

CITY OF SEATTLE
ORDINANCE 127228
COUNCIL BILL 120975

AN ORDINANCE relating to land use and zoning; addressing signage; clarifying requirements and supporting efficient permitting processes for light rail transit facilities; adding new Sections 23.55.070, 23.80.006, and 23.80.008 to the Seattle Municipal Code; and amending Sections 3.58.010, 3.58.080, 23.40.006, 23.40.080, 23.42.040, 23.42.055, 23.47A.004, 23.48.005, 23.49.002, 23.49.042, 23.49.090, 23.49.142, 23.49.300, 23.49.318, 23.50A.040, 23.51A.002, 23.51A.004, 23.52.004, 23.54.015, 23.55.056, 23.76.004, 23.76.006, 23.76.010, 23.76.012, 23.76.015, 23.76.020, 23.76.026, 23.76.028, 23.76.029, 23.80.002, 23.80.004, 23.84A.026, 23.84A.038, 23.88.020, 25.08.655, 25.09.300, and 25.11.020 of the Seattle Municipal Code.

WHEREAS, in November 2016, the voters of the three-county Central Puget Sound Regional Transit Authority (“Sound Transit”), including 70 percent of Seattle voters, approved Sound Transit 3 (“ST3”), a 25-year high-capacity system expansion plan which includes expansions of Link Light Rail to West Seattle, and between downtown and Ballard, jointly referred to as the West Seattle and Ballard Link Extensions project; and

WHEREAS, in May 2016, in Resolution 31668, the Council and Mayor resolved, upon voter approval, to work with Sound Transit to accelerate delivery of ST3 projects in Seattle; and

WHEREAS, as affirmed by the City Council in Resolution 31788, the City and Sound Transit executed the Partnering Agreement between Sound Transit and The City of Seattle for the West Seattle and Ballard Link Extensions Project on January 5, 2018; and

WHEREAS, The City of Seattle is proposing changes to development regulation and processes applicable to light rail transit facilities to streamline the permit review process or resolve code conflicts; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.58.010 of the Seattle Municipal Code, last amended by Ordinance 125586, is amended as follows:

3.58.010 Commission established

There is established, as of October 1, 1968, a Seattle Design Commission to act in a consulting capacity advisory to the City in connection with environmental and design aspects of ((City)) capital improvement projects, light rail transit facilities, and private or public-agency proposals for the long-term use of public rights-of-way, or the permanent use of a street, alley, or other public right-of-way subject to a vacation. The Seattle Design Commission shall serve functions and carry out duties as provided in this Chapter 3.58.

Section 2. Section 3.58.080 of the Seattle Municipal Code, last amended by Ordinance 125586, is amended as follows:

3.58.080 Advisory duties

The advisory and review function of the Commission shall include:

A. Studying capital improvement projects before design starts and formulating recommended aesthetic, environmental, and design principles and objectives that the Commission believes should be sought in developing the project. These recommendations should be discussed with the project designers and appropriate City officials before starting design work.

B. Reviewing capital improvement projects during the design period and recommending approval or changes upon completing the schematic design phase, the design development phase, and the construction document phase. It shall be the Commission's function to advise and assist the project designer and appropriate City officials in developing the project. The Commission

1 may recommend changes in the project designer's work or recommend approval. Commission
2 review of the construction document phase shall mean review relative to compliance with
3 previously-determined environmental and aesthetic objectives.

4 C. Assisting City officials in selecting project designers. At the request of the City
5 department with responsibility for managing a capital improvement project, individual
6 Commission members shall serve on the selection panel that recommends design services for
7 executing the projects.

8 D. Reviewing requests for street, alley, or other public place vacations pursuant to
9 Chapter 15.62; skybridge petitions pursuant to Chapter 15.64; or other above-grade significant
10 structure term permit applications pursuant to Chapter 15.65. The Commission shall provide the
11 Council with a recommendation on the proposed application or petition and any proposed public
12 benefits associated with a petition.

13 E. Reviewing light rail transit facility projects and providing recommendations to the
14 Director of the Seattle Department of Construction and Inspections and the Director of
15 Transportation, pursuant to Section 23.80.006.

16 Section 3. Section 23.40.006 of the Seattle Municipal Code, last amended by Ordinance
17 126509, is amended as follows:

18 **23.40.006 Demolition of housing**

19 A demolition permit for a structure containing a dwelling unit may only be issued if one of the
20 following conditions is met, provided that no permit for demolition of a structure containing a
21 dwelling unit may be issued if the new use is for non-required parking:

22 A. The structure has not been occupied as rental housing during the prior ((6)) six
23 months, and the demolition does not aid expansion of an adjacent non-residential use in a

neighborhood residential or lowrise zone(~~(, except as required for extension of light rail transit lines))~~);

B. A permit or approval has been issued by the Director according to the procedures set forth in Chapter 23.76(~~(, Procedures for Master Use Permits and Council Land Use Decisions,))~~ to change the use of the structure or the premises;

C. A permit or approval has been issued by the Director to relocate the structure containing a dwelling unit to another lot, whether within the City limits or outside the City limits, to be used, on the new lot, as a dwelling unit;

D. A complete building permit application for construction of a new principal structure on the same lot as the structure to be demolished has been submitted to the Director, the demolition permit application and the building permit application are categorically exempt from review under Chapter 25.05, (~~(Environmental Policies and Procedures,))~~ the issuance of some other approval is not required by this Title 23 or Title 25 as a condition to issuing the demolition permit, and the Director has approved a waste diversion plan pursuant to Section 23.40.007;

E. Demolition of the structure is ordered by the Director for reasons of health and safety under Chapter 22.206 or 22.208 (~~(of the Housing and Building Maintenance Code))~~), or under the provisions of the Seattle Building Code or the Seattle Residential Code; (~~(or)~~)

F. Demolition of the structure is for light rail transit facility construction; or

(~~(F-))~~ G. The structure is in the MPC-YT zone.

Section 4. Section 23.40.080 of the Seattle Municipal Code, enacted by Ordinance 127054, is amended as follows:

23.40.080 Conversion to residential use in an existing structure

* * *

H. An applicant for a conversion to residential use in an existing structure meeting the criteria of subsection 23.40.080.A that vested to this Chapter 23.40 prior to ~~((the effective date of this ordinance))~~ August 12, 2024, may elect to modify the vesting date of the development pursuant to subsection ~~((23.76.026.E))~~ 23.76.026.F to a date subsequent to ~~((the effective date of this ordinance))~~ August 12, 2024.

Section 5. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.42.040 Intermittent, temporary, and interim uses

The Director may grant, deny, or condition applications for the following intermittent, temporary, or interim uses not otherwise permitted or not meeting development standards in the zone:

A. Intermittent uses

1. A Master Use Permit for a ~~((time))~~ period of up to one year may be authorized for any use that occurs no more than two days per week and does not involve the erection of a permanent structure, provided that:

- a. The use is not materially detrimental to the public welfare; and
- b. The use does not result in substantial injury to the property in the vicinity; and
- c. The use is consistent with the spirit and purpose of the Land Use Code.

B. Temporary ~~((Four Week Use))~~ four-week use. A Master Use Permit for a ~~((time))~~ period of up to four weeks may be authorized for any use that does not involve the erection of a permanent structure and that meets the requirements of subsections 23.42.040.A.1.a~~((—))~~ through 23.42.040.A.1.c.

1 C. Temporary (~~((Uses for Up to Six Months))~~) uses for up to six months. A Master Use
2 Permit for a (~~((time))~~) period of up to six months may be authorized for any use that does not
3 involve the erection of any permanent structure and that meets the requirements of subsections
4 23.42.040.A.1.a(~~(())~~) through 23.42.040.A.1.c.

5 * * *

6 F. (~~((Light Rail Transit Facility Construction))~~) Temporary use for light rail transit facility
7 construction. A temporary structure or use that supports the construction of a light rail transit
8 facility may be authorized by the Director pursuant to a Master Use Permit subject to the
9 requirements of this subsection 23.42.040.F and subsection 23.60A.209.E if the structure or use
10 is within the Shoreline District.

11 1. The alignment, station locations, and maintenance base location of the light rail
12 transit system must first be approved by the City Council by ordinance or resolution.

13 2. The temporary use or structure may be authorized for only so long as is
14 necessary to support construction of the related light rail transit facility and must be terminated
15 or removed when construction of the related light rail transit facility is completed or in
16 accordance with the (~~((MUP))~~) Master Use Permit.

17 3. The applicant must submit plans for the establishment of temporary
18 construction uses and facilities to the Director for approval. When reviewing the application, the
19 Director shall consider the duration and severity of impacts, and the number and special needs of
20 people and businesses exposed, such as frail, elderly, and special needs residents. Following
21 review of proposed plans and measures to mitigate impacts of light rail transit facility
22 construction, and prior to the issuance of any permits granting permission to establish

1 construction facilities and uses, the Director may impose reasonable conditions to reduce
2 construction impacts on surrounding uses and area, including but not limited to the following:

3 a. Noise and ~~((Grading and Drainage))~~ grading and drainage. Noise
4 impacts will be governed by ~~((the Noise Control Ordinance-))~~ Chapter 25.08 ~~((+))~~ and off-site
5 impacts associated with grading and drainage will be governed by ~~((the Grading Code-))~~ Chapter
6 22.170~~((+))~~ and ~~((the Stormwater Code-))~~ Chapters 22.800 through 22.808~~((+))~~.

7 b. Light. To the extent feasible, light should be shielded and directed away
8 from adjoining properties.

9 c. Best ~~((Management Practices))~~ management practices. Construction
10 activities on the site must comply with ~~((Volume 2 of the Stormwater Director's Rules,~~
11 ~~Construction Stormwater Control Technical Requirements Manual))~~ subsection 22.805.020.D.

12 d. Parking and ~~((Traffic-))~~ traffic

13 1) Measures addressing parking and traffic impacts associated with
14 truck haul routes, truck loading and off-loading facilities, parking supply displaced by
15 construction activity, and temporary construction ~~((-))~~ worker parking, including measures to
16 reduce demand for parking by construction employees, must be included and must be appropriate
17 to the temporary nature of the use.

18 2) Temporary parking facilities provided for construction workers
19 need not satisfy the parking requirements of the underlying zone or the parking space standards
20 of Section 23.54.030.

21 e. Local ~~((Businesses))~~ businesses. The applicant must address measures
22 to limit disruption of local business, including pedestrian and/or auto access to business, loss of
23 customer activity, or other impacts due to protracted construction activity.

1 f. Security. The applicant must address site security and undertake
2 measures to ensure the site is secure at all times and to limit trespassing or the attraction of
3 illegal activity to the surrounding neighborhood.

4 g. Site/Design. The construction site should be designed in a manner that
5 minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility
6 around the site and through adjoining neighborhoods. Measures should also be undertaken to
7 ensure appropriate screening of materials storage and other construction activities from
8 surrounding streets and properties.

9 h. Public (~~(Information))~~ information. Actions should be taken that will
10 inform surrounding residents and businesses of construction activities taking place and their
11 anticipated duration, including a 24-hour phone number to seek additional information or to
12 report problems.

13 i. Weather. Temporary structures must be constructed to withstand
14 inclement weather conditions.

15 j. Vibration. The applicant must consider measures to mitigate vibration
16 impacts on surrounding residents and businesses.

17 k. Construction management plan. The Director shall require a preliminary
18 construction management plan prior to permit approval and a final construction management
19 plan prior to use of the site. The construction management plan shall incorporate, to the extent
20 feasible, public comment provided through the Community Outreach Report, required by
21 Subsection 23.80.002.B, and be approved by the Director of Transportation.

1 4. Site (~~((Restoration-))~~) restoration

2 a. The applicant must also agree, in writing, to submit a restoration plan to
3 the Director for restoring areas occupied by temporary construction activities, uses, or structures.

4 b. The restoration plan must be submitted and approved prior to the
5 applicant vacating the construction site and it must include proposals for cleaning, clearing,
6 removing construction debris, grading, remediation of landscaping that prioritizes installation of
7 woody vegetation wherever feasible, and restoration of grade and drainage.

8 c. Site restoration must generally be accomplished within 180 days of
9 cessation of use of the site for construction uses and activities, unless otherwise agreed to
10 between the applicant and the Director.

11 d. The Director will approve plans for site restoration in accordance with
12 mitigation plans authorized under this (~~((section))~~) Section 23.42.040.

13 (~~((5. A Master Use Permit for a temporary structure or use that supports the~~
14 ~~construction of a light rail transit facility shall not be issued until the Director has received~~
15 ~~satisfactory evidence that the applicant has obtained sufficient funding (which might include a~~
16 ~~Full Funding Agreement with a federal agency) to complete the work described in the Master~~
17 ~~Use Permit application.))~~)

18 5. Tree and vegetation management plan (TVMP) for light rail transit facilities. A
19 TVMP must be reviewed and approved by the Director prior to approval of the Master Use
20 Permit. Tree removal and vegetation management activities for light rail transit facilities shall
21 meet the requirements of this subsection 23.42.040.F.5 and comply with the approved TVMP.

1 a. The TVMP shall contain the following information. All information in
2 the TVMP must be consistent with the requirements of subsections 23.42.040.F.5.b through
3 23.42.040.F.5.g.

4 1) An inventory and map of all trees anticipated to be retained and
5 removed during construction;

6 2) Documentation of proposed protection methods for retained
7 trees;

8 3) A description of all proposed tree mitigation;

9 4) Best management practices to be used during construction;

10 5) Site restoration requirements that prioritize installation of
11 woody vegetation wherever feasible; and

12 6) Post-construction tree and vegetation management practices.

13 b. Trees retained during construction must be protected by approved
14 methods consistent with the American National Standards Institute A300 standards.

15 c. Trees and vegetation in environmentally critical areas are subject to
16 requirements of Chapter 25.09.

17 d. Trees and vegetation in shoreline environments are subject to Chapter
18 23.60A.

19 e. Trees in the right-of-way are subject to requirements of Title 15.

20 f. Trees on City property are subject to the requirements of applicable
21 executive orders.

22 g. Except for trees in an environmentally critical area, a shoreline
23 environment, or on City property and right-of-way, each tree removed shall be replaced by one

1 or more new trees, the size and species of which shall be approved by the Director to comply
2 with the following requirements. Alternatively, the removal of a tree may be replaced with an in-
3 lieu-fee approved by the Director.

4 1) Tree replacement shall be designed to result, upon maturity, in a
5 canopy cover that is at least roughly proportional to the canopy cover prior to tree removal.

6 2) Replacement tree species shall be native and/or culturally
7 significant species, and resilient to climate change.

8 3) Tree replacement shall be prioritized in the light rail
9 construction areas.

10 4) Tree maintenance and monitoring is required for a five-year
11 period after site restoration is complete.

12 5) Tree replacement, site restoration, and voluntary payment in lieu
13 must be completed prior to revenue service operation of the light rail facility.

14 h. Records. A public agency acting pursuant to this subsection
15 23.42.040.F.5 shall maintain all applicable records documenting compliance with a TVMP. A
16 public agency shall provide the records to the Director upon request.

17 G. (~~Reserved.~~

18 ~~H.))~~ Authorized intermittent, temporary, and interim uses do not interrupt any legally
19 established permanent use of a property.

20 Section 6. Section 23.42.055 of the Seattle Municipal Code, last amended by Ordinance
21 126855, is amended as follows:

23.42.055 Development of affordable units on property owned or controlled by a religious organization

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E. Applicability. Projects that vested according to Section 23.76.026 prior to August 9, 2021, in accordance with subsection ((23.76.026.F)) 23.76.026.F and that satisfy the requirements of this Section 23.45.055 are also eligible to use the alternative development standards authorized by this Section 23.42.055 where allowed by the provisions of the zone.

Section 7. Section 23.47A.004 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.47A.004 Permitted and prohibited uses

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D. Public facilities

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A are permitted outright or as a conditional use, respectively, subject to the same use regulations, development standards, and conditional use criteria that govern the similar uses.

2. Permitted uses in public facilities requiring council approval. Unless specifically prohibited in Table A for 23.47A.004, uses in public facilities that are not similar to uses permitted outright or permitted as a conditional use under this Chapter 23.47A, may be permitted by the ((City)) Council.

3. In all NC zones and C zones, uses in public facilities not meeting development standards may be permitted by the Council, and the Council may waive or grant departures from development standards, if the following criteria are satisfied:

1 a. The project provides unique services that are not provided to the
2 community by the private sector, such as police and fire stations;

3 b. The proposed location is required to meet specific public service
4 delivery needs;

5 c. The waiver of or departure from the development standards is necessary
6 to meet specific public service delivery needs; and

7 d. The relationship of the project to the surrounding area has been
8 considered in the design, siting, landscaping, and screening of the facility.

9 4. The ((City)) Council's use approvals, and waivers of or grants of departures
10 from applicable development standards or conditional use criteria, contemplated by subsections
11 23.47A.004.D.2 and 23.47A.004.D.3, are governed by the provisions of Chapter 23.76,
12 Subchapter III(~~(, Council Land Use Decisions)~~).

13 5. Expansion of uses in public facilities

14 a. Major expansion. Major expansion of uses in public facilities allowed
15 pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 may be permitted
16 according to the criteria and process in those subsections 23.47A.004.D.1, 23.47A.004.D.2, and
17 23.47A.004.D.3. A major expansion of a public facility use occurs when an expansion would not
18 meet development standards or the area of the expansion would exceed either 750 square feet or
19 ((40)) ten percent of the existing area of the use, whichever is greater. For the purposes of this
20 subsection 23.47A.004.D, area of use includes gross floor area and outdoor area devoted actively
21 to that use, other than as parking.

22 b. Minor expansion. An expansion of a use in a public facility that is not a
23 major expansion is a minor expansion. Minor expansions to uses in public facilities allowed

pursuant to subsections 23.47A.004.D.1, 23.47A.004.D.2, and 23.47A.004.D.3 (~~(above)~~) may be permitted according to the provisions of Chapter 23.76(~~(5)~~) for a Type I Master Use Permit.

6. Essential public facilities. Permitted essential public facilities (~~(will)~~) , except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80(~~(Essential Public Facilities)~~). Notwithstanding conflicting provisions in subsections 23.47A.004.D.3 and 23.47A.004.D.5, light rail transit facilities are exempt from the development standards in this Chapter 23.47A and shall be reviewed according to the provisions of Chapter 23.80.

7. Youth service centers existing as of January 1, 2013, in public facilities operated by King County within (~~(Urban Center Villages)~~) urban center villages and replacements, additions, or expansions to such King County public facilities are permitted in NC3 zones.

* * *

I. The terms of Table A for 23.47A.004 are subject to any applicable exceptions or contrary provisions expressly provided for in this Title 23.

* * *

Section 8. Section 23.48.005 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.48.005 Uses

* * *

E. Public facilities in all SM zones

1. Uses in public facilities that are most similar to uses permitted outright or permitted as a conditional use under this Chapter 23.48 are permitted outright or as a conditional

1 use, respectively, subject to the same use regulations, development standards, and conditional
2 use criteria that govern the similar uses.

3 2. Permitted uses in public facilities requiring council approval. Unless
4 specifically prohibited in this Chapter 23.48, uses in public facilities that are not similar to uses
5 permitted outright or permitted as a conditional use under this Chapter 23.48 may be permitted
6 by the ((City)) Council.

7 3. In all SM zones, uses in public facilities not meeting development standards
8 may be permitted by the Council, and the Council may waive or grant departures from
9 development standards, if the following criteria are satisfied:

10 a. The project provides unique services that are not provided to the
11 community by the private sector, such as police and fire stations;

12 b. The proposed location is required to meet specific public service
13 delivery needs;

14 c. The waiver of or departure from the development standards is necessary
15 to meet specific public service delivery needs; and

16 d. The relationship of the project to the surrounding area has been
17 considered in the design, siting, landscaping, and screening of the facility.

18 4. The ((City)) Council's use approvals, and waivers of or grants of departures
19 from applicable development standards or conditional use criteria, contemplated by subsections
20 23.48.005.E.2 and 23.48.005.E.3, are governed by the provisions of Chapter 23.76, Subchapter
21 III.

5. Expansion of uses in public facilities

a. Major expansion. Major expansion of uses in public facilities allowed pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 may be permitted according to the criteria and process in those subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3. A major expansion of a public facility use occurs when an expansion would not meet development standards or the area of the expansion would exceed either 750 square feet or ten percent of the existing area of the use, whichever is greater. For the purposes of this Section 23.48.005, area of use includes gross floor area and outdoor area devoted actively to that use, other than as parking.

b. Minor expansion. An expansion of a use in a public facility that is not a major expansion is a minor expansion. Minor expansions to uses in public facilities allowed pursuant to subsections 23.48.005.E.1, 23.48.005.E.2, and 23.48.005.E.3 above may be permitted according to the provisions of Chapter 23.76 for a Type I Master Use Permit.

6. Essential public facilities. Permitted essential public facilities ~~((will))~~ , except for light rail transit facilities, shall be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt from the development standards in this Chapter 23.48 and shall be reviewed according to the provisions of Chapter 23.80.

Section 9. Section 23.49.002 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.002 Scope of provisions

A. This Chapter 23.49 details those authorized uses and their development standards which are or may be permitted in downtown zones: Downtown Office Core 1 (DOC1), Downtown Office Core 2 (DOC2), Downtown Retail Core (DRC), Downtown Mixed

Commercial (DMC), Downtown Mixed Residential (DMR), Pioneer Square Mixed (PSM), International District Mixed (IDM), International District Residential (IDR), Downtown Harborfront 1 (DH1), Downtown Harborfront 2 (DH2), and Pike Market Mixed (PMM).

B. Property in the following special districts: Pike Place Market Urban Renewal Area, Pike Place Market Historic District, Pioneer Square Preservation District, International Special Review District, and the Shoreline District, are subject to both the requirements of this Chapter 23.49 and the regulations of the district.

* * *

G. Light rail transit facilities shall be reviewed according to the provisions of Chapter 23.80 and are exempt from development standards of Subchapters I through IV and Subchapters VIII through X of this Chapter 23.49.

Section 10. Section 23.49.042 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.042 Downtown Office Core 1, Downtown Office Core 2, and Downtown Mixed Commercial permitted uses

The provisions of this Section 23.49.042 apply in DOC1, DOC2, and DMC zones.

A. All uses are permitted outright except those specifically prohibited by Section 23.49.044 and those permitted only as conditional uses by Section 23.49.046. Parking is allowed pursuant to Section 23.49.019 and Section 23.49.045, and major cannabis activity is allowed pursuant to Section 23.42.058.

B. All uses not prohibited shall be permitted as either principal or accessory uses.

1 C. Except as provided in subsection 23.49.046.D.2, uses in public facilities that are most
2 similar to uses permitted outright under this Chapter 23.49 shall also be permitted outright
3 subject to the same use regulations and development standards that govern the similar uses.

4 D. Permitted essential public facilities, except for light rail transit facilities, shall also be
5 reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt
6 from the development standards in this Subchapter II and shall be reviewed according to the
7 provisions of Chapter 23.80.

8 Section 11. Section 23.49.090 of the Seattle Municipal Code, last amended by Ordinance
9 127099, is amended as follows:

10 **23.49.090 Downtown Retail Core, permitted uses**

11 A. All uses are permitted outright except those that are specifically prohibited by Section
12 23.49.092 and those that are permitted only as conditional uses by Section 23.49.096. Parking is
13 allowed subject to Section 23.49.019 and Section 23.49.094 and major cannabis activity is
14 allowed subject to Section 23.42.058.

15 B. All uses not prohibited shall be permitted as either principal or accessory uses.

16 C. Except as provided in Section 23.49.096, uses in public facilities that are most similar
17 to uses permitted outright under this Chapter 23.49 shall also be permitted outright subject to the
18 same use regulations and development standards that govern the similar uses.

19 D. Permitted essential public facilities, except for light rail transit facilities, shall also be
20 reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt
21 from the development standards in this Subchapter III and shall be reviewed according to the
22 provisions of Chapter 23.80.

Section 12. Section 23.49.142 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.142 Downtown Mixed Residential, permitted uses

A. All uses are permitted outright except those specifically prohibited by Section 23.49.144 and those permitted only as conditional uses by Section 23.49.148. Parking is permitted pursuant to Section 23.49.019 and Section 23.49.146, and major cannabis activity is allowed pursuant to Section 23.42.058.

B. All uses not prohibited are permitted as either principal or accessory uses.

C. Except as provided in subsection 23.49.148.D.2, uses in public facilities that are most similar to uses permitted outright under this Chapter 23.49 are also permitted outright subject to the same use regulations and development standards that govern the similar uses.

D. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities shall be exempt from the development standards in this Subchapter IV and reviewed according to the provisions of Chapter 23.80.

Section 13. Section 23.49.300 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.49.300 Downtown Harborfront 1, uses

A. Uses that are permitted or prohibited in Downtown Harborfront 1 are identified in Chapter 23.60A, except that major cannabis activity is prohibited.

B. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80. Light rail transit facilities are exempt

1 from the development standards in this Subchapter VIII and shall be reviewed according to the
2 provisions of Chapter 23.80.

3 Section 14. Section 23.49.318 of the Seattle Municipal Code, last amended by Ordinance
4 118672, is amended as follows:

5 **23.49.318 Downtown Harborfront 2, permitted uses((;-))**

6 A. All uses shall be permitted outright except those which are specifically prohibited in
7 Section 23.49.320, those which are permitted only as conditional uses by Section 23.49.324, and
8 parking, which shall be regulated by Section 23.49.322. Additionally, uses may be further
9 restricted by the Seattle Shoreline Master Program.

10 B. All uses not specifically prohibited shall be permitted as either principal or accessory
11 uses.

12 C. Public ((Facilities;-)) facilities

13 1. Except as provided in Section ((23.49.324 D2)) 23.49.324.D.2, uses in public
14 facilities that are most similar to uses permitted outright under this ((chapter)) Chapter 23.49
15 shall also be permitted outright subject to the same use regulations and development standards
16 that govern the similar uses.

17 2. Essential ((Public Facilities)) public facilities. Permitted essential public
18 facilities, except for light rail transit facilities, shall also be reviewed according to the provisions
19 of Chapter 23.80((,- Essential Public Facilities)). Light rail transit facilities are exempt from the
20 development standards in this Subchapter IX and shall be reviewed according to the provisions
21 of Chapter 23.80.

22 Section 15. Section 23.50A.040 of the Seattle Municipal Code, enacted by Ordinance
23 126862, is amended as follows:

23.50A.040 Permitted and prohibited uses

* * *

D. Public facilities

1. Similar uses permitted. Except as provided in subsections 23.50A.040.D.2 and 23.50A.040.D.3 and in Section 23.50A.100, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this ~~((chapter))~~ Chapter 23.50A are also permitted outright or by conditional use, subject to the same use regulations, development standards, and administrative conditional use criteria that govern the similar uses.

2. Waivers or modification by the ~~((City))~~ Council for similar uses. The ~~((City))~~ Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted by conditional use according to Chapter 23.76, Subchapter III, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

3. Other uses permitted in public facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted by a conditional use or special exception under this Chapter 23.50A may be permitted by the ~~((City))~~ Council. The ~~((City))~~ Council may waive or modify development standards or conditional use criteria according to Chapter 23.76, Subchapter III, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

4. Uses in public facilities not meeting development standards. In all industrial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:

1 a. The project provides unique services that are not provided to the
2 community by the private sector, such as police and fire stations; and

3 b. The proposed location is required to meet specific public service
4 delivery needs; and

5 c. The waiver or modification to the development standards is necessary to
6 meet specific public service delivery needs; and

7 d. The relationship of the project to the surrounding area has been
8 considered in the design, siting, landscaping, and screening of the facility.

9 5. Expansion of uses in public facilities

10 a. Major expansion. Major expansions may be permitted to uses in public
11 facilities allowed pursuant to subsections 23.50A.040.D.1, 23.50A.040.D.2, and 23.50A.040.D.3
12 according to the same provisions and procedural requirements as described in these subsections.
13 A major expansion of a public facility use is one that would not meet development standards, or
14 one that would exceed the greater of 750 square feet or ten percent of its existing area, including
15 gross floor area and areas devoted to active outdoor uses other than parking.

16 b. Minor expansion. An expansion that is not a major expansion is a minor
17 expansion. Minor expansions may be permitted to uses in public facilities allowed pursuant to
18 subsections 23.50A.040.D.1, 23.50A.040.D.2, and 23.50A.040.D.3 according to Chapter 23.76
19 for a Type I Master Use Permit if the development standards of the zone in which the public
20 facility is located are met.

21 6. Essential public facilities. Permitted essential public facilities, except for light
22 rail transit facilities, shall also be reviewed according to Chapter 23.80. Light rail transit facilities

are exempt from the development standards in this Chapter 23.50A and shall be reviewed according to the provisions of Chapter 23.80.

* * *

Section 16. Section 23.51A.002 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.51A.002 Public facilities in neighborhood residential zones

A. Except as provided in subsections ~~((B, D and E of this Section 23.51A.002))~~ 23.51A.002.B, 23.51A.002.D, 23.51A.002.E, and 23.51A.002.G, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under Chapter 23.44 are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar use. The ~~((City))~~ Council may waive or modify applicable development standards or administrative conditional use criteria according to the provisions of Chapter 23.76, Subchapter III~~((, Council Land Use Decisions))~~, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.

* * *

C. Expansion of uses in public facilities

1. Major expansion. Major expansions may be permitted for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B according to the same provisions and procedural requirements as described in these subsections. Except as provided in subsection 23.51A.002.C.2.a, a major expansion of a public facility use occurs when the proposed expansion would not meet development standards or would exceed either 750 square

feet or ten percent of its existing area, whichever is greater, including gross floor area and areas devoted to active outdoor uses other than parking.

2. Minor expansion. When an expansion falls below the major expansion threshold level, it is a minor expansion. Minor expansions may be permitted for uses in public facilities allowed in subsections 23.51A.002.A and 23.51A.002.B according to the provisions of Chapter 23.76 for a Type I Master Use Permit when the development standards of the zone in which the public facility is located are met or as follows:

a. For existing sewage treatment plants for which there is a current Department of Ecology order requiring corrective action and the expansion falls below the major expansion threshold level, as a Type I Master Use Permit, the Director may waive or modify applicable development standards; provided, that:

- 1) The expansion area is at least 50 feet from the nearest lot line;
- 2) The waiver or modification of physical development standards is the least necessary to achieve the applicant's proposed solution; and
- 3) The applicant submits a construction management plan, which is approved by the Director.

b. An application vested according to the provisions of Section 23.76.026 may elect to apply subsection 23.51A.002.C.2.a to their project according to the provisions of subsection ~~((23.76.026-E))~~ 23.76.026.F.

* * *

F. Essential ~~((Public Facilities))~~ public facilities except for light rail transit facilities. Permitted essential public facilities, except for light rail transit facilities, shall also be reviewed according to the provisions of Chapter 23.80~~((Essential Public Facilities))~~.

G. Light rail transit facilities. Light rail transit facilities are permitted uses in all neighborhood residential zones. Light rail transit facilities are exempt from the development standards in Chapter 23.44 and shall be reviewed according to the provisions of Chapter 23.80.

Section 17. Section 23.51A.004 of the Seattle Municipal Code, last amended by Ordinance 125558, is amended as follows:

23.51A.004 Public facilities in multifamily zones

A. Except as otherwise provided in subsections 23.51A.004.D and 23.51A.004.H, uses in public facilities that are most similar to uses permitted outright or permitted as an administrative conditional use under the applicable zoning are also permitted outright or as an administrative conditional use, subject to the same use regulations, development standards, and administrative conditional use criteria that govern the similar use.

* * *

F. Essential public facilities ~~((will))~~, except for light rail transit facilities, shall be reviewed according to the provisions of Chapter 23.80((, Essential Public Facilities)).

G. Uses in existing or former public schools

1. Child-care centers, preschools, public or private schools, educational and vocational training for the disabled, adult evening education classes, nonprofit libraries, community centers, community programs for the elderly, and similar uses are permitted in existing or former public schools.

2. Other non-school uses are permitted in existing or former public schools pursuant to procedures established in Chapter 23.78~~((, Establishment of Criteria for Joint Use or Reuse of Schools))~~.

H. Light rail transit facilities. Light rail transit facilities are permitted uses in all multifamily residential zones. Light rail transit facilities are exempt from the development standards in Chapter 23.45 and shall be reviewed according to the provisions of Chapter 23.80.

Section 18. Section 23.52.004 of the Seattle Municipal Code, last amended by Ordinance 125757, is amended as follows:

23.52.004 Requirement to meet transportation level-of-service standards

A. Applicability of this Subchapter I. Development, except for light rail transit facilities, that meets the following thresholds must contribute to achieving the percentage reduction targets shown on Map A for 23.52.004, which includes options for reducing the single-occupancy vehicle (SOV) trips associated with the development:

1. Proposed development in excess of any of the following: 30 dwelling units, 30 sleeping rooms, or 4,000 square feet of gross floor area in new nonresidential uses except for proposed development as provided in subsection 23.52.004.A.2;

2. Proposed development located in IG1 or IG2 zones and having more than 30,000 square feet of gross floor area in uses categorized as agricultural, high impact, manufacturing, storage, transportation facilities, or utility uses.

* * *

Section 19. Section 23.54.015 of the Seattle Municipal Code, last amended by Ordinance 127099, is amended as follows:

23.54.015 Required parking and maximum parking limits

* * *

B. Required parking for specific zones and areas

1. Parking in downtown zones is regulated by Chapters 23.49 and 23.66, and not by this Section 23.54.015.

2. Parking in the MPC-YT zone is regulated by Section 23.75.180 and not by this Section 23.54.015.

3. Parking for major institution uses in the Major Institution Overlay District is regulated by Sections 23.54.015 and 23.54.016.

4. The Director shall adopt by rule a map of frequent transit service areas based on proximity to a transit station or stop served by a frequent transit route. The determination whether a proposed development site is in a scheduled frequent transit service area shall be based on the frequent transit service area map adopted by rule that exists on the date a project vests according to the standards of Section 23.76.026, provided that a rule that takes effect on a date after the project vests may be applied to determine whether the site is in a scheduled frequent transit service area, at the election of the project applicant in accordance with subsection ~~((23.76.026.E))~~ 23.76.026.F.

* * *

Table D for 23.54.015			
Parking for bicycles¹			
Use		Bike parking requirements	
		Long-term	Short-term
A. COMMERCIAL USES			
A.1.	Eating and drinking establishments	1 per 5,000 square feet	1 per 1,000 square feet
A.2.	Entertainment uses other than theaters and spectator sports facilities	1 per 10,000 square feet	Equivalent to 5 percent of maximum building capacity rating

	A.2.a	Theaters and spectator sports facilities	1 per 10,000 square feet	Equivalent to 8 percent of maximum building capacity rating ²
A.3.		Lodging uses	3 per 40 rentable rooms	1 per 20 rentable rooms plus 1 per 4,000 square feet of conference and meeting rooms
A.4.		Medical services	1 per 4,000 square feet	1 per 2,000 square feet
A.5.		Offices and laboratories, research and development	1 per 2,000 square feet	1 per 10,000 square feet
A.6.		Sales and services, general	1 per 4,000 square feet	1 per 2,000 square feet
A.7.		Sales and services, heavy	1 per 4,000 square feet	1 per 10,000 square feet of occupied floor area; 2 spaces minimum
B. INSTITUTIONS				
B.1.		Institutions not listed below	1 per 4,000 square feet	1 per 10,000 square feet
B.2.		Child care centers	1 per 4,000 square feet	1 per 20 children. 2 spaces minimum
B.3.		Colleges	1 per 5,000 square feet	1 per 2,500 square feet
B.4.		Community clubs or centers	1 per 4,000 square feet	1 per 1,000 square feet
B.5.		Hospitals	1 per 4,000 square feet	1 per 10,000 square feet
B.6.		Libraries	1 per 4,000 square feet	1 per 2,000 square feet
B.7.		Museums	1 per 4,000 square feet	1 per 2,000 square feet
B.8.		Religious facilities	1 per 4,000 square feet	1 per 2,000 square feet
B.9.		Schools, primary and secondary	3 per classroom	1 per classroom
B.10.		Vocational or fine arts schools	1 per 5,000 square feet	1 per 2,500 square feet
C. MANUFACTURING USES			1 per 4,000 square feet	1 per 20,000 square feet
D. RESIDENTIAL USES ³				
D.1.		Congregate residences ⁴	1 per 4 sleeping rooms	1 per 80 sleeping rooms. 2 spaces minimum

D.2.	Multifamily structures other than townhouses and rowhouse developments ^{4,5}	1 per dwelling unit	1 per 20 dwelling units
D.3.	Single-family residences	None	None
D.4.	Townhouse and rowhouse developments ⁵	1 per dwelling unit	None
E. TRANSPORTATION FACILITIES			
E.1.	Park and ride facilities on surface parking lots	At least 20 ⁶	At least 10
E.2.	Park and ride facilities in parking garages	At least 20 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property	At least 10 if parking is the principal use of a property; zero if non-parking uses are the principal use of a property
E.3.	Flexible-use parking garages and flexible-use parking surface lots	1 per 20 auto spaces	None
E.4.	((Rail transit facilities and passenger terminals)) <u>Passenger terminals</u>	Spaces for 5 percent of projected AM peak period daily ridership ⁶	Spaces for 2 percent of projected AM peak period daily ridership ⁶
E.5.	<u>Light rail transit stations</u>	<u>Regulated by subsection 23.80.008.L</u>	<u>Regulated by subsection 23.80.008.L</u>

Footnotes to Table D for 23.54.015

¹ Required bicycle parking includes long-term and short-term amounts shown in this Table D for 23.54.015.

² The Director may reduce short-term bicycle parking requirements for theaters and spectator sports facilities that provide bicycle valet services authorized through a Transportation Management Program. A bicycle valet service is a service that allows bicycles to be temporarily stored in a secure area, such as a monitored bicycle corral.

³ For residential uses, after the first 50 spaces for bicycles are provided, additional spaces are required at three-quarters the ratio shown in this Table D for 23.54.015.

⁴ For congregate residences or multifamily structures that are owned and operated by a not-for-profit entity serving seniors or persons with disabilities, or that are licensed by the State and provide supportive services for seniors or persons with disabilities, as a Type I decision, the Director shall have the discretion to reduce the amount of required bicycle parking to as few as zero if it can be demonstrated that residents are less likely to travel by bicycle.

⁵ In low-income housing, there is no minimum required long-term bicycle parking requirement for each unit subject to affordability limits no higher than 30 percent of median income and long-term bicycle parking requirements may be waived by the Director as a Type I decision for each unit subject to affordability limits greater than 30 percent of median income and no higher than 80 percent of median income if a reasonable alternative is provided (e.g., in-unit vertical bike storage).

⁶ The Director, in consultation with the Director of Transportation, may require more bicycle parking spaces based on the following factors: area topography; pattern and volume of expected bicycle users; nearby residential and employment density; proximity to the Urban Trails system and other existing and planned bicycle facilities; projected transit ridership and expected access to transit by bicycle; and other relevant transportation and land use information.

Section 20. Section 23.55.056 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.55.056 Application of regulations

Land located within the Seattle Center Sign Overlay District, as shown on Map A for 23.55.054, is subject to the sign regulations of Chapter 23.55, except as provided in this Part 4 of Chapter 23.55. In the event of a conflict between the provisions of this Part 4 of Chapter 23.55 and other provisions of Chapter 23.55, the provisions of this Part 4 of Chapter 23.55 apply. For a project that vested to Chapter 23.55 prior to August 25, 2019, the provisions of this Part 4 of Chapter 23.55 may be applied to the project at the election of the project applicant as provided by subsection ((~~23.76.026.E~~)) 23.76.026.F.

Section 21. A new Part 5, consisting of Section 23.55.070, is added to Chapter 23.55 of the Seattle Municipal Code as follows:

Part 5 Standards for light rail transit facilities signs

23.55.070 Standards for light rail transit facilities

A. Unless specifically exempted or modified in this Section 23.55.070, signs in a light rail transit facility are subject to the applicable standards in Part 1, Part 3, and Part 4 of this Chapter 23.55. Signs in a light rail transit facility located in a special review district are subject to the applicable provisions in Chapter 23.66 and this Part 5.

B. Signs in a light rail transit facility are exempt from subsections 23.55.004.C, 23.55.004.E, 23.55.014.B, and 23.55.014.E.

C. Signs in a light rail transit facility are exempt from Part 2 of this Chapter 23.55.

D. Light rail transit facilities may have an unlimited number of signs serving wayfinding, public service, safety, and identification purposes.

E. There is no limit on the types of permissible signs except as described in Section 23.55.003 and Section 23.55.014.

F. Signs within concourses and platforms that are not oriented to be visible from adjacent public right-of-way are exempt from the standards in this Chapter 23.55.

G. Off-premises directional signs for light rail transit facilities shall not be advertising signs. Off-premises directional signs in the public right-of-way are subject to applicable requirements, conditions, and procedures set out in Title 15.

H. Sign kiosks located on a light rail transit facility site are only subject to subsections 23.55.015.C.2.a and 23.55.015.C.2.c and are exempt from all other subsections of Section 23.55.015. Sign kiosks may be established on a light rail transit facility site in any zone.

Section 22. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.76.004 Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that Type II decisions enumerated 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 them as set forth in subsection 23.76.006.C.2.o, shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

C. Type IV and V decisions are Council land use decisions. Type IV decisions are quasi-judicial decisions made by the Council pursuant to existing legislative standards and based upon the Hearing Examiner's record and recommendation. Type IV decisions may be subject to land use interpretation pursuant to Section 23.88.020. Type V decisions are

1 legislative decisions made by the Council in its capacity to establish policy and manage
2 public lands.

3 D. For projects requiring both a Master Use Permit and a Council land use decision as
4 described in this ~~((chapter))~~ Chapter 23.76, the Council decision must be made prior to
5 issuance of the Master Use Permit. All conditions established by the Council in its decision
6 shall be incorporated in any subsequently issued Master Use Permit for the project.

7 E. Certain land use decisions are subject to additional procedural requirements beyond
8 the standard procedures established in this Chapter 23.76. These requirements may be
9 prescribed in the regulations for the zone in which the proposal is located, in other provisions
10 of this ~~((title))~~ Title 23, or in other titles of the Seattle Municipal Code.

11 F. Shoreline appeals and appeals of related SEPA determinations shall be filed with
12 the State Shoreline Hearings Board within 21 days of the receipt of the decision by the
13 Department of Ecology as set forth in RCW 90.58.180.

14 G. An applicant for a permit or permits requiring more than one decision contained in
15 the land use decision framework listed in Section 23.76.004 may either:

16 1. Use the integrated and consolidated process established in this ~~((chapter))~~
17 Chapter 23.76;

18 2. If the applicant includes a variance, lot boundary adjustment, or short
19 subdivision approval and no environmental review is required for the proposed project
20 pursuant to ~~((SMC))~~ Chapter 25.05, ~~((Environmental Policies and Procedures,))~~ file a separate
21 Master Use Permit application for the variance, lot boundary adjustment, or short subdivision
22 sought and use the integrated and consolidated process established in this ~~((chapter))~~ Chapter
23 23.76 for all other required decisions; or

3. Proceed with separate applications for each permit decision sought.

H. If notice is required pursuant to this Chapter 23.76, except mailed notice as defined in Section 23.84A.025, it may be provided by electronic means if the recipient provides an e-mail address to the Department. Notice to City agencies may be provided through the City's interoffice mail or by electronic means.

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I	
Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less, <u>and temporary use for light rail transit facility construction pursuant to subsection 23.42.040.F</u>
*	Renewals of temporary uses((, except for temporary uses and facilities for light rail transit facility construction)))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance

*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a <u>planned action ordinance</u>
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that was subject to design review
*	Building height increase for minor communication utilities in downtown zones
*	<u>Light rail transit facilities pursuant to Section 23.80.004.C</u>
*	Application of tree provisions pursuant to Chapter 25.11
*	Director's acceptance of an eligibility letter for proposals subject to temporary design review exemption provisions, subject to the additional requirement to file a valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3
*	Director's application of development standards for decisions on Type I or II Master Use Permit applications subject to temporary design review exemption provisions in subsection 23.41.004.E.3
*	Waiver or modification of development standards for development proposals subject to temporary design review exemption provisions in subsection 23.41.004.E.3
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II	
Director's Decision	
(Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations, and except for <u>temporary use for light rail transit facility construction pursuant to subsection 23.42.040.F</u>
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and minor revisions to an approved MUP that was subject to design review, building height increases for minor communication utilities in downtown zones, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
((* <u>Light rail transit facilities</u>))	
*	The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for <u>Type I decisions for a temporary use for light rail transit facility construction pursuant to</u>

	subsection 23.42.040.F, a light rail transit facility pursuant to subsection 23.80.004.C, or a project determined to be consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development
*	Major revisions to an issued and unexpired MUP that was subject to design review
*	Other Type II decisions that are identified as such in the Land Use Code
* * *	
Footnotes for Table A for 23.76.004	
¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.	
² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.	
³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.	

Section 23. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, ~~((and))~~ renewals of temporary uses for up to six months, ~~((except))~~ and temporary uses ~~((and facilities))~~ for light rail transit facility construction as provided in subsection 23.42.040.F;

3. The following street use approvals:

a. Curb cut for access to parking, whether associated with a development proposal or not;

b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

a. Plazas;

b. Shopping plazas;

c. Arcades;

d. Shopping arcades; and

e. Voluntary building setbacks;

6. Determinations of ~~((Significance))~~ significance (determination that an ~~((Environmental Impact Statement))~~ EIS is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05(~~((Environmental Policies and Procedures)))~~), except for ~~((Determinations of Significance))~~ determinations of significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

8. Waiver or modification of required right-of-way improvements;

9. Reasonable accommodation;

10. Minor amendment to Major Phased Development Permit;

11. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

12. Shoreline special use approvals that are not part of a shoreline substantial development permit;

13. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

14. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

15. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;

16. Determination that a light rail transit facility is consistent with the provisions of subsection 23.80.004.C;

~~((16-))~~17. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;

~~((17-))~~18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;

1 ~~((18.))~~19. Minor revisions to an issued and unexpired ~~((MUP))~~ Master Use Permit
2 that was subject to design review, pursuant to subsection 23.41.008.G;

3 ~~((19.))~~20. Building height departures for minor communication facilities in
4 downtown zones, pursuant to Section 23.57.013;

5 ~~((20.))~~21. Application of tree provisions pursuant to Chapter 25.11;

6 ~~((21.))~~22. Director's acceptance of an eligibility letter for proposals subject to
7 temporary design review exemption provisions subject to the additional requirement to file a
8 valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3;

9 ~~((22.))~~23. Director's application of development standards for decisions on Type I
10 or II Master Use Permit applications subject to temporary design review exemption provisions in
11 subsection 23.41.004.E.3;

12 ~~((23.))~~24. Waiver or modification of development standards for development
13 proposals subject to temporary design review exemption provisions in subsection 23.41.004.E.3;
14 and

15 ~~((24.))~~25. Other Type I decisions.

16 C. The following are Type II decisions:

17 1. The following procedural environmental decisions for Master Use Permits and
18 for building, demolition, grading, and other construction permits are subject to appeal to the
19 Hearing Examiner and are not subject to further appeal to the ~~((City))~~ Council (supplemental
20 procedures for environmental review are established in Chapter 25.05(~~((Environmental Policies~~
21 ~~and Procedures))))):~~

22 a. Determination of Non-significance (DNS), including mitigated DNS;

b. Determination that a final ~~((Environmental Impact Statement-))~~ EIS
~~(())~~ is adequate; and

c. Determination of ~~((Significance))~~ significance based solely on historic
and cultural preservation.

2. The following decisions are subject to appeal to the Hearing Examiner (except
shoreline decisions and related environmental determinations that are appealable to the
Shorelines Hearings Board):

a. Establishment or change of use for temporary uses more than four
weeks not otherwise permitted in the zone or not meeting development standards, ~~((including))~~
except the establishment of temporary ~~((uses and facilities to construct a))~~ use for light rail
transit ~~((system for so long as is necessary to construct the system as provided in subsection~~
~~23.42.040.F, but excepting))~~ facility construction, and temporary relocation of police and fire
stations for 24 months or less;

b. Short subdivisions;

c. Variances, provided that the decision on variances sought as part of a
Council land use decision shall be made by the Council pursuant to Section 23.76.036;

d. Special exceptions, provided that the decision on special exceptions
sought as part of a Council land use decision shall be made by the Council pursuant to Section
23.76.036;

e. Design review decisions, except for streamlined design review decisions
pursuant to Section 23.41.018 if no development standard departures are requested pursuant to
Section 23.41.012, and minor revisions to an issued and unexpired ~~((MUP))~~ Master Use Permit
that was subject to design review, building height increases for minor communication utilities in

downtown zones, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;

f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;

g. The following shoreline decisions, provided that these decisions shall be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council land use decision (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;

~~j. ((Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;))~~

Reserved;

k. Downtown planned community developments;

l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2;

m. Decision to waive or modify development standards relating to structure width or setbacks for a youth service center pursuant to subsection 23.51A.004.B.6;

n. Determination of requirements according to subsections

23.58B.025.A.4 and 23.58C.030.A.3;

o. Except for projects determined to be consistent with a planned action

ordinance, and except for decisions related to light rail transit facilities as described in subsection

23.76.006.B, decisions to approve, condition, or deny based on SEPA policies if such decisions

are integrated with the decisions listed in subsections 23.76.006.C.2.a through 23.76.006.C.2.m;

provided that, for 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 that are made by the Council, integrated decisions to

approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section

23.76.036;

p. Determination of public benefit for combined lot development; and

q. Major revisions to an issued and unexpired ~~((MUP))~~ Master Use Permit

that was subject to design review, pursuant to subsection 23.41.008.G.

Section 24. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.76.010 Applications for Master Use Permits

A.

1. Applications for Master Use Permits shall be made by the property owner,

lessee, contract purchaser, a City agency, or other public agency ~~((proposing a project the~~

~~location of which has been approved by the City Council by ordinance or resolution))~~, or by an

authorized agent ~~((thereof))~~ of any of them. ~~((A Master Use Permit applicant shall designate a~~

~~single person or entity to receive determinations and notices from the Director.))~~ A public

agency, or an authorized agent of the agency, proposing a project with a location that must be

1 approved by the Council, may apply for a Master Use Permit after the project's location is
2 identified in a Council Bill or resolution that has been referred to the Council, or one of its
3 committees, to consider approving the project.

4 2. A claim made by a person that the person possesses title to any portion of the
5 property for which a ~~((Maser))~~ Master Use Permit application has been submitted, whether the
6 claim is made by a judicially-filed pleading or not, is not grounds for the Department to suspend
7 processing the application unless:

8 a. ~~((a))~~ A court injunction has been issued and is delivered to the
9 Department; or

10 b. ~~((the))~~ The application is for a subdivision or short subdivision, the
11 claim is made in a pleading to quiet title to a portion of the property that has been filed in court,
12 and a copy of the pleading has been delivered to the Department.

13 * * *

14 Section 25. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance
15 127100, is amended as follows:

16 **23.76.012 Notice of application**

17 A. Notice.

18 1. No notice of application is required for Type I decisions, except ~~((that))~~ a
19 notice of application is required for:

20 a. All projects in MPC zones that are subject to Master Planned
21 Community design review in Section 23.41.020, as described in subsection 23.76.012.B.6;
22 ~~((and))~~

1 b. An application for a Type I permit with an interim design review
2 exemption as described in subsection 23.41.004.E.3((-)); and

3 c. An application for a light rail transit facilities Type I permit as described
4 in subsection 23.76.006.B.

5 2. Within 14 days after the Director determines that an application is complete,
6 for the following types of applications, the Director shall provide notice of the application and an
7 opportunity for public comment as described in this Section 23.76.012:

8 a. An application for a Type I permit with an interim design review
9 exemption as described in subsection 23.41.004.E.3;

10 b. An application for a light rail transit facilities Type I permit as
11 described in subsection 23.76.006.B;

12 ~~((b))~~ c. Type II Master Use Permits;

13 ~~((c-))~~ d. Type III Master Use Permits;

14 ~~((d-))~~ e. Type IV Council land use decisions, provided that for
15 amendments to property use and development agreements, additional notice shall be given
16 pursuant to subsection 23.76.058.C; and

17 ~~((e-))~~ f. The following Type V Council land use decisions:

18 1) Major Institution designations and revocation of Major
19 Institution designations;

20 2) Concept approvals for the location or expansion of City
21 facilities requiring Council land use approval; and

22 3) Waivers or modification of development standards for City
23 facilities.

3. Other (~~((Agencies with Jurisdiction))~~) agencies with jurisdiction. The Director shall provide notice to other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the project to the extent known by the Director.

4. Early (~~((Review Determination of Nonsignificance))~~) review determination of nonsignificance (DNS). In addition to the requirements of subsection (~~((A.3 of this Section 23.76.012))~~) 23.76.012.A.3, the Director shall provide a copy of the early review DNS notice of application and environmental checklist to the following:

- a. State Department of Ecology;
- b. Affected tribes;
- c. Each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and
- d. Persons who submit a written request for this information and who provide an address for notice.

B. Types of notice required

1. For projects subject to a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section 23.41.004, a Type I permit with an interim design review exemption as described in subsection 23.41.004.E.3, or (~~((an application for a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section 23.41.004))~~) light rail transit facilities Type I permits described in subsection 23.76.006.B, the Department shall direct the installation of a large notice sign on the site, unless an exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The large notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk,

1 and shall be removed by the applicant at the direction of the Department after final City action
2 on the application is completed.

3 a. In the case of submerged land, the large notice sign shall be posted on
4 adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land
5 owned or controlled by the applicant, notice shall be provided according to subsection
6 23.76.012.B.1.c.

7 b. Projects limited to interior remodeling, or that are subject to a Type II
8 environmental determination pursuant to Section 23.76.006 only because of location over water
9 or location in an environmentally critical area, are exempt from the large notice sign
10 requirement.

11 c. If use of a large notice sign is neither feasible nor practicable to
12 ~~((assure))~~ ensure that notice is clearly visible to the public, the Department shall post ten placards
13 within 300 feet of the site.

14 d. The Director may require both a large notice sign and the alternative
15 posting measures described in subsection 23.76.012.B.1.c, or may require that more than one
16 large notice sign be posted, if necessary to ~~((assure))~~ ensure that notice is clearly visible to the
17 public.

18 2. For projects that are categorically exempt from environmental review, the
19 Director shall post one land use sign visible to the public at each street frontage abutting the site
20 except that if there is no street frontage or the site abuts an unimproved street, the Director shall
21 post more than one sign and/or use an alternative posting location so that notice is clearly visible
22 to the public. The land use sign shall be removed by the applicant after final action on the
23 application is completed.

1 3. For all projects requiring notice of application, the Director shall provide notice
2 in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or
3 subject to design review pursuant to Section 23.41.014, notice in the Land Use Information
4 Bulletin shall be published after installation of the large notice sign required in subsection
5 23.76.012.B.1.

6 4. The Director shall provide mailed notice of:

7 a. Applications for variances, administrative conditional uses, special
8 exceptions, temporary uses for more than four weeks, light rail transit facilities that are Type I
9 and Type II decisions, shoreline variances, shoreline conditional uses, short plats that do not
10 exclusively create unit lots, early design guidance process for administrative design review and
11 streamlined administrative design review, subdivisions, Type IV Council land use decisions,
12 amendments to property use and development agreements, Major Institution designations and
13 revocation of Major Institution designations, concept approvals for the location or expansion of
14 City facilities requiring Council land use approval, and waivers or modification of development
15 standards for City facilities, and applications receiving an exemption from design review
16 pursuant to temporary provisions in subsection 23.41.004.E.3; and

17 b. The first early design guidance meeting for a project subject to design
18 review pursuant to Section 23.76.014.

19 5. For a project subject to design review, except streamlined design review
20 pursuant to Section 23.41.018 for which no development standard departure pursuant to Section
21 23.41.012 is requested, notice of application shall be provided to all persons who provided an
22 address for notice and either attended an early design guidance public meeting for the project or

1 wrote to the Department about the proposed project before the date that the notice of application
2 is distributed in the Land Use Information Bulletin.

3 6. For a project that is subject to both Type I decisions and Master Planned
4 Community design review under Section 23.41.020, notice shall be provided as follows:

5 a. The Director shall provide notice of application in the Land Use
6 Information Bulletin.

7 b. The Director shall post one land use sign visible to the public at each
8 street frontage abutting the site, except that if there is no street frontage or the site abuts an
9 unimproved street, the Director shall post more than one sign and/or use an alternative posting
10 location so that notice is clearly visible to the public. The land use sign(s) shall be posted prior to
11 publication of notice of application in the Land Use Information Bulletin, and shall be removed
12 by the applicant after final action on the Master Use Permit application is completed.

13 c. For a project that includes a highrise structure as defined in Section
14 23.75.020, the Director shall also post ten placards within the right-of-way within 300 feet of the
15 site. The land use placards shall be posted prior to publication of notice of application in the
16 Land Use Information Bulletin, and shall be removed by the applicant after final action on the
17 Master Use Permit application is completed.

18 d. Mailed notice shall be provided consistent with subsection
19 23.76.012.B.5.

20 7. No notice is required of a Type I determination whether a project is consistent
21 with a planned action ordinance, except that if that determination has been made when notice of
22 application is otherwise required for the project, then the notice shall include notice of the
23 planned action consistency determination.

C. Contents of notice

1. The City's official notice of application is the notice placed in the Land Use Information Bulletin, which shall include the following required elements as specified in RCW 36.70B.110:

a. Date of application, date of notice of completion for the application, and the date of the notice of application;

b. A description of the proposed project action and a list of the project permits included in the application, including if applicable:

1) A list of any studies requested by the Director;

2) A statement that the project relies on the adoption of a Type V Council land use decision to amend the text of Title 23;

c. The identification of other permits not included in the application to the extent known by the Director;

d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;

e. A statement of the public comment period and the right of any person to comment on the application, request an extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;

f. The date, time, location, virtual location if applicable, and type of hearing, if applicable and if scheduled at the date of notice of the application;

g. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations;

h. A statement that an advisory committee is to be formed as provided in Section 23.69.032, for notices of intent to file a Major Institution master plan application;

i. Any other information determined appropriate by the Director; and

j. The following additional information if the early review DNS process is used:

1) A statement that the early review DNS process is being used and the Director expects to issue a DNS for the proposal;

2) A statement that this is the only opportunity to comment on the environment impacts of the proposal;

3) A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

4) A statement that a copy of the subsequent threshold determination for the proposal may be obtained upon written request.

2. All other forms of notice, including but not limited to large notice and land use signs, placards, and mailed notice, shall include the following information: the project description, location of the project, date of application, location where the complete application file may be reviewed, and a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection 23.76.012.D. The Director may, but need not,

1 include other information to the extent known at the time of notice of application. Except for the
2 large notice sign, each notice shall also include a list of the land use decisions sought. The
3 Director shall specify detailed requirements for large notice and land use signs.

4 D. Comment period. The Director shall provide a 14-day public comment period prior to
5 making a threshold ~~((determination of nonsignificance-))~~ DNS ~~((+))~~ or publishing a decision on
6 the project; provided that the comment period shall be extended by 14 days if a written request
7 for extension is submitted within the initial 14-day comment period; provided further that the
8 comment period shall be 30 days for applications requiring shoreline decisions except that for
9 limited utility extensions and bulkheads subject to Section 23.60A.064, the comment period shall
10 be 20 days as specified in Section 23.60A.064. The comment period shall begin on the date
11 notice is published in the Land Use Information Bulletin. Comments shall be filed with the
12 Director by 5 p.m. of the last day of the comment period. If the last day of the comment period is
13 a Saturday, Sunday, or federal or City holiday, the comment period shall run until 5 p.m. the next
14 day that is not a Saturday, Sunday, or federal or City holiday. Any comments received after the
15 end of the official comment period may be considered if the comment is material to review yet to
16 be conducted.

17 E. If a Master Use Permit application includes more than one decision component, notice
18 requirements shall be consolidated and the broadest applicable notice requirements imposed.

19 F. The mailing list used for the Land Use Information Bulletin shall be updated annually
20 in consultation with the Director of the Department of Neighborhoods.

21 Section 26. Section 23.76.015 of the Seattle Municipal Code, last amended by Ordinance
22 126684, is amended as follows:

23.76.015 Public meetings for Type I light rail transit facilities, Type II, and Type III

Master Use Permits

A. The Director may hold a public meeting on Master Use Permit applications requiring Type II or III decisions if:

1. The meeting is otherwise provided for in this Title 23, including meetings for projects subject to design review;

2. The proposed development is of broad public significance;

3. Fifty or more persons file a written request for a meeting not later than the 14th day after notice of the application is provided; or

4. The proposed development will require a shoreline conditional use or a shoreline variance.

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency, and shall do so if requested by the applicant, provided that:

1. The meeting if convened in-person shall be held within ~~((the city of))~~ Seattle; and

2. The joint meeting can be held within the time periods specified in Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the meetings.

C. The Director shall provide notice of all public meetings by:

1. Inclusion in the Land Use Information Bulletin;

2. Posting of at least four placards within 300 feet of the site; and

3. Provision of notice to all persons who provided an address for notice and either attended an early design guidance public meeting for the project or wrote to the Department about the proposed project before the date that notice of the meeting is distributed in the Land Use Information Bulletin.

D. The Director may hold a public meeting on all Master Use Permit applications for light rail transit facilities and temporary use for light rail transit facility construction applications. Public meetings held for light rail transit facilities applications pursuant to this subsection 23.76.015.D shall be subject to the public notice requirements of subsection 23.76.015.C.

Section 27. Section 23.76.020 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.020 Director's decisions on Type I and Type II Master Use Permits

A. Master Use Permit (~~((Review Criteria))~~) review criteria. The Director shall grant, deny, or conditionally grant approval of a Type II decision, or Type I decision for a light rail transit facility if applicable, based on the applicant's compliance with the applicable SEPA policies pursuant to Section 25.05.660, and with the applicable substantive requirements of the Seattle Municipal Code pursuant to Section 23.76.026. If an EIS is required, the application shall be subject to only those SEPA policies in effect when the draft EIS is issued. The Director may also impose conditions in order to mitigate adverse environmental impacts associated with the construction process. The Director shall not issue a light rail transit facilities Type I decision until the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the Council by ordinance or resolution.

B. Timing of (~~((Decisions Subject to Environmental Review))~~) decisions subject to environmental review((-))

1. If an EIS is required, the Director's decision shall not be issued until at least seven days after publication of the final EIS, as provided by Chapter 25.05.

2. If no EIS is required, the Director's decision shall include issuance of a ~~((Determination of Nonsignificance))~~ determination of nonsignificance (DNS) for the project if not previously issued pursuant to subsection 25.05.310.C.2.

C. Notice of decisions

1. Type I. No notice of decision is required for Type I decisions, except for Type I decisions for light rail transit facilities, which shall provide notice as described in subsection 23.76.020.C.2.

2. Type II. The Director shall provide notice of all Type II decisions by:

- a. Inclusion in the Land Use Information Bulletin;
- b. Publication in the City official newspaper;
- c. Notice provided to the applicant and to persons who provided an address for notice and either submitted written comments on the application, or made a written request for notice; ~~((and))~~
- d. Filing of DNSs with the SEPA Public Information Center and distribution of DNSs as required by Section 25.05.340; and
- e. Filing of any shoreline decision in a Master Use Permit with the Department of Ecology according to the requirements in WAC 173-27-130.

D. Contents of notice

1. The notice of the Director's Type I decision for a light rail transit facility shall state the nature of the applicant's proposal, a description sufficient to locate the property,

1 and the decision of the Director. The notice shall also state that the decision is not subject to
2 administrative appeal and identify that there may be an opportunity for judicial appeal.

3 ((1-)) 2. The notice of the Director's Type II decision shall state the nature of the
4 applicant's proposal, a description sufficient to locate the property, and the decision of the
5 Director. The notice shall also state that the decision is subject to administrative appeal or
6 administrative review and shall describe the appropriate administrative appeal procedure.

7 ((2-)) 3. If the Director's decision includes a mitigated DNS or other DNS
8 requiring a 14-day comment period pursuant to Chapter 25.05(~~(Environmental Policies and~~
9 ~~Procedures)~~), the notice of decision shall include notice of the comment period.

10 Section 28. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
11 127100, is amended as follows:

12 **23.76.026 Vesting**

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

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

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

22 3. A valid and fully complete building permit application is filed, as determined
23 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;
or

4. Of the filing of a letter of eligibility for exemption from design review pursuant to subsection 23.41.004.E.3, provided that a valid and complete Type I or Type II Master Use Permit application pursuant to Section 23.76.010 is filed within 90 days. If a complete Type I or Type II Master Use Permit application pursuant to Section 23.76.010 has not been filed within 90 days for a proposal associated with a filed letter of eligibility for exemption from design review, the filed letter of eligibility for exemption from design review and its relevance to establishing vesting under Title 23 shall be void. A filed letter of eligibility may be withdrawn by the applicant. A new letter of eligibility may be filed, that defines a new 90-day timeframe for providing a valid and complete Type I or Type II Master Use Permit application.

B. Subdivision and short subdivision components of Master Use Permits. An application for approval of a subdivision or short subdivision of land shall be considered under the Land Use Code and other land use control ordinances in effect when a fully complete application for such approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

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. 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 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

1 does not include an early design guidance process, shall be considered under the Land Use
2 Code and other land use control ordinances in effect on the date the complete application is
3 submitted.

4 D. Master Use Permit components for light rail transit facilities. Applications for all
5 Master Use Permit components for light rail transit facilities shall be considered vested under the
6 Land Use Code and other land use control ordinances in effect on the date a valid and fully
7 complete Master Use Permit application is filed, as determined by Section 23.76.010.

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

12 ~~((E-))~~ F. Notwithstanding any other provision of this Section 23.76.026 or this Chapter
13 23.76, an applicant may elect, at such time and in such manner as the Director may permit, that
14 specific Land Use Code provisions that became effective after the applicant's application
15 vested may nonetheless be applied to the application, pursuant to authorization for such
16 election set forth elsewhere in this Title 23.

17 Section 29. Section 23.76.028 of the Seattle Municipal Code, last amended by Ordinance
18 125603, is amended as follows:

19 **23.76.028 Type I and II Master Use Permit issuance**

20 A. The Director shall notify the applicant when a Type I or II Master Use Permit is
21 approved for issuance.

22 B. Type I Master Use Permits. A Type I Master Use Permit is approved for issuance at
23 the time of the Director's decision that the application conforms to all applicable laws, except

1 that for a project that requires both a Master Use Permit and a Council land use decision, the
2 Master Use Permit is approved for issuance only after the Council land use decision is made. A
3 Type I Master Use Permit for a light rail transit facility shall not be approved for issuance until
4 the alignment, transit station locations, and maintenance base location of the light rail transit
5 system have been approved by the Council by ordinance or resolution.

6 C. Type II Master Use Permits

7 1. Except as provided in subsections 23.76.028.C.2 and 23.76.028.C.3, a Type II
8 Master Use Permit is approved for issuance on the day following expiration of the applicable
9 City of Seattle administrative appeal period or, if appealed, on the fourth day following a final
10 City of Seattle administrative appeal decision or the day after an appeal is dismissed.

11 2. A Type II Master Use Permit containing a shoreline component as defined in
12 subsection 23.76.006.C.2.g is approved for issuance pursuant to Section 23.60A.072, except
13 that a shoreline decision on limited utility extensions and bulkheads subject to Section
14 23.60A.064 is approved for issuance within 21 days of the last day of the comment period as
15 specified in that Section 23.60A.064.

16 3. For a Type II Master Use Permit that requires a Council land use decision, the
17 Master Use Permit is approved for issuance only after the Council land use decision is made.

18 D. Master Use Permits shall not be issued to the applicant until all outstanding fees are
19 paid.

20 Section 30. Section 23.76.029 of the Seattle Municipal Code, last amended by Ordinance
21 126979, is amended as follows:

23.76.029 Type I and II Master Use Permit duration and expiration date

An issued Type I or II Master Use Permit expires three years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

A. A Master Use Permit with a shoreline component expires pursuant to WAC 173-27-090.

B. A variance component of a Master Use Permit expires as follows:

1. Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or lot boundary adjustment run with the land in perpetuity as recorded with the King County Recorder.

2. Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire three years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master Use Permit to establish the use is issued prior to the earlier of the dates specified in the preceding sentence, the variance expires on the expiration date of the Master Use Permit.

C. The time during which pending litigation related to the Master Use Permit or the property subject to the permit made it reasonable not to submit an application for a building permit, or to establish a use if a building permit is not required, is not included in determining the expiration date of the Master Use Permit.

D. Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.45.600, 23.47A.007, 23.48.007, 23.49.036, 23.50.015, or 23.50.030 expire as follows:

1 1. For the first phase, the expiration date shall be three years from the date the
2 permit is approved for issuance;

3 2. For subsequent phases, the expiration date shall be determined at the time of
4 permit issuance for each phase, and the date shall be stated in the permit.

5 E. Permits for uses allowed under Section 23.42.038, temporary or intermittent use
6 permits issued pursuant to Section 23.42.040, and transitional encampment interim use permits
7 issued under Section 23.42.056 expire on the date stated in the permit.

8 F. Except as otherwise provided in this subsection 23.76.029.F, Master Use Permits for
9 development pursuant to Section 23.49.180 expire on the date set by the Director in the Master
10 Use Permit decision, which date may be a maximum of 15 years from the date the Master Use
11 Permit is approved for issuance. The Director shall consider the complexity of the project,
12 economic conditions of the area in which the project is located, and the construction schedule
13 proposed by the applicant in setting the expiration date. If no expiration date is set in the Master
14 Use Permit decision, the expiration date is three years from the date a permit is approved for
15 issuance.

16 1. In order for the Director to set the Master Use Permit expiration date, the
17 applicant shall:

18 a. Submit with the application a site plan showing a level of detail
19 sufficient to assess anticipated impacts of the completed project; and

20 b. Submit a proposed schedule for complying with the conditions
21 necessary to gain the amount of extra floor area and the extra height sought for the project.

2. The expiration date of the Master Use Permit may be extended past the expiration date set in the Master Use Permit decision or the date established in this subsection 23.76.029.F if:

a. On the expiration date stated in the Master Use Permit decision, a building permit for the entire development has been issued, in which case the Master Use Permit is extended for the life of the building permit if the Master Use Permit would otherwise expire earlier((5)) ; or

b. A complete application for a building permit that either is for the entire development proposed pursuant to Section 23.49.180, or is for construction to complete the entire development proposed pursuant to Section 23.49.180, is:

1) Submitted before the expiration date of the Master Use Permit;
and

2) Made sufficiently complete to constitute a fully complete building permit application as defined in the Seattle Building Code, or for a highrise structure regulated under Section 403 of the Seattle Building Code, made to include the complete structural frame of the building and schematic plans for the exterior shell of the building, in either case before the expiration date of the Master Use Permit, in which case the Master Use Permit is extended for the life of the building permit issued pursuant to the application if the Master Use Permit would otherwise expire earlier.

G. The permit expires earlier pursuant to Section 22.800.100.

H. The time during which the property subject to the Master Use Permit is used for a transitional encampment interim use is not included in determining the expiration date of the Master Use Permit.

I. A Master Use Permit subject to this subsection 23.76.029.I approved for issuance after September 1, 2019, and before December 31, 2026, and that is not subject to subsections 23.76.029.A or 23.76.029.E, shall expire as follows:

1. A Master Use Permit that has not been granted a renewal under subsection 23.76.032.A by ~~((the effective date of Ordinance _____))~~ January 29, 2024 expires six years from the date the permit was approved for issuance as described in Section 23.76.028. A Master Use Permit with a six-year expiration period is not eligible for a two-year extension described in Section 23.76.032. A variance component of a Master Use Permit subject to this subsection 23.76.029.I shall expire in accordance with subsection 23.76.029.B. A Master Use Permit with a Major Phased Development or Planned Community Development component under Section 23.45.600, 23.47A.007, 23.48.007, 23.49.036, 23.50.015, or 23.50A.030 that is subject to this subsection 23.76.029.I shall expire as follows:

a. For the first phase, six years from the date the permit is approved for issuance;

b. For subsequent phases, expiration shall be stated in the permit.

2. A Master Use Permit that has been granted a renewal under subsection 23.76.032.A by ~~((the effective date of Ordinance _____))~~ January 29, 2024 expires three years from the date of the renewal. A Master Use Permit extended through this subsection 23.76.029.I.2 shall not be renewed beyond a period of six years from the original date the permit was approved for issuance.

J. An issued Master Use Permit for a light rail transit facility expires six years from the date the permit was approved for issuance as described in Section 23.76.028.

Section 31. Section 23.80.002 of the Seattle Municipal Code, enacted by Ordinance 117430, is amended as follows:

23.80.002 Application submittal requirements((=))

A. In addition to the application submittal requirements specified in other chapters and codes, applicants for essential public facilities shall address each ~~((of the))~~ applicable review criteria of this ~~((chapter))~~ Chapter 23.80 in their application materials, and provide additional information as required by the Director to complete review of the project.

B. For light rail transit facility applications that include light rail stations, maintenance bases, and temporary uses for light rail transit facility construction, the applicant shall submit a Community Outreach Report (COR). The COR shall include a list of impacted stakeholders previously targeted for public outreach in advance of permitting; methods of communication (including print, digital, and in person); purpose and objectives for the outreach; project information shared during the outreach as documented in the COR; and a summary of public comments.

Section 32. Section 23.80.004 of the Seattle Municipal Code, last amended by Ordinance 124105, is amended as follows:

23.80.004 Review criteria

A. In reviewing an application for a proposed essential public facility, except for light rail transit facilities, the decisionmaker shall consider the following:

1. Interjurisdictional ~~((Analysis))~~ analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the

1 proposed facility is of a county-wide, regional, or state-wide nature, and whether uniformity
2 among jurisdictions should be considered.

3 2. Financial (~~((Analysis))~~) analysis. A review to determine if the financial impact
4 upon The City of Seattle can be reduced or avoided by intergovernmental agreement.

5 3. Special (~~((Purpose Districts))~~) purpose districts. When the public facility is
6 being proposed by a special purpose district, the City should consider the facility in the
7 context of the district's overall plan and the extent to which the plan and facility are
8 consistent with the Comprehensive Plan.

9 4. Measures to (~~((Facilitate Siting))~~) facilitate siting. The factors that make a
10 particular facility difficult to site should be considered when a facility is proposed, and
11 measures should be taken to facilitate siting of the facility in light of those factors (such as the
12 availability of land, access to transportation, compatibility with neighboring uses, and the
13 impact on the physical environment).

14 B. If the decisionmaker determines that attaching conditions to the permit approval
15 will facilitate project siting in light of the considerations identified above, the decisionmaker
16 may establish conditions for the project for that purpose.

17 C. Light rail transit facilities. Proposed light rail facility development shall comply with
18 the development standards and permit processes in this subsection 23.80.004.C and Sections
19 23.80.006 and 23.80.008.

20 1. Light rail transit facilities necessary to support the operation and
21 maintenance of a light rail transit system are permitted in all zones and shoreline
22 environments within (~~((the City of))~~) Seattle, except the CP Environment; such facilities are
23 allowed in the CP Environment if in or on existing bridges, existing tunnels, or existing

1 infrastructure related to a bridge or tunnel, or if other locations are infeasible under
2 regulations of Chapter 23.60A(~~(, Shoreline District)~~).

3 2. The Director may approve a light rail transit facility pursuant to Chapter
4 23.76(~~(, Master Use Permits and Council Land Use Decisions)~~) only if the alignment, transit
5 station locations, and maintenance base location of the light rail transit system have been
6 approved by the (~~(City)~~) Council by ordinance or resolution.

7 3. When approving light rail transit facilities, the Director may impose
8 reasonable conditions in order to lessen identified impacts on surrounding properties. A
9 Master Use Permit is not required for the following, unless required by Chapter 23.60A or
10 Chapter 25.09:

11 a. (~~((at-grade))~~) At-grade, below-grade, or above-grade tracks and their
12 supporting structures;

13 b. (~~((below-grade))~~) Below-grade facilities;

14 c. (~~((minor))~~) Minor alteration of light rail transit facilities involving no
15 material expansion or change of use; (~~((and))~~) or

16 d. (~~((other-minor))~~) Minor new construction that, (~~((in))~~) according to the
17 determination of the Director, is not likely to have significant adverse impacts on surrounding
18 properties.

19 4. When approving light rail transit facilities, the Director may impose
20 conditions to ensure consistency with (~~((design guidelines))~~) adopted City of Seattle Light Rail
21 Design Guidelines developed for the light rail system by the City and the applicant.

1 5. The Director may waive or modify development standards applicable to a
2 light rail transit facility if the applicant demonstrates that waiver or modification of a
3 development standard:

4 a. ~~((is))~~ Is reasonably necessary to allow the siting or proper
5 functioning of a light rail transit facility; or

6 b. ~~((will))~~ Will lessen the environmental impacts of a light rail transit
7 facility on site or on surrounding properties; or

8 c. ~~((will))~~ Will accommodate future development that will comply with
9 development standards better than if the development standard waiver or modification were not
10 granted~~((:))~~ ; or

11 d. Will fulfill the intent of adopted City of Seattle Light Rail Design
12 Guidelines better than if the development standard waiver or modification were not granted.

13 6. The Director may impose reasonable conditions on any waiver or
14 modification of development standards to ensure consistency with design guidelines
15 developed for the light rail system by the City and the applicant, and to lessen, to the extent
16 feasible, environmental impacts of a light rail transit facility on site or on surrounding
17 properties.

18 ~~((7. A master use permit for light rail transit facilities shall not be issued until~~
19 ~~the Director has received satisfactory evidence that the applicant has obtained sufficient~~
20 ~~funding (which might include a Full Funding Grant Agreement with a federal agency) to~~
21 ~~complete the work described in the master use permit application.))~~

22 7. Notwithstanding any contrary language in subsection 23.80.004.C.5, the
23 Director shall not waive or modify a development standard in Chapter 25.09 for a light rail

1 transit facility unless the applicant has applied for and been denied an environmentally critical
2 areas exception according to subsection 25.09.300.A.2.

3 Section 33. A new Section 23.80.006 is added to the Seattle Municipal Code as follows:

4 **23.80.006 Seattle Design Commission review of proposed light rail transit facilities**

5 A. The Seattle Design Commission shall advise on the following elements of a
6 proposed light rail transit facility development:

7 1. Architectural, aesthetic, and urban design qualities relating to the design of
8 facilities, including but not limited to: building materials; appearance of massing; facade
9 design; modulation; glazing; relationship to area character and context; and relationship to
10 sidewalks and other public spaces;

11 2. Transportation, pedestrian accessibility, and circulation sufficiency;

12 3. Quality and type of public amenity features and spaces;

13 4. Wayfinding signage and features including visibility and legibility of
14 portals/entry points; and

15 5. Integration of public art into the facilities.

16 B. The Seattle Design Commission shall consider the adopted City of Seattle Light Rail
17 Design Guidelines; City code requirements; information from City staff; and public comments
18 in its advisory process.

19 C. The Seattle Design Commission shall provide recommendations to the Director on
20 modifications to the design of the proposed development to better meet the intent of adopted
21 City of Seattle Light Rail Design Guidelines. The Director shall consider the recommendations
22 of the Seattle Design Commission when making a decision on a proposed light rail facility

development, including a decision to impose conditions of approval pursuant to subsection 23.80.004.C.4.

D. When the proposed light rail transit facility is located in a special review district, the special review district board shall review the development in accordance with the authority granted to them. The Seattle Design Commission shall not review the aspects of the development that are within the special review district board's authority.

Section 34. A new Section 23.80.008 is added to the Seattle Municipal Code as follows:

23.80.008 Development standards for light rail transit facilities

In the event there is a conflict between the development standards of this Chapter 23.80 and provisions of Chapter 23.66, Chapter 25.12, or Chapter 25.16, the provisions of Chapter 23.66, Chapter 25.12, or Chapter 25.16 shall apply.

A. Blank facades. Street-facing facades and facades facing publicly accessible spaces, blank segments between 2 feet and 8 feet above the sidewalk, may not exceed 20 feet in width. For purposes of this subsection 23.80.008.A, facade segments are considered blank if they do not include at least one of the following: windows, publicly accessible doorways or entryways, porticos, architectural detailing or treatments that provide visual interest and variety, screening, public art, murals, landscaping, or green walls.

B. Transparency. At least 60 percent transparency between 2 feet and 8 feet above the sidewalk shall be provided for all facades of publicly accessible enclosed spaces facing a street or other publicly accessible exterior spaces. Transparent areas of facades shall be designed and maintained to provide views into and out of the structure. Entryways and doorways to publicly accessible areas may be excluded from the transparency requirement if open during

operation and perforated metal, or similar material allowing visibility into and out of a structure, is provided when temporarily closed.

C. Screening. Freestanding fences, walls, or retaining walls that are accessory to a light rail transit facility, exceeding 4 feet in height and facing a publicly accessible area, shall include:

1. A minimum 5-foot depth of landscaped area adjacent to the wall or fence where site dimensions and site conditions allow; and

2. Aesthetic treatment consisting of architectural detailing, artwork, trellises, decorative fencing, or similar features to provide visual interest.

D. Maximum unmodulated facade length. The maximum length of a facade without modulation is 50 feet. The Director may allow unmodulated facades to exceed 50 feet if the facades include architectural detailing, artistic features, materials, textures, transparency, or similar features to effectively modulate the building facade.

E. Entry structures and entry plazas. Entry or portal structures or portions of structures with entries to underground light rail transit stations shall be designed with building form, signage, colors, and related features and characteristics that support visibility and wayfinding at system entry points.

F. Overhead weather protection. Continuous overhead weather protection shall be provided on all light rail transit station structures that abut public pathways, at station entries, at bus loading locations, and outdoor platform waiting areas.

1. Overhead weather protection shall have a minimum depth dimension of 8 feet measured horizontally.

2. The installation of overhead weather protection shall not result in any obstructions in the sidewalk area. At ground level, the lower edge of the overhead weather protection must be a minimum of 10 feet and a maximum of 15 feet above the sidewalk.

3. Overhead weather protection at designated outdoor platform waiting areas shall protect platform waiting areas to the platform edge, or to the maximum feasible extent without interfering with the movement of trains, to minimize effects of weather on passengers at train doors.

4. Overhead weather protection in the rights-of-way shall be subject to review and approval by the Director of Transportation. Overhead weather protection for bus loading locations shall be determined by the bus service provider in coordination with the Director of Transportation.

G. Height. Light rail transit facilities, including stations and guideways, are not subject to zoned height limits except for the height limits in Chapter 23.64.

H. Landscaping

1. Green Factor. Light rail transit stations with above-grade, at-grade, or retained cut platforms, and ancillary facilities, including but not limited to venting structures and traction power substations, shall provide landscaping that achieves a Green Factor score of 0.3 or greater.

2. Street trees are required at light rail transit stations and ancillary facilities, including but not limited to venting structures and traction power substations. The Director of Transportation will determine the number, type, and placement of street trees to be provided.

I. Light and glare. Adequate lighting for pedestrians shall be provided. Exterior lighting shall be shielded and directed away from adjacent uses.

1 J. Odor. The venting of odors, fumes, vapors, smoke, cinders, dust, and gas shall be at
2 least 10 feet above finished sidewalk grade and directed away from uses located within 50
3 feet of the vent.

4 K. Access, street improvements, and motor vehicle parking.

5 1. The Director shall consult with the Director of Transportation to determine the
6 required location for motor vehicle access from a right-of-way to a light rail transit facility. The
7 access location shall enhance pedestrian safety and comfort, facilitate transit operations and
8 maintenance, facilitate the movement of vehicles, minimize the on-street queuing of vehicles,
9 enhance vehicular safety, and minimize hazards.

10 2. Light rail transit stations and ancillary facilities, including but not limited to
11 venting structures and traction power substations, shall be subject to Chapter 23.53. Light rail
12 transit stations and ancillary facilities may not utilize the street and alley improvement
13 exceptions in Chapter 23.53 that are based on minimum gross floor area thresholds for non-
14 residential uses and expansions of outdoor storage or parking supply.

15 3. Light rail transit facilities, including motor vehicle, transit, pedestrian,
16 bicycle, and shared micromobility facilities for operation of new light rail transit facilities,
17 shall demonstrate a right-of-way design consistent with Chapter 23.53 and the Streets
18 Illustrated Right-of-Way Improvements Manual or successor rule unless otherwise allowed
19 by the Director of Transportation. Where such facilities cannot be accommodated in the right-
20 of-way, they shall be provided on the station site. Site and right-of-way design shall be
21 reviewed in consultation with the Director of Transportation.

22 4. Pedestrian lighting shall be provided in the right-of-way adjacent to light rail
23 transit facilities.

1 5. Light rail transit facilities' vehicle and pedestrian access outside of the rights-
2 of-way shall meet the following requirements unless the requirements are waived or modified by
3 the Director to enhance pedestrian safety and comfort, facilitate transit operations and
4 maintenance, facilitate the movement of vehicles, minimize the on-street queuing of vehicles,
5 enhance vehicular safety, or minimize hazards:

6 a. A maximum of two vehicle travel lanes may be provided to connect
7 light rail transit facilities to the right-of-way. Vehicle travel lanes have a maximum width of 9
8 feet, except vehicle travel lanes used by buses or freight vehicles have a maximum width of 11
9 feet. Lanes for bus loading and unloading and bus layover are not considered travel lanes.

10 b. Curb cuts for one-way traffic shall be a minimum of 12 feet and a
11 maximum of 15 feet, and curb cuts for two-way traffic shall be a minimum of 22 feet and a
12 maximum of 25 feet.

13 c. Vehicle travel lanes shall meet sight triangle requirements of
14 subsection 23.54.030.G.

15 d. Pedestrian walkways shall be provided adjacent to vehicle travel lanes
16 and have a minimum unobstructed width of 8 feet except that the minimum pedestrian walkway
17 width shall be 18 feet adjacent to station entries and the minimum unobstructed multiuse path
18 width shall be 12 feet where the pedestrian walkway is shared with bicycles and other mobility
19 devices. Where pedestrian walkways and paths for bicycles and other mobility devices are
20 separated, the paths for bicycles and other mobility devices shall comply with the minimum
21 requirements of the Streets Illustrated Right-of-Way Improvements Manual or successor rule.

22 e. Pedestrian walkways shall include a horizontal or vertical separation
23 between the walkway and a vehicle travel lane.

f. Curb ramps are required where a pedestrian walkway crosses a vehicle travel lane or right-of-way.

g. Lighting shall be provided along all travel lanes, pedestrian walkways, multiuse pathways, and bicycle facilities.

6. Vehicle parking provided at light rail transit facilities shall comply with Section 23.54.030.

L. Bicycle parking and shared micromobility device parking for light rail transit stations.

1. Definitions. For the purposes of this subsection 23.80.008.L:

“Bicycles-on-board ratio” is the assumed proportion of bicycle riders that will take their bicycles with them on a train trip, which is 50 percent.

“Central stations” are stations located within the Downtown Urban Center with greater than 10,000 projected daily boardings.

“Daily total boardings” is the projected horizon year daily passenger boarding volume at a station, as defined in a final EIS for a link extension, or other subsequent documentation if prepared for a future system expansion.

“Horizon year” means the year used in projecting the highest analyzed level of future ridership.

“Local stations” are those stations located in intermediate vicinities that are not served by central stations, mid-center stations, or terminus stations.

“Mid-center stations” are those located within one-half mile of the Downtown Urban Center or stations within the Downtown Urban Center with less than 10,000 projected daily boardings.

1 “Morning peak passenger ridership” is assumed as one-third of daily total
2 boardings at a station projected for the horizon year, based on boarding volumes documented in
3 a final EIS for a link extension, or other subsequent documentation if prepared for a future
4 system expansion. Daily boardings generated by riders transferring to and from trains on other
5 light rail link segments shall not be included in the daily total boardings.

6 “Planned bicycle mode share” is defined as an estimated proportion of a station’s
7 total boardings that will be made by persons using bicycles as their primary means of accessing a
8 light rail station.

9 “Shared micromobility” refers to fleets of small, low-speed vehicles designed for
10 personal transport, including but not limited to bicycles and scooters, and operated as a network
11 by for-profit, non-profit, or government entity. They are available for membership to the
12 general public on a pay-per-use or pass basis.

13 “Terminus stations” are those stations located at the end of a light rail system
14 route in the City of Seattle.

15 2. Bicycle parking demand “D” is calculated as the morning peak passenger
16 ridership multiplied by the planned bicycle mode share percentages in Table A for 23.80.008,
17 which is then multiplied by 0.5 (the bicycles-on-board ratio).

18 3. To serve the bicycle parking demand “D” for opening day of service, the
19 required minimum number of bicycle parking spaces shall be provided as follows:

20 a. The minimum bicycle parking amount required at opening day of
21 service at a light rail station shall be calculated using the “day-of-opening” planned bicycle
22 travel mode share percentages in Table A for 23.80.008;

b. Two-thirds of the minimum bicycle parking shall be long-term bicycle parking;

c. One-third of the minimum bicycle parking shall be short-term bicycle parking;

d. If the bicycle parking demand “D” is less than 54 total spaces, a minimum number of 54 bicycle parking spaces shall be provided, which shall be allocated two-thirds to long-term spaces and one-third to short-term spaces;

e. Bicycle parking to meet day-of-opening requirements shall be provided on the light rail transit station site, or may be located within the right-of-way if approved by the Director of Transportation.

Table A for 23.80.008		
Planned bicycle mode percentages for light rail station types		
Station type	Day-of-opening	In-reserve
Terminus	5.5%	1.5%
Local	4%	3%
Mid-center	2%	2%
Central	1%	1%

4. If average use of the bicycle parking at a light rail transit facility exceeds 85 percent of capacity at a future date, measured using methods that the Director shall adopt by rule, additional bicycle parking shall be required. The amount of additional required bicycle parking, described as the “in-reserve requirement,” shall be calculated using the planned bicycle travel mode shares for the “in-reserve requirement” in Table A for 23.80.008. In-reserve required bicycle parking may be provided on the light rail transit station site, or within 200 feet of the site, or in right-of-way if approved by the Director of Transportation.

5. The Director may require more or fewer than the minimum number of bicycle parking spaces and micromobility space requirements based on the following: area topography;

1 pattern and volume of expected bicycle users; nearby residential and employment density;
2 proximity to the Urban Trails system and other existing and planned bicycle facilities; projected
3 transit ridership and expected access to transit by bicycle; and other relevant transportation and
4 land use information. Prior to adjusting the minimum number of parking spaces for bicycles,
5 the Director shall consult with the Director of Transportation.

6 6. The minimum space for shared micromobility device parking shall be: 240
7 square feet for terminus stations and 120 square feet for other station types.

8 7. Bicycle and micromobility device parking locations shall be located as close
9 to station entrances as feasible and may be located within the right-of-way if approved by the
10 Director of Transportation.

11 8. Bicycle parking shall meet the following performance standards: subsections
12 23.54.015.K.2.a, 23.54.015.K.2.c, 23.54.015.K.2.d, 23.54.015.K.2.e, 23.54.015.K.2.h, and
13 23.54.015.K.2.i.

14 9. Parking locations shall be provided with level-entry routes, and, if bicycle
15 parking is located above or below the surface level, it shall be served by features such as
16 elevators sized to accommodate bicycles and runnels on stairs to aid bicycle movement.

17 10. The applicant shall demonstrate bicycle parking design will accommodate a
18 variety of bicycle types, including but not limited to, electric bikes and cargo bikes.

19 11. Shared micromobility device parking shall be clearly delineated, located at
20 ground level, be without access obstructions and not encroach on pedestrian access paths,
21 include adequate lighting, and include directional signage to promote easy wayfinding.

1 M. Solid waste. Solid waste and recyclable storage space shall be provided for light rail
2 transit stations. Requirements for solid waste and recyclable storage space shall be determined
3 by the Director in consultation with the Director of Seattle Public Utilities.

4 Section 35. Section 23.84A.026 of the Seattle Municipal Code, enacted by Ordinance
5 122311, is amended as follows:

6 **23.84A.026 “N((=))”**

7 * * *

8 “Nonconforming to development standards” means a structure, site, or development that
9 met applicable development standards at the time it was built or established, but that does not
10 now conform to one or more of the applicable development standards. A nonconformity to
11 development standards may also be created by the division of land due to condemnation or sale
12 under threat of condemnation by an agency or division of government vested with the power of
13 condemnation. If a sale is made under threat of condemnation, such threat must be evidenced
14 by the government agency filing an affidavit so stating with the King County Auditor.

15 Development standards include, but are not limited to height, setbacks, lot coverage, lot area,
16 number and location of parking spaces, open space, density, screening and landscaping,
17 lighting, maximum size of nonresidential uses, maximum size of non-industrial use, view
18 corridors, sidewalk width, amenity features, street-level use requirements, street facade
19 requirements, and floor area ratios.

20 * * *

21 Section 36. Section 23.84A.038 of the Seattle Municipal Code, last amended by
22 Ordinance 127099, is amended as follows:

23.84A.038 “T”

* * *

“Transportation facility” means a use that supports or provides a means of transporting people or goods from one location to another. Transportation facilities include but are not limited to the following:

* * *

3. “Passenger terminal” means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses, or planes that provide transportation to passengers for hire by land, sea, or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops, and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops, monorail transit stations, and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

4. “Rail transit facility” means a transportation facility that supports or is used for public transit by rail. Rail transit facilities include but are not limited to the following:

a. “Light rail transit facility” means a structure, rail track, equipment, maintenance base, or other improvement ~~((ef))~~ necessary to support a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit

stations and related passenger amenities, bus layover and intermodal passenger transfer facilities,
((and)) transit station access facilities located on or off a light rail transit station site, and
structures accessory to the development of a light rail transit system.

b. “Light rail transit station” means a light rail transit facility whether at
grade, above grade, or below grade that provides pedestrian access to light rail transit vehicles
and facilitates transfer from light rail to other modes of transportation. A light rail transit station
may include mechanical devices such as elevators and escalators to move passengers and may
also include such passenger amenities as informational signage, seating, weather protection,
fountains, artwork, or concessions.

c. “Light rail transit system” means a public rail transit line that operates at
grade level, above grade level, or in a tunnel and that provides high-capacity, regional transit
service, owned or operated by a regional transit authority authorized under ((Chapter)) chapter
81.112 RCW. A light rail transit system may be designed to share a street right-of-way although
it may also use a separate right-of-way. Commuter rail, and low capacity, or excursion rail transit
service((, such as the Waterfront Streetcar,)) are not included.

* * *

Section 37. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance
126685, is amended as follows:

23.88.020 Land use interpretations

A. Interpretations generally. A decision by the Director as to the meaning, application, or
intent of any development regulation in this Title 23 or in Chapter 25.09((, Regulations for
Environmentally Critical Areas,)) as it relates to a specific property, or a decision by the Director
upon review of a determination of consistency of a proposed project with a planned action

ordinance, is known as an “interpretation.” An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy are not subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request is final and not subject to administrative appeal. A request for an interpretation and a subsequent appeal to the Hearing Examiner, if available, are not administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought. An interpretation decision by the Director may affirm, reverse, or modify all or any portion of a Type I or Type II land use decision.

B. Filing and ~~((Fees))~~ fees. Any request for interpretation shall be filed with the Director accompanied by the required fee. If a request for interpretation is included in an appeal to the Hearing Examiner of a related project decision, a copy shall be filed with the Director, accompanied by the applicable fee.

C. Timing of request

1. An interpretation that is not related to any pending project application may be requested at any time, by any person.

2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation shall be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation within 14 days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.

b. The project applicant may request an interpretation more than 14 days after the project application is determined to be complete if ~~((he or she))~~ the project applicant agrees in writing that the time limits required by Section 23.76.005 shall be calculated from the day the interpretation is requested.

3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation shall be received by the Department in order for the interpretation to be applied to the pending permit application:

a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.

b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if ~~((he or she))~~ the project applicant agrees in writing that the time limits required by Section 23.76.005 shall be calculated from the day the interpretation is requested.

c. Notwithstanding the above deadlines, an appeal of a Type II decision to the Hearing Examiner or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing an interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection 23.88.020.C.3.c. A request for interpretation made pursuant to this subsection 23.88.020.C.3.c shall state with specificity:

1) How the Director's construction or application of the specified code sections is in error; and

2) How the requester believes those sections should be construed
or applied.

The provisions of subsections 23.88.020.D, 23.88.020.E, and
23.88.020.F shall not apply to interpretations requested pursuant to this subsection
23.88.020.C.3.c. The Director shall respond to the request by issuing an interpretation in the
form of a memorandum to be filed with the Hearing Examiner at least five calendar days before
the hearing.

D. Notice of request for interpretation. If an interpretation relates to a project application
under consideration, and is requested by a person other than the applicant for that project, notice
of the request for interpretation shall be provided to the permit applicant. If an interpretation
relates to the provisions of Chapter 23.60A, notice of the request shall be provided to the
Washington State Department of Ecology. If an interpretation is requested by a Major Institution
as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution
Master Plan, notice of the request shall be provided to all members of the Development Advisory
Committee for that Major Institution.

E. Notice of interpretation. Notice of an interpretation shall be provided to the person
requesting the interpretation, and to the applicant(s) for the specific project or projects to which
the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A, notice
shall be provided to the Washington State Department of Ecology. If the interpretation is related
to a project requiring public notice, the interpretation shall be published concurrently with other
land use decisions relating to that project. Notice of any interpretation subject to appeal before
the Hearing Examiner shall be provided by Land Use Information Bulletin.

F. Availability and venue of appeals

1 1. An interpretation that is unrelated to any specific project application, or is
2 related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner.
3 Such an appeal shall be filed with the Hearing Examiner by 5 p.m. on the ~~((14th))~~ 14th calendar
4 day following publication of the notice of the interpretation. If the last day of the appeal period
5 so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m.
6 on the next business day. The appeal hearing on an interpretation related to a Type III Master
7 Use Permit shall be consolidated with the open record hearing on the project application and the
8 appeal hearing for any related environmental determination. Interpretations related to Type IV
9 decisions shall be appealable to the Hearing Examiner in accordance with Section 23.76.052.

10 2. An interpretation relating to a project application that does not require public
11 notice shall not be subject to administrative appeal.

12 3. An interpretation relating to a Type II Master Use Permit decision that is
13 appealable to the Hearing Examiner shall be subject to the same appeal deadline as the related
14 project decision, and may be appealed only if that project decision is appealed. The appeal of an
15 interpretation shall be consolidated with the appeal of the related project decision.

16 4. An interpretation relating to a Type I Master Use Permit for light rail transit
17 facilities issued pursuant to Chapters 23.42, 23.76, or 23.80 shall not be subject to administrative
18 appeal.

19 * * *

20 Section 38. Section 25.08.655 of the Seattle Municipal Code, last amended by Ordinance
21 124843, is amended as follows:

25.08.655 Major public project construction variance

A. The Administrator may grant a major public project construction variance to provide relief from the exterior sound level limits established by this Chapter 25.08 during the construction periods of major public projects. A major public project construction variance shall provide relief from the exterior sound level limits during the construction or reconstruction of a major public project only to the extent the applicant demonstrates that compliance with the levels would:

1. Be unreasonable in light of public or worker safety or cause the applicant to violate other applicable regulations, including but not limited to regulations that reduce impacts on transportation infrastructure or natural resources; or

2. Render the project economically or functionally unreasonable due to factors such as the financial cost of compliance or the impact of complying for the duration of the construction or reconstruction of the major public project.

B. A major public project construction variance shall set forth the period or periods during which the variance is effective, which period or periods shall be the minimum reasonably necessary in light of the standard set forth in subsection 25.08.655.A, and the exterior sound level limits that will be in effect during the period of the variance. Different major public project construction variances may be issued for distinct phases of a construction project, or one major public project construction variance may be issued for the entire major public project. The period or periods during which a major public project construction variance is effective may be stated in terms of calendar dates or in terms of the duration of a construction project or a phase or phases of a construction project.

1 C. The Administrator shall condition a major public project construction variance as
2 necessary to provide reasonable control or mitigation of the construction noise that may be
3 expected to occur pursuant to the variance.

4 D. One-year review and decision

5 1. No later than one year after the start of construction to which a major public
6 project construction variance applies, the Administrator shall review, and provide opportunity
7 for public comment on, the operation of the variance during the first year, including the
8 provisions of the Noise Management and Mitigation Plan, and the conditions of the variance.
9 For purposes of determining the date of the start of the project's construction work, site
10 exploration work is excluded.

11 2. After considering the public comments received, the Administrator may
12 modify the terms and conditions of the variance or the Noise Management and Mitigation Plan
13 as needed, or revoke the variance, if the Administrator determines that the current variance, the
14 conditions of the variance, or the Noise Management and Mitigation Plan are not adequately
15 protecting the public health and safety or reasonably controlling or mitigating the construction
16 noise, or that there are more reasonable methods of doing so.

17 3. The Administrator shall make a decision whether to modify or revoke a
18 variance pursuant to this review within one ((-)) year and 90 days after the start of construction
19 work as provided in subsection 25.08.655.D.1.

20 4. Appeal. Any person aggrieved by the decision of the Administrator whether
21 to modify a variance pursuant to this subsection 25.08.655.D may appeal such decision by
22 filing an appeal in writing with the Hearing Examiner by 5 p.m. of the tenth day following the
23 date of the issuance of the decision. A one-year review and decision for a Noise Management

1 and Mitigation Plan for a light rail transit facility is not administratively appealable to the
2 Hearing Examiner. When the last day of the appeal period is a Saturday, Sunday, or federal or
3 City holiday, the appeal may be filed until 5 p.m. on the next business day. The Hearing
4 Examiner appeal shall be conducted pursuant to Section 25.08.610.

5 5. Effective date. The decision of the Administrator whether to modify a
6 variance pursuant to this subsection 25.08.655.D is effective 30 days following the decision
7 unless it is appealed to the Hearing Examiner. If the Administrator's decision is appealed to the
8 Hearing Examiner, the Administrator's decision does not take effect and the original terms and
9 conditions of the variance remain in effect until the effective date of the Hearing Examiner
10 decision. The Hearing Examiner decision is a final decision of the City for purposes of chapter
11 36.70C RCW, and is effective 30 days from the date of the decision, unless otherwise ordered
12 by a court. If a court stays the effective date of the decision, the original unmodified variance
13 shall remain in effect during the stay.

14 Section 39. Section 25.09.300 of the Seattle Municipal Code, last amended by Ordinance
15 125292, is amended as follows:

16 **25.09.300 Environmentally critical area exception**

17 A. Types of exceptions

18 1. General. An applicant for a City permit to develop real property that is
19 located in an environmentally critical area or buffer may apply to the Director for an exception
20 to modify environmentally critical area development standards, provided that an applicant
21 cannot apply for an exception to allow development or to obtain development credit under
22 subsection 25.09.240.G or to relocate lot lines under Section 23.28.030. An applicant seeking

1 relief under this Section 25.09.300 shall demonstrate that no other applicable administrative
2 remedies in this Chapter 25.09 or Title 23 will provide sufficient relief.

3 2. Public projects. If development in an environmentally critical area or buffer is
4 necessary to accommodate a public facility or public utility, the Director may grant an
5 exception permitting the public facility or public utility using the following criteria in lieu of
6 subsections 25.09.300.C and 25.09.300.D:

7 a. No reasonable alternative location will accommodate the facility or
8 utility, as demonstrated by an analysis of appropriate alternative locations provided by the
9 applicant or the Director;

10 b. Mitigation sequencing under Section 25.09.065 is applied to the siting,
11 design, and construction of the facility or utility;

12 c. All requirements of subsections 25.09.300.A.1, 25.09.300.B,
13 25.09.300.E, and 25.09.300.F apply; ~~((and))~~

14 d. In granting an exception to the development standards in Sections
15 25.09.090, 25.09.160, and 25.09.200 the Director shall apply the mitigation standards in
16 Section 25.09.065 when imposing any conditions~~((-))~~; and

17 e. A light rail transit facility within a light rail transit system with the
18 alignment, transit station locations, and maintenance base locations approved by the Council by
19 ordinance or resolution is exempt from subsection 25.09.300.A.2.a. For mitigation sequencing
20 under Section 25.09.065, the light rail transit facility is exempt from subsection 25.09.065.B.1.a
21 and the Director shall consider subsection 25.09.065.B.1.b, prioritize subsections
22 25.09.065.B.1.c, 25.09.065.B.1.e, and 25.09.065.B.1.f, and prioritize the extent to which the
23 proposal creates improved ecological function. If mitigation for a light rail transit facility will

1 change the location of a wetland and wetland buffer and/or riparian management area, the
2 wetland buffer and riparian management area shall not extend into or past an improved right-of-
3 way unless that portion of the riparian management area provides significant biological or
4 hydrological function in relation to the wetland or riparian watercourse. The light rail transit
5 facility is exempt from the submittal requirements of subsections 25.09.300.B.1.d and
6 25.09.300.B.1.e.

7 * * *

8 Section 40. Section 25.11.020 of the Seattle Municipal Code, last amended by Ordinance
9 127099, is amended as follows:

10 **25.11.020 Exemptions**

11 The following trees and tree activities are exempt from the provisions of this Chapter 25.11:

12 * * *

13 L. Actions undertaken to implement an approved Light Rail Transit Facility Tree and
14 Vegetation Management Plan.

Section 41. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the 10th day of June, 2025,
and signed by me in open session in authentication of its passage this 10th day of
June, 2025.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 13th day of June, 2025.



Bruce A. Harrell, Mayor

Filed by me this 13th day of June, 2025.



Scheereen Dedman, City Clerk

(Seal)