



Legislation Details (With Text)

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On agenda: 5/21/2018

Final Action: 6/1/2018 **Ord. No.** Ord 125587

Title: AN ORDINANCE related to land use and zoning; adding a new Section 23.41.022 to the Seattle Municipal Code (SMC) and amending Section 23.76.005 of the SMC, to clarify the relationship between design review and review of street vacation petitions.

Sponsors: Mike O'Brien

Indexes:

Attachments: 1. Proposed Substitute, 2. Summary and Fiscal Note, 3. Presentation (4/17/18), 4. Signed Ordinance 125587, 5. Affidavit of Publication

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|---------------------------------|--------|
| 6/1/2018 | 1 | City Clerk | attested by City Clerk | |
| 6/1/2018 | 1 | Mayor | returned | |
| 6/1/2018 | 1 | Mayor | Signed | |
| 5/23/2018 | 1 | City Clerk | submitted for Mayor's signature | |
| 5/21/2018 | 1 | City Council | passed | Pass |
| 5/14/2018 | 1 | City Council | postponed | |
| 5/7/2018 | 1 | City Council | postponed | |
| 5/1/2018 | 1 | Sustainability and Transportation Committee | pass | Pass |
| 4/17/2018 | 1 | Sustainability and Transportation Committee | discussed | |
| 4/16/2018 | 1 | City Council | referred | |
| 4/11/2018 | 1 | Council President's Office | sent for review | |
| 4/10/2018 | 1 | City Clerk | sent for review | |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE related to land use and zoning; adding a new Section 23.41.022 to the Seattle Municipal Code (SMC) and amending Section 23.76.005 of the SMC, to clarify the relationship between design review and review of street vacation petitions.

WHEREAS, The City of Seattle’s Street Vacation Policies were adopted in 1986 by Resolution 27527; and

WHEREAS, the City Council intends to clarify the relationship between the street vacation review process and

the Design Review program; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.41.022 is added to the Seattle Municipal Code as follows:

23.41.022 Coordination of design review and vacations of right-of-way

A. Full design review. The following requirements apply to projects that seek the vacation of a public right-of-way pursuant to Chapter 15.62 and are subject to or for which an applicant has elected full design review pursuant to Section 23.41.004:

1. Early design guidance. Before submitting any application materials to begin the early design guidance process, an applicant shall consult with the Seattle Design Commission. The purpose of the consultation is to have the Seattle Design Commission provide recommendations to the Design Review Board before the board holds any early design guidance meetings under Section 23.41.014. The Seattle Design Commission recommendations may include any initial concerns about the proposed project and any conceptual design or siting alternatives, including any no-vacation alternatives prepared.

2. Design Review Board recommendation. The Design Review Board shall not hold a final recommendation meeting until the Seattle Design Commission makes a recommendation on the Public Trust Analysis phase of a street vacation review as described in the Street Vacation Policies.

B. Administrative design review. The following requirements apply to projects that seek the vacation of a public right-of-way pursuant to Seattle Municipal Code Chapter 15.62 and are subject to or for which an applicant has elected administrative design review pursuant to Section 23.41.004.

1. Early design guidance. Before the Director makes guideline priorities available, an applicant shall consult with the Seattle Design Commission. The purpose of the consultation is to have the Seattle Design Commission provide recommendations to the Director, prior to the Director identifying priorities pursuant to Section 23.41.016. The Seattle Design Commission recommendations may include any initial concerns about the proposed project and any conceptual design or siting alternatives, including any no-vacation alternatives

prepared.

2. Design Review Board recommendation. The Director shall not make a recommendation pursuant to Section 23.41.016 until the Seattle Design Commission makes a recommendation on the Public Trust Analysis phase of a street vacation review.

Section 2. Section 23.76.005 of the Seattle Municipal Code, last amended by Ordinance 123913, 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 within 120 days after the applicant has been notified that the application is complete. In determining the number of days that have elapsed after the notification that the application is complete, the following periods shall be excluded:

1. All periods of time during which the applicant has been requested by the Director to correct plans, perform required studies, or provide additional required information, until the Director determines that the request has been satisfied;

2. Any extension of time mutually agreed upon by the Director 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;

4. Any time period for filing an appeal of the land use decision to the Hearing Examiner, 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. 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. The time limits established by subsections 23.76.005.A and B do not apply if a permit application:

- 1. ~~((requires))~~ Requires an amendment to the Comprehensive Plan or the Land Use Code; or
- 2. ~~((requires))~~ Requires the siting of an essential public facility; ~~((or))~~
- 3. ~~((is))~~ 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.

* * *

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 _____, 2018, and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)