attachments:

1. Section 28 of Ordinance 125329

cc: Kirstan Arestad, Central Staff Director
Ketil Freeman, Supervising Analyst

Attachment 1: Section 28 of Ordinance 125329

Section 28. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.76.026 Vesting

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

1. That notice of the Director's decision on the application is published, if the decision is appealable to the Hearing Examiner;

2. Of the Director's decision, if the decision is not appealable to the Hearing Examiner; or

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

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C. Design review component of Master Use Permits

1. If a complete application for a Master Use Permit is filed prior to the date design review becomes required for that type of project, design review is not required.

2. ~~((A))~~ Except as otherwise provided by law, a complete application for a Master Use Permit that includes a design review component other than an application described in subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use control ordinances in effect on:

a. The ~~((the))~~ date a complete application for the early design guidance process or streamlined design review guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 90 days of the date of the early design guidance public meeting if an early design guidance public meeting is required, or within 90 days of the date the Director provided guidance if no early design guidance public meeting is required. If more than one early design guidance public meeting is held, then a complete

application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 150 days of the first meeting. If a complete application for a Master Use Permit that includes a design review component is filed more than 150 days after the first early design guidance public meeting, then such Master Use Permit application shall be considered under the Land Use Code and other land use control ordinances in effect at the time of the early design guidance public meeting that occurred most recently before the date on which a complete Master Use Permit application was filed, provided that such Master Use Permit application is filed within 90 days of the most recent meeting((:)); or

b. A date elected by the applicant that is later than the date established in subsection 23.76.026.C.2.a and not later than the dates established in subsections 23.76.026.A.1 through 23.76.026.A.3.

3. A complete application for a Master Use Permit that includes a Master Planned Community design review component, but that pursuant to subsection 23.41.020.C does not include an early design guidance process, shall be considered under the Land Use Code and other land use control ordinances in effect on the date the complete application is submitted.

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E. ~~((RESERVED))~~ If an applicant elects a date for consideration of an application for Master Use Permit components pursuant to subsection 23.76.026.C.2.b after notice of the application required by Section 23.76.012 has been given, notice of the application and an opportunity to comment shall be repeated according to Section 23.76.012.

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G. Notwithstanding any other provision of this ~~((section))~~ Section 23.76.026 or this ~~((chapter))~~ Chapter 23.76, an applicant may elect, at such time and in such manner as the Director may permit, that specific Land Use Code provisions that became effective after the applicant's application vested ((;)) may nonetheless be applied to the application, pursuant to authorization for such election set forth elsewhere in this Title 23.