



SEATTLE CITY COUNCIL

Land Use Committee

Agenda

Special Meeting

Monday, September 15, 2025

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Mark Solomon, Chair
Dan Strauss, Vice-Chair
Debora Juarez, Member
Alexis Mercedes Rinck, Member
Maritza Rivera, Member

Chair Info: 206-684-8802; Mark.Solomon2@seattle.gov

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SEATTLE CITY COUNCIL
Land Use Committee
Agenda
September 15, 2025 - 9:30 AM
Special Meeting

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/land-use>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business. Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Members of the public may register for remote or in-person Public Comment to address the Council. Speakers must be registered in order to be recognized by the Chair. Details on how to register for Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <https://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting.

In-Person Public Comment - Register to speak on the public comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting.

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting. Comments may be submitted at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m. - 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CF 314534](#) **Application of Scott Carr for a contract rezone of a site located at 352 Roy Street from Seattle Mixed Uptown with a 65-foot height limit and Mandatory Housing Affordability overlay (SM-UP 65 (M)) to Seattle Mixed Uptown with an 85-foot height limit and Mandatory Housing Affordability overlay (SM-UP 85 (M)) (Project No. 3041336-LU; Type IV).**

Attachments: [Rezone Material](#)

Supporting
Documents: [Presentation \(9/3/2025\)](#)
 [Central Staff Memo](#)

Briefing, Discussion, and Possible Vote

Presenters: Ketil Freeman and HB Harper, Council Central Staff

2. [CB 121074](#) **AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map to rezone parcels located at 352 Roy Street from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 85 (M)); and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Kamiak Real Estate LLC, C.F. 314534, SDCI Project 3041336-LU)**

Attachments: [Exhibit A – Rezone Map](#)
 [Exhibit B – Property Use and Development Agreement for 352 Roy Street](#)

Supporting Documents: [Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote

Presenters: Ketil Freeman and HB Harper, Council Central Staff

3. [CB 121045](#) **AN ORDINANCE relating to land use and zoning; updating timelines for City review of land use permits; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code; and amending Resolution 31602 to update the City Council Rules for Quasi-Judicial Proceedings.**

Attachments: [Ex A – City Council Rules for Quasi-Judicial Proceedings \(2025 Rules\), As Amended](#)

Supporting Documents: [Summary and Fiscal Note](#)
 [Amendment 1](#)

Briefing, Discussion, and Possible Vote

Presenter: Lish Whitson, Council Central Staff

4. [CB 121047](#) **AN ORDINANCE relating to Seattle’s construction codes; limiting the areas for which substantial alterations are required to spaces or buildings greater than 7,000 square feet in gross area; amending existing substantial alteration requirements; and amending Section 311 of the Seattle Existing Building Code, adopted by Ordinance 127108.**

Supporting
Documents:

[Summary and Fiscal Note](#)

Briefing, Discussion, and Possible Vote

Presenter: Lish Whitson, Council Central Staff

5. [CB 121048](#) **AN ORDINANCE relating to land use and zoning; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; temporarily suspending and allowing voluntary design review of proposed development in Titles 23 and 25 of the Seattle Municipal Code, consistent with Chapter 333, Laws of 2023; and amending Section 23.41.004 of the Seattle Municipal Code.**

Supporting
Documents:

[Summary and Fiscal Note](#)

[Director's Report](#)

[Central Staff Memo](#)

[Amendment 1](#)

[Amendment 2](#)

Briefing, Discussion, and Possible Vote

Presenter: HB Harper, Council Central Staff

E. Adjournment

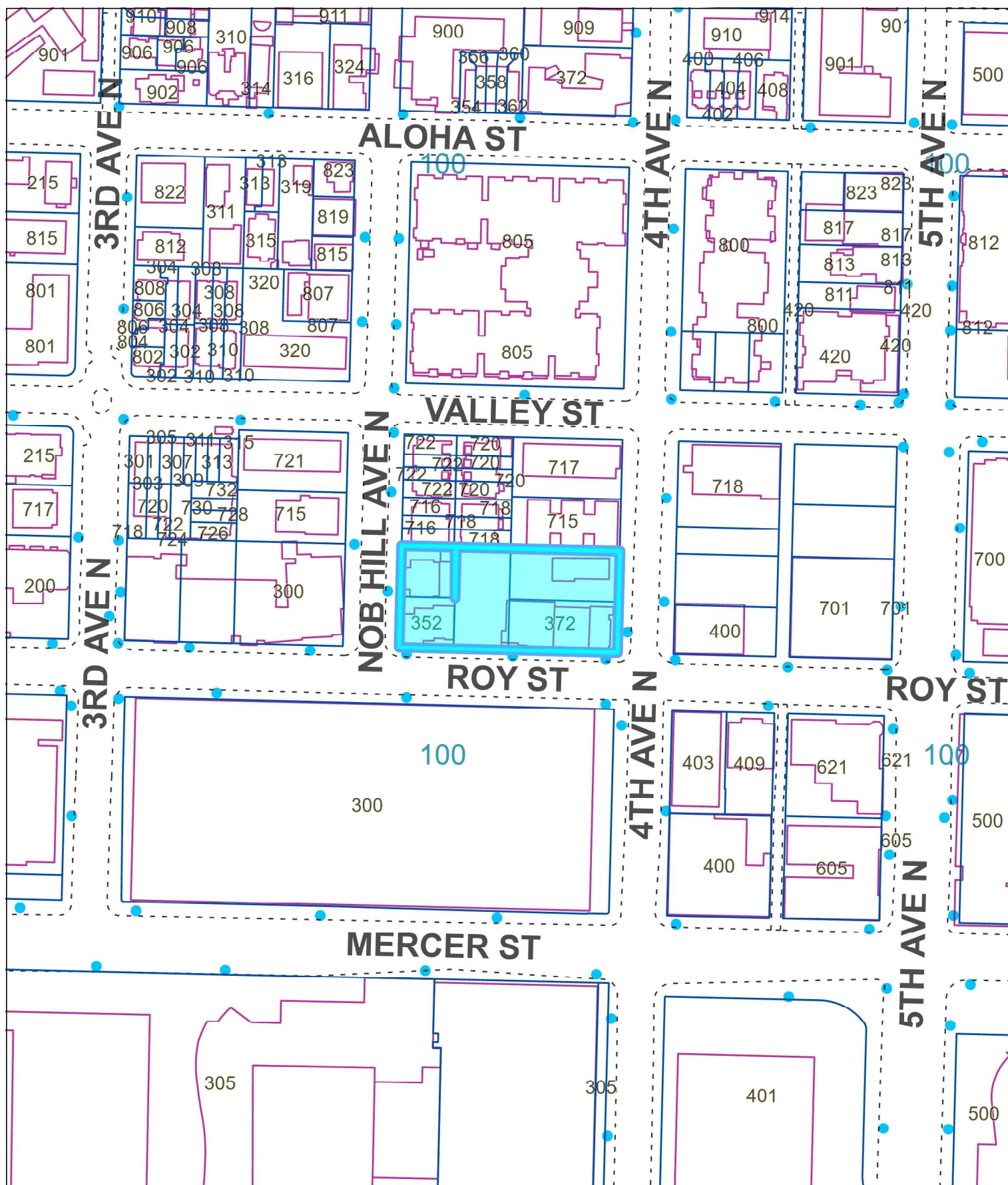


Legislation Text

File #: CF 314534, **Version:** 1

Application of Scott Carr for a contract rezone of a site located at 352 Roy Street from Seattle Mixed Uptown with a 65-foot height limit and Mandatory Housing Affordability overlay (SM-UP 65 (M)) to Seattle Mixed Uptown with an 85-foot height limit and Mandatory Housing Affordability overlay (SM-UP 85 (M)) (Project No. 3041336-LU; Type IV).

The Rezone Material is provided as an attachment.





SEATTLE CITY COUNCIL
CENTRAL STAFF

Clerk File 314534 – Contract Rezone for 352 Roy Street

HB HARPER, ANALYST

LAND USE COMMITTEE
SEPTEMBER 3, 2025

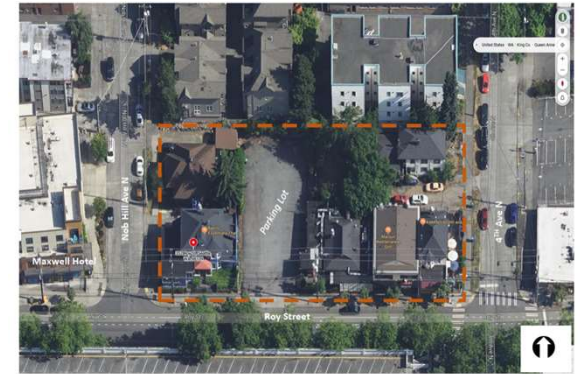
Type of Action

- Type IV - Quasi-judicial decision
- Quasi-judicial rezones are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication
- Council decisions must be made on the record established by the Hearing Examiner

Application Summary

- Proposed rezone of a site:
 - From SMU-65 (M) to SMU-85 (M)
- Overall project site area is approximately 30,720 square feet
- Rezone would facilitate the development of an 8-story, 215-unit mixed use building with apartments and retail.

Site Context and Zoning



Axometric view of proposal site

From SDCI
Presentation –
Hearing Examiner
Exhibit 23



Stitched together street view Roy St. looking north

Project Rendering



Hearing Examiner's Exhibit 23

Process

- SDCI recommendation to conditionally approve, June 5
- Hearing Examiner open record hearing, June 25
- Hearing Examiner recommendation, July 8
- Land Use Committee, September 3 and 15
- City Council, September 23 (anticipated)

Hearing Examiner Recommended PUDA Conditions

Prior to Issuance of a Building Permit

1. The rezone includes a Mandatory Housing Affordability designation of (M).
2. Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58B and/or 23.58C.

For the Life of the Project

3. Approval of this contract rezone is conditioned upon development of the project in accordance with the final approved Master Use Permit drawings, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, and balconies on the north façade.

Actions if Committee approves rezone

- Amend Clerk File title to reflect recommended rezone
- Add Findings, Conclusion and Decision to Clerk File
- Vote to recommend approval of the Clerk File
- Introduce Council Bill with signed PUDA on September 9
- Council vote on September 23

Questions?

September 3, 2025

MEMORANDUM

To: Land Use Committee
From: HB Harper, Analyst
Subject: CF 314534 - Contract Rezone for 352 Roy Street

On September 3, 2025, the Land Use Committee will receive a briefing on the Hearing Examiner's recommendation to approve a proposed rezone of properties at 352 Roy Street from Seattle Mixed - Uptown with a 65-foot height limit (SM-UP 65 (M)) to the same designation, but with an 85-foot height limit (SM-UP 85 (M)). If the Committee recommends approval of the rezone, a Council Bill (Exhibit 1) to effectuate the rezone will be introduced for action at the City Council alongside CF 314534.

This memorandum: (1) provides an overview of the rezone application contained in CF 314534; (2) describes the contents of Council decision documents, which would grant the rezone application, including a summary of the draft Council Bill, which would amend the Official Land Use Map, also known as the zoning map, to effectuate the rezone, and accept a Property Use and Development Agreement (PUDA) limiting future development; and (3) describes next steps.

Overview of Rezone Application

Kamiak Real Estate (Applicant) proposes to rezone an approximate 30,720 sq. ft. property from Seattle Mixed - Uptown, 65 ft. Height Limit, Mandatory Housing Affordability Suffix (M) [SM-UP 65 (M)] to Seattle Mixed - Uptown, 85 ft. Height Limit, Mandatory Housing Affordability Suffix M [SM-UP 85 (M)] through the contract rezone process. The M suffix corresponds to one of the three Mandatory Housing Affordability (MHA) tiers identified in the Land Use Code and in Director's Rule 14-2016 (effective April 6, 2017).

This proposal includes a specific redevelopment proposal for the construction of an 8-story, 215-unit mixed use building with apartments and retail. The Applicant intends to satisfy MHA program requirements through on-site performance.

The Seattle Department of Construction and Inspections (SDCI) recommended conditional approval of the application to the Hearing Examiner on June 5, 2025. The Hearing Examiner held an open-record public hearing on June 25, 2025, and on July 8, 2025, recommended conditional approval. The Hearing Examiner's recommended conditions are included in the Findings and Recommendation (Exhibit 2) at page 10.

Type of Action

A Council decision on the rezone application is quasi-judicial.¹ Quasi-judicial decisions are subject to the Appearance of Fairness Doctrine prohibiting ex-parte communication and are governed by the Council's Quasi-judicial Rules.²

Council decisions must be made on the record established by the Hearing Examiner. The Hearing Examiner establishes the record at an open-record hearing. The record contains the substance of the testimony provided at the Hearing Examiner's open record hearing and the exhibits entered into the record at that hearing.

Audio recordings of the hearing can be accessed through the Hearing Examiner's website.³ Excerpts from the record, the SDCI recommendation, public comments letters, and an analysis by the Applicant of how the proposed rezone meets the rezone criteria in [SMC Chapter 23.34](#) are contained in the Legistar record for CF 314534.

Committee Decision Documents

To approve a contract rezone the Committee must make recommendations to the City Council on two pieces of legislation: (1) a Council Findings, Conclusions and Decision that grants the rezone application and (2) a bill amending the zoning map and approving a PUDA.

CF 314534 - Findings, Conclusions and Decision

Council staff has drafted a proposed Council Findings, Conclusions and Decision (Exhibit 3), which:

- Adopts the Hearing Examiner's findings and conclusions;
- Adopts the rezone conditions recommended by the Hearing Examiner; and
- Approves the rezone application.

Rezone Bill

A Council Bill to amend the Official Land Use Map to rezone the site and approve and accept an executed PUDA included with Exhibit 1 should be introduced and passed alongside the Clerk File. This bill would effectuate the rezone.

Next Steps

The rezone application will be considered by the Committee on September 3rd. A possible vote is anticipated at the Committee's September 15th meeting. If the Committee recommends approval of the rezone, the Council Bill included as Exhibit 1 to this memo will be introduced for a vote at the City Council meeting on Tuesday, September 23.

¹ [Seattle Municipal Code \(SMC\) Section 23.76.036](#).

² Adopted by [Resolution 31602](#) (2015).

³ [Case Details for CF-314534 \(seattle.gov\)](#).

Exhibits:

1. Draft Council Bill w. Property Use and Development Agreement
2. Findings and Recommendation of the Hearing Examiner
3. Draft Findings, Conclusions and Decision

cc: Ben Noble, Director
Lish Whitson, Lead Analyst

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map to rezone parcels located at 352 Roy Street from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 85 (M)); and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Kamiak Real Estate LLC, C.F. 314534, SDCI Project 3041336-LU)

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described property (“Property”) commonly known as 352 Roy Street:

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER’S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1295

1 THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO
2 NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS,
3 PAGE 7, IN KING COUNTY, WASHINGTON.

4 PARCEL 545780-1270

5 LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING
6 TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY,
7 WASHINGTON.

8 Section 2. Page 100 of the Official Land Use Map, Seattle Municipal Code Section
9 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and
10 shown in Exhibit A to this ordinance, from Seattle Mixed Uptown with a 65 foot height limit and
11 M Mandatory Housing Affordability suffix (SMU-65 (M)) to Seattle Mixed Uptown with an 85
12 foot height limit and M Mandatory Housing Affordability suffix (SMU-85 (M)). Approval of this
13 rezoning is conditioned on complying with the Property Use and Development Agreement (PUDA)
14 approved in Section 3 of this ordinance.

15 Section 3. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

16 Section 4. The City Clerk is authorized and directed to file the PUDA with the King
17 County Recorder's Office; to file the original PUDA along with this ordinance at the City
18 Clerk's Office upon return of the recorded PUDA from the King County Recorder's Office; and
19 to deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of
20 Construction and Inspections and to the King County Assessor's Office.

Section 5. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to Mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

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

President _____ of the City Council

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

Exhibits:

Exhibit A – Rezone Map

Exhibit B – Property Use and Development Agreement for 352 Roy Street

Exhibit A - Rezone Map



Proposed Rezone

Clerk File 314534

SDCI Project 3041336-LU

352 Roy Street



Existing Zoning

Rezone Area

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300

Feet



<i>When Recorded, Return to:</i>	
THE SEATTLE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	Kamiak Real Estate, LLC
Grantee:	The City of Seattle
Legal Description <i>(abbreviated if necessary):</i>	See Attachment B
Assessor's Tax Parcel ID #:	Parcels: 545780-1265, 545780-1300, 545780-1315, 545780-1295, 545780-1270
Reference Nos. of Documents Released or Assigned:	n/a

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the “Agreement”) is executed this ____ day of _____, 2025, in favor of the CITY OF SEATTLE (the “City”), a Washington municipal corporation, by KAMIAK REAL ESTATE, LLC, a Washington Limited Liability Company (“Owner”).

RECITALS

A. KAMIAK REAL ESTATE, LLC, is the owner of that certain real property, addressed as 352 Roy Street, in the City of Seattle, currently zoned Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP-65 (M)), and legally described in Attachment B (the “Property”).

B. In July 2021, the Owner submitted to the City an application under Project No. 3041336-LU to rezone the Property to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability Suffix (SM-UP-85 (M)) (the “Rezone”), as shown in Attachment A.

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to “self-imposed restrictions” upon the development of the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section (“SMC”) 23.34.004, the Owner covenants, bargains, and agrees, on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the Rezone:

Prior to Issuance of a Building Permit

1. The rezone includes a Mandatory Housing Affordability suffix of (M).
2. Development of the Property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. For purposes of application of those Chapters, future development of the Property shall be subject to the following performance and payment requirements:
 - For Chapter 23.58B, 5% per square foot for the performance option or \$12.03 per square foot for the payment option; and

- For Chapter 23.58C, 7% of units for the performance option, with a payment for any fraction of a unit at the rate of \$30.55 per square foot.

For the Life of the Project

3. Development of the Property shall be in accordance with the final approved Master Use Permit drawings for SDCI Project No. 3041336-LU, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, and balconies on the north façade.

Section 2. Mandatory Housing Affordability Under SMC Chapter 23.58C. Development of the Property shall comply with SMC Chapter 23.58C through the performance option, with a payment for any fraction of a unit.

Section 3. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 4. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 5. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 6. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 7. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

a. Revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and

b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following pages]

Exhibit B - Property Use and Development Agreement

SIGNED this _____ day of _____, 2025.

KAMIAK REAL ESTATE, LLC, a Washington Limited Liability Company

By: _____

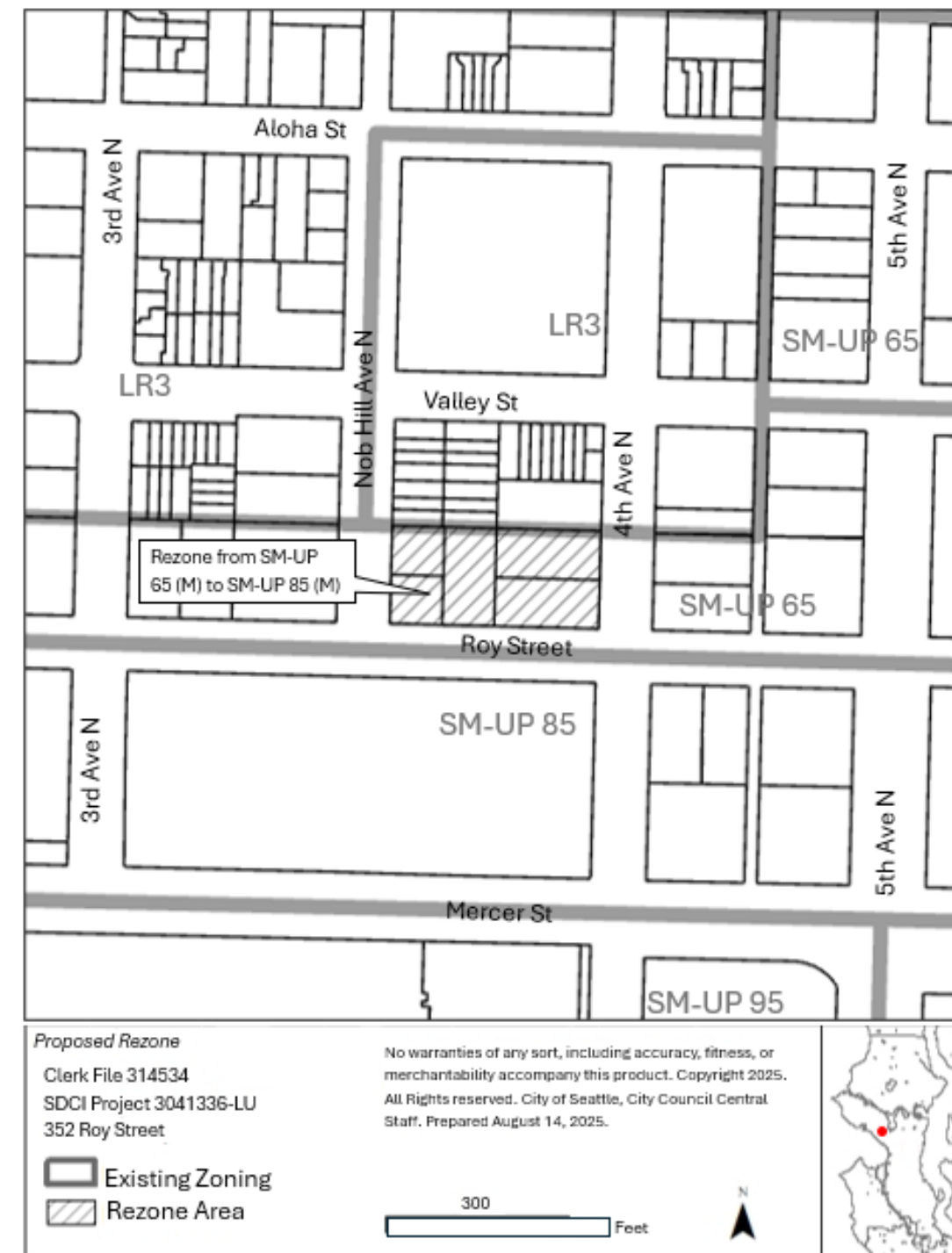
Its: _____

On this day personally appeared before me _____, to me known to be the _____, of _____, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this _____ day of _____, 2025.

		Printed Name _____
		NOTARY PUBLIC in and for the State of Washington, residing at _____
		My Commission Expires _____
STATE OF WASHINGTON COUNTY OF KING	}	ss.

ATTACHMENT A



ATTACHMENT B

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT
RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE
ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY,
WASHINGTON

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE
ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY,
WASHINGTON

PARCEL 545780-1295

THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE
ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY,
WASHINGTON

PARCEL 545780-1270

LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT
RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

**FINDINGS AND RECOMMENDATION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of Application of

KAMIAK REAL ESTATE, LLC,

For a Rezone of Property at
352 Roy Street.

Hearing Examiner File:
CF 314534

Department Reference:
3041336-LU

FINDINGS OF FACT

1. Introduction. Applicant Kamiak Real Estate LLC proposed a contract rezone from Seattle Mixed Uptown Urban Center with a 65-foot height limit and Mandatory Housing Affordability Overlay M (SM-UP 65 (M)) to the same designation, but with an 85-foot height limit (SM-UP 85 (M)). Replacing the site’s existing buildings and parking lot, the height increase would allow for an eight story, 215-unit apartment building with 4,436 square feet of retail and 128 parking spaces. At 352 Roy Street, the site is at the base of Queen Anne Hill.

2. Hearing. A properly noticed public hearing¹ was held remotely and in person on June 25, 2025. The Seattle Department of Land Use & Engineering Services (“Department”), through David Landry, Sr. Planner, described the proposal and review process. The Department recommended approval with three conditions. The Applicant, represented by Holly Goldin of Hillis, Clark, Martin & Peterson, appeared and called two witnesses, Scott Lien, owner and principal at Kamiak Real Estate, LLC, and Jon Kwon, an architect with PUBLIC47 Architects. Michelle Brown of Heffron Transportation was available for questions. From the public, Atalie Holman, who resides in a newly constructed, adjacent townhome testified.

3. Exhibits. The Department submitted Exhibits 1-22, with the Applicant adding Exhibit 23 (its presentation) and the Department adding Exhibit 11a (clarification question from a citizen and Department response). The record was kept open through June 26 to address a public comment on view impacts. In response to that comment, the Applicant stated it would provide the shadow study, which was inadvertently omitted from the submitted exhibits. These materials were included in the record as Exhibit 4a. The Department also submitted a clarifying comment (Exhibit 24).

Public comments were submitted from Atalie Holman (Exhibit 25) and David Gonzalez (Exhibit 26). The latter was submitted a day late but accepted. Both comments were reviewed, though the comments went beyond the view question the record was kept open to address. The Examiner visited the site on July 7. The visit provides context but is not evidence.

¹ Exhibit 11; SMC 23.76.052(C). *See also* Exhibits 7 and 8.

4. Applicant Testimony. Project representative Scott Lien described the building as having an ideal location near a major job center, proximate to transit (including a proposed light rail station), targeting LEED Gold design standards, and including ground level retail, a dividable area which could provide space for smaller, local businesses. 25% of the units will be family sized. The 85-foot height allowed with the rezone would not be fully utilized as rather than two added floors, there will be one, with 25 units, so only 15 feet of the height increase will be used. Mr. Lien summarized the review process, noting that the Applicant has been in contact with the Uptown Alliance, which supports the project.

Project architect Jon Kwon elaborated on design and site conditions. The site slopes up to the north, with ten feet of grade change. To buffer residential development on the north side, a voluntary ten-foot setback is provided. This is coupled with a courtyard on the north side (landscaped as a rock garden) which provides further visual relief and a courtyard on the south side. The southern courtyard and an active pedestrian plaza assist with use transition and provide a focal point for entry, which will be accentuated with artwork.

5. Public Testimony. Atalie Holman stated that due to her recent move into an adjacent newly constructed townhome at (723 4th Avenue N), she only just learned about the project, otherwise she would have been involved earlier. The primary concern she identified in testimony was view impacts, particularly panoramic views to the south, which include the Space Needle.

6. Written Public Comments to Department. Comments to the Department were submitted during an extended comment period from September 12 through October 16, 2024. Comments raised concerns on a decline in neighborhood livability for existing residents, including two senior citizen homes. Other comments raised concern on added congestion and public transportation infrastructure limitations. Comments in support noted a desperate need for housing to support population growth and that the site, so close the city core, was under-utilized. Other comments expressed appreciation for the ground level plaza, the building's setback away from the northern properties, and a request to see more art expressions in the project consistent with the Uptown Arts District guidelines.²

7. Written Public Comment to Hearing Examiner. After the hearing, two public comments were submitted.

Atalie Holman, who testified at the hearing and resides in a new townhome complex to the north, provided comment. She was concerned that the new townhome community sharing the block with the project site was not mentioned. At the hearing, she stated that she had identified Space Needle visibility as a concern, but that “view loss wasn’t intended to be my main complaint,” rather the example was intended to demonstrate application material inaccuracies.³ She identified departures as concerns (a Tier 2 tree removal, 5.5 foot building width increase, and public space reduction from 15% to 9%). She was also concerned about there not being design review and lack of a sign board. She requested a land use assessment re-evaluation. Specifically, she requested: (1) shadow study inclusion; (2) public impacts to views of the Space Needle (which may be blocked

² Exhibits 9 and 10.

³ Exhibit 25.

from the 4th Avenue sidewalk) be addressed; (3) traffic impact clarifications;⁴ (3) updated application materials to reflect current surroundings; and (4) expanded public review processes.

David Gonzalez stated he attended the hearing but was unable to leave a comment. He resides in a new townhome complex at the corner of Valley and 4th Avenue N. He raised questions on how current and rigorous project analysis was, given mentions of an apartment building removed two years ago and lack of mention of his townhome complex. He also wanted to know why a land use sign was not posted on the lot as this would have better informed new residents such as himself.

8. Review Process. The proposal is not required to undergo SEPA and Design Review, as clarified at the public hearing. Before scheduling the public hearing, the Department sought public comment from September 12 through October 16, 2024, as Finding 6 addresses.⁵ Comment submitted following the hearing expressed a desire for additional opportunities to provide input, partly as those individuals are new to the location though the comment opportunities provided were consistent with code.

9. Site. The 30,720 square foot site is at the base of Queen Anne Hill within the Uptown Urban Center and a Frequent Transit Area.⁶ The site gently slopes uphill, gaining about ten feet from south to north.⁷ With power lines to the south, a high water table, and no alley, project design had to address these constraints. The site is developed with shorter one and two story buildings and a parking lot. The current zoning is SM-UP 65 (M), with surrounding height limits ranging from 50-85 feet.

- North – Lowrise 3 (M) [LR3 (M)] (50 foot height limit)
- South – SM-UP 85 (M1)
- East – SM-UP 65 (M)
- West - SM-UP 65 (M)

The site fronts Roy Street on the south, with Valley Street to the North, Nob Hill Ave N to the west and 4th Ave N to the east. The site occupies the southernmost half of the block between Valley Street and Roy Street and includes five parcels with varying uses, including restaurants, some residential uses, and a surface parking lot. Sidewalks are on all three street frontages, with east and westbound bike lanes on Roy Street.

A mix of residential and commercial uses surround the site. Development on the north side includes three to four story townhome and apartment developments.⁸ On the south, across Roy Street, is a Seattle Center parking garage. Roy Street is a principal arterial with a variety of uses (office, community services, personal services, commercial retail, a regional grocery store, and

⁴ The comment asked whether the townhome was included; whether increased traffic to 4th/Valley from the Aurora exit on Valley leading to the 4th Avenue parking garage entrance was addressed; and, whether impacts to emergency vehicle access, including to Cogir Senior Living were addressed.

⁵ Exhibits 7-10; Testimony, Mr. Landry; Exhibit 21 (Department Recommendation), p. 251.

⁶ Exhibit 23 (Staff Report); Testimony, Mr. Landry.

⁷ Testimony, Mr. Kwon.

⁸ Exhibit 23 (Applicant's Presentation), p. 5; Testimony, Department, Applicant, and Public.

parking), all within walking distance of Seattle Center and other retail along Mercer St. and Queen Anne Avenue N. The area has a mix of architectural styles, with low-rise brick apartments from the 1920s and 1930s, Craftsman bungalows converted to apartments, mid-century-modern structures and modern townhouses. More generally, the Uptown area includes the Seattle Center and Space Needle, Climate Pledge Arena, SIFF Cinema, and a collection of neighborhood bars and restaurants.⁹

10. Transportation. A Transportation Impact Analysis addressed trip generation and road system capacity, finding no significant impacts to the transportation system near the site. It found the project would generate slightly more vehicle trips than existing land uses, with a net increase of 70 daily. It noted that Roy Street was improved in 2015 as part of the Mercer Corridor West Project and converted from a one-way street to a two-way street with bicycle lanes. Frontage improvements will be completed along the project's three sides on Roy, Nob Hill Avenue N, and 4th Avenue N, with upgraded sidewalks and landscaping.¹⁰

11. Project Design. The rezone would allow an additional 20 feet in height to the existing zoning, though the project is adding only one additional floor, so with eight stories, would use only 15 feet of the added allowance. The project includes a voluntary ten-foot setback on the north side along with an approximately 1,230 (30 x 41) square foot north-side courtyard area. This courtyard extends 51 feet from the property line and in addition to the setback, adds to visual buffering measures for townhome and apartment properties on the north.¹¹

The south entrance area includes an approximately 1,200 (30 x 40) square foot street-level courtyard adjacent to the commercial space along Roy. It is coupled with an active pedestrian plaza, street landscaping, and pedestrian weather protection. Artwork is being incorporated into this public area. The south side, above the first floor, has upper level 15 foot setbacks to accommodate the existing power line.¹²

The roof has a unique, somewhat open design, providing residents with open space at the building's top, which is coupled with green roofing and solar panels.¹³

The Applicant met with the Uptown Alliance Land Use Review Committee, which reviewed the proposal and commented on its design features.

- LURC was pleased to see further development of the ground level plaza connecting the private residential lobby with adjacent retail opportunities. The presentation included natural seating opportunities such as the boulders and planters at the sidewalk level.

⁹ Exhibit 21 (Staff Recommendation).

¹⁰ Exhibit 15 (Transportation Impact Study), pp. 230 and 225.

¹¹ Exhibit 23 (Applicant's Presentation), p. 5; Testimony, Mr. Kwon; Exhibit 22 (Staff Report).

¹² Testimony, Mr. Kwon; Exhibit 23 (Applicant's Presentation), p. 6.

¹³ Exhibit 23 (Applicant's Presentation), pp. 1 and 5; Testimony, Mr. Kwon.

- LURC supports the preferred massing & the overall design, as it successfully integrates an urban multi-family housing structure with other structures and single family homes.
- The preferred design concept includes a gracious set back and roof top element to create transparency. The project is asking for a contract rezone from 65' to 85'. The roof top element helps in keeping the building in context with the grade changes. There is a[n] airiness included in the visual height.¹⁴

More generally, infrastructure adequacy has been assessed and found adequate to support the proposal, including the road network, water, sewer, and other urban services.¹⁵ The parking garage entrance is along 4th Street on the east and is sized to allow for trash pick-up within the building. Frontage improvements, including landscaping, are on all three sides and the building is targeting the LEED-Gold standard.

CONCLUSIONS OF LAW

1. Jurisdiction. The Hearing Examiner has jurisdiction to issue a recommendation on the rezone, while the Council makes the final decision.¹⁶

2. Criteria, Summary. Criteria for assessing a site-specific rezone request are at SMC 23.34.004 (contract rezones), 23.34.006 (MHA suffixes), 23.34.007 (rezone evaluation), 23.34.008 (rezone criteria), 23.34.009 (height limits), 23.34.126 (Seattle Mixed zoning, designation), and 23.34.128 (Seattle Mixed zoning, location). Despite the overlapping criteria, key considerations are zoning compatibility with the neighborhood and land use planning for the area.

3. Contract Rezone, SMC 23.34.004. As this is a contract rezone, a Property Use and Development Agreement, or PUDA, will be executed and recorded.¹⁷ The code details payment and performance requirements.¹⁸ The PUDA should include conditions requiring property development to substantially conform with approved Master Use Permit plans.

4. “M” Suffix: Mandatory Housing Affordability, SMC 23.34.006. With the proposed zoning, the site is subject to MHA requirements at SMC 23.58B and/or 23.58C. The rezone from SM-UP 65 (M) to SM-UP 85 falls into tier M, so the current “M” designation would not change with the rezone.¹⁹

5. Rezone Evaluation, SMC 23.34.007. Applicable sections of Ch. 23.34 SMC on rezones are weighed and balanced together to determine the most appropriate zone and height

¹⁴ Exhibit 23 (Applicant Presentation), pp. 12-13.

¹⁵ Exhibit 15 (Transportation Impact Analysis); Exhibit 18 (SPU Solid Waste Review); Exhibit 19 (SPU Water Availability Certificate); Exhibit 21 (Staff Recommendation).

¹⁶ SMC 23.76.004(C); SMC 23.76.004, Table A.

¹⁷ SMC 23.34.004.

¹⁸ See e.g., Ch. 23.58B SMC; Ch. 23.58C SMC.

¹⁹ DR 14-2016, Application of Mandatory Housing Affordability for Residential Development (MHA-R) in Contract Rezones.

designation.²⁰ Zone function statements are used "to assess the likelihood that the area proposed to be rezoned would function as intended."²¹ "No single criterion ... shall be applied as an absolute requirement or test of the appropriateness of a zone designation ... unless a provision indicates the intent to constitute a requirement...."²² The most appropriate zone designation is the one "for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation."²³

6. Zoned Capacity, SMC 23.34.008(A). In Urban Centers and Urban Villages, zoned capacity should not reduce capacity below 125% of the Comprehensive Plan's growth target. The site is within the Seattle Mixed Uptown Urban Center. The Comprehensive Plan forecasts 3,000 additional housing units with projected growth strategies for Urban Centers at a density of 15 households per acre. The rezone increases, rather than decreases housing capacity, so helps in achieving these targets. There is no conflict with SMC 23.34.008(A).

7. Match Between Zone Criteria and Area Characteristics, SMC 23.34.008(B). There is no change to the SMP-UP zoning designation; only the height would increase from 65 to 85 feet. The locational criteria in SMC 23.34.128 continue to match the adjacent zone type, excepting the abutting LR3 zone, and is consistent with the area's characteristics. The rezone allows for additional height for residential use while allowing commercial and retail services for the Urban Center, consistent with the Comprehensive Plan's Urban Center policies and area growth strategy.

8. Neighborhood Plan/Precedential Effect, SMC 23.34.008(C) and (D). Zoning maps date to 1923, and were initially a business designation, which over the years evolved to general commercial and neighborhood commercial. In 2019, through the Citywide Mandatory Housing Affordability legislation, the site's zoning changed to SM-UP 65(M). The site is not within a neighborhood plan. The closest neighborhood plan is the Queen Anne (Uptown) Neighborhood Plan, but the Comprehensive Plan does not have neighborhood specific criteria for the site.

9. Zoning Principles, SMC 23.34.008(E). The area's overall development pattern is a gradual increase in zoning intensity and building height. Here, only the height is increasing. The lowest height zone abutting the property is LR3, at 50 feet. The area has a few instances in the Uptown Urban Center where LR3 zones abut SM-UP 85 zones. This is reflected in multi-story and mixed-use developments along Mercer St, near the intersections of 3rd Ave N and 4th Ave N, in areas zoned SM-UP 85. Other examples of increased density and height associated with new developments in the SM-UP 85 zone can be seen in the mix-use developments at the corner of 3rd Ave N and Roy Street and at the corner of 2nd Ave N and Roy Street.

The site is bordered by rights-of-way on three sides, but there are no natural features that separate the project from abutting residences to the north. There is a ten-foot descending grade change from north to south on the property. The rezone would follow established zoning boundaries. The project is separated from the northern LR3 zone and residential development by the ten-foot setback, which is coupled with patio spaces and landscaping within the ten-foot

²⁰ SMC 23.34.007.

²¹ SMC 23.34.007(A).

²² SMC 23.34.007(B).

²³ SMC 23.34.008(B).

setback, placed intermittently at the first floor level along the northern building façade to soften the building edge. On the south side, the proposed commercial uses would face Roy Street as exists under the current zoning and height classification. The opposing side of Roy Street is Seattle Center's Mercer Street Parking Garage with no commercial uses attached.

The proposed rezone would be the first height change to SM-UP 85 to cross over to Roy Street's north side and could set precedence along the frontages on Roy's north side between Aurora Avenue N and 1st Avenue N. The project would have somewhat similar height and bulk to the new development along Roy Street between Warren Avenue N and 1st Avenue N.

The site is not within an urban village but is in the Uptown Urban Center where heights above 55 feet are considered appropriate. There is a height differential between the site and buildings to the north in the LR3 zone, but the height would be the same as the SM-UP 85 zoning immediately to the south.

10. Impact Evaluation, SMC 23.34.008(F). The rezone meets the compatibility standards for the surrounding neighborhood. Housing capacity is increased and the project will be adequately supported by public services and infrastructure, including pedestrian amenities and sidewalks. There is adequate street access, street capacity, transit, utility, and sewer capacity. The shadow study showed shadows cast at the lower height would be similar as with the project's additional height.²⁴ The project follows area aesthetics and does not adversely affect environmental conditions.

Parking is addressed with 128 spaces in the below ground parking garage. This is coupled with 193 garage bike stalls and 15 ground level bike stalls. The project fronts Roy Street, a principal arterial. The parking garage entrance is on 4th Avenue N. There is ready access to Aurora Avenue N and Queen Anne Avenue N. With a net increase of 70 daily trips, 22 AM peak hour trips, and three PM peak hour trips, the Roy area intersection is expected to operate at LOS B during peak hours. While there will be a trip increase over existing conditions, the transportation impact analysis did not identify significant transportation system impacts. The site is well served by transit and ideally located near the future Seattle Center stop for Sound Transit's Ballard Link Extension.

The project is not within a historic district and the block is not recognized as having historical significance. The existing buildings are not listed as warranting landmark nomination status. Four restaurants will be displaced with the project, accounting for 9,745 square feet, which will be partly offset by the buildings 4,400 square feet of commercial area.

Of the 215 units, 30 will be added due to the height increase. Rent restricted units in conformance with MHA's performance option total 11 units or about 5%, with one or two due to the height increase. By increasing housing supply and with MHA mitigation, the height increase positively contributes to the need for affordable housing.²⁵

²⁴ Exhibit 4A (Shadow Study).

²⁵ Exhibit 21 (Department Recommendation); Exhibit 15 (Traffic Impact Analysis); Exhibit 13 (Historic Resource Analysis); Exhibit 16 (MHA Calculations); Exhibit 18 (SPU Solid Waste Review); Exhibit 19 (SPU Water Availability Certificate).

11. Changed Circumstances, SMC 23.34.008(G). Changed circumstances are considered but need not be demonstrated. The area has seen increasing density and heights and denser housing to accommodate housing needs. The City emphasizes residential growth in urban centers and villages through the Comprehensive Plan, and the site is within the Uptown Urban Center. That theme is expected to continue with the Plan's periodic update.

12. Overlay Districts and Critical Areas, SMC 23.34.008(H) and (I). No critical areas are within this Uptown Urban Center site. By providing a carefully designed mixed use development near Seattle Center, coupled with sidewalk improvements, including open areas, landscaping, and lighting, the project contributes to Uptown community vitality and density, consistent with Uptown Urban Center Plan Goals and Policies.

QA-G3 The Urban Center is a vital residential community as well as a viable and attractive commercial/employment center and mixed-use neighborhood that enjoys a strong relationship with Seattle Center.

QA-P6 Create a unique urban identity in Queen Anne's Urban Center that includes an attractive multifamily residential neighborhood identified by its distinctive parklike character and surrounding mixed-use areas.

QA-P40 Strive to provide urban character-enhancing improvements to Queen Anne's streets such as sidewalk improvements, transit facilities, landscaping, and appropriate lighting.

13. Heights, SMC 23.34.009. The rezone would allow redevelopment to 85 feet, resulting in a taller roofline than the adjacent LR3 zone to the north. The 85-foot height matches allowed heights on properties zoned SM-UP 85 on Roy's south side but would amplify the height differential between the site and buildings to the north in the LR3 zone. There are views to the south looking at the top one quarter of the Space Needle, above the Mercer Street parking garage which may be affected, particularly for a few upper level townhome units just to the north. As one travels up Queen Anne Hill, views to the Space Needle and downtown from rights-of-way or residential units do not appear impaired.

Uptown Urban Center maximum height limits are 65 and 85 feet. Properties to the north have a 50-foot height minimum, while properties to the east and west along Roy have 65-foot height limits, with 85-foot heights to the south. The project is similar in height and bulk to several newer buildings on Roy's south side. To the immediate west, south, and east, structures are lower. To the west is the four-story Maxwell Hotel, to the south is a Seattle Center parking garage, and to the east is a one-story structure. Other than the parking garage, these buildings have a smaller scale and bulk than the proposal. More comparable is 100 Roy, a seven-story structure four blocks west.

To the north are multi-story apartment and townhome developments. To mitigate the height increase, the development includes a ten-foot setback from the north property line and incorporates a north facing courtyard, along with patios for the at grade units. Height-wise the project is compatible with the area's overall character given mitigation has been built in to assist with transition on the north (with the setback, courtyards, and patios). Though height limits are the same on the south side, the building is softened on this side as well, with pedestrian improvements, landscaping, street-level commercial space, the upper level setback, and courtyard.

14. Seattle Mixed Zone (SM), SMC 23.34.126. The Seattle Mixed Zone is designed to achieve a diverse, mixed-use community with a strong pedestrian orientation. A wide range of uses are permitted and density is proposed to encourage a mixed-use neighborhood. The height increase follows these objectives.

15. Seattle Mixed Zone, Function, and Locational Criteria, SMC 23.34.128. The Seattle Mixed zone includes location with an urban center with a wide range of uses to encourage a mixed-use neighborhood with a pedestrian orientation. The site is within the Uptown Urban Center which hosts a variety of commercial uses, including retail, restaurants, offices, hotels, wellness centers, supermarkets, etc. The existing pattern of commercial frontages along Mercer Avenue and Roy are largely pedestrian oriented with transit access. The height change would allow new development on an underutilized site to increase residential density with ground level pedestrian oriented commercial opportunities. The proposal is consistent with this criterion.

16. Conclusion. Considering Ch. 23.34 SMC criteria together, the most appropriate zone designation for the site is Seattle Mixed Uptown Urban Center with an 85-foot height limit and Mandatory Housing Affordability Overlay M, or SM-UP 85 (M). With the proposal's added housing units, street-level commercial space, north side setback and patio courtyard design, south side courtyard and pedestrian amenities, and overall design, this zoning would better fulfill Comprehensive Plan objectives for this area.

RECOMMENDATION

The Hearing Examiner recommends that the City Council **APPROVE** the requested rezone subject to a PUDA, with the Department's recommended conditions, Attachment 1.

Entered July 8, 2025.



Susan Drummond, Deputy Hearing Examiner

Attachment 1
Recommended Conditions
Contract Rezone

These conditions should be in the PUDA:

1. The rezone includes a Mandatory Housing Affordability designation of (M).
2. Development of the rezoned property shall be subject to the requirements of SMC 23.58B and/or 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapter 23.58B and/or 23.58C.
3. Approval of this contract rezone is conditioned upon development of the project in accordance with the final approved Master Use Permit drawings, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, balconies on the north façade.

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections to determine applicable rights and responsibilities.

Under SMC 23.76.054, a person who submitted comment to the Department or Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date of the issuance of the recommendation of the Hearing Examiner, and be addressed to:

Seattle City Council
Planning, Land Use and Zoning, c/o Seattle City Clerk
Physical Address: 600 Fourth Avenue, Floor 3, Seattle, WA 98104
Mailing Address: P.O. Box 94728, Seattle, WA 98124-4728

The appeal shall clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought. Review code language for exact language and requirements, which are only summarily described above. Consult the City Council committee named above for further information on the Council review process.

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **FINDINGS AND RECOMMENDATION** to each person listed below, or on the attached mailing list, in the matter of **KAMIAK REAL ESTATE, LLC**.
Case Number: **CF-314534** in the manner indicated.

Party	Method of Service
Applicant, Kamiak Real Estate, LLC Scott Lien scott@kamiak.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Applicant Legal Counsel, Hillis Clark Martin & Paterson P.S. Holly Golden holly.golden@hcmp.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department, SDCI David Landry David.Landry@seattle.gov SCI Routing Coordinator SCI_Routing_Coordinator@seattle.gov SCI_LUIB SCI_LUIB@seattle.gov PRC@Seattle.Gov Tonya Capps Tonya.Capps@seattle.gov Nathan Torgelson nathan.torgelson@seattle.gov Roger Wynne	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

<p>roger.wynne@seattle.gov</p> <p>Ketil Freeman ketil.freeman@seattle.gov</p> <p>Lish Whitson Lish.Whitson@seattle.gov</p>	
<p>Mailing</p> <p>als2010@hotmail.com; amagadon@gmail.com; kaliawalke33@gmail.com; anne127marie@gmail.com; mai_dinh@icloud.com; pwhauman@gmail.com; mercedes@mfidinteriors.com; atalie.holman@gmail.com; dagonzalez.ca@gmail.com</p>	<p><input type="checkbox"/> U.S. First Class Mail, postage prepaid</p> <p><input type="checkbox"/> Inter-office Mail</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Hand Delivery</p> <p><input type="checkbox"/> Legal Messenger</p>

Dated: July 8, 2025.

/s/ Angela Oberhansly
Angela Oberhansly, Legal Assistant

FINDINGS, CONCLUSIONS, AND DECISION
OF THE CITY COUNCIL OF THE CITY OF SEATTLE

In the matter of the Petition:)	Clerk File 314534
)	
Application of Kamiak Real Estate,)	FINDINGS, CONCLUSIONS,
LLC, for a contract rezone of a site)	AND DECISION
located at 352 Roy Street from Seattle)	
Mixed Uptown with a 65-foot height)	
limit (SM-UP 65 (M)) to the same)	
designation, but with an 85-foot height)	
limit (SM-UP 85 (M)). and accepting a)	
Property Use and Development)	
Agreements as a condition of rezone)	
approval. (Application of Kamiak Real)	
Estate, LLC, C.F. 314534, SDCI)	
Project 3041336-LU).)	

Introduction

This matter involves a petition by Kamiak Real Estate, LLC, (Applicant) for a contract rezone of an approximately 30,720 square foot site located on Roy Street between Nob Hill Ave N and 4th Ave N.

The site is zoned Seattle Mixed - Uptown with a 65-foot height limit with a Mandatory Housing Affordability M suffix (SM-UP 65 (M)). The proposed rezone would be to the same designation, but with an 85-foot height limit (SM-UP 85 (M)).

Attachment A shows the area to be rezoned. Attachment B provides a legal description of the site (the “Property”).

The proposed development project is a mixed-use multi-family apartment project consisting of an 8 story, 215-unit mixed use apartment building with retail, and 128

below-grade parking spaces. The Applicant intends to satisfy MHA program requirements under SMC Chapter 23.58C through on-site performance.

The Seattle Department of Construction and Inspections (SDCI) recommended conditional approval of the application to the Hearing Examiner on June 5, 2025. The Hearing Examiner held an open-record public hearing on June 25, 2025, and on July 8, 2025, recommended conditional approval. On September 3, 2025, the Land Use Committee of the Council reviewed the record and the recommendations by SDCI and the Hearing Examiner and recommended approval of the contract rezone to the City Council.

Findings of Fact

The Council hereby adopts the Hearing Examiner's Findings of Fact as stated in the Findings and Recommendation of the Hearing Examiner dated July 8, 2025.

Conclusions

The Council hereby adopts the Hearing Examiner's Conclusions of Law as stated in the Findings and Recommendation of the Hearing Examiner dated July 8, 2025.

Decision

The Council hereby GRANTS a rezone of the Property from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 85 (M)), as shown in Attachment A.

The rezone is subject to the execution of a Property Use and Development Agreement (PUDA) requiring the owners to comply with certain conditions, as follows:

Prior to Issuance of a Building Permit

1. The rezone includes a Mandatory Housing Affordability suffix of (M).
2. Development of the rezoned property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. The PUDA shall specify the payment and performance calculation amounts for purposes of applying Chapters 23.58B and 23.58C.

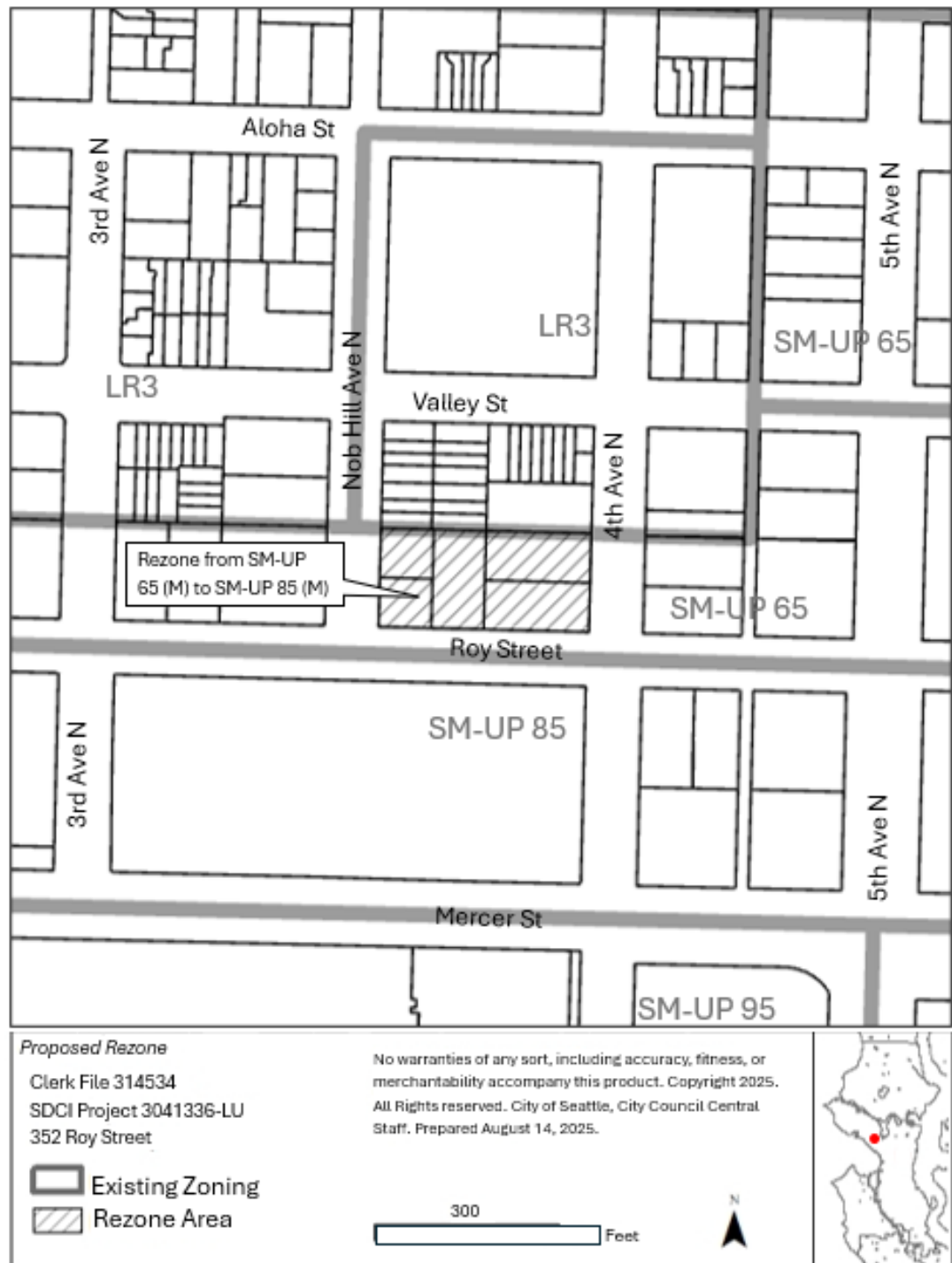
For the Life of the Project

3. Development of the rezoned property shall be in accordance with the final approved Master Use Permit drawings for SDCI Project No.3041336-LU, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, and balconies on the north façade.

Dated this _____ day of _____, 2025.

City Council President

ATTACHMENT A



ATTACHMENT B

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1295

THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1270

LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON



Legislation Text

File #: CB 121074, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map to rezone parcels located at 352 Roy Street from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SM-UP 85 (M)); and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Kamiak Real Estate LLC, C.F. 314534, SDCI Project 3041336-LU)

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. This ordinance rezones the following legally described property ("Property") commonly known as 352 Roy Street:

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1295

THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

PARCEL 545780-1270

LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON.

Section 2. Page 100 of the Official Land Use Map, Seattle Municipal Code Section 23.32.016, is amended to rezone the Property described in Section 1 of this ordinance, and shown in Exhibit A to this ordinance, from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SMU-65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SMU-85 (M)). Approval of this rezone is conditioned on complying with the Property Use and Development Agreement (PUDA) approved in Section 3 of this ordinance.

Section 3. The PUDA attached to this ordinance as Exhibit B is approved and accepted.

Section 4. The City Clerk is authorized and directed to file the PUDA with the King County Recorder's Office; to file the original PUDA along with this ordinance at the City Clerk's Office upon return of the recorded PUDA from the King County Recorder's Office; and to deliver copies of the PUDA and this ordinance to the Director of the Seattle Department of Construction and Inspections and to the King County Assessor's Office.

Section 5. This ordinance, effectuating a quasi-judicial decision of the City Council and not subject to Mayoral approval or disapproval, shall take effect and be in force 30 days from and after its passage and approval by the City Council.

Passed by the City Council the _____ day of _____, 2025, and signed by

me in open session in authentication of its passage this ____ day of _____, 2025.

President _____ of the City Council

Filed by me this ____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

Exhibits:

Exhibit A - Rezone Map



Exhibit B - Property Use and Development Agreement for 352 Roy Street

Exhibit A - Rezone Map



Proposed Rezone

Clerk File 314534
SDCI Project 3041336-LU
352 Roy Street

-  Existing Zoning
-  Rezone Area

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300
 Feet



<i>When Recorded, Return to:</i>	
THE SEATTLE CITY CLERK 600 Fourth Avenue, Floor 3 PO Box 94728 Seattle, Washington 98124-4728	

PROPERTY USE AND DEVELOPMENT AGREEMENT

Grantor(s):	Kamiak Real Estate, LLC
Grantee:	The City of Seattle
Legal Description <i>(abbreviated if necessary):</i>	See Attachment B
Assessor's Tax Parcel ID #:	Parcels: 545780-1265, 545780-1300, 545780-1315, 545780-1295, 545780-1270
Reference Nos. of Documents Released or Assigned:	n/a

THIS PROPERTY USE AND DEVELOPMENT AGREEMENT (the “Agreement”) is executed this ____ day of _____, 2025, in favor of the CITY OF SEATTLE (the “City”), a Washington municipal corporation, by KAMIAK REAL ESTATE, LLC, a Washington Limited Liability Company (“Owner”).

RECITALS

A. KAMIAK REAL ESTATE, LLC, is the owner of that certain real property, addressed as 352 Roy Street, in the City of Seattle, currently zoned Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SM-UP-65 (M)), and legally described in Attachment B (the “Property”).

B. In July 2021, the Owner submitted to the City an application under Project No. 3041336-LU to rezone the Property to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability Suffix (SM-UP-85 (M)) (the “Rezone”), as shown in Attachment A.

C. Seattle Municipal Code Section 23.34.004 allows the City to approve a rezone subject to “self-imposed restrictions” upon the development of the Property.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, the parties agree as follows:

AGREEMENT

Section 1. Agreement. Pursuant to Seattle Municipal Code Section (“SMC”) 23.34.004, the Owner covenants, bargains, and agrees, on behalf of itself and its successors and assigns that it will comply with the following conditions in consideration of the Rezone:

Prior to Issuance of a Building Permit

1. The rezone includes a Mandatory Housing Affordability suffix of (M).
2. Development of the Property shall be subject to the requirements of SMC Chapters 23.58B and 23.58C. For purposes of application of those Chapters, future development of the Property shall be subject to the following performance and payment requirements:
 - For Chapter 23.58B, 5% per square foot for the performance option or \$12.03 per square foot for the payment option; and

- For Chapter 23.58C, 7% of units for the performance option, with a payment for any fraction of a unit at the rate of \$30.55 per square foot.

For the Life of the Project

3. Development of the Property shall be in accordance with the final approved Master Use Permit drawings for SDCI Project No. 3041336-LU, including the structure design with the proposed 10-foot northern property setback, structure height of 85 feet, major modulation, and balconies on the north façade.

Section 2. Mandatory Housing Affordability Under SMC Chapter 23.58C. Development of the Property shall comply with SMC Chapter 23.58C through the performance option, with a payment for any fraction of a unit.

Section 3. Agreement Runs With the Land. This Agreement shall be recorded in the records of King County by the City Clerk. The covenants contained in this Agreement shall attach to and run with the land and be binding upon the Owners, their heirs, successors and assigns, and shall apply to after-acquired title of the Owner.

Section 4. Amendment. This Agreement may be amended or modified by agreement between the Owner and the City; provided any amendments are approved by the City Council by ordinance.

Section 5. Exercise of Police Power. Nothing in this Agreement shall prevent the City Council from making further amendments to the Seattle Municipal Code or Land Use Code as it may deem necessary in the public interest.

Section 6. No Precedent. The conditions contained in this Agreement are based on the unique circumstances applicable to the Property and this Agreement is not intended to establish precedent for other rezones in the surrounding area.

Section 7. Repeal as Additional Remedy. Owner acknowledges that compliance with the conditions of this Agreement is a condition of the subject rezone and that if the Owner avails itself of the benefits of this rezone but then fails to comply with the conditions of this Agreement with the City, in addition to pursuing any other remedy, the City may:

a. Revoke the rezone by ordinance and require the use of the Property to conform to the requirements of the previous zoning designation or some other zoning designation imposed by the City Council; and

b. Pursue specific performance of this Agreement.

[signature and acknowledgment on following pages]

SIGNED this ____ day of ____, 2025.

KAMIAK REAL ESTATE, LLC, a Washington Limited Liability Company

By: ____

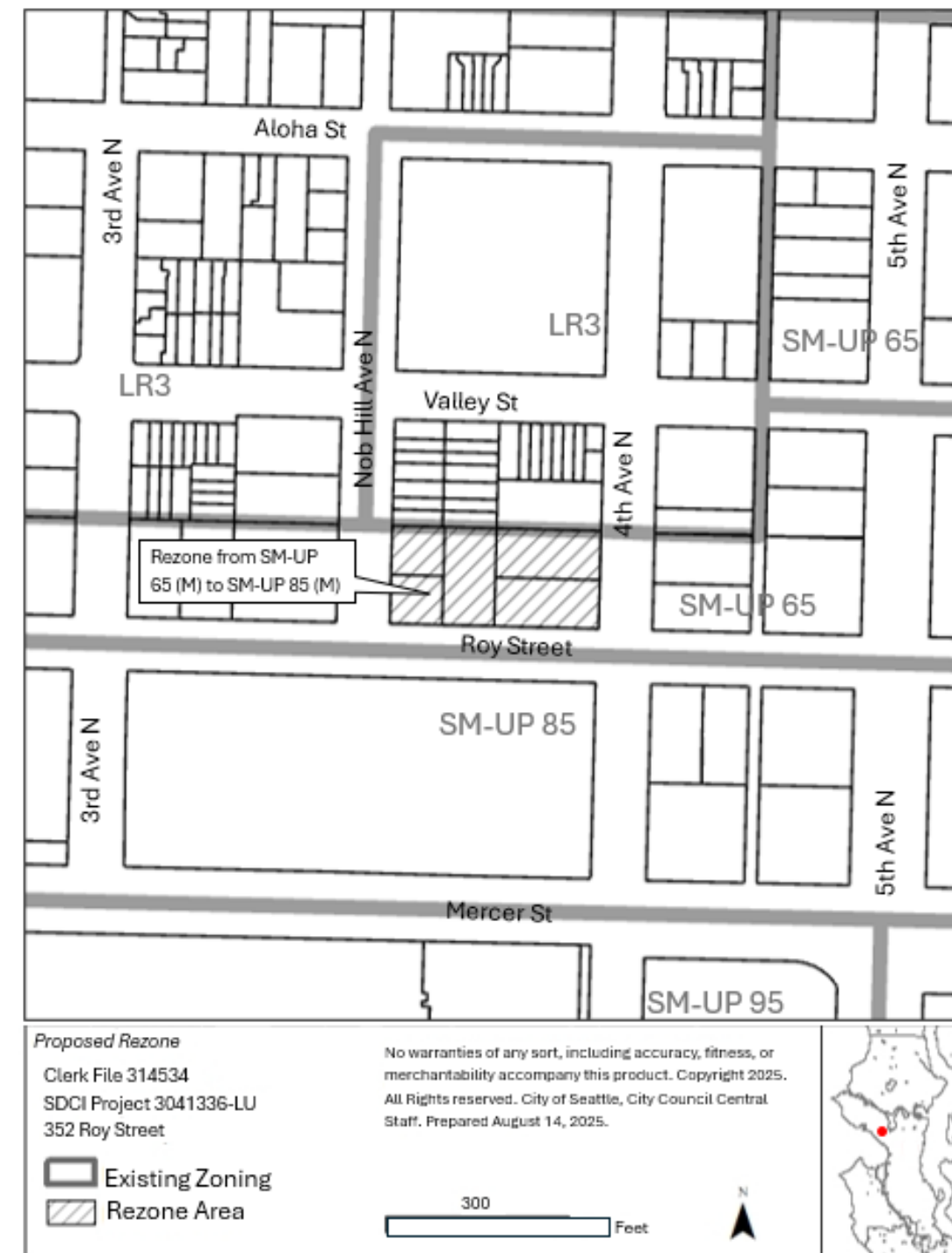
Its: _____

On this day personally appeared before me ____, to me known to be the ____, of ____, a Washington limited liability company that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this ____ day of ____, 2025.

		Printed Name _____
		NOTARY PUBLIC in and for the State of Washington, residing at _____
		My Commission Expires _____
STATE OF WASHINGTON COUNTY OF KING	}	ss.

ATTACHMENT A



ATTACHMENT B

PARCEL 545780-1265

LOT 1, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE, ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1300

THE WEST HALF OF LOT 7, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1315

THE WEST HALF OF LOT 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1295

THE EAST HALF OF LOTS 7 AND 8, BLOCK 35, MERCERS 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

PARCEL 545780-1270

LOT 2, BLOCK 35, MERCER'S 2ND ADDITION TO NORTH SEATTLE ACCORDING TO PLAT RECORDED IN VOLUME 2 OF PLATS, PAGE 7, IN KING COUNTY, WASHINGTON

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Legislative	HB Harper	N/A

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Chapter 23.32 of the Seattle Municipal Code at page 100 of the Official Land Use Map to rezone parcels located at 352 Roy Street from Seattle Mixed Uptown with a 65 foot height limit and M Mandatory Housing Affordability suffix (SMU-65 (M)) to Seattle Mixed Uptown with an 85 foot height limit and M Mandatory Housing Affordability suffix (SMU-85 (M)); and accepting a Property Use and Development Agreements as a condition of rezone approval. (Application of Kamiak Real Estate LLC, C.F. 314534, SDCI Project 3041336-LU)

Summary and Background of the Legislation:

This bill rezones five parcels located at 352 Roy Street and accepts a property use and development agreement limiting future development on the site. The rezone will facilitate development of a 215-unit mixed use building with apartments and retail.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☐ Yes ☒ No

4. OTHER IMPLICATIONS

- a. Please describe how this legislation may affect any departments besides the originating department.

N/A

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

Yes, five parcels at 352 Roy Street. See map attached to ordinance.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

The project will include affordable housing units meeting the requirements of the Mandatory Housing Affordability program.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

- iii. What is the Language Access Plan for any communications to the public?**

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

Due to the project location in an urban center with access to transit, the project is likely to produce fewer emissions than a similar project located in a less urbanized environment.

- ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No

- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

N/A

5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

- ☐ **Is a public hearing required?**
- ☐ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**
If yes, please review requirements in Resolution 31203 for applicability and complete and attach "Additional risk analysis and fiscal analysis for non-utility partner projects" form.

6. ATTACHMENTS

Summary Attachments:



Legislation Text

File #: CB 121045, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; updating timelines for City review of land use permits; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code; and amending Resolution 31602 to update the City Council Rules for Quasi-Judicial Proceedings.

WHEREAS, Revised Code of Washington (RCW) 36.70B.080 identifies timelines for local review of project permits; and

WHEREAS, RCW 36.70B.140 allows local governments by ordinance to exclude landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval that are different from that provided in RCW 36.70B.080; and

WHEREAS, the City Council Rules for Quasi-Judicial Proceedings were last updated in 2015, since which time the City Clerk has started to accept electronic filing of documents; and

WHEREAS, filing documents electronically allows for shorter timelines for filing of responses to those filings;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.76.005 of the Seattle Municipal Code, last amended by Ordinance 125587, is amended as follows:

23.76.005 Time for decisions

A. Except as otherwise provided in this Section 23.76.005 or otherwise agreed to by the applicant, land

use decisions on applications shall be made under the following timelines:

1. Type I: within ~~((420))~~ 65 days after the applicant has been notified that the application is complete~~((;))~~ ;
2. Type II: within 100 days after the applicant has been notified that the application is complete;
3. Type III: within 170 days after the applicant has been notified that the application is complete, provided that the Director shall issue a recommendation within 100 days;
4. Type IV: as provided in subsection 23.76.005.E.2; and
5. Type V: no timeline for final decision.

B. In determining the number of days that have elapsed ~~((after the notification that the application is complete))~~ for purposes of subsection 23.76.005.A, the following periods shall be excluded:

1. All periods of time during which ~~((the applicant has been requested by))~~ the Director ~~((to))~~ or Hearing Examiner has requested that the applicant correct plans, perform required studies, or provide additional required information, until ~~((the Director determines that the request has been satisfied))~~ the day responsive information is resubmitted by the applicant;
2. Any extension of time mutually agreed upon by the Director or Hearing Examiner and the applicant;
3. For projects for which an EIS has been required, the EIS process time period established in subsection 23.76.005.~~((B))~~C; and
4. Any time period for filing an appeal or request for further consideration of the land use decision to the Hearing Examiner or City Council as applicable, and the time period to consider and decide the appeal ~~((; and))~~ .
- ~~((5. All periods of time during which the applicant has been requested by the Director to pay past due permit fees, until the Director determines that the request has been satisfied or until the permit is cancelled for failure to pay fees.))~~

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

~~((C))~~D. The time limits established by subsections 23.76.005.A, ~~((and))~~ 23.76.005.B, and 23.76.005.C do not apply if a permit application:

1. Requires an amendment to the Comprehensive Plan or the Land Use Code; ~~((or))~~
2. Requires the siting of an essential public facility;
3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete; or
4. Requires the vacation of public right-of-way.

~~((D))~~E. Exclusions pursuant to RCW 36.70B.140(1)~~((:))~~

1. Type II decisions. There is no time limit for a decision on an application that includes an exception from ~~((the regulations for Environmentally Critical Areas,))~~ Chapter 25.09.
2. ~~((Type III decisions.~~
 - a. ~~The Director shall issue a recommendation within 120 days as that time is calculated pursuant to subsections 23.76.005.A, B, and C; and~~
 - b. ~~The Hearing Examiner shall issue a decision within 90 days of issuance of the Director's recommendation, except that in determining the time limits for Type III decisions established in this subsection 23.76.005.D.2.b, the following periods shall be excluded:~~
 - 1) ~~The time during which a Type III decision is remanded by the Hearing Examiner for further information or analysis. The Hearing Examiner shall set a reasonable period for the remand after consideration of the nature and complexity of the issues, and, if practicable, after consultation~~

~~with the parties about the reasonableness of the remand period;~~

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

~~3) Any extension of time mutually agreed upon by the Hearing Examiner and the applicant.~~

~~3-))~~ Type IV Council land use decisions~~((:-))~~

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

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

1) The Director shall issue a recommendation within ~~((120))~~ 100 days as that time period is calculated pursuant to subsections 23.76.005.A, 23.76.005.B, ~~((and))~~ 23.76.005.C, and 23.76.005.D;

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

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

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

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

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

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

~~((E))~~F. Type V Council land use decisions are legislative decisions to which no time limits apply.

Section 2. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance 127288, is amended as follows:

23.76.010 Applications for Master Use Permits

* * *

D. All applications shall contain the submittal information required by the applicable sections of this Title 23, Land Use Code; Title 15, Street and Sidewalk Use; Chapter 25.05, Environmental Policies and Procedures; Chapter 25.09, Regulations for Environmentally Critical Areas; Chapter 25.12, Landmarks Preservation; Chapter 25.16, Ballard Avenue Landmark District; Chapter 25.20, Columbia City Landmark District; Chapter 25.22, Harvard-Belmont Landmark District; Chapter 25.24, Pike Place Market Historical District; and other codes as determined applicable and necessary for review by the Director. All shoreline substantial development, conditional use or variance applications shall also include applicable submittal information as specified in WAC 173-27-180. The Director shall ~~((make available, in writing, a general list of))~~ outline the submittal requirements for a complete application in the permit application.

E. Notice of Complete Application.

1. The Director shall determine whether an application is complete and shall notify the applicant in writing within 28 days of the date the application is filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within 14 days of receiving the additional information, the Director shall notify the applicant in writing if the application is still incomplete and what additional information is necessary. An application shall be deemed to

be complete if the Director does not notify the applicant in writing that the application is incomplete by the deadlines in this subsection 23.76.010.E. A determination that the application is complete is not a determination that the application is vested.

2. A Master Use Permit application is procedurally complete for purposes of this Section 23.76.010 if it meets the submittal requirements ~~((established by the Director in subsection 23.76.010.D and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently))~~ outlined on the permit application. The determination of completeness shall not preclude the Director from requesting additional information or studies either at the time the application is determined complete or subsequently, if additional information is required to complete review of the application or substantial changes in the permit application are proposed. However, if the submittal requirements outlined on the permit application have been met the need for additional information or studies may not preclude a determination of completeness.

3. A determination under this Section 23.76.010 that an application is complete is not a determination that the application is vested. A vesting determination shall be made only if needed because of a change in applicable laws and shall entail review of the application for compliance with RCW 19.27.095, RCW 58.17.033, and Section 23.76.026.

* * *

Section 3. Exhibit A to Resolution 31602 is amended as shown in Exhibit A to this ordinance.

Section 4. 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 _____ day of _____, 2025, and signed by
me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

Exhibits:

Exhibit A - City Council Rules for Quasi-Judicial Proceedings (2025 Rules), As Amended

**CITY COUNCIL RULES FOR QUASI-JUDICIAL PROCEEDINGS (((2015)) 2025
Rules)**

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I. APPLICABILITY AND PURPOSE

- A. The purpose of these rules is to establish procedures for quasi-judicial actions before the City Council and to implement the Appearance of Fairness Doctrine, Revised Code of Washington (RCW) Chapter 42.36.
- B. Pursuant to Seattle Municipal Code (SMC) Chapter 23.76, the following Type IV Land Use Decisions, along with any integrated decision to exercise substantive State Environmental Policy Act (SEPA) authority and any associated Type II land use decisions listed in subsection 23.76.006.C.2, are governed by these rules:
 - 1. A Council conditional use;
 - 2. An amendment to the Official Land Use Map, except for an area-wide amendment or a correction of an error on the Official Land Use Map due to a cartographic or clerical mistake;
 - 3. Approval of a property use and development agreement (PUDA) that is required as a condition of rezone approval, or an amendment of a PUDA that represents a major departure from the terms of the prior decision, pursuant to Section 23.76.058;
 - 4. Major institution master plan adoption, a major amendment to a major institution master plan, or renewal of a major institution master plan development plan component pursuant to Chapter 23.69;
 - 5. A public project as defined in Section 23.84A.030 that requires City Council approval.
- C. The following quasi-judicial actions are also governed by these rules:
 - 1. An amendment to a PUDA that was required as a condition of rezone approval that represents a minor departure from the terms of the PUDA, pursuant to Section 23.76.058;
 - 2. A request to extend a Type IV Land Use Decision pursuant to Section 23.76.060;
 - 3. An appeal of an individual's final assessment for a Local Improvement District pursuant to Section 20.04.090;
 - 4. An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark pursuant to Section 25.12.630;
 - 5. An appeal of the Director of Housing's decision to deny an application for a multifamily housing property tax exemption pursuant to Section 5.73.060;
 - 6. Other action that is quasi-judicial or subject to the Appearance of Fairness Doctrine as defined in these rules.
- D. All references to Chapters and Sections in these rules are to the SMC unless stated otherwise. In case of conflict between these rules and the SMC, the SMC controls.

II. DEFINITIONS

- A. “Appearance of Fairness Doctrine” refers to the provisions of RCW chapter 42.36.
- B. “Appellant” means a person who submits an appeal of a Hearing Examiner’s recommendation or decision on a quasi-judicial action covered by these rules, or an appeal of the Director of Housing’s decision to deny an application for a multifamily housing property tax exemption.
- C. “Certificate of Service” means a signed sworn statement that a document has been either mailed by first class mail or emailed on the date stated in the certificate to the persons named at the addresses listed in the certificate.
- D. “Committee” means the City Council committee charged with making recommendations on a quasi-judicial action.
- E. “Ex parte communication” means any direct or indirect communication between a Councilmember and a proponent, opponent, or party of record that is made outside a Council hearing or meeting considering a quasi-judicial action and that concerns the merits of the quasi-judicial action pending before the City Council.
- F. “Party of record” means:
 - 1. any person who appeals a recommendation or decision in a quasi-judicial action;
 - 2. the City agency making a recommendation, decision or determination on a quasi-judicial action and any of its employees or agents, except that the Hearing Examiner is not a party of record;
 - 3. the owner(s) of the property subject to the quasi-judicial action;
 - 4. any person who filed an application for a permit or development approval that is the basis for the quasi-judicial action;
 - 5. any person granted party status through intervention at the Hearing Examiner proceeding or during the City Council quasi-judicial proceeding; and
 - 6. for an extension of a Type IV Land Use Decision or a minor amendment to a PUDA, any person who commented to the Department of Planning and Development (DPD) on the request for extension or minor amendment.
- G. “Pending” means the period of time during which a quasi-judicial action is under consideration by the Council. For purposes of these rules, a quasi-judicial action is considered to be under consideration by the Council beginning when the matter is date-stamped by the City Clerk, which for actions based upon a Hearing Examiner recommendation is pursuant to subsection IV.E of these rules. A quasi-judicial action

remains under consideration before the Council until the final termination of all judicial appeals of the Council decision in the quasi-judicial matter.

- H. “Person” means an individual, partnership, corporation, entity, association, or public or private organization of any character.
- I. “Quasi-judicial action” or “quasi-judicial matter” means an action of the City Council that determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial action does not include a legislative action adopting, amending, or revising a comprehensive, community, or neighborhood plan; zoning regulation; other land use planning document; or area-wide amendment to the Official Land Use Map.
- J. “Quasi-judicial proceeding” means the procedure by which Council considers a quasi-judicial action.
- K. “Record, procedural” means the procedural and pre-hearing documents and materials filed with the City Clerk and considered by the Council that are not part of the substantive record, and the disclosures of ex-parte communications placed on the record as required by RCW chapter 42.36 and these rules.
- L. “Record, substantive” means the Hearing Examiner’s record as supplemented by the Council pursuant to these rules, including the transcript or recording or both of the hearing before the Hearing Examiner, the exhibits admitted into evidence, and the other documents in the Hearing Examiner proceeding; or, for an appeal of a denial of an application for a multifamily housing property tax exemption by the Director of Housing, the exhibits and other documents compiled by the Director of Housing in denying the application; or, for a minor amendment to a PUDA or a request to extend a Type IV Land Use Decision, the materials submitted to DPD and the DPD recommendation, and any additional information used by the Council.
- M. “Valid” means submitted in compliance with all requirements of the SMC and these rules.

III. APPEARANCE OF FAIRNESS

- A. While a quasi-judicial action is pending before Council, no member of the City Council may engage in an ex parte communication.
- B. If an ex parte communication occurs, then:
 - 1. The Councilmember shall, either orally or in writing, place in the procedural record the substance of any such ex parte communication; and

2. The Councilmember shall make a public announcement at each meeting or hearing on the quasi-judicial action of the content of any such ex parte communication and the right of parties of record to rebut the substance of the communication. As one means of accomplishing this, the Council may announce at each meeting or hearing that there has been an ex parte communication, that a written summary of such communication is available, and that the parties of record have an opportunity to rebut the substance of the communication.
- C. The prohibition against ex parte communication does not preclude a member of the Council from questioning the parties of record concerning matters in the record during the meetings or hearings before the Council on the quasi-judicial action.
- D. Anyone seeking to rely on the appearance of fairness doctrine to disqualify a Councilmember from participating in a decision must raise the challenge as soon as the basis for disqualification is made known to the person. If the basis was known or reasonably should have been known prior to the issuance of a decision and was not raised prior to the issuance of the decision, it may not be relied on to invalidate the decision.
- E. If a Councilmember is challenged for violating the appearance of fairness doctrine or for bias or prejudice, the Councilmember shall respond on the record by either:
 1. Agreeing with the challenge and disqualifying himself or herself from acting on the quasi-judicial matter. The disqualified Councilmember may not vote and may not participate in the hearing and deliberation process, even if not voting. In addition, the disqualified Councilmember should not discuss the merits of the proposal with other Councilmembers; or
 2. Disagreeing with the challenge and:
 - a. Stating on the record why the Councilmember believes that there has been no violation of the appearance of fairness doctrine; or
 - b. Stating on the record why the Councilmember believes that he or she is not biased or prejudiced.
- F. If a challenge to a Councilmember would cause a lack of a quorum or would result in an inability to obtain a majority vote as required by law, any such challenged Councilmember is permitted to fully participate in the proceeding and vote as though the challenge had not occurred, if the Councilmember publicly discloses the basis for disqualification prior to rendering a decision. Such participation shall not subject the decision to a challenge by reason of violation of the appearance of fairness doctrine.

IV. GENERAL PROCEDURES

- A. The Council may refer any quasi-judicial action to the appropriate Council committee to review the merits of the action and to make a recommendation to the full Council.
- B. If a committee is authorized to make a ruling or determination on a procedural matter, the committee chair may make that procedural ruling or determination, or may refer such ruling or determination to the committee for discussion and vote.
- C. A document required to be filed with the City Clerk pursuant to these rules shall be filed by hard copy or electronic means, per the City Clerk's requirements for filing documents. If the City Clerk receives a ~~((mailing-))document~~ after a deadline, even if the mailing is postmarked on the day of the deadline or the electronic transmittal is sent on the day of the deadline, the ~~((mailing-))document~~ will not be considered as having met the deadline.
- D. A notice, request, reply, or response to someone other than the City Clerk may be sent by either first class mail or electronic means, depending on the means of transmittal authorized or indicated by the recipient.
- E. If the quasi-judicial proceeding includes a Hearing Examiner recommendation or decision, the date reflected in the City Clerk's date-stamp is one of the following:
 - 1. The date notice of the application for a Type IV Land Use Decision listed in subsection I.B of these rules is filed by DPD with the City Clerk, pursuant to Section 23.76.040.
 - 2. The date the Hearing Examiner's or designated officer's decision on the final assessment roll for a Local Improvement District is filed with the City Clerk.
 - 3. The date the Landmark Preservation Board recommendation on controls and incentives for a designated Seattle landmark about which the owner and Board staff are unable to reach an agreement is filed with the City Clerk.
- F. If the last day of a period specified by these rules is a Saturday, Sunday, or federal or City holiday, the deadline runs until 5 p.m. on the next day that is not a Saturday, Sunday, or federal or City holiday.
- G. When calculating the number of days that a notice or motion must be provided prior to a committee meeting or hearing, the day after the notice or motion is provided is the first day of the period, and the day of the meeting or hearing is the last day of the period.
- H. Time requirements in these rules are strictly applied.
- I. A motion is limited to 20 double-spaced pages, excluding declarations, exhibits, attachments, and appendices.

V. PROCEDURES BEFORE COMMITTEE ACTION

A. Appeals.

1. Who May File an Appeal

- a. An appeal of a Hearing Examiner's recommendation on any Type IV Land Use Decision, including any associated Type II land use decision and any integrated decision to approve, condition, or deny based on substantive SEPA authority, may be filed by any person who submitted a written comment to the DPD Director or an oral or written comment to the Hearing Examiner on the matter.
- b. An appeal of an individual's final assessment for a Local Improvement District may be filed only by a party who made a timely protest at the initial hearing, pursuant to Section 20.04.090.D. Failure to file an appeal does not limit use of the judicial appeal process under RCW 35.44.200.
- c. An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark may be filed only by a party of record to the Hearing Examiner process.
- d. An appeal of the Director of Housing's decision to deny an application for a multifamily housing property tax exemption may be filed only by the applicant.

2. Filing Deadline for an Appeal

- a. An appeal of the Hearing Examiner's recommendation on a Type IV Land Use Decision must be filed with the City Clerk by 5 p.m. of the 14th calendar day following the date of the Hearing Examiner's recommendation.
- b. An appeal of an individual's final assessment for a Local Improvement District must be filed with the City Clerk by 5 p.m. of the 14th calendar day following the date of the Hearing Examiner's or designated officer's decision.
- c. An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark must be filed with the City Clerk and served on all other parties of record by 5 p.m. of the 14th calendar day after the Hearing Examiner's decision is served on the party appealing.
- d. An appeal of the Director of Housing's denial of an application for a multifamily housing property tax exemption must be filed with the City Clerk by 5 p.m. of the 30th calendar day following the receipt of the denial.

3. Form and Content of Appeal. An appeal shall be in writing and:

- a. Clearly identify specific objections to the recommendation or decision;
- b. Specify the relief sought;

- c. For an appeal of an individual's final assessment for a Local Improvement District, state clearly on the cover or cover page the number of the Local Improvement District and the appellant's name, and shall comply with Section 20.04.110; and
 - d. If desired, include a request to supplement the record, pursuant to subsection V.B. of these rules.
- 4. Rejection or Clarification of Appeal.
 - a. The Council may reject an appeal that does not comply with the form and content requirements.
 - b. The Council may request clarification of an appeal. Council staff will provide the request for clarification to:
 - i. The parties of record for an appeal of the Hearing Examiner's recommendation on a Type IV Land Use Decision;
 - ii. The parties of record for an appeal of the Hearing Examiner's recommendation for controls and incentives for a designated Seattle landmark;
 - iii. Those persons who were provided written notice of the Director of Housing's decision for an appeal of the denial of a multifamily housing property tax exemption;
 - iv. The appellant for an appeal of an individual's final assessment for a Local Improvement District, and the City Attorney.
 - c. Any response from the appellant must be filed, along with a certificate of service, with the City Clerk and copies provided to those who received a copy of the request for clarification by 5 p.m. of the ~~((10th))~~ 7th calendar day after copies of the request for clarification were provided by Council staff.
- 5. Circulation of appeal.
 - a. Upon receipt of a valid appeal, Council staff will provide notice of the appeal to the following persons, and shall complete a certificate of service to be included in the Clerk File for the matter:
 - i. those persons who were provided written notice of the Hearing Examiner's recommendation for an appeal of a Type IV Land Use Decision, or of the Hearing Examiner's recommendation for controls and incentives for a designated Seattle landmark;

- ii. those persons who were provided written notice of the Director of Housing’s decision for an appeal of the denial of a multifamily housing property tax exemption;
 - iii. the appellant for an appeal of an individual’s final assessment for a Local Improvement District, as well as the City Attorney.
 - b. Notice must be provided at least 21 calendar days prior to the date the committee is to consider the matter.
 - c. The notice shall include:
 - i. A copy of each appeal;
 - ii. Instructions for filing a response, including a list of the parties of record on whom any response and certificate of service must be served;
 - iii. If a request to supplement the record has been filed, a copy of the request to supplement the record and instructions for responding; and
 - iv. Notice of the first committee meeting at which the matter will be considered.
- 6. Response. Only a party of record may respond to an appeal. Any response must be filed, along with a certificate of service, with the City Clerk and copies provided to the other parties of record, by 5 p.m. of the ~~((40th))~~ 7th calendar day after the notice of appeal was provided by Council staff.
- 7. Reply. Any reply from a person who filed an appeal must be filed with the City Clerk, along with a certificate of service, and copies provided to the other parties of record, by 5 p.m. of the 7th calendar day after the response was filed with the City Clerk.
- B. Request to Supplement the Record on an Action other than an Extension of a Type IV Land Use Decision, a Minor Amendment to a PUDA, or an Appeal of an Individual’s Final Assessment for a Local Improvement District.
 - 1. Filing a Request to Supplement the Record. A request to supplement the record may be filed only by a party of record or as part of a motion to intervene, and must be filed with the City Clerk, along with a certificate of service, no later than:
 - a. If an appeal has been filed, the deadline for filing a reply; or
 - b. If no appeal is filed, ~~((28))~~21 calendar days after the Hearing Examiner provides copies of the recommendation or decision on the quasi-judicial action.
 - 2. Form and Content of a Request to Supplement the Record.
 - a. A request to supplement the record shall be in writing, and:
 - i. include a brief description of the nature of and a copy of the evidence proposed to be added; and

- ii. explain how the evidence proposed to be added meets the standard for supplementation, i.e., why it was not available or could not reasonably have been produced at the time of the open record hearing before the Hearing Examiner, or, for an appeal of a denial of an application for a multifamily housing property tax exemption, at the time the Director of Housing denied the application for the exemption.
 - b. Testimony proposed to be added to the record must be presented by affidavit, by declaration conforming to the standards of RCW 9A.72.085, or in a transcript.
 - c. A request to supplement the record must be submitted as either:
 - i. a separate section of an appeal, a response, a reply, or a motion to intervene; or
 - ii. a separate document attached to an appeal, a response, a reply, or a motion to intervene; or
 - iii. if no appeal has been filed, a separate document.
3. Circulation of a Request to Supplement the Record.
- a. If a request to supplement the record is filed with an appeal that is valid, Council staff will provide it together with the appeal to the same persons to whom Council staff provides notice of the appeal pursuant to subsection V.A.5.a of these rules, along with instructions for responding to the request to supplement the record.
 - b. If a request to supplement the record is filed at some other time but by the deadline provided in subsection V.B.1 of these rules, the person filing the request must also provide a copy of the request and a certificate of service to those to whom the Hearing Examiner provided copies of the recommendation or decision.
4. Response to Request to Supplement the Record. A response may be filed by a party of record or any person who filed a pending motion to intervene. Any response must be filed together with a certificate of service with the City Clerk and copies provided to the other parties of record and to any person who filed a motion to intervene, by 5 p.m. of the ~~((10th))~~ 7th calendar day after the request to supplement the record was provided as required by subsection V.B.3 of these rules.
5. Content of Response. A response to a request to supplement the record shall be in writing and address the standard for supplementation described in subsection V.B.2.a.ii of these rules.
6. Reply. Any reply must be in writing and be filed along with a certificate of service with the City Clerk and copies provided to the other parties of record and to any person who filed a motion to intervene, by 5 p.m. of the 7th calendar day after the

response was filed. A reply must respond only to the arguments made in any response and not raise new issues.

C. Motions in a Proceeding other than an Extension of a Type IV Land Use Decision or a Minor Amendment to a PUDA.

1. Motion to Intervene in an Action Other Than an Appeal of an Individual's Final Assessment for a Local Improvement District.

a. If a valid appeal has been filed, then a person may file a motion to intervene to participate in a quasi-judicial action as a party of record. The motion may not be filed before notice of an appeal is provided according to subsection V.A.5 of these rules. The motion may be filed no later than the deadline for filing a reply to the appeal. The motion to intervene shall be in writing and be filed along with a certificate of service with the City Clerk, with copies provided to parties of record. The motion to intervene must state the basis for intervention and how the person making the request is affected by or interested in the quasi-judicial action, and must include any request to supplement the record.

b. In considering a motion to intervene, the committee shall consider:

- i. whether the motion to intervene shows a substantial or significant interest in the quasi-judicial action that is not otherwise adequately represented by a party of record;
- ii. whether intervention can be accomplished without unduly delaying the proceeding or prejudicing the rights of any party of record; and
- iii. whether the person filing the motion either participated in the Hearing Examiner proceeding, or failed to do so because he or she was unable to do so.

c. If it grants a motion to intervene, the committee may limit the nature and scope of the participation, including the issues the intervenor may address.

2. Other Motions. Any other motion may be filed by a party of record. If a valid appeal has been filed, such ((Such)) a motion shall be in writing and be filed along with a certificate of service with the City Clerk no later than 28 calendar days after the Hearing Examiner or Director of Housing provides copies of the recommendation or decision on the quasi-judicial action. If no valid appeal has been filed, such a motion shall be in writing and be filed along with a certificate of service with the City Clerk no later than 7 calendar days after Council staff has sent notice of the first Council meeting to consider the quasi-judicial action. The person filing the motion must send a copy of the motion together with a copy of the

- certificate of service to those persons who were provided written notice of the Hearing Examiner's recommendation or decision, or, for an appeal of the denial of a multifamily housing property tax exemption, of the Director of Housing's decision.
3. Response. Any response to a motion shall be in writing, and be filed by a party of record along with a certificate of service with the City Clerk, and copies provided to the other parties of record, by 5 p.m. on the ~~((10th))~~ 7th calendar day after the motion was filed. If the response is to a motion to intervene, the party filing the response shall also provide a copy of the response and certificate of service to the person who filed the motion to intervene.
4. Reply. The person who filed a motion may file a written reply with the City Clerk along with a certificate of service, with copies provided to the other parties of record, by 5 p.m. of the 7th calendar day after the response was filed with the City Clerk. A reply must respond only to the arguments made in any response and not raise new issues.

VI. COMMITTEE ACTION

- A. The committee shall schedule time at a committee meeting to consider the quasi-judicial action. For an appeal of an individual's final assessment for a Local Improvement District, the committee shall, within 15 days following the filing of the appeal with the City Clerk, set the time and place for the hearing on the appeal.
- B. Notice.
1. Unless some other time is required by law, Council staff shall provide notice of each committee meeting at which a quasi-judicial action is to be considered to the parties of record, and to any person who filed a pending motion to intervene, as follows:
 - a. at least 21 calendar days prior to the first meeting; and
 - b. at least 7 calendar days prior to any subsequent meeting; and
 - c. at least 21 calendar days prior to the first meeting at which a DPD Director or Hearing Examiner recommendation on a remanded quasi-judicial action is discussed.
 2. For an application for a minor PUDA amendment or an extension of a Type IV Land Use Decision, Council staff shall provide notice of the committee meeting at which the action is to be considered to the applicant, those who commented to DPD on the application, and those who requested notification of Council meetings on the matter, at least 21 calendar days prior to the first meeting, and at least 7 calendar days prior to

any subsequent meeting. The notice shall state that written comments will be accepted, and that oral comments may be permitted at the first meeting.

C. Committee Consideration of the Quasi-judicial Action. At a committee meeting, the committee will take the following actions, except that subsections VI.C.1 and VI.C.2 of these rules do not apply to a minor amendment to a PUDA or a request to extend a Type IV Land Use Decision:

1. Consider and decide any request to supplement the record. The committee, at its discretion, may permit a person who submitted a request to supplement the record, and any party of record who submitted a response, to orally address the committee concerning whether the evidence proposed to be added meets the standard for supplementation set forth in subsection V.B.2 of these rules. If the committee permits, each person generally will be allowed 5 minutes to address the committee, unless there are extraordinary circumstances, in which case the committee shall determine the amount of time to allow. The committee may:
 - a. Deny the request to supplement the record;
 - b. Determine that the evidence proposed to be added to the record meets the standard for supplementation set forth in subsection V.B.2 of these rules, and grant the request to supplement in whole or part. If the committee votes to supplement the record:
 - i. each document or exhibit so added shall be labeled as a Council exhibit, with consecutive letters [A, B, . . .Z, AA, etc.]. The name of the party submitting the exhibit shall be noted on the label; and
 - ii. the committee shall also decide whether to recommend that the Council remand the matter to the Hearing Examiner or Director of Housing. The Council may remand the matter only if it determines that the recommending or decision-making agency should reconsider the application in light of the new evidence or material.
2. Consider and decide any motion, including a motion to intervene. In ruling on any motion, the committee may, in its discretion, permit the person who made the motion and any person who submitted a response to orally address the committee concerning the motion. If the committee permits, each such person will generally be allowed 5 minutes to address the committee, unless the committee determines there are extraordinary circumstances, in which case the committee shall determine the amount of time to allow.

3. Consider the merits of the proposed action and vote on a recommendation to full Council.
 - a. The committee, in its discretion, may hear oral argument from:
 - i. any person who submitted an appeal;
 - ii. any person who submitted a response; and
 - iii. any person who was permitted to intervene.
 - b. For a minor amendment to a PUDA or a request to extend a Type IV Land Use Decision, the committee will accept written comments, and may permit oral comments at the first meeting, from the applicant and any person who submitted comments to DPD on the proposed amendment or extension or who requested notification of Council meetings on the matter.
 - c. Oral argument or comment, if permitted, must be based on the evidence in the record.
 - d. If oral argument or comment is permitted, each person will generally be allowed 5 minutes, unless there are extraordinary circumstances, in which case the committee shall determine the amount of time to allow. The party who filed an appeal goes first and may reserve a portion of time for rebuttal. The committee may ask questions or extend the time for argument at the discretion of the committee chair.
 - e. After the oral argument or comment, if allowed, the committee may discuss the merits and vote at this meeting on its recommendation to the Council, or it may continue consideration of the matter to a subsequent committee meeting to discuss the merits and vote.
 - f. The committee may recommend:
 - i. that the Council approve, approve with conditions, modify, or deny the quasi-judicial action; or
 - ii. that the Council remand the application if it has voted to supplement the record and determines that the Hearing Examiner, DPD, Department of Neighborhoods (DON), or Director of Housing should reconsider the application in light of the new evidence; or
 - iii. that the Council remand the application for additional information or a new proposal or both, only for a major institution master plan, an amendment to a major institution master plan, or renewal of a major institution master plan development plan component.

4. Site visit. A Councilmember may visit the location of a quasi-judicial proposal to better understand the evidence in the record, but a Councilmember shall not make any findings, conclusions, or decisions based on information learned during a site visit, and shall not go onto private property without the permission of the owner. A Councilmember shall not engage in ex parte communication during a site visit.
5. Standard of Review.
 - a. In any quasi-judicial action, the Council shall apply applicable law and the decision shall, except as specified in subsection VI.C.5.b of these rules or unless otherwise specified by law, be supported by substantial evidence in the record.
 - b. For an appeal of an individual's final assessment for a Local Improvement District, the Hearing Examiner's or designated officer's decision shall be accorded substantial weight and the burden of establishing the contrary is upon the appealing party. The Council may adopt or reject, in whole or in part, the findings, recommendations, and decision of the Hearing Examiner or designated officer or make such other disposition of the matter as is authorized by RCW 35.44.100 and SMC Section 20.04.090.B.

VII. PREPARATION AND TRANSMITTAL OF COMMITTEE RECOMMENDATION TO COUNCIL

- A. Preparation of Recommendation. After the committee votes on a recommendation, Council staff shall prepare:
 1. proposed findings of fact and conclusions of law and a proposed decision for Council based on the committee's recommendation;
 2. a report explaining each position, proposed alternative findings and conclusions, and a proposed decision based on the record for each position, if the committee vote is divided; and
 3. an ordinance and any related documents, if an ordinance is required.
- B. Transmittal of Committee's Recommendation to Council. Council staff shall make the documents listed in subsection VII.A of these rules available to the Council prior to any vote.
- C. Introduction of Ordinance. If an ordinance is required, it shall be introduced according to Council procedures, except that it does not require Councilmember sponsorship.
- D. Execution of PUDA. Any PUDA or amendment to a PUDA shall be executed by all legal and beneficial owners of the property that is the subject of the contract rezone prior to any Council vote.

VIII. COUNCIL ACTION

- A. The Council shall make its decision based solely on the evidence in the record.
- B. No public comment addressing the merits of a quasi-judicial action is permitted at any Council meeting. If public comment does occur, the substance of the comment may not be considered by the Council in making its decision.
- C. The Council may approve, approve with conditions, modify, remand, or deny the quasi-judicial action. The Council may remand the application only if:
 - 1. the committee voted to supplement the record and determined that the Hearing Examiner, DPD, DON, or Director of Housing should reconsider the application in light of the new evidence; or
 - 2. for a major institution master plan, an amendment to a major institution master plan, or renewal of a major institution master plan development plan component, the committee determined that there is need for additional information or a new proposal or both.
- D. The Council shall adopt written findings of fact and conclusions to support its decision.
- E. Council decisions.
 - 1. Decisions on the following quasi-judicial actions are made by ordinance:
 - a. An amendment to the official land use map;
 - b. An amendment to a PUDA;
 - c. Adoption of, or a major amendment to, a major institution master plan, or renewal of a major institution master plan development plan component;
 - d. An appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark; and
 - e. An extension of a Type IV Land Use Decision originally adopted by ordinance.
 - 2. Decisions on the following quasi-judicial actions are not made by ordinance:
 - a. A Council conditional use;
 - b. A public project approval;
 - c. An appeal of an individual's final assessment for a Local Improvement District;
 - d. An appeal of the Director of Housing's denial of an application for a multifamily housing property tax exemption; and
 - e. An extension of a Type IV Land Use Decision not originally adopted by ordinance.
- F. The Council's decision on a Type IV Land Use Decision, to the extent such information is available to the Council, shall contain the name and address of the owner of the

property, of the applicant, and of each person who filed an appeal with the Council, unless such person abandoned the appeal or such person's claims were dismissed before the hearing.

- G. If the Council remands a proposed new or amended major institution master plan or the renewal of a major institution master plan development plan component, Council staff will send to the major institution the request for additional information or a new proposal or both on the issue that was not adequately addressed.

IX. ACTIONS AFTER COUNCIL DECISION

A. Transmittal of Council Decision.

1. The City Clerk shall prepare a letter of transmittal to accompany the findings of fact, conclusions, and decision. The letter shall state the time and place for seeking judicial review. The Council's decision is issued, for purpose of seeking judicial review pursuant to the Land Use Petition Act, on:
 - a. the date that the Council passed the ordinance for decisions made by ordinance; or
 - b. the date three days after a copy of the decision is transmitted by the City Clerk for decisions not made by ordinance.
2. The City Clerk shall promptly provide the letter of transmittal and a copy of the Council's findings of fact, conclusions, and decision to:
 - a. For a Type IV Land Use Decision, an appeal of an individual's final assessment for a Local Improvement District, or an appeal of the Hearing Examiner's recommendation on controls and incentives for a designated Seattle landmark: the Hearing Examiner and all parties of record.
 - b. For an appeal of the Director of Housing's denial of an application for a multifamily housing property tax exemption, a minor amendment to a PUDA, or an extension of a Type IV Land Use Decision: all parties of record.

- B. Shoreline Reclassification. For a shoreline environment reclassification, DPD shall file a copy of the Council's findings, conclusions, and decision with the State Department of Ecology. A shoreline environment reclassification is not effective until approved by the Department of Ecology.

- C. Recording of PUDA. The City Clerk shall record any executed PUDA with the King County Recorder as soon as practicable, and no later than 30 days after the passage of the ordinance.

- D. Local Improvement District. The City Clerk shall file the original Council decision in the record of the Local Improvement District.

X. EFFECT OF COUNCIL DECISION

- A. The Council's decision is final and conclusive unless the Council retains jurisdiction. Unless the decision is reversed or remanded on appeal, the Director of DPD, DON, Director of Housing, and other departments are bound by the Council's decision and shall incorporate the terms and conditions of the Council's decision in any permit issued to the applicant or in approved plans.
- B. No ordinance confirming an assessment roll for a Local Improvement District shall be enacted by the Council until all appeals to the City Council about the assessment roll are decided.

XI. MAINTENANCE OF RECORD OF QUASI-JUDICIAL PROCEEDING

The City Clerk shall maintain the official record of the Council's decision in a quasi-judicial matter. The following documents shall be included in the official record of a quasi-judicial Council action addressed by these rules:

- A. If there is one, the Hearing Examiner's record, including exhibits, and recordings and transcripts of hearings. However, the City Clerk shall maintain oversize exhibits only for a period of three months after the Council's decision, or, if a judicial appeal is filed, until such time as the judicial appeal is resolved. After the three months or the resolution of any judicial appeal, the City Clerk may substitute photographs of oversize exhibits for the oversize exhibits and may destroy the oversize exhibits unless the party who submitted the oversize exhibits requests that they be returned.
- B. Any evidence admitted by the Council to the substantive record as a result of a request to supplement the record;
- C. For a minor amendment to a PUDA or a request to extend a Type IV Land Use Decision, the materials submitted to DPD and the DPD recommendation, and any additional information used by the Council;
- D. The Council's procedural record; and
- E. The Council's findings, conclusions, and decision.

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Legislative	Lish Whitson/425-390-2431	N/A

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; updating timelines for City review of land use permits; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code; and amending Resolution 31602 to update the City Council Rules for Quasi-Judicial Proceedings.

Summary and Background of the Legislation:

This bill adopts the default project permit review timelines of Revised Code of Washington Section 36.70B.080 for certain permit types. RCW 3670B.080 sets the following default timelines:

- For permits that do not require public notice or a public hearing: 65 days
- For permits that require public notice, but not a public hearing: 100 days
- For permits that require both a public notice and a public hearing: 170 days

The bill uses the current categories of project types identified in Chapter 23.76 to apply these deadlines. Type I permits, which do not require public notice or hearing, would have a deadline of 65 days. Type II permits, which do require public notice, but not a public hearing would have a deadline of 100 days. Type III permits, which require both public notice and a hearing would have 170 days.

The bill relies on provisions in RCW 36.70B.140, to set different deadlines for certain types of projects. It maintains the deadline for City review of applications for rezones and other Type IV quasi-judicial actions (300 days for a rezone without an appeal, and 330 days for a rezone with an appeal).

The bill also amends the determination of completeness provisions of Section 23.76.010 to better align with RCW 36.70B.070. Specifically, the City must outline the permit submittal requirements on the permit application. The need for additional information or studies may not preclude a determination of completeness if the permit submittal requirements are met.

Finally, the bill updates the City Council Rules for Quasi-Judicial Actions to clarify that electronic filing of documents is permitted. Because almost all filings are currently made via e-mail and thus are available to all parties almost immediately, the bill updates the rules to shorten timelines for filing responses to seven days. The previous timelines, which allowed ten days for various filings, had assumed that documents would be mailed.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?

☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

☐ Yes ☒ No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

Decreasing the time to review permits, as required under RCW 36.70B.080 will require increased coordination around permit review between City Departments. The 2025-2026 Adopted Budget included a reorganization of the Seattle Department of Construction and Inspections that was intended to implement a department-wide organizational redesign in 2025. Mayor Harrell has issued an executive order to further improve permit review times and interdepartmental coordination.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

This bill aligns with work already occurring in the Department and other permit review agencies to decrease permit review times and increase Customer Success.

Please describe any financial costs or other impacts of *not* implementing the legislation.

The bill codifies State regulations. The City is obligated to meet the deadlines listed in the bill.

4. OTHER IMPLICATIONS

- a. Please describe how this legislation may affect any departments besides the originating department.**

The bill codifies permit review deadlines that the City is currently required to meet. Seattle Department of Construction and Inspections is most impacted by these requirements, but many other City Departments review permits, including: Seattle Department of Transportation, Seattle Public Utilities, Seattle City Light, Seattle Fire Department, Seattle Department of Neighborhoods, Seattle Hearing Examiner, and the Seattle City Council.

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

Not applicable

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

Decreasing the amount of time required to review development permits and sticking to timelines in the Code may lower the costs and risks associated with developing in Seattle. Lower costs and risk could help to increase the amount of housing that gets permitted. If resources are applied, as they have been proposed to be, to helping all applicants, including new applicants, non-English speakers, and others with less experience or resources, including members of vulnerable or historically disadvantaged communities, then the impacts to those groups may be minimal.

In the Race and Social Justice report on the Design Review program, members of historically disadvantaged communities identified that they valued the opportunity to provide input during the permitting process, but did not have the same level of expertise with the program as wealthier and more highly resourced communities. To the extent that meeting the deadlines in the bill results in less time for City staff to educate people new to the permitting process, there could be inequities in how people are able to engage in the process.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

Not applicable

- iii. What is the Language Access Plan for any communications to the public?**

SDCI provides materials on their website in sixteen languages.

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

Not applicable

- ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

Not applicable.

- e. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

RCW 36.70B.080 includes new requirements for reporting to the State on the City's permit review timelines. These reports will enable the City to track its implementation of the bill and success in meeting the timelines the bill codifies.

5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

- ☒ **Is a public hearing required?**
- ☒ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

6. ATTACHMENTS

Summary Attachments:

None

Amendment 1 Version #1 to CB 121045 LEG Permit Timelines ORD

Sponsor: Councilmember Solomon

Substitute Version of CB 121045

Effect:

Council Bill 121045 responds to Revised Code of Washington (RCW) 36.70B, which requires that the City adopt time periods for decisions on land use permits.

This amendment would substitute a new version of Council Bill 121045, including the changes shown on the attached pages. The substitute updates the bill to reflect specific permit types that require additional time to review or that include additional notice or public meeting requirements. The substitute also includes other provisions from RCW 36.70B that were not in the original version of CB 121045.

Specifically, the substitute:

1. Clarifies that if there are multiple land use permits for a project, the longest time period applies;
2. Allows additional time for Type I permits that include public notice requirements or waivers from development standards;
3. Provides additional time for Design Review, SEPA determinations, Major Phase Development permits, and special exception permit decisions;
4. Clarifies that time periods set for Type III decisions apply to SDCI, not the Seattle Hearing Examiner;
5. Provides clarity around suspensions of permit reviews requested by an applicant;
6. States that the permit clock restarts for projects that have been significantly altered by the applicant;
7. Exempts public projects and projects that include historic resources from permit review time periods;
8. Exempts shoreline exceptions, variances and conditional uses from permit review time periods;
9. Clarifies that payment of fees is a required component of a complete master use permit application, and that failure to pay fees will stop the clock on permit review; and
10. Sets a 60 day effective date for the legislation.

Amend the bill by substituting version 5a, containing the changes shown on the following pages.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; updating timelines for City review of land use permits; amending Sections 23.76.005 and 23.76.010 of the Seattle Municipal Code; and amending Resolution 31602 to update the City Council Rules for Quasi-Judicial Proceedings.

..body

WHEREAS, Revised Code of Washington (RCW) 36.70B.080 identifies ~~timelines~~ time periods

for local review of project permits; and

WHEREAS, RCW 36.70B.140 allows local governments by ordinance to exclude landmark designations, street vacations, or other approvals relating to the use of public areas or facilities, or other project permits, whether administrative or quasi-judicial, that the local government by ordinance or resolution has determined present special circumstances that warrant a review process or time periods for approval that are different from that provided in RCW 36.70B.080; and

WHEREAS, the City Council Rules for Quasi-Judicial Proceedings were last updated in 2015, since which time the City Clerk has started to accept electronic filing of documents; and

WHEREAS, filing documents electronically allows for shorter ~~timelines~~ time periods for filing of responses to those filings; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.76.005 of the Seattle Municipal Code, last amended by Ordinance 125587, is amended as follows:

23.76.005 Time for decisions

A. Except as otherwise provided in this Section 23.76.005 or otherwise agreed to by the applicant, land use decisions on applications shall be made ~~under~~ according to the following

1 timelines. If more than one land use decision is required for a project and there are multiple
2 applicable permit review time periods for the project, the longest applicable time period for
3 decision shall apply. References to days in this Section 23.76.005 shall be calculated by counting
4 every calendar day.

5 1. Type I: within ~~((120))~~ 65 days after the applicant has been notified that the
6 application is complete~~((,))~~ except that the following decisions shall be made within 150 days:

7 a. A Type I land use decision that includes a public notice; and
8 b. A Type I land use decision for a waiver or modification of development
9 standards for Master Use Permit applications subject to temporary design review provisions in
10 subsection 23.41.004.E.3.

11 2. Type II: within ~~100-120~~ 120 days after the applicant has been notified that the
12 application is complete~~;~~ except that the following decisions shall be made within 170 days:

13 a. A Type II design review permit decision;
14 b. A Type II SEPA determination permit decision;
15 c. A Type II Major Phased Development permit decision; and
16 d. A Type II special exception permit decision.

17 3. Type III: ~~within 170 days after the applicant has been notified that the~~
18 ~~application is complete, provided that the he/she~~ Director shall issue a recommendation within
19 170 ~~100~~ days. There is no time period for a final decision on a Type III permit.

20 4. Type IV: as provided in subsection 23.76.005.E.2; and

21 5. Type V: no ~~timeline~~ time period for a final decision.

1 B. In determining the number of days that have elapsed (~~((after the notification that the~~
2 ~~application is complete))~~) for purposes of subsection 23.76.005.A, the following periods shall be
3 excluded:

4 1. All periods of time during which (~~((the applicant has been requested by))~~) the
5 Director (~~((to))~~) or Hearing Examiner has requested that the applicant correct plans, perform
6 required studies, or provide additional required information, until (~~((the Director determines that~~
7 ~~the request has been satisfied))~~) the day responsive information is resubmitted by the applicant;

8 2. Any extension of time mutually agreed upon, in writing, by the Director or
9 Hearing Examiner and the applicant;

10 3. Temporary suspensions of permit review requested by an applicant until such
11 time that the applicant notifies the Director or Hearing Examiner in writing to resume permit
12 review, provided that:

13 a. A penalty of an additional 30 days may be added to the time period for
14 a decision if the applicant requests the Director, in writing, to temporarily suspend the review of
15 the project for more than 60 days; and

16 b. A penalty of an additional 30 days may be added to the time period for
17 a decision if the applicant is not responsive for more than 60 consecutive days after the Director
18 has notified the applicant, in writing, that additional information is required to further process the
19 application and that nonresponsiveness for 60 consecutive days may result in 30 days being
20 added to the time for review. For the purposes of this subsection, “nonresponsiveness” means
21 that an applicant is not making demonstrable progress on providing additional requested
22 information to the City, or that there is no ongoing communication from the applicant to the City
23 on the applicant’s ability or willingness to provide the additional information;

1 ~~((3))~~4. For projects for which an EIS has been required, the EIS process time
2 period established in subsection 23.76.005.~~((B))C~~; ~~and~~.

3 ~~((4))~~5. Any time period for filing an appeal or request for further consideration of
4 the land use decision to the Hearing Examiner or City Council as applicable, and the time period
5 to consider and decide the appeal ~~((; and))~~ is:

6 ~~((5))~~6. All periods of time during which the Director has requested information
7 from the applicant ~~((has been requested by the Director to pay))~~ that confirms payment of due or
8 past-due ~~((permit))~~ fees related to the application, until the ~~((Director determines that the request~~
9 ~~has been satisfied or until the permit is cancelled for failure to pay fees))~~ day the applicant
10 submits confirmation of payment.

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

17 ~~((C))D~~. The time ~~((limits))~~ period established by subsections 23.76.005.A₂ ~~((and))~~
18 23.76.005.B₂ and 23.76.005.C do not apply if a permit application:

- 19 1. Requires an amendment to the Comprehensive Plan or the Land Use Code;
20 ~~((or))~~
- 21 2. Requires the siting of an essential public facility;
- 22 3. ~~((Is substantially revised by the applicant, in which case the time period shall~~
23 ~~start from the date at which the revised project application is determined to be complete; or))~~

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

~~4. Requires a nomination for a landmark designation;~~

~~5. Includes an existing designated landmark on its site~~

~~6. Is for a project located within a landmark district or a historical district;~~

~~7. Is subject to review under Chapter 23.66; or~~

~~8. Is for approvals relating to the use of public areas or facilities.~~

~~((D))E. Exclusions pursuant to RCW 36.70B.140(1)((-))~~

~~1. Type II decisions. There is no time ~~((limit))~~ period for a decision on an application that ~~((includes))~~:~~

~~a. Includes a shoreline exception or shoreline variance from the Shoreline Master Program regulations in Chapter 23.60A, or a shoreline conditional use; or~~

~~b. Includes an exception from ~~((the regulations for Environmentally Critical Areas,))~~ Chapter 25.09.~~

~~2. ~~((Type III decisions.~~~~

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

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

~~1) The time during which a Type III decision is remanded by the Hearing Examiner for further information or analysis. The Hearing Examiner shall set a reasonable period for the remand after consideration of the nature and complexity of the issues;~~

1 and, if practicable, after consultation with the parties about the reasonableness of the remand
2 period;

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

6 3) Any extension of time mutually agreed upon by the Hearing
7 Examiner and the applicant.

8 3.) Type IV Council land use decisions((-))

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

10 b. All other Type IV Council land use decisions and any associated Type
11 II decisions listed in subsection 23.76.006.C.2, except for the exclusions listed in subsections
12 23.76.005.((D))~~EF~~.1 and 23.76.005.((D))~~EF~~.3.c, shall be made within the following time periods:

13 1) The Director shall issue a recommendation within ((120)) 100
14 days as that time period is calculated pursuant to subsections 23.76.005.A, 23.76.005.B, ((and))
15 23.76.005.C, and 23.76.005.D;

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

18 3) The Council shall issue its decision within 90 days of receipt of
19 the Hearing Examiner recommendation, except that if a timely appeal is filed with the City
20 Clerk, the Council shall issue its decision within 120 days of receipt of the Hearing Examiner
21 recommendation.

22 c. In determining the time limits for Type IV Council land use decisions
23 established in this subsection 23.76.005.((D))~~EF~~, the following periods shall be excluded:

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

6 2) ~~((All periods of time during which the~~ Director has requested
7 information from the applicant ~~((has been requested by the Director to pay))~~ that confirms
8 payment of due or past-due ~~((permit))~~ fees related to an application, until the ~~((Director~~
9 ~~determines that the request has been satisfied))~~ day the applicant submits confirmation of
10 payment; and

11 3) ~~((Any extension of time mutually agreed upon by the Hearing~~
12 Examiner and the applicant or the City Council and the applicant.

13 ~~((E))~~ E. Type V Council land use decisions are legislative decisions to which no time
14 ~~((limits))~~ periods apply.

15 G. If a permit application is revised by the applicant by adding or removing commercial
16 or residential elements from the original application that would make the application fail to meet
17 the determination of procedural completeness for the revised application, the time period shall
18 start over on the date the revised application is determined to be complete.

19 Section 2. Section 23.76.010 of the Seattle Municipal Code, last amended by Ordinance
20 ~~127288~~ 127228, is amended as follows:

21 **23.76.010 Applications for Master Use Permits**

22 * * *

1 C. Applications shall be accompanied by payment of the applicable filing fees, if any, as
2 established in Subtitle IX of Title 22. Payment of applicable filing fees is required for a
3 determination that an application is procedurally complete.

4 D. All applications shall contain the submittal information required by the applicable
5 sections of this Title 23~~((, Land Use Code))~~; Title 15~~((, Street and Sidewalk Use))~~; Chapter
6 25.05~~((, Environmental Policies and Procedures))~~; Chapter 25.09~~((, Regulations for~~
7 ~~Environmentally Critical Areas))~~; Chapter 25.12~~((, Landmarks Preservation))~~; Chapter 25.16~~((,~~
8 ~~Ballard Avenue Landmark District))~~; Chapter 25.20~~((, Columbia City Landmark District))~~;
9 Chapter 25.22~~((, Harvard-Belmont Landmark District))~~; Chapter 25.24~~((, Pike Place Market~~
10 ~~Historical District))~~; and other codes as determined applicable and necessary for review by the
11 Director. All shoreline substantial development, conditional use or variance applications shall
12 also include applicable submittal information as specified in WAC 173-27-180. The Director
13 shall ~~((make available, in writing, a general list of))~~ outline the submittal requirements for a
14 complete application in the permit application.

15 E. Notice of ~~((Complete Application))~~ complete application.

16 1. The Director shall determine whether an application is procedurally complete
17 and shall notify the applicant in writing within 28 days of the date the application is filed
18 whether the application is complete or that the application is incomplete and what additional
19 information is required before the application will be complete. Within 14 days of receiving the
20 additional information, the Director shall notify the applicant in writing if the application is still
21 incomplete and what additional information is necessary. An application shall be deemed to be
22 complete if the Director does not notify the applicant in writing that the application is incomplete

1 by the deadlines in this subsection 23.76.010.E. A determination that the application is complete
2 is not a determination that the application is vested.

3 2. A Master Use Permit application is procedurally complete for purposes of this
4 Section 23.76.010 if it meets the submittal requirements ~~((established by the Director in~~
5 ~~subsection 23.76.010.D and is sufficient for continued processing even though additional~~
6 ~~information may be required or project modifications may be undertaken subsequently))~~ outlined
7 on the permit application. The determination of completeness shall not preclude the Director
8 from requesting additional information or studies either at the time the application is determined
9 complete or, subsequently, if additional information is required to complete review of the
10 application or substantial changes in the permit application are proposed. However, if the
11 submittal requirements outlined on the permit application have been met, the need for additional
12 information or studies ~~may~~ shall not preclude a determination of completeness.

13 3. A determination under this Section 23.76.010 that an application is complete is
14 not a determination that the application is vested. A vesting determination shall be made only if
15 needed because of a change in applicable laws and shall entail review of the application for
16 compliance with RCW 19.27.095, RCW 58.17.033, and Section 23.76.026.

17 * * *

18 Section 3. Exhibit A to Resolution 31602 is amended as shown in Exhibit A to this
19 ordinance.
20

Section 4. This ordinance shall take effect 60 days after its approval or after being
unsigned and returned by the Mayor; 60 days after the Council's reconsidered passage after its
veto by the Mayor; or if not returned by the Mayor within ten days after presentation, 75 days
after its passage by the City Council. ~~as provided by Seattle Municipal Code Sections 1.04.020~~
~~and 1.04.070.~~

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

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

- 1 Exhibits:
- 2 Exhibit A – City Council Rules for Quasi-Judicial Proceedings (2025 Rules), As Amended



Legislation Text

File #: CB 121047, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle's construction codes; limiting the areas for which substantial alterations are required to spaces or buildings greater than 7,000 square feet in gross area; amending existing substantial alteration requirements; and amending Section 311 of the Seattle Existing Building Code, adopted by Ordinance 127108.

WHEREAS, small businesses in Seattle have faced significant economic disruption due to the COVID-19 public health emergency and its aftermath, including prolonged closures, rising costs, and difficulty reactivating vacant commercial storefronts; and

WHEREAS, since February 2020, Seattle's commercial districts have experienced high vacancy rates, especially in small retail and food service spaces, as regulatory, physical, and financial hurdles have made it difficult for new tenants to occupy formerly active storefronts; and

WHEREAS, Downtown retail has been particularly impacted by vacancies and existing permitting requirements prevent rapid activation of vacant storefronts; and

WHEREAS, Section 311.1.1 of the Seattle Existing Building Code requires significant cost and time-consuming building upgrades when a building is reoccupied after 24 months of vacancy, even in situations where there is no change in use, size, or safety risk, creating a substantial barrier to small business reactivation downtown and in the city's neighborhood business districts; and

WHEREAS, the Governance Accountability and Economic Development Committee held a Roundtable Discussion on Improving the Building Permitting Process on February 13, 2025, where substantial alterations were discussed as a risk factor for projects; and

WHEREAS, this proposed amendment to Section 311 of the Seattle Existing Building Code will clarify that businesses reoccupying certain small commercial spaces after pandemic-era vacancy will not automatically trigger substantial alteration requirements, while maintaining life safety considerations, enabling them to return to operation more affordably and quickly; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 311 of the Seattle Existing Building Code, enacted by Ordinance 127108, is amended as follows:

* * *

[S] **311.1.1 Definition.** For the purpose of this section, spaces or buildings greater than 7,000 square feet gross area, *substantial alteration* or repair means any one of the following, as determined by the *code official*:

1. *Repair* of a building with a *damage ratio* of 60 percent or more.
2. Remodeling or an *addition* that substantially extends the useful physical or economic life of the building or a significant portion of the building, other than typical tenant remodeling.
3. A change of a significant portion of a building to an occupancy that is more hazardous than the existing occupancy, based on the combined life and fire risk as determined by the *code official*. The *code official* is permitted to use Table 311.1 as a guideline.

Exception: Where the area of change of occupancy is less than 20 percent of the building gross floor area.

~~((4. Reoccupancy of a building that has been substantially vacant for more than 24 months in occupancies other than Group R-3.))~~

SDCI Informative Note. 311.1.1 item #2 does not apply where alterations convert HVAC heating systems, water heating systems, or both from fossil fuel or electric resistance to heat pump systems, and where the only additional alterations provide necessary electrical power, structural support, or air circulation for the

heat pump system.

Section 2. 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 _____ day of _____, 2025, and signed by
me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
SDCI	Micah Chappell	Nick Tucker/Jennifer Breeze

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle’s construction codes; limiting the areas for which substantial alterations are required to spaces or buildings greater than 7,000 square feet in gross area; amending existing substantial alteration requirements; and amending Section 311 of the Seattle Existing Building Code, adopted by Ordinance 127108.

Summary and Background of the Legislation:

Substantial alteration is a Seattle code amendment that requires certain upgrades when significant work is being performed on a building, when a change of occupancy results in a more hazardous occupancy, and when the building has been vacant for more than 2 years. A project designated as a substantial alteration is required to upgrade the building fire and life safety systems to current code and may require upgrades to the existing structural system, heating and ventilation systems, and building envelope.

The legislation adopts amendments to the 2021 Seattle Existing Building Code (SEBC) that have been identified as opportunities to reduce costs for small business, accelerate retail occupancy, and support economic recovery in reactivating vacant commercial storefronts. SDCI, OED, business stakeholders, and community organizations support this legislation that limits the areas that substantial alteration requirements are applied. This legislation will apply to projects vested to the 2021 SEBC and later and is not retroactive.

First, this legislation will exempt buildings and spaces 7,000 square feet or less in gross area from the requirements of substantial alterations.

Second, the legislation includes clarification to the change of occupancy, item #3 of the definition of substantial alteration. This clarifies that SDCI will not apply this definition where the change of occupancy is 20 percent or less of the overall building area.

The final change included in this legislation is removing a vacancy of greater than 24 months, item #4, from the definition of substantial alteration. Over the past eight years, SDCI has very rarely triggered substantial alterations solely based on vacancy. In addition, SDCI has offered flexibility on the 24-month duration during economic downturns. Vacancy has typically been evaluated together with one of the other triggers in deciding whether a project is a substantial alteration. Striking item #4 makes it clear to business owners that vacancy will not trigger substantial alteration provisions.

SDCI evaluated all substantial alteration permits issued under the SEBC for the past two code cycles. While past permitting volumes are not an exact predictor of the impact of this legislation, permit records indicate approximately 180 commercial, institutional, industrial and multi-family substantial alteration permits were issued over the past eight years. Applying the 7,000 square foot exemption to those projects, approximately 44 percent of projects vested to the 2015 SEBC and 53 percent of projects vested to the 2018 SEBC code would not be required to get a substantial alteration permit.

If the permitting volume remains stable, by 2030, this legislation could support the reactivation of more than 50 small commercial tenant spaces by reducing time-consuming regulatory barriers, therefore reducing costs for small business reactivation in Seattle.

This legislation will impact Seattle's policies for resiliency and net-zero building emissions that are supported by substantial alteration requirements. Businesses in small spaces exempted from substantial alteration requirements by this legislation will be permitted to make improvements or reactivate small spaces without updating those buildings to current fire or life safety standards, or improving seismic deficiencies, unless updates are required by other code provisions.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☐ Yes ☒ No

3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

☐ This legislation adds, changes, or deletes revenues or reimbursements.

Revenue/Reimbursement Notes:

Permit fee revenue is not expected to be significantly impacted by the changes in this legislation. City enforcement and staff time may be reduced, as fewer permits will require intensive review of full-building system upgrades.

3.c. Positions

- ☐ This legislation adds, changes, or deletes positions.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts. Unknown

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources. N/A

Please describe any financial costs or other impacts of *not* implementing the legislation.

Not adopting this ordinance would continue to subject small, long-vacant commercial spaces to disproportionate upgrade requirements, resulting in:

- Continued vacancies, particularly in BIPOC-owned or small-footprint businesses.
- Deferred building investment and potential deterioration.
- Reduced economic activity in neighborhood business districts.

Please describe how this legislation may affect any City departments other than the originating department.

N/A

4. OTHER IMPLICATIONS

- a. Is a public hearing required for this legislation? No
- b. Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation? No
- c. Does this legislation affect a piece of property? No
- d. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.
- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.
Vulnerable and historically disadvantaged communities have fewer resources to activate vacant small business spaces. This legislation will ensure that vulnerable

communities are not left behind as our business districts transition back to an active and vibrant, small business-driven economy.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation. N/A

iii. What is the Language Access Plan for any communications to the public?

OED is working to establish culturally appropriate messaging for this small business legislation. SDCI is working to update Tips and other guidance for equitable application of the code changes.

e. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response. This legislation could increase carbon emissions by allowing improvements or reactivation of small spaces without updating building systems to current Seattle Energy Code standards.

ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects. This legislation targets smaller spaces but could reduce resiliency to climate change by allowing improvements or reactivation of small spaces without requiring an update to heating, ventilation, or the building envelope.

f. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals? N/A

g. Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization? N/A

5. ATTACHMENTS

Summary Attachments: None.



Legislation Text

File #: CB 121048, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; temporarily suspending and allowing voluntary design review of proposed development in Titles 23 and 25 of the Seattle Municipal Code, consistent with Chapter 333, Laws of 2023; and amending Section 23.41.004 of the Seattle Municipal Code.

WHEREAS, on October 18, 1993 the City Council adopted Ordinance 116909, establishing a Design Review program; and

WHEREAS, the City Council intended for the Design Review program to encourage better design and site planning to: help new development enhance the character of the City and sensitively fit into neighborhoods; provide flexibility in the application of development standards to meet the intent of the Land Use Code, City policy, neighborhood objectives, and mitigate the impacts of new development on neighborhoods; and promote and support communication and mutual understanding among applicants, neighborhood, the City, and the community of the future development early on and throughout the development review process; and

WHEREAS, Engrossed Substitute House Bill 1293 (Chapter 333, Laws of 2023) added new requirements for local design review programs starting June 30, 2025; and

WHEREAS, the Seattle Department of Construction and Inspections (SDCI) is working on permanent legislation to amend the Design Review Program to comply with Engrossed Substitute House Bill 1293 and to respond to the stakeholder and public engagement recommendations, including reducing design

review requirements and design review permit review times to promote housing production and thereby reduce housing costs in a time of great need in the City and region; and

WEHREAS, SDCI is also working on updates to the Seattle Design Guidelines and Design Guidelines for Downtown Development to make project design and permitting simpler to promote housing production and reduce housing costs; and

WHEREAS, this proposed interim ordinance makes the Design Review Program voluntary for six months to give Seattle additional time to comply with Engrossed Substitute House Bill 1293; and

WHEREAS, by making the Design Review Program voluntary, the proposed ordinance will decrease permit review times to promote housing production and reduce housing costs at a time of great need in the City and region; and

WHEREAS, in July 2023, the City adopted temporary affordable housing Design Review regulations through Ordinance 126854, with an effective date of August 14, 2023, and an expiration date of August 14, 2025, to exempt housing projects that meet Mandatory Housing Affordability (MHA) requirements using on-site performance units from Design Review, adopting a work plan; and

WHEREAS, this proposed ordinance will reenact the temporary affordable housing Design Review regulations; and

WHEREAS, the Design Review exemption for projects that meet MHA requirements using onsite performance units resulted in a marked increase in the overall number of performance units. In 2023, prior to the MHA onsite exemption, a total of 119 MHA performance units were in service. From the adoption of the MHA onsite exemption through April of 2025, an additional 211 onsite performance units have been proposed. This Design Review exemption pilot has shown its potential to more than double MHA onsite performance units; and

WHEREAS, this proposed interim ordinance, in concert with a forthcoming permanent ordinance, seeks to mitigate displacement in the long-term by increasing housing production and reducing housing costs;

and

WHEREAS, SDCI evaluated the environmental impact of the proposed ordinance, prepared a threshold determination under the State Environmental Policy Act, and sought public comment on the ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.41.004 Applicability

* * *

E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C shall be exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

b. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C that is vested according to Section 23.76.026 prior to the effective date of this ordinance may elect to be processed as allowed by subsection 23.41.004.E.

c. The design review exemption under subsection 23.41.004.E.1 shall be rescinded for a development proposal that changes from the performance option to the payment option at any time prior to issuance of a building permit.

d. Requests for departures. If a project subject to design review under subsection

23.41.004.A is exempt from design review according to subsection 23.41.004.E.1, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B.

e. Departures decision. Requests for departures according to subsection 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

2. Low-income housing

a. Notwithstanding any contrary provision of this Title 23, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B, for low-income housing.

b. Departures decision. Requests for departures shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

3. The provisions of this subsection 23.41.004.E shall be in effect for six months from the effective date of this ordinance.

F. Interim suspension of required design review for all proposed development

1. Notwithstanding any contrary provision of this Title 23 and Title 25, including but not limited to Chapters 23.40, 23.41, 23.42, 23.45, 23.47A, 23.48, 23.49, 23.57, 23.58B, 23.58C, 23.60A, 23.61, 23.73, 23.76, 25.05, 25.11, 25.16, 25.20, and 25.22, required design review is temporarily suspended for all proposed development.

2. Applicants of proposed development that is being reviewed pursuant to the full, administrative, or streamlined design review process as of the effective date of this ordinance may elect to continue review under the design review process or withdraw the proposed development from the design

review process. Applicants of all other proposed development may elect, at any time during the effective period of this ordinance, their proposed development be reviewed pursuant to the full, administrative, or streamlined design review process.

3. The provisions of this subsection 23.41.004.F shall be in effect for six months from the effective date of this ordinance.

Section 2. The interim regulations set forth in Section 1 of this ordinance shall be in effect for a period of six months from the effective date of this ordinance and shall automatically expire after the six month period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

Section 3. The City Council may renew these interim regulations for one or more six-month periods in accordance with RCW 36.70A.390.

Section 4. 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 _____ day of _____, 2025, and signed by me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Seattle Department of Construction and Inspections	Chanda Emery	Jennifer Breeze

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use and zoning; adopting temporary regulations to exempt housing projects that meet Mandatory Housing Affordability requirements using on-site performance units from Design Review, and allowing permit applicants for all housing subject to Full Design Review the option of complying with Design Review pursuant to Administrative Design review; temporarily suspending and allowing voluntary design review of proposed development in Titles 23 and 25 of the Seattle Municipal Code, consistent with Chapter 333, Laws of 2023; and amending Section 23.41.004 of the Seattle Municipal Code.

Summary and Background of the Legislation: During the 2023 session, the State legislature passed House Bill (HB) 1293, which requires Seattle and other cities and counties that have a design review program to meet certain requirements.

HB 1293 requirements include:

- Using objective rather than subjective guidelines;
- Having only one public meeting as part of the review process;
- Regulating building exteriors only;
- Maintaining the density, height, bulk, or scale at what zoning allows; and
- Integrating design review into the development permit process.

In addition, the City Council adopted a Statement of Legislative Intent (SLI), [City Council SLI SDCI 4A1](#), in 2022. The SLI directed Seattle Department of Construction and Inspections (SDCI) and Office of Planning and Community Development (OPCD) to work with a stakeholder group to analyze the outcomes of Seattle’s design review program and recommend best practices, and options for program modifications, including addressing barriers to equitable participation. SDCI and OPCD delivered this [analysis](#) to Council in August 2024. The Mayor’s Housing Subcabinet has also directed SDCI to make land use codes and permitting processes simpler and more efficient, to reduce the time and cost of permitting housing.

SDCI is proposing amendments to the land use code to update design review to carry out state law, direction from the City Council and Mayor. Carrying out these state mandates is intended to update the design review program to be more efficient, better meet the current needs of the City for new investment, particularly in varying and more housing options throughout the City and focus the program on good design outcomes for development projects that are most likely to impact the character of neighborhoods.

This legislation would temporarily suspend required design review for six months, making design review voluntary for proposed development. These regulations will be in place while SDCI works to update the design review program and guidelines as required by ESHB 1293, as well as updating affordable housing measures. These permanent changes are intended to update the design review program to be more efficient; better meet the current needs of the city for new investment, particularly in varying and more housing options throughout the city; and focus the program on good design outcomes for developments that are most likely to impact the character of neighborhoods with the highest concentrations of residents and visitors. The additional time is needed for City staff to respond to the stakeholder and public engagement recommendations and to work through code amendments, Director's Rules, Tips, and guidance documents to clarify code requirements and procedures. Permanent legislation and new Design Guidelines are anticipated for council review following the 2025 budget process.

The interim suspension applies to three types of design review: Streamlined Design Review (SDR), Administrative Design Review (ADR), and Full Design Review (FDR) with Design Review Board (DRB) input. Design review does not apply to single-family detached residences. Design review does not include life and safety reviews which are regulated by other permits and other parts of the Seattle Municipal Code.

This legislation also reenacts temporary regulations established by Ordinance 126854 for six months. The temporary regulations exempt proposed development that meet Mandatory Housing Affordability requirements using on-site performance units and low-income housing from Design Review, but allow the Director to approve departures for qualifying proposed development as a Type I decision.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

☐ Yes ☒ No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No, the legislation does not have any associated costs. The proposed legislation would suspend required Design Review and would not add additional staffing or program costs.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

No, the legislation does not have any associated costs. The proposed legislation would suspend required Design Review and would not add additional staffing or program costs.

Please describe any financial costs or other impacts of *not* implementing the legislation.

No, the legislation does not have any associated costs. The proposed legislation would suspend required Design Review and would not add additional staffing or program costs. Not implementing the legislation makes the City vulnerable to legal challenges for money damages which could result in financial impacts to the City.

4. OTHER IMPLICATIONS

a. Please describe how this legislation may affect any departments besides the originating department.

The City department with direct responsibility for implementation and enforcement of this legislation is the Seattle Department of Construction and Inspections (SDCI), the originating department.

b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.

Yes. The legislation affects properties citywide, largely zoned multifamily, commercial, downtown and industrial. The SDCI recommended thresholds for design review of permit applications would result in an estimated reduction of 58 design review applications per year. This is a roughly estimated 40 percent reduction from the 145 applications reviewed per year for a representative base year that is a higher activity year.

c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.

The legislation is not anticipated to negatively impact vulnerable or historically disadvantaged communities. Potential benefits of the proposal to those communities include:

- Encouraging the production of housing by speeding up permitting (and thus project completion) for some projects, allowing units to reach the housing market more quickly, increasing supply; and
- Enhancing web-based tools, which could allow for increased efficiency and transparency in the permit process.

SDCI's engagement strategy included focused outreach and engagement with Black, Indigenous, and People of Color (BIPOC) communities, BIPOC Design Review Stakeholders (BIPOC DRS), Design Review Board members past and present, SDCI Design Review staff, BIPOC-led social development organizations and BIPOC youth. Feedback gathered from BIPOC communities focused on program and guideline deficiencies; community assets and priorities; public engagement methods; and considerations for fostering equitable development in Seattle. Community members expressed that the overall complexity and timeliness of the process can be a large barrier to the successful completion of development projects. Thus, the draft legislation was prepared to address these concerns by simplifying the processes and steps and streamlining the process (refer to "*Seattle Design Review Program & Design Guidelines: Fall 2024 Outreach*" report prepared by Seva Workshop, January 2025 for additional information).

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.

In October and November of 2024, SDCI engaged with over 1,500 community members about the Design Review program and Design Guidelines and how they can be improved to address community goals and issues, support equitable development, and support needed and future development in their communities. The engagement was conducted through stakeholder interviews and focus groups, outreach at community events, and an online survey.

An analysis of survey responses, interviews, and focus group discussions centered on five specific themes: the Design Review program, design guidelines, community assets and priorities, public engagement, and equitable development. The feedback collected was utilized to formulate recommendations and identify areas for further exploration to enhance the program, prioritize community goals and interests, support new development that is mindful of and encourages culturally rooted and enriched urban design.

iii. What is the Language Access Plan for any communications to the public?

Project documents including the SEPA Draft legislation and the City's SEPA Determination, pursuant to environmental review under the State Environmental Policy Act (SEPA) will be published on the SDCI website with options for multiple languages including the top tier languages used in Seattle. Notices will also be published in the *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

This legislation is likely to have little to no impact on carbon emissions. The proposal does not change current zoning including land and shoreline uses. The proposed changes would continue to allow land uses and land use patterns that are compatible with the objectives and intent of the Comprehensive Plan.

- ii. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation is likely to have no impact on climate change.

- e. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

This legislation does not include a new initiative nor any major programmatic expansion.

5. CHECKLIST

- ☒ **Is a public hearing required?**

Yes. The City Council is required to hold a public hearing on the proposal and will conduct a public hearing during their review of the proposed legislation anticipated to be held in 2025.

- ☒ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**

Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City’s Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination was also made in *The Daily Journal of Commerce* and in the City’s Land Use Information Bulletin.

- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**

Yes.

- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

No.

6. ATTACHMENTS

Summary Attachments: None.

Director's Report and Recommendation

Interim Suspension Ordinance– Implementing HB 1293

Proposal Summary and Background

During the 2023 session, the State legislature passed [House Bill \(HB\) 1293](#), which requires Seattle and other cities and counties that have a design review program to meet certain requirements by June 30, 2025.

HB 1293 requirements include:

- Using objective rather than subjective guidelines;
- Having only one public meeting as part of the review process;
- Regulating building exteriors only;
- Maintaining the density, height, bulk, or scale at what zoning allows; and
- Integrating design review into the development permit process.

The Seattle Department of Construction and Inspections (SDCI) is proposing new interim legislation to meet the ESHB deadline of June 30, 2025. The proposed interim legislation will temporarily suspend required design review for six-months, making design review voluntary for proposed development. These regulations will be in place while SDCI works to update the design review program and guidelines as required by ESHB 1293, as well as updating affordable housing measures. The permanent changes are intended to update the design review program to be more efficient; better meet the current needs of the city for new investment, particularly in varying and more housing options throughout the city; and focus the program on good design outcomes for developments that are most likely to impact the character of neighborhoods with the highest concentrations of residents and visitors. The additional time is needed for City staff to respond to the stakeholder and public engagement recommendations and to work through code amendments, Director's Rules, Tips, and guidance documents to clarify code requirements and procedures. Permanent legislation and new Design Guidelines are anticipated for council review following the 2025 budget process.

The interim suspension applies to three types of design review: Streamlined Design Review (SDR), Administrative Design Review (ADR), and Full Design Review (FDR) with Design Review Board (DRB) input. Design review does not apply to single-family detached residences. Design review does not include life and safety reviews which are regulated by other permits and other parts of the Seattle Municipal Code.

This legislation also extends temporary regulations established by Ordinance 126854 for an additional six months. The temporary regulations exempt proposed development that meet Mandatory Housing Affordability requirements using on-site performance units and low-income housing from Design Review, but allow the Director to approve departures for qualifying proposed development as a Type I decision.

Public Outreach

In 2022 the City Council also adopted a Statement of Legislative Intent (SLI), [City Council SLI SDCI 4A1](#). The SLI directed SDCI and the Office of Planning and Community Development (OPCD) to work with a stakeholder group to analyze the outcomes of Seattle's design review program and recommend best practices, and options for program modifications, including addressing barriers to equitable participation. SDCI and OPCD delivered this [analysis](#) to Council in August 2024. The Mayor's Housing Subcabinet has also directed SDCI to make land use codes and permitting processes simpler and more efficient, to reduce the time and cost of permitting housing.

In October-November 2024, SDCI worked with a consultant (Seva Workshop) to conduct public outreach focused on Design Review Program changes. The outreach efforts resulted in a report dated January 2025 and included a set of recommendations related to the overall Design Review Program, Design Guidelines, prioritizing important community assets through design review, public engagement, and equitable development.

As a result of initial outreach feedback, SDCI recommends the interim suspension Ordinance to allow for additional outreach and further development of the permanent legislation to address SHB1293.

Comprehensive Plan Goals and Policies

The proposal is consistent with relevant goals and policies in the *Seattle 2035* Comprehensive Plan including:

- **(Housing) Goal HG3** – Achieve greater predictability in project approval timelines, achievable densities and mitigation costs.
- **HG6** – In order to control the effects of regulatory processes on housing price, strive to minimize the time taken to process land use and building permits, subject to the need to review projects in accordance with applicable regulations. Continue to give priority in the plan review process to permits for very low-income housing.
- **HG7** – Periodically assess the effects of City policies and regulations on housing development costs and overall housing affordability, considering the balance between housing affordability and other objectives such as environmental quality, urban design quality, maintenance of neighborhood character and protection of public health, safety and welfare.
- **(Economic Development) EDG3** – Support the Urban Village Strategy by encouraging the growth of jobs in Urban Centers and Hub Urban Villages and by promoting the health of neighborhood commercial districts.
- **(Land Use) LU55** - Employ a design review process to promote development that:

- Enhances the character of the city
- Respects the surrounding neighborhood context, including historic resources
- Enhances and protects the natural environment
- Allows for diversity and creativity in building design and site planning
- Furthers community design and development objectives
- Allows desired intensities of development to be achieved

Recommendation

The Director of SDCI recommends that the City Council adopt the proposed interim design review legislation to avoid potential preemption by ESHB 1293. It allows for additional time for City staff to respond to the stakeholder and public engagement recommendations to work through code amendments, Director's Rules, Tips, and guidance documents to clarify code requirements and procedures. Permanent legislation and new Design Guidelines are anticipated for council review following the 2025 budget process.

This legislation also extends temporary regulations established by Ordinance 126854 for an additional six months. The temporary regulations exempt proposed development that meet Mandatory Housing Affordability requirements using on-site performance units and low-income housing from Design Review, but allow the Director to approve departures for qualifying proposed development as a Type I decision.

The proposal is consistent with the Comprehensive Plan and with recently adopted State law directing the adoption of proposed land use code amendments for design review.

8/4/2025

MEMORANDUM

To: Land Use Committee
From: HB Harper, Central Staff
Subject: Interim Design Review Legislation

On September 3, 2025, the Land Use Committee (Committee) will hold a public hearing on and discuss [Council Bill \(CB\) 121048](#), an ordinance adopting temporary regulations to make design review voluntary for a period of six months.

Changes in State Law

During the 2023 session, the State legislature passed [House Bill \(HB\) 1293](#), which requires Seattle and other cities and counties that have a design review program to:

- Use objective rather than subjective guidelines;
- Have only one public meeting as part of the review process; and
- Integrate design review into the development permit process.

The proposed interim legislation will temporarily suspend required design review for six months, making design review voluntary for proposed development. These regulations will be in place while Seattle Department of Construction and Inspections (SDCI) works to [update the design review program](#) and guidelines as required by HB 1293.

Design Review in Seattle Municipal Code

Seattle's Design Review program, Seattle Municipal Code Chapter 23.41, was created in 1993. It is inconsistent with the requirements of HB 1293 in two key ways: 1) it uses subjective design guidelines, designed to grant flexibility to designers but not providing predictability to developers, and 2) for major projects, it includes more than one public meeting.

There are three types of [design review in Seattle](#): Streamlined Design Review (SDR), Administrative Design Review (ADR), and Full Design Review (FDR). SDR is reviewed by SDCI staff and not appealable to the Hearing Examiner; it includes public comment but no design review public meeting. ADR is reviewed by City staff; it is appealable to the Hearing Examiner. ADR includes public comment but no design review public meeting. FDR is appealable to the Hearing Examiner and is also reviewed by Design Review Boards at two or more public meetings.

CB 121048 applies to all types of design review and provides that applicants may elect to continue review under the design review process or withdraw the proposed development from the design review process. Requests for departures, which would previously have been part of

the design review process, are proposed to be evaluated by the Director as a Type I decision, not appealable to the Hearing Examiner.

This legislation also extends temporary regulations established by [Ordinance 126854](#) for an additional six months. The temporary regulations exempt proposed developments that meet Mandatory Housing Affordability requirements using on site performance units and low-income housing from Design Review, but allow the Director to approve departures for qualifying proposed developments as a Type I decision.

Public Outreach and Stakeholder Feedback

SDCI and the Office of Planning and Community Development (OPCD) have been working with a stakeholder group to analyze the outcomes of Seattle’s design review program and recommend best practices and options for program modifications, including addressing barriers to equitable participation. The additional time provided by this interim ordinance is needed for City staff to respond to the stakeholder and public engagement [recommendations](#) and to work through code amendments, Director’s Rules, Tips, and guidance documents to clarify code requirements and procedures.

Next Steps

A briefing and possible vote is anticipated on September 17, 2025.

Permanent legislation and new Design Guidelines are anticipated for council review following the 2025 budget process.

cc: Ben Noble, Director
Lish Whitson, Lead Analyst

Amendment 1 Version 1 to CB 121048 Interim Design Review

Sponsor: Councilmember Solomon

Allowing all applicants to utilize administrative design review

Effect: This amendment would allow applicants who choose to be reviewed pursuant to design review to elect to go through the administrative design review (ADR) process rather than the full design review (FDR) process, even if the project meets applicability thresholds for FDR.

Most mixed use projects in urban centers would be reviewed under FDR, whereas smaller multifamily projects would typically go through ADR.

The primary differences between FDR and ADR are as follows:

- In the FDR process, the Early Design Guidance (EDG) meeting is a public meeting incorporating Design Review Board participation; in the ADR process, the EDG meeting is only with staff, and is not a public meeting.
- FDR includes a second public meeting called the Recommendation Meeting, which occurs after MUP application and reviews but before a MUP decision. Public comment is accepted in person at this meeting (and written comment is accepted throughout the design review process). ADR does not include a Recommendation Meeting, nor any in-person public comment opportunity (although written public comments are accepted throughout the process as in FDR).

Through this amendment, larger projects that would be reviewed under FDR should they elect to go through design review would have the option to instead utilize ADR. This would provide a more streamlined design review process for those projects. Since HB 1293 requires that design review processes have no more than one public meeting, the ADR process may better fit that intention in the interim given that it includes no public meetings, whereas FDR includes two public meetings.

While all design review is made optional through the transmitted legislation, the design review process is the only way for development project applicants to be granted departures from development standards such as floor area or setbacks. Therefore, it is generally expected that applicants, particularly applicants for the larger projects that would be subject to FDR, may choose to go through the design review process for the purpose of seeking and being granted a departure.

Departures are ultimately decided by the SDCI Director. For those projects choosing to utilize ADR instead of FDR, SDCI would be making departure decisions utilizing professional expertise and written public comment without input from design review boards.

Amend Section 1 of CB 121048 as follows:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.41.004 Applicability

* * *

F. Interim suspension of required design review for all proposed development

1. Notwithstanding any contrary provision of this Title 23 and Title 25, including but not limited to Chapters 23.40, 23.41, 23.42, 23.45, 23.47A, 23.48, 23.49, 23.57, 23.58B, 23.58C, 23.60A, 23.61, 23.73, 23.76, 25.05, 25.11, 25.16, 25.20, and 25.22, required design review is temporarily suspended for all proposed development.

2. Applicants of proposed development that is being reviewed pursuant to the full, administrative, or streamlined design review process as of the effective date of this ordinance may elect to continue review under the design review process or withdraw the proposed development from the design review process. Applicants of all other proposed development may elect, at any time during the effective period of this ordinance, their proposed development be reviewed pursuant to the full, administrative, or streamlined design review process. Applicants with projects meeting the thresholds for full design review pursuant to Section 23.41.004.A that elect to continue review, or elect review, under the design review process may choose administrative design review.

3. The provisions of this subsection 23.41.004.F shall be in effect for six months from the effective date of this ordinance.

Amendment 2 Version 1 to CB 121048

Sponsor: Councilmember Solomon

Technical correction

Effect: This amendment would slightly restructure the legislation to ensure only those portions of the code that are being amended by the interim ordinance are subject to the interim timeline of six months. As drafted, the legislation contained a numbering error that may have caused confusion regarding 23.41.004.E.3 related to Downtown, which contains exemptions with timelines unrelated to this interim legislation.

Amend Section 1 of CB 121048 as follows:

Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 127100, is amended as follows:

23.41.004 Applicability

* * *

E. Temporary provisions

1. Developments with units provided on-site to comply with Chapter 23.58C through the performance option

a. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C shall be exempt from design review if the applicant files a valid and complete building permit application electing the exemption while this ordinance is in effect.

b. A development proposal subject to design review under subsection 23.41.004.A that is complying with Chapter 23.58C solely through the performance option by providing affordable units on-site according to subsection 23.58C.050.C that is vested according to Section 23.76.026 prior to the effective date of this ordinance may elect to be processed as allowed by subsection 23.41.004.E.

c. The design review exemption under subsection 23.41.004.E.1 shall be rescinded for a development proposal that changes from the performance option to the payment option at any time prior to issuance of a building permit.

d. Requests for departures. If a project subject to design review under subsection 23.41.004.A is exempt from design review according to subsection 23.41.004.E.1, the Director may consider requests for departures from any development standard in this Title 23, except as otherwise limited in subsection 23.41.012.B.

e. Departures decision. Requests for departures according to subsection 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

f. The provisions of this subsection 23.41.004.E.1 shall be in effect for six months from the effective date of this ordinance.

2. Low-income housing

a. Notwithstanding any contrary provision of this Title 23, the Director may consider requests for departures from any development standard in this Title

23, except as otherwise limited in subsection 23.41.012.B, for low-income housing.

b. Departures decision. Requests for departures shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would result in additional housing units being constructed.

c. The provisions of this subsection 23.41.004.E.2 shall be in effect for six months from the effective date of this ordinance.

~~3. The provisions of this subsection 23.41.004.E shall be in effect for six months from the effective date of this ordinance.~~

* * *

* * *