

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to design review for the Downtown, Uptown, South Lake Union, and First Hill Urban Centers, a subarea adjacent to the Uptown Urban Center, and a portion of the Greater Duwamish Manufacturing and Industrial Center; adopting temporary regulations to exempt single-use and mixed-use development projects with lodging, residential, or research and development laboratory uses from design review, and allowing the Director of the Department of Construction and Inspections to grant waivers and modifications from certain development standards; and amending Sections 23.41.004, 23.41.020, 23.76.004, 23.76.006, 23.76.010, 23.76.012, and 23.76.026 of the Seattle Municipal Code.

..body

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 126862, 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 Section 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

1 providing affordable units on-site according to Section 23.58C.050.C that is vested according to
2 Section 23.76.026 prior to August 14, 2023 may elect to be processed as allowed by Section
3 23.41.004.E.

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5 rescinded for a development proposal that changes from the performance option to the payment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

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

11 e. Departures decision. Requests for departures according to subsection
12 23.41.004.E.1.d shall be evaluated and may be granted by the Director as a Type I decision if the
13 departure would result in additional housing units being constructed.

14 2. Low-income housing

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

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

22 3. Downtown Activation Plan

1 a. A development proposal that is subject to design review according to
2 this Section 23.41.004 shall be exempt from this Chapter 23.41, unless ineligible for exemption
3 due to other code provisions, if:

4 1) The proposal includes residential use comprising at least 50
5 percent of its chargeable floor area, except if at least 50 percent of the chargeable floor area in
6 nonresidential use is lodging then no residential use is required; or includes a research and
7 development laboratory use; and

8 2) The proposal is located on a property within the Downtown
9 Urban Center, Uptown Urban Center, South Lake Union Urban Center, First Hill Urban Center,
10 or an area within the Greater Duwamish Manufacturing and Industrial Center, as shown on Map
11 A for 23.41.004; or within an area included in an adopted expansion area of an urban center or
12 manufacturing and industrial center shown on Map A for 23.41.004; and

13 3) The applicant files a letter of eligibility for exemption pursuant
14 to subsection 23.76.010.G, provided that permit application materials are subsequently filed per
15 subsection 23.76.026.A.4; and

16 4) The proposal does not involve a Type IV or Type V Council
17 land use decision.

18 b. Waiver or modification of development standard. If a project is exempt
19 from design review according to this subsection 23.41.004.E.3, the Director may consider
20 requests for waivers or modifications of the following development standards in Title 23:

21 1) Upper-level setbacks, modulation, articulation, facade opening
22 requirements, and structure width;

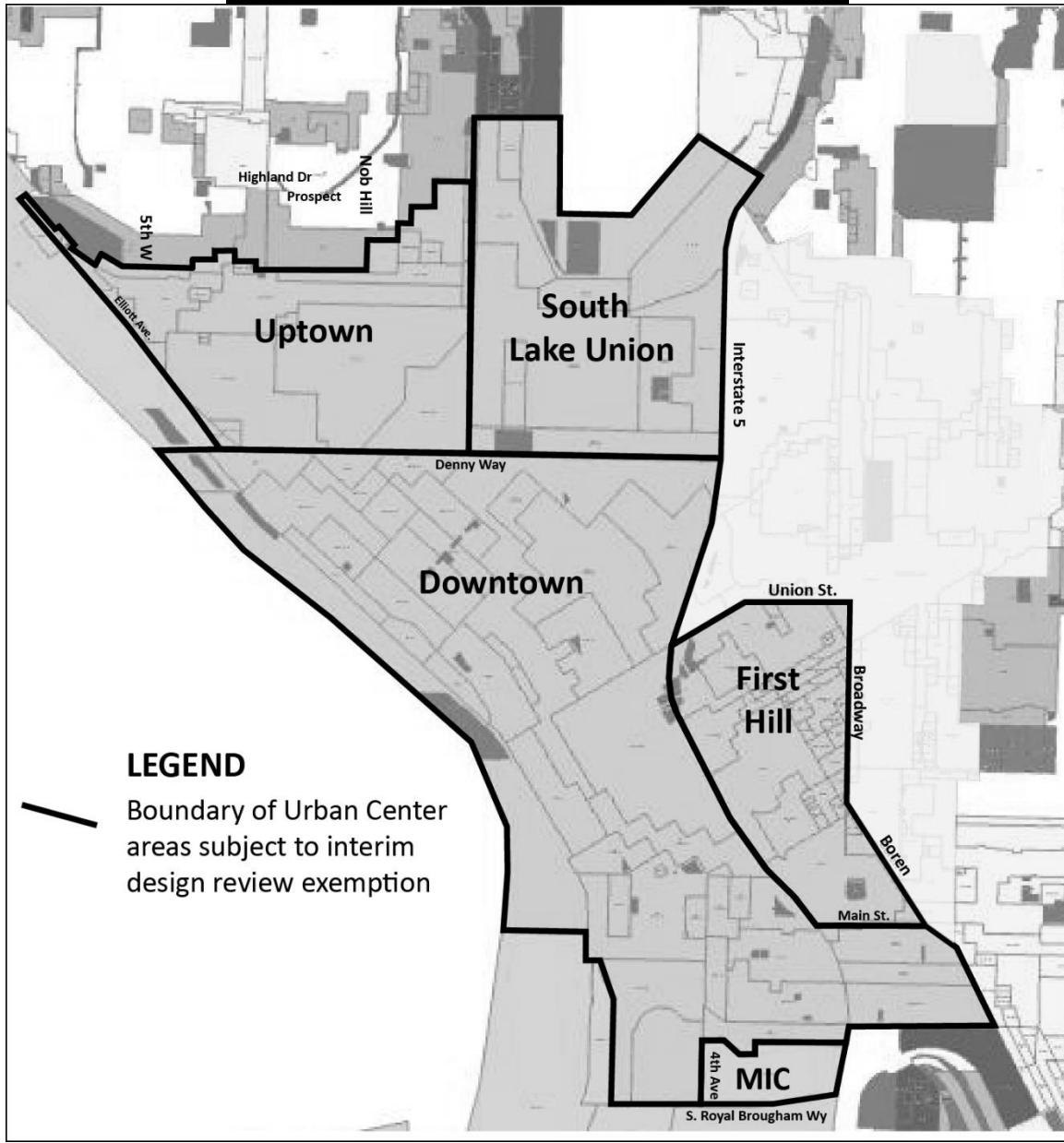
- 1 2) Street level setbacks and facade setbacks: dimensional and area
- 2 limits;
- 3 3) Floor-to-floor height requirements at street level, except as
- 4 otherwise limited in subsection 23.41.012.B;
- 5 4) Rooftop screening and coverage limits in relation to mechanical
- 6 equipment, energy-related features, elevator equipment, and related enclosures;
- 7 5) Street-level use type, minimum depth, and percent presence on
- 8 street-level street-facing facade requirements;
- 9 6) Facade transparency and blank facade requirements;
- 10 7) Overhead weather protection requirements;
- 11 8) Requirements for the size and design of common recreational
- 12 areas, amenity areas, community rooms, and similar indoor amenities, but not including required
- 13 outdoor open space requirements;
- 14 9) Open space and open areas: dimensional, area, distribution of
- 15 types, and amount of overhead coverage requirements, except standards for open space amenities
- 16 provided to meet requirements of Chapter 23.58A;
- 17 10) Landscaping: dimensional, area, and location requirements;
- 18 11) Minimum dimensions and slope of vehicle access;
- 19 12) Parking space size requirements in subsections 23.54.030.A
- 20 and 23.54.030.B;
- 21 13) Bicycle parking minimum quantity requirements in Table D
- 22 for 23.54.015; and

1 14) Provisions of the MPC-YT zone, except: affordable housing
2 production requirements in Section 23.75.085; limits on floor area for uses in Sections
3 23.75.040, 23.75.085, or 23.75.090; and limits on the number of highrise structures, distribution
4 of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040
5 or Section 23.75.120.
6 c. Decision on waiver or modification of development standards. Requests
7 for waiver or modification of development standards according to subsection 23.41.004.E.3.b
8 shall be evaluated by the Director and may be granted by the Director as a Type I decision if a
9 waiver or modification of development standards would result in an increased number of
10 dwelling units, lodging rooms, or increased floor area of a research and development laboratory
11 use, being constructed.

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Map A for 23.41.004

Areas subject to interim design review exemption



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Section 2. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance

126188, is amended as follows:

23.41.020 Master Planned Community design review process

A. Scope. This Section 23.41.020 applies only to development proposals in Master Planned Community zones that do not include a request for departures. If an application in a

1 Master Planned Community zone includes a request for departures, then the applicable design
2 review procedures are in Section 23.41.014, except if the temporary provisions in subsection
3 23.41.004.E.3 apply. For purposes of this Section 23.41.020, "highrise structure" and "non-
4 highrise structure" are as defined in Section 23.75.020.

5 * * *

6 Section 3. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
7 126821, is amended as follows:

8 **23.76.004 Land use decision framework**

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

13 * * *

Table A for 23.76.004

LAND USE DECISION FRAMEWORK¹

Director's and Hearing Examiner's Decisions Requiring Master Use Permits

TYPE I

Director's Decision

(Administrative review through land use interpretation as allowed by Section 23.88.020²)

*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation

*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that was subject to design review
*	Building height increase for minor communication utilities in downtown zones
*	Application of tree provisions pursuant to Chapter 25.11
*	<u>Director’s acceptance of an eligibility letter for proposals subject to temporary design review exemption provisions, subject to the additional requirement to file a valid and complete Type I or II Master Use Permit application in subsection 23.41.004.E.3</u>
*	<u>Director’s application of development standards for decisions on Type I or II Master Use Permit applications subject to temporary design review exemption provisions in subsection 23.41.004.E.3</u>
*	<u>Waiver or modification of development standards for development proposals subject to temporary design review exemption provisions in subsection 23.41.004.E.3</u>
*	Other Type I decisions that are identified as such in the Land Use Code

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Footnotes for Table A for 23.76.004

¹ Sections 23.76.006 and 23.76.036 establish the types of land use decisions in each category. This Table A for 23.76.004 is intended to provide only a general description of land use decision types.

² Type I decisions may be subject to administrative review through a land use interpretation pursuant to Section 23.88.020.

³ Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit, are appealable to the Shorelines Hearings Board along with all related environmental appeals.

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2 Section 4. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
3 126821, is amended as follows:

1 **23.76.006 Master Use Permits required**

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

4 B. The following decisions are Type I:

5 1. Determination that a proposal complies with development standards;

6 2. Establishment or change of use for uses permitted outright, uses allowed
7 under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less,
8 transitional encampment interim use, temporary uses for four weeks or less not otherwise
9 permitted in the zone, and renewals of temporary uses for up to six months, except temporary
10 uses and facilities for light rail transit facility construction;

11 3. The following street use approvals:

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

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

17 c. Structural building overhangs associated with a development proposal;

18 d. Areaways associated with a development proposal;

19 4. Lot boundary adjustments;

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

21 a. Plazas;

22 b. Shopping plazas;

23 c. Arcades;

- 1 d. Shopping arcades; and
- 2 e. Voluntary building setbacks;
- 3 6. Determinations of Significance (determination that an Environmental Impact
- 4 Statement is required) for Master Use Permits and for building, demolition, grading, and other
- 5 construction permits (supplemental procedures for environmental review are established in
- 6 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 7 Significance based solely on historic and cultural preservation;
- 8 7. Discretionary exceptions for certain business signs authorized by subsection
- 9 23.55.042.D;
- 10 8. Waiver or modification of required right-of-way improvements;
- 11 9. Reasonable accommodation;
- 12 10. Minor amendment to Major Phased Development Permit;
- 13 11. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 14 development standard departures are requested pursuant to Section 23.41.012, and design
- 15 review decisions in an MPC zone if no development standard departures are requested
- 16 pursuant to Section 23.41.012;
- 17 12. Shoreline special use approvals that are not part of a shoreline substantial
- 18 development permit;
- 19 13. Determination that a project is consistent with a planned action ordinance,
- 20 except as provided in subsection 23.76.006.C;
- 21 14. Decision to approve, condition, or deny, based on SEPA policies, a permit
- 22 for a project determined to be consistent with a planned action ordinance;

1 **23.76.010 Applications for Master Use Permits**

2 * * *

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

13 * * *

14 G. A letter of eligibility for exemption from design review is required for applications
15 subject to temporary provisions in subsection 23.41.004.E.3. This letter of eligibility shall
16 document a proposal’s consistency with the qualifications for design review exemption in
17 subsection 23.41.004.E.3.a, including:

18 1. Describing the proposed uses within the proposal per subsection
19 23.41.004.E.3.a.1;

20 2. Identifying the location of the development site within the area subject to
21 temporary design review exemption per subsection 23.41.004.E.3.a.2;

22 3. A statement that the proposal does not involve a Type IV or Type V Council
23 land use decision; and

1 4. An acknowledgement that complete Master Use Permit application materials
2 must be submitted within 90 days to establish vesting as indicated in subsection 23.76.026.A.4.

3 Section 6. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance
4 126684, is amended as follows:

5 **23.76.012 Notice of Application**

6 A. Notice.

7 1. No notice of application is required for Type I decisions, except that notice of
8 application is required for:

9 a. ~~((all))~~ All projects in MPC zones that are subject to Master Planned
10 Community design review in Section 23.41.020, as described in subsection 23.76.012.B.6; ~~((:))~~
11 and

12 b. An application for a Type I permit with an interim design review
13 exemption as described in subsection 23.41.004.E.3.

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

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

19 b. Type II Master Use Permits;

20 ~~((b-))~~ c. Type III Master Use Permits;

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

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

- 1) Major Institution designations and revocation of Major Institution designations;
- 2) Concept approvals for the location or expansion of City facilities requiring Council land use approval; and
- 3) Waivers or modification of development standards for City facilities.

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

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

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

B. Types of notice required

1. For projects subject to a Type I permit with an interim design review exemption as described in subsection 23.41.004.E.3, or an application for a Type II environmental determination pursuant to Section 23.76.006 or design review pursuant to Section

1 23.41.004, the Department shall direct the installation of a large notice sign on the site, unless an
2 exemption or alternative posting as set forth in this subsection 23.76.012.B is applicable. The
3 large notice sign shall be located so as to be clearly visible from the adjacent street or sidewalk,
4 and shall be removed by the applicant at the direction of the Department after final City action
5 on the application is completed.

6 a. In the case of submerged land, the large notice sign shall be posted on
7 adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land
8 owned or controlled by the applicant, notice shall be provided according to subsection
9 23.76.012.B.1.c.

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

14 c. If use of a large notice sign is neither feasible nor practicable to assure
15 that notice is clearly visible to the public, the Department shall post ten placards within 300 feet
16 of the site.

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

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

1 to the public. The land use sign shall be removed by the applicant after final action on the
2 application is completed.

3 3. For all projects requiring notice of application, the Director shall provide notice
4 in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or
5 subject to design review pursuant to Section 23.41.014, notice in the Land Use Information
6 Bulletin shall be published after installation of the large notice sign required in subsection
7 23.76.012.B.1.

8 4. The Director shall provide mailed notice of:

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

18 and

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

21 5. For a project subject to design review, except streamlined design review
22 pursuant to Section 23.41.018 for which no development standard departure pursuant to Section
23 23.41.012 is requested, notice of application shall be provided to all persons who provided an

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

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

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

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

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

19 d. Mailed notice shall be provided consistent with subsection
20 23.76.012.B.5.

21 7. No notice is required of a Type I determination whether a project is consistent
22 with a planned action ordinance, except that if that determination has been made when notice of

1 application is otherwise required for the project, then the notice shall include notice of the
2 planned action consistency determination.

3 C. Contents of notice

4 1. The City's official notice of application is the notice placed in the Land Use
5 Information Bulletin, which shall include the following required elements as specified in RCW
6 36.70B.110:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Section 7. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
22 126685, is amended as follows:

23 **23.76.026 Vesting**

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

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

8 2. Of the Director's decision, if the decision is not appealable to the Hearing
9 Examiner; ~~((or))~~

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

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

22 B. Subdivision and short subdivision components of Master Use Permits. An application
23 for approval of a subdivision or short subdivision of land shall be considered under the Land Use

1 Code and other land use control ordinances in effect when a fully complete application for such
2 approval that satisfies the requirements of Section 23.22.020 (subdivision) or Sections
3 23.24.020 and 23.24.030 (short subdivision) is submitted to the Director.

4 C. Design review component of Master Use Permits

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

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

11 a. The date a complete application for the early design guidance process or
12 streamlined design review guidance process is submitted to the Director, provided that such
13 Master Use Permit application is filed within 90 days of the date of the early design guidance
14 public meeting if an early design guidance public meeting is required, or within 90 days of the
15 date the Director provided guidance if no early design guidance public meeting is required. If
16 more than one early design guidance public meeting is held, then a complete application for a
17 Master Use Permit that includes a design review component shall be considered under the Land
18 Use Code and other land use control ordinances in effect on the date a complete application for
19 the early design guidance process is submitted to the Director, provided that such Master Use
20 Permit application is filed within 150 days of the first meeting. If a complete application for a
21 Master Use Permit that includes a design review component is filed more than 150 days after the
22 first early design guidance public meeting, then such Master Use Permit application shall be
23 considered under the Land Use Code and other land use control ordinances in effect at the time

1 of the early design guidance public meeting that occurred most recently before the date on which
2 a complete Master Use Permit application was filed, provided that such Master Use Permit
3 application is filed within 90 days of the most recent meeting; or

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

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

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

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

20 Section 8. By May 31, 2025, the Council requests that SDCI provide to the Council, and
21 publish on its website, a report on the Downtown Activation Plan design review exemption
22 authorized by this ordinance. The report should include a map showing the location of projects
23 that have utilized the exemption and identify for each project the waivers or modifications

1 sought; the waivers or modifications granted; public comment provided to SDCI; and the amount
2 of additional floor area in the project that resulted from the waivers or modifications. Council
3 further requests that the report be incorporated into broader reporting on previously authorized
4 Design Review exemptions, including those contemplated by Ordinances 126854 and 126855,
5 and other analyses that accompany implementation of the requirements in RCW 36.70A.630.
6 Given the short reporting timeframe, the Council does not intend that information, or lack
7 thereof, in the report be dispositive of the policy question of whether to continue the exemption
8 and interim land use entitlement process authorized by this ordinance until it expires or to make
9 development eligible for the interim process subject to a new design review process required by
10 RCW 36.70A.630.

11 Section 9. This ordinance shall automatically expire 36 months after its effective date
12 unless the Council takes action to either extend it as provided by statute or terminate it sooner.

1 Section 10. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2024,
4 and signed by me in open session in authentication of its passage this _____ day of
5 _____, 2024.

6 _____
7 President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

8 _____
9 Bruce A. Harrell, Mayor

10 Filed by me this _____ day of _____, 2024.

11 _____
12 Scheereen Dedman, City Clerk

13 (Seal)

14 Attachments: