



Legislation Details (With Text)

File #: CB 120674 **Version:** 2 **Name:** CB 120674
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 12/12/2023
Final Action: 12/28/2023 **Ord. No.** Ord 126979

Title: AN ORDINANCE relating to land use and zoning; amending Section 23.76.029 of the Seattle Municipal Code to allow applicants for or holders of certain Master Use Permits approved for issuance between March 1, 2020 and December 31, 2026 to have their Master Use Permits expire in six years; and making other minor amendments to the procedure for expiration and renewal of Master Use Permits.

Sponsors: Dan Strauss

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Director's Report, 3. Presentation (11/29/23), 4. Central Staff Memo (11/29/23), 5. Amendment 1, 6. Amendment 2 (added; 12/8/23), 7. Signed Ordinance 126979, 8. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/28/2023	2	City Clerk	attested by City Clerk	
12/28/2023	2	Mayor	returned	
12/28/2023	2	Mayor	Signed	
12/18/2023	2	City Clerk	submitted for Mayor's signature	
12/12/2023	2	City Council	passed	Pass
12/8/2023	1	Land Use Committee	pass as amended	Pass
11/29/2023	1	Land Use Committee	discussed	
10/10/2023	1	City Council	referred	
10/5/2023	1	Council President's Office	sent for review	
10/4/2023	1	City Clerk	sent for review	
10/4/2023	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Section 23.76.029 of the Seattle Municipal Code to allow applicants for or holders of certain Master Use Permits approved for issuance between March 1, 2020 and December 31, 2026 to have their Master Use Permits expire in six years; and making other minor amendments to the procedure for expiration and renewal of Master Use Permits.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.76.029 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

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

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

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

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

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

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

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

D. Master Use Permits with a Major Phased Development or Planned Community Development component under Sections 23.45.600, 23.47A.007, 23.48.007, 23.49.036, ~~(23.50.015)~~, or 23.50A.030 expire as follows:

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

2. For subsequent phases, the expiration date shall be determined at the time of permit issuance

for each phase, and the date shall be stated in the permit.

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

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

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

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

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

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

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

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

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

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

G. The permit expires earlier pursuant to Section 22.800.100.

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

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

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

- a. For the first phase, six years from the date the permit is approved for issuance;
- b. For subsequent phases, expiration shall be stated in the permit.

2. A Master Use Permit that has been granted a renewal under subsection 23.76.032.A by the

effective date of Ordinance _____ expires three years from the date of the renewal. A Master Use Permit extended through this subsection 23.76.029.I.2 shall not be renewed beyond a period of six years from the original date the permit was approved for issuance.

Section 2. Subsection 23.76.029.I of the Seattle Municipal Code expires on December 31, 2032.

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

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)