

ATTACHMENT A-1

All SMC code sections except the Seattle Master Program

23.40.002 - Conformity with regulations required

- A. The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, except:
1. establishment of an urban farm, or community garden, that is permitted outright under the provisions of this Title 23 applicable to the lot;
 2. as permitted in subsections 23.47A.004.E and 23.47A.004.F;
 3. keeping of animals as permitted under Section 23.42.052;
 4. reinstatement of a use interrupted by a temporary use authorized pursuant to Section 23.42.040; and
 5. for uses located entirely within public rights-of-way.
- B. No use of any structure or premises shall hereafter be commenced, and no structure or part of a structure shall be erected, moved, reconstructed, extended, enlarged or altered, except in conformity with the regulations specified in this title for the zone and overlay district, if any, in which it is or will be located.
- C. Owners of such structures, building or premises or parts thereof are responsible for any failure of such structures, buildings or premises to conform to the regulations of this title and for compliance with the provisions of this title in or on such structures, buildings or premises. Any other person who created, caused or contributed to a condition in or on such structure, building or premises, either alone or with others, is also responsible under this title for any failure to conform to the regulations of this title. Building and use permits on file shall be prima facie evidence of the time a building was built or modified, or a use commenced, and the burden of demonstrating to the contrary shall be upon the owner.
- D. Changes to existing structures that make the structures nonconforming may be permitted if the changes are required by law for reasons of health and safety.

(Ord. 123649, § 4, 2011; Ord. 123378, § 1, 2010; Ord. 122816, § 1, 2008; Ord. 122311, § 18, 2006; Ord. 121093 § 1, 2003; Ord. 119473 § 1, 1999; Ord. 118794 § 14, 1997; Ord. 112522 § 7(part), 1985; Ord. 110669 § 6, 1982; Ord. 110381 § 1(part), 1982.)

23.42.010 - Identification of principal permitted uses.

Principal uses not listed in the respective zones of Subtitle III, Division 2 of SMC Title 23, Land Use Code shall be prohibited in those zones. If a use is not listed, the Director may determine that a proposed use is substantially similar to other uses permitted or prohibited in the respective zones, therefore, and should also be permitted or prohibited.

(Ord. 118794 § 15, 1997; Ord. 113978 § 1, 1988; Ord. 110669 § 9, 1982; Ord. 110381 § 1(part), 1982.)

23.50.012 - Permitted and Prohibited Uses

- A. All uses are permitted outright, prohibited or permitted as a conditional use, according to Table A for 23.50.012 and this Section 23.50.012.
- B. All permitted uses are allowed as either a principal use or an accessory use, unless otherwise indicated in Table A for 23.50.012.
- C. Public Facilities.
 1. Similar Uses Permitted. Except as provided in subsections 23.50.012.C.2 and 23.50.012.C.3 and in Section 23.50.027, uses in public facilities that are most similar to uses permitted outright or permitted by conditional use in this chapter are also permitted outright or by conditional use, subject to the same use regulations, development standards and administrative conditional use criteria that govern the similar uses.
 2. Waivers or Modification by City Council for Similar Uses. The City Council may waive or modify applicable development standards or conditional use criteria for those uses in public facilities that are similar to uses permitted outright or permitted by conditional use according to Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.
 3. Other Uses Permitted in Public Facilities. Unless specifically prohibited, uses in public facilities that are not similar to uses permitted outright or permitted by a conditional use or special exception under this Chapter 23.50 may be permitted by the City Council. City Council may waive or modify development standards or conditional use criteria according to Chapter 23.76, Subchapter III, Council Land Use Decisions, with public projects considered as Type IV quasi-judicial decisions and City facilities considered as Type V legislative decisions.
 4. Uses in public facilities not meeting development standards. In all industrial zones, uses in public facilities not meeting development standards may be permitted by the Council if the following criteria are satisfied:
 - a. The project provides unique services that are not provided to the community by the private sector, such as police and fire stations; and
 - b. The proposed location is required to meet specific public service delivery needs; and
 - c. The waiver or modification to the development standards is necessary to meet specific public service delivery needs; and
 - d. The relationship of the project to the surrounding area has been considered in the design, siting, landscaping and screening of the facility.
 5. Expansion of Uses in Public Facilities.
 - a. Major Expansion. Major expansions may be permitted to uses in public facilities allowed pursuant to subsections 23.50.012.C.1, 23.50.012.C.2 and 23.50.012.C.3 according to the same provisions and procedural requirements as described in these subsections. A major expansion of a public facility use is one that would not meet development standards, or one that would exceed the greater of 750 square feet or ten percent of its existing area, including gross floor area and areas devoted to active outdoor uses other than parking.
 - b. Minor Expansion. An expansion that is not a major expansion is a minor expansion. Minor expansions may be permitted to uses in public facilities allowed pursuant to subsections 23.50.012.C.1, 23.50.012.C.2 and 23.50.012.C.3 according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, for a Type I Master Use Permit if the development standards of the zone in which the public facility is located are met.
 6. Essential Public Facilities. Permitted essential public facilities shall also be reviewed according to Chapter 23.80, Essential Public Facilities.
- D. Rooftop Recreational Space in IG1 and IG2 Zones. Recreational space may be located on the rooftop of a building (including the rooftop of an attached parking structure) existing as of December 31, 1998. Rooftop recreational space shall be used only for the purposes of active recreational uses and/or passive open spaces accessory to

office uses of at least 100,000 square feet that are located in the same building or within an attached structure(s) and that are established on or before December 31, 1998. If any portion of the rooftop recreational space is covered by a structure, the following standards apply:

1. The height of the structure shall not exceed 30 feet as measured from the existing rooftop elevation and be limited to only one story;
2. The height shall not exceed the height of the highest portion or feature of the building or attached structure (s);
3. The footprint of the structure shall not exceed 30 percent of the total roof area on which the structure is located; and
4. The structure shall be designed to include a minimum of 30 percent transparent and/or translucent exterior building materials.
5. The rooftop recreational space permitted under this subsection 23.50.012.D shall be used only for active recreational uses and/or passive open spaces accessory to office uses and cannot be used for or converted to other uses. Section 23.50.012.D does not preclude the use of rooftop decks for passive open space use if the deck is on a structure otherwise permitted, including a structure constructed after December 31, 1998, or if the deck is associated with an otherwise permitted use.

E. Adult Cabarets.

1. Any lot line of property containing any proposed new or expanding adult cabaret must be 800 feet or more from any lot line of property on which any of the following uses has been established by permit or otherwise recognized as legally established: community center; child care center; school, elementary or secondary; or public parks and open space use.
2. Any lot line of property containing any proposed new or expanding adult cabaret must be 600 feet or more from any lot line of property for which a permit has been issued for any other adult cabaret.
3. The analysis required by subsections 23.50.012.E.1 and E.2 shall be based on the facts that exist on the earlier of:
 - a. the date a complete application is made for a building permit for an adult cabaret for the property proposed to contain the new or expanding adult cabaret, or
 - b. the date of publication of notice of the Director's decision on the Master Use Permit application to establish or expand an adult cabaret use, if the decision can be appealed to the Hearing Examiner, or the date of the Director's decision if no Hearing Examiner appeal is available.

Table A for 23.50.012
Uses in Industrial Zones

USES	PERMITTED AND PROHIBITED USES BY ZONE				
	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
A. AGRICULTURAL USES					
A.1. Animal Husbandry	X	X	X	X	X
A.2. Aquaculture	P	P	P	P	P
A.3. Community Garden	P(14)	P(14)	P(14)	P(14)	P(14)
A.4. Horticulture	X	X	X	X	X

A.5. Urban Farm	P(14)	P(14)	P(14)	P(14)	P(14)
B. CEMETERIES	X	X	X	X	X
C. COMMERCIAL USES					
C.1. Animal Shelters and Kennels	X(1)	P	P	P	P
C.2. Eating and drinking establishments	P	P	P	P	P
C.3. Entertainment Uses					
C.3.a. Cabarets, adult	P(13)	P(13)	X	X	X
C.3.b. Motion picture theaters, adult	X	X	X	X	X
C.3.c. Panorams, adult	X	X	X	X	X
C.3.d. Sports and recreation, indoor	P	P	P	X	P
C.3.e. Sports and recreation, outdoor	P	P	P	X	P
C.3.f. Theaters and spectator sports facilities					
C.3.f.i. Lecture and meeting halls	P	P	P	P	P
C.3.f.ii. Motion picture theaters	P	P	P	X	X
C.3.f.iii. Performing arts theaters	P	P	P	X	X
C.3.f.iv. Spectator sports facilities	P	P	P	X(2)	X(2)
C.4. Food processing and craft work	P	P	P	P	P
C.5. Laboratories, Research and development	P	P	P	P	P
C.6. Lodging uses	CU	CU	CU	X	X
C.7. Medical services (3)	P	P	P	P	P
C.8. Offices	P	P	P	P	P
C.9. Sales and services, automotive	P	P	P	P	P
C.10. Sales and services, general	P	P	P	P	P
C.11. Sales and services, heavy	P	P	P	P	P
C.12. Sales and services, marine	P	P	P	P	P
D. HIGH-IMPACT USES	X	X or CU(4)	X or CU(5)	X or CU(5)	X or CU(5)

E. INSTITUTIONS					
E.1. Adult care centers	X	X	X	X	X
E.2. Child care centers	P	P	P	P	P
E.3. Colleges	EB	EB	EB(17)	X(6)	X(6)
E.4. Community centers and Family support centers	EB	EB	EB	P	P
E.5. Community clubs	EB	EB	EB	X	P
E.6. Hospitals	EB	EB	CU(7)	P	P
E.7. Institutes for advanced study	P	P	P	X	X
E.8. Libraries	X	X	X	X	X
E.9. Major institutions subject to the provisions of <u>Chapter 23.69</u>	EB	EB	EB	EB	EB
E.10. Museums	EB	EB(9)	EB	X(8)	X(8)
E.11. Private Clubs	EB	EB	EB	X	X
E.12. Religious facilities	P(16)	P(16)	P(16)	P(16)	P(16)
E.13. Schools, elementary or secondary	EB	EB	EB	X	X
E.14. Vocational or fine arts schools	P	P	P	P	P
F. LIVE-WORK UNITS	X	X	X	X	X
G. MANUFACTURING USES					
G.1. Manufacturing, light	P	P	P	P	P
G.2. Manufacturing, general	P	P	P	P	P
G.3. Manufacturing, heavy	CU	X or CU (10)	P or CU (11)	P	P
H. PARKS AND OPEN SPACE	P	P	P	P	P
I. PUBLIC FACILITIES					
I.1. Jails	X	X	X	X	X
I.2. Work-release centers	X	X	X	X	X

I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
J. RESIDENTIAL USES					
J.1. Residential uses not listed below	X	X	X	X	X
J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
J.3. Caretaker's quarters	P	P	P	P	P
J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU
K. STORAGE USES					
K.1. Mini-warehouses	P	P	P	X	P
K.2. Storage, outdoor	P	P	P	P	P
K.3. Warehouses	P	P	P	P	P
L. TRANSPORTATION FACILITIES					
L.1. Cargo terminals	P	P	P	P	P
L.2. Parking and moorage					
L.2.a. Boat moorage	P	P	P	P	P
L.2.b. Dry boat storage	P	P	P	P	P
L.2.c. Parking, principal use, except as listed below	P	P or X(15)	P	X(2)	X(2)
L.2.c.i. Park and Pool Lots	P(12)	P(12)	P(12)	CU	CU
L.2.c.ii. Park and Ride Lots	CU	CU	CU	CU	CU
L.2.d. Towing services	P	P	P	P	P
L.3. Passenger terminals	P	P	P	P	P
L.4. Rail Transit Facilities	P	P	P	P	P
L.5. Transportation facilities, air					
L.5.a. Airports (land-based)	X	CCU	CCU	CCU	CCU

L.5.b. Airports (water-based)	X	CCU	CCU	CCU	CCU
L.5.c. Heliports	X	CCU	CCU	CCU	CCU
L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU
L.6. Vehicle storage and maintenance					
L.6.a. Bus bases	CU	CU	CU	CU	CU
L.6.b. Railroad switchyards	P	P	P	P	P
L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
L.6.d. Transportation services, personal	P	P	P	P	P
M. UTILITY USES					
M.1. Communication Utilities, major	CU	CU	CU	CU	CU
M.2. Communication Utilities, minor	P	P	P	P	P
M.3. Power Plants	X	CCU	P	P	P
M.4. Recycling	P	P	P	P	P
M.5. Sewage Treatment Plants	X	CCU	CCU	CCU	CCU
M.6. Solid waste management					
M.6.a. Salvage yards	X	X	P	P	P
M.6.b. Solid waste transfer stations	CU(17)	CU	CU	CU	CU
M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
M.6.d. Solid waste landfills	X	X	X	X	X
M.7. Utility Services Uses	P	P	P	P	P

KEY

CU = Administrative conditional use

CCU = Council conditional use

EB = Permitted only in a building existing on October 5, 1987.

EB/CU = Administrative conditional use permitted only in a building existing on October 5, 1987.

P = Permitted

X = Prohibited

Notes to Table A for 23.50.012

- (1) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.
- (2) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one space per 650 square feet ratio under the following circumstances:
 - (a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and
 - (b) The parking is reserved for events in the spectator sports facility or exhibition hall, and
 - (c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.
- (3) Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.
- (4) The high-impact uses listed in subsection 23.50.014.B.10 may be permitted as conditional uses.
- (5) High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.
- (6) A college or university offering a primarily vocational curriculum within the zone is permitted.
- (7) Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.14.
- (8) Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.
- (9) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.
- (10) The heavy manufacturing uses listed in subsection 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.
- (11) Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.
- (12) Park and pool lots are not permitted within 3,000 feet of the Downtown Urban Center.
- (13) Subject to subsection 23.50.012.E.
- (14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as indoor agricultural operations. Except for indoor agricultural operations established prior to the effective date of this ordinance, indoor agricultural operations are not permitted in the IG1 zone. Indoor agricultural operations within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:
 - a. 5,000 square feet in IG1 zones for indoor agricultural operations established prior to the effective date of this ordinance;
 - b. 10,000 square feet in IB and IC zones; and
 - c. 20,000 square feet in IG2 zones.
- (15) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.
- (16) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.
- (17) Subject to subsection 23.50.014.B.7.e.

Editor's note— This note goes to M.6.b., column IB.

- (17) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.

Editor's note— This note goes to E.3., column IG1 and IG2 (general).

Editor's note— Note (16) above was added by Ord. 123729 as note (15). In order to avoid duplication of numbers, the note has been renumbered as (16) at the discretion of the editor.

(Ord. 124326, § 2, 2013; Ord. 123986, § 1, 2012; Ord. 123872, § 4, 2012; Ord. 123729, § 6, 2011; Ord. 123649, § 31, 2011; Ord. 123589, § 54, 2011; Ord. 123378, § 21, 2010; Ord. 123282, § 4, 2010; Ord. 123046, §§ 41, 65, 2009; Ord. 122935, § 12, 2009; Ord. 122925, § 1, 2009; Ord. 122411, §§ 6, 7, 2007; Ord. 122311, § 61, 2006; Ord. 121476 § 11, 2004; Ord. 121196§ 18, 2003; Ord. 120155 § 1, 2000; Ord. 120117 § 38, 2000; Ord. 119972 § 5, 2000; Ord. 119370 § 12, 1999; Ord. 119238 § 7, 1998; Ord. 118794 § 38, 1997; Ord. 118672 § 22, 1997; Ord. 117430 § 76, 1994; Ord. 117263 § 48, 1994; Ord. 117202 § 9, 1994; Ord. 116907 § 7, 1993; Ord. 116596 § 3, 1993; Ord. 116295 § 21, 1992; Ord. 115043 § 11, 1990; Ord. 115002 § 10, 1990; Ord. 114875 § 12, 1989; Ord. 114623 § 14, 1989; Ord. 113658 § 4(part), 1987.)

23.59.010 - Overlay district generally.

- A. Purpose. Overlay districts are established to conserve and enhance The City of Seattle's unique natural marine and mountain setting and its environmental and topographic features; to preserve areas of historical note or architectural merit; to accomplish City policy objectives for specific areas; to assist in the redevelopment and rehabilitation of declining areas of the City; to balance the needs of Major Institution development with the need to preserve adjacent neighborhoods; and to promote the general welfare by safeguarding such areas for the future use and enjoyment of all people.
- B. Application of Regulations. Property located within an overlay district as identified on the Official Land Use Maps, Chapter 23.32, is subject both to its zone classification regulations and to additional requirements imposed for the overlay district. In any case where the provisions of the overlay district conflict with the provisions of the underlying zone, the overlay district provisions shall apply.

(Ord. 118414 § 45, 1996.)

23.76.004 - Land use decision framework

- A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.
- B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that Type II decisions enumerated in subsections 23.76.006.C.2.c, d, f, and g, and SEPA decisions integrated with them as set forth in subsection 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.
- C. Type IV and V decisions are Council land use decisions. Type IV decisions are quasi-judicial decisions made by the Council pursuant to existing legislative standards and based upon the Hearing Examiner's record and recommendation. Type IV decisions may be subject to land use interpretation pursuant to Section 23.88.020. Type V decisions are legislative decisions made by the Council in its capacity to establish policy and manage public lands.
- D. For projects requiring both a Master Use Permit and a Council land use decision as described in this chapter, the Council decision must be made prior to issuance of the Master Use Permit. All conditions established by the Council in its decision shall be incorporated in any subsequently issued Master Use Permit for the project.
- E. Certain land use decisions are subject to additional procedural requirements beyond the standard procedures established in this Chapter 23.76. These requirements may be prescribed in the regulations for the zone in which the proposal is located, in other provisions of this title, or in other titles of the Seattle Municipal Code.
- F. Shoreline appeals and appeals of related SEPA determinations shall be filed with the State Shoreline Hearings Board within 21 days of the receipt of the decision by the Department of Ecology as set forth in RCW 90.58.180.
- G. An applicant for a permit or permits requiring more than one decision contained in the land use decision framework listed in Section 23.76.004 may either:
 - 1. Use the integrated and consolidated process established in this chapter;
 - 2. If the applicant includes a variance, lot boundary adjustment, or short subdivision approval and no environmental review is required for the proposed project pursuant to SMC Chapter 25.05, Environmental Policies and Procedures, file a separate Master Use Permit application for the variance, lot boundary adjustment, or short subdivision sought and use the integrated and consolidated process established in this chapter for all other required decisions; or
 - 3. Proceed with separate applications for each permit decision sought.
- H.

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

Table A for 23.76.004
 LAND USE DECISION FRAMEWORK¹

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

TYPE I

Director's Decision

(Administrative review through land use interpretation as allowed by Section 23.88.020 ²⁾)

- * Application of development standards for decisions not otherwise designated Type II, III, IV, or V
- * Uses permitted outright
- * Temporary uses, four weeks or less
- * Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
- * Intermittent uses
- * Interim use parking authorized under subsection 23.42.040.G
- * 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
- * Special accommodation

- * Reasonable accommodation
- * Minor amendment to a Major Phased Development permit
- * Determination of public benefit for combined lot FAR
- * 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
- * Other Type I decisions that are identified as such in the Land Use Code

TYPE II

Director's Decision

(Appealable to Hearing Examiner or Shorelines Hearing Board³)

- * Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
- * Variances
- * Administrative conditional uses
- * Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit³
- * Short subdivisions
- * Special exceptions

* Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested

* Light rail transit facilities

* The following environmental determinations:

1. Determination of non-significance (EIS not required)

2. Determination of final EIS adequacy

3. Determinations of significance based solely on historic and cultural preservation

4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance

* Major Phased Developments

* Downtown Planned Community Developments

* Other Type II decisions that are identified as such in the Land Use Code

TYPE III

Hearing Examiner's Decision

(No Administrative Appeal)

* Subdivisions (preliminary plats)

COUNCIL LAND USE DECISIONS

TYPE IV

(Quasi-Judicial)

* Amendments to the Official Land Use Map (rezones), except area-wide amendments and correction of errors

* Public projects that require Council approval

* Major Institution master plans, including major amendments, renewal of a master plan's development plan component, and master plans prepared pursuant to subsection 23.69.023.C after an acquisition, merger, or consolidation of major institutions

* Major amendments to property use and development agreements

*	Council conditional uses
*	Other decisions listed in subsection 23.76.036.A
TYPE V (Legislative)	
*	Land Use Code text amendments
*	Area-wide amendments to the Official Land Use Map
*	Corrections of errors on the Official Land Use Map due to cartographic and clerical mistakes
*	Concept approvals for the location or expansion of City facilities requiring Council land use approval
*	Major Institution designations and revocations of Major Institution designations
*	Waivers or modifications of development standards for City facilities
*	Adoption of or amendments to Planned Action Ordinances
*	Other decisions listed in subsection 23.76.036.C
<p>Footnotes for Table A for <u>23.76.004</u>:</p> <p>¹ Sections <u>23.76.006</u> and <u>23.76.036</u> establish the types of land use decisions in each category. This Table A for <u>23.76.004</u> is intended to provide only a general description of land use decision types.</p> <p>² Type I decisions are subject to administrative review through a land use interpretation pursuant to <u>Section 23.88.020</u> if the decision is one that is subject to interpretation.</p> <p>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.</p>	

(Ord. 124747, § 4, 2015; Ord. 124378, § 76, 2013; Ord. 123963, § 27, 2012; Ord. 123939, § 17, 2012; Ord. 123913, § 4, 2012; Ord. 123649, § 51, 2011; Ord. 123566, § 5, 2011; Ord. 123565, § 2, 2011; Ord. 123495, § 75, 2011; Ord. 123046, § 56, 2009; Ord. 122816, § 6, 2008; Ord. 122497, § 4, 2007; Ord. 121828 § 13, 2005; Ord. 121362 § 11, 2003; Ord. 121278 § 7, 2003; Ord. 121277 § 1, 2003; Ord. 119974 § 1, 2000; Ord. 119618 § 7, 1999; Ord. 119096 § 4, 1998; Ord. 118672 § 23, 1997; Ord. 118012 § 23, 1996; Ord. 117598, § 3, 1995; Ord. 117263 § 53, 1994; Ord. 117202 § 11, 1994; Ord. 116909 § 5, 1993; Ord. 113079 § 3, 1986; Ord. 112840 § 2, 1986; Ord. 112522 § 2(part), 1985)

23.76.006 - Master Use Permits required

- A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.
- B. The following decisions are Type I:
 1. Determination that a proposal complies with development standards;
 2. Establishment or change of use for uses permitted outright, interim use parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, and temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction and transitional encampments;
 3. The following street use approvals:
 - a. Curb cut for access to parking whether associated with a development proposal or not;
 - b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;
 - c. Structural building overhangs associated with a development proposal;
 - d. Areaways associated with a development proposal;
 4. Lot boundary adjustments;
 5. Modification of the following features bonused under Title 24:
 - a. Plazas;
 - b. Shopping plazas;
 - c. Arcades;
 - d. Shopping arcades;
 - e. Voluntary building setbacks;
 6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;
 7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;
 8. Waiver or modification of required right-of-way improvements;
 9. Special accommodation pursuant to Section 23.44.015;
 10. Reasonable accommodation;
 11. Minor amendment to Major Phased Development Permit;
 12. Determination of public benefit for combined lot development;
 - 13.

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

14. Shoreline special use approvals that are not part of a shoreline substantial development permit;
15. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;
16. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance; and
17. Other Type I decisions.

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures):
 - a. Determination of Non-significance (DNS), including mitigated DNS;
 - b. Determination that a final environmental impact statement (EIS) is adequate; and
 - c. Determination of Significance based solely on historic and cultural preservation.
2. The following decisions are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations that are appealable to the Shorelines Hearings Board):
 - a. Establishment or change of use for temporary uses more than four weeks not otherwise permitted in the zone or not meeting development standards, including the establishment of temporary uses and facilities to construct a light rail transit system for so long as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting temporary relocation of police and fire stations for 24 months or less;
 - b. Short subdivisions;
 - c. Variances; provided that the decision on variances sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;
 - d. Special exceptions; provided that the decision on special exceptions sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;
 - e. Design review decisions, except for streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and except for design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested pursuant to Section 23.41.012;
 - f. Administrative conditional uses, provided that the decision on administrative conditional uses sought as part of a Council land use decision shall be made by the Council pursuant to Section 23.76.036;
 - g.

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

- 1) Shoreline substantial development permits;
 - 2) Shoreline variances; and
 - 3) Shoreline conditional uses;
- h. Major Phased Developments;
- i. Determination of project consistency with a planned action ordinance, only if the project requires another Type II decision;
- j. Establishment of light rail transit facilities necessary to operate and maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;
- k. Downtown planned community developments;
- l. Establishment of temporary uses for transitional encampments, except transitional encampment interim uses provided for in subsection 23.76.006.B.2; and
- m. Except for projects determined to be consistent with a planned action ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a. through l; provided that, for decisions listed in subsections 23.76.006.C.2.c, d, f, and g that are made by the Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036.
- D. The following decision, including any integrated decision to approve, condition or deny based on SEPA policies, is a Type III decision made by the Hearing Examiner: subdivisions (preliminary plats).
- E. The requirement for the Council to make the shoreline decisions listed in subsection 23.76.006.C.2.g if they are sought as part of a Council land use decision shall also apply for purposes of Chapter 23.60.

(Ord. 124747, § 5, 2015; Ord. 124105, § 31, 2013; Ord. 123963, § 28, 2012; Ord. 123939, § 18, 2012; Ord. 123913, § 6, 2012; Ord. 123649, § 52, 2011; Ord. 123566, § 6, 2011; Ord. 123565, § 3, 2011; Ord. 123495, § 76, 2011; Ord. 122824, § 11, 2008; Ord. 122816, § 7, 2008; Ord. 122054 § 81, 2006; Ord. 121828 § 14, 2005; Ord. 121476 § 17, 2004; Ord. 121362 § 12, 2003; Ord. 121278 § 8, 2003; Ord. 120611 § 18, 2001; Ord. 119974 § 2, 2000; Ord. 119904 § 2, 2000; Ord. 119618 § 8, 1999; Ord. 119096 § 5, 1998; Ord. 118012 § 25, 1996; Ord. 117598 § 4, 1995; Ord. 117263 § 54, 1994; Ord. 117202 § 12, 1994; Ord. 116909 § 6, 1993; Ord. 115326 § 29, 1990; Ord. 113079 § 4, 1986; Ord. 112840 § 3, 1986; Ord. 112830 § 53, 1986; Ord. 112522 § 2(part), 1985)

23.84A.036 - "S"

"Sale and rental of large boats." See "Sales and services, marine."

"Sale and rental of motorized vehicles." See "Sales and services, automotive."

"Sale and rental of small boats, boat parts and accessories." See "Sales and services, marine."

"Sale of heating fuel." See "Commercial sales, heavy" under "Sales and services, heavy."

"Sales and rental of commercial equipment and construction materials." See "Commercial sales, heavy" under "Sales and services, heavy."

"Sales and services, automotive" means a commercial use in which motorized vehicles or vehicle parts are rented, sold, serviced or repaired. Automotive sales and services uses exclude sales and services primarily relating to electric scooters or electric assisted bicycles. Automotive sales and services uses include but are not limited to the following:

1. "Retail sales and services, automotive" means an automotive sales and service use in which goods are rented or sold primarily for use in motor vehicles or minor services are provided to motor vehicles. Uses in this category may include gas stations, car washes, minor repair of vehicles not falling under the definition of major automotive vehicle repair, battery stations for electric vehicles, and towing of vehicles when no more than two trucks are used or kept on site for towing purposes.
2. "Sales and rental of motorized vehicles" means an automotive sales and service use in which operable motorized vehicles, such as cars, trucks, buses, recreational vehicles or motorcycles, or related non-motorized vehicles, such as trailers, are rented or sold.
3. "Vehicle repair, major automotive" means an automotive sales and service use in which one or more of the following activities are carried out:
 - a. Reconditioning of any type of motorized vehicle, including any repairs made to vehicles over 10,000 pounds gross vehicle weight;
 - b. Collision services, including body, frame or fender straightening or repair;
 - c. Overall painting of vehicles or painting of vehicles in a paint shop;
 - d. Dismantling of motorized vehicles in an enclosed structure.

"Sales and services, general" means one of the uses listed below, in which goods are rented or sold or services are provided primarily for household and personal use rather than for business establishments, institutions, or government agencies, but excluding medical services and uses in which goods are sold that primarily need to be delivered by truck, such as building materials, major durables and/or heating fuel.

1. "Retail sales and services, general" means a general sales and service use that is not a multi-purpose retail sales use. General retail sales and services include general retail sales uses, general services uses, and customer service office uses. Examples of general retail sales include but are not limited to bookstores, florists, and clothing stores. Examples of general

services include but are not limited to shoe repair, hair cutting salons, pet grooming, pet daycare centers and dry cleaning. Customer service offices are uses in which services are provided to individuals and households in an office setting in a manner that encourages walk-in clientele and in which generally an appointment is not needed to conduct business, including but not limited to uses such as branch banks, travel agencies, brokerage firms, real estate offices, and government agencies that provide direct services to clients.

2. "Retail sales, multipurpose" means a general sales and service use in which a wide range of items frequently purchased for household use are rented or sold. Examples of multipurpose retail sales include but are not limited to grocery, hardware, drug, and variety stores, and farmers' markets.

"Sales and services, heavy" means one of the following uses:

1. "Commercial sales, heavy" means a heavy sales and services use in which goods that primarily require delivery or pickup by truck are sold. Examples include but are not limited to the sale of construction materials, heating fuel, or industrial supplies. Sales are retail and/or wholesale, and are made primarily to businesses rather than to individual households, or primarily delivered directly to households without customers visiting the business.
2. "Commercial services, heavy" means a heavy sales and service use that provides services that require significant truck traffic or the use, storage and disposal of chemicals as a significant part of the functioning of the business. Heavy commercial services include but are not limited to the following:
 - a. "Commercial laundry" means a heavy commercial service use in which items such as clothing and linens are cleaned. This definition includes uses such as laundering for hospitals, restaurants, hotels and diaper cleaning services, as well as rug and dry cleaning plants where on-premises retail services to individual households are incidental to the operation of the plant.
 - b. "Construction services" means a heavy commercial service use in which construction contracting services, including the final processing of building materials such as but not limited to the mixing of concrete or the heating of asphalt, are provided; or in which construction equipment is stored, either in conjunction with an office or as a separate use, but not including a construction site.
 - c. "Building maintenance services" means a heavy commercial service use that provides maintenance and cleaning services to other business establishments.
3. "Retail sales, major durables" means a heavy sales and service use in which large household items, such as but not limited to furniture or appliances, are rented or sold.
4. "Retail sales and services, Non-household" means a heavy sales and service use in which goods and services are provided primarily for businesses, institutions and/or government agencies, rather than for households. Examples include but are not limited to business support services, and the sale of office or restaurant supplies. Non-household retail sales and services include, but are not limited to:

"Business support services" means a non-household retail sales and service use in which services are provided primarily for businesses, institutions and/or government agencies, rather than for households. Examples include but are not limited to blueprint companies, medical laboratories, merchant banks, assaying services and microfilming and copying services.

5. "Wholesale showroom" means a heavy sales and service use in which merchandise is displayed and sold at wholesale to business representatives for resale, rather than to the general public for direct consumption, and that includes storage of goods for sale.

"Sales and services, marine." means one or more of the following uses:

1. "Marine service station" means a marine retail sales and service use in which fuel for boats is sold, and for which accessory uses including, but not limited to, towing or minor vessel repair may also be provided.
2. "Sale or rental of large boats" means a marine retail sales and service use in which boats sixteen (16) feet or more in length are rented or sold.
3. "Sale and rental of small boats, boat parts and accessories" means a marine retail sales and service use in which goods are rented or sold primarily for use on boats and ships, but excluding uses in which fuel for boats and ships is the primary item sold. Examples of goods sold include navigational instruments, marine hardware and paints, nautical publications, nautical clothing such as foul weather gear, marine engines, and boats less than sixteen (16) feet in length.
4. "Vessel repair, minor" means a marine retail sales and service use, other than major vessel repair, in which one (1) or more of the following activities take place:
 - a. General boat engine and equipment repair;
 - b. The replacement of new or reconditioned parts;
 - c. Repair of boat hulls;
 - d. Painting and detailing; and
 - e. Rigging and outfitting.
5. "Vessel repair, major" means a marine retail sales and service use in which ferrous hulls are repaired; or in which boats and ships sixty-five (65) feet or more in length are converted, rebuilt, painted, repaired, or dismantled. Associated activities may include welding and sandblasting, as part of this use.

"Sales, service and rental of office equipment." See "Retail sales and services, non-household" under "Sales and services, heavy."

"Sales, service and rental of commercial equipment and construction materials." See "Commercial sales, heavy" under "Sales and services, general."

"Salvage and recycling." See "Utility."

"Sanitarium" means "Hospital."

"Satellite dish antenna." See "Communication devices and utilities"

"Scale" means the spatial relationship among structures along a street or block front, including

height, bulk and yard relationships.

"Scenic route" means any of those streets designated by the Land Use Code as scenic routes.

"Scenic view section" means a section of the traveled way of a freeway, expressway, parkway, or scenic route that has been so designated by this Code.

"School, elementary or secondary." See "Institution."

"Screen" means a continuous wall or fence that effectively obscures view of the property that it covers and that is broken only for access drives and walks. See "Parking screen."

"Screening" means a screen, hedge or landscaped berm that effectively obscures a view between a use or activity and another use or activity.

"SEPA" means the State Environmental Policy Act.

"Setback" means the minimum required distance between a structure or portion thereof and a lot line of the lot on which it is located, or another line described in a particular section of this title.

"Sewage treatment plant." See "Utility."

"Shared-use facility." See "Communication devices and utilities."

"Shed roof" means a roof having only one (1) sloping plane.

"Shopping atrium" means a feature consisting of a large enclosed space that is accessible to the public, and that provides a combination of retail stores and passive recreational space in a weather-protected, convenient, and attractive atmosphere for shoppers that also contributes to the activity and visual interest at street level.

"Shopping corridor" means a feature consisting of a passage that goes through a block and connects two avenues, and that is lined with retail uses, in order to make pedestrian circulation more convenient, provide more frontage for shops, give protection to pedestrians from inclement weather, and shorten walking distances.

"Short plat" means a map or representation of a short subdivision.

"Short plat approval, fully complete application." See "Application."

"Short subdivision" means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, development or financing.

"Shoulder" means the graded area between the roadway edge and the sidewalk, or slope line where there is no sidewalk, on the portion of a street where there are no curbs.

"Shrub" means a plant defined as a shrub in the Sunset Western Garden Book, 7th Edition, 2001.

"Shrub, large" means a shrub normally expected to be equal to or taller than 2 feet at maturity.

"Sidewalk" means a hard-surfaced pedestrian walkway, usually of Portland cement concrete,

separated from the roadway by a curb, planting strip or roadway shoulder.

"Sidewalk widening" means an extension of the surface of a sidewalk, generally onto private property, which is free of all permanent obstructions.

"Sight triangle" means the area on both sides of a driveway that must be clear of any obstruction to permit optimal visibility from the driveway to the sidewalk and street.

"Sign" means any medium, including structural and component parts, that is used or intended to be used to attract attention to the subject matter for advertising, identification or informative purposes.

"Sign, advertising" means a sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered elsewhere than upon the lot where the sign is located.

"Sign, awning" means graphics on a fixed awning used or intended to be used to attract attention to the subject matter for advertising, identification, or informative purposes. An awning sign shall not be considered a fabric sign.

"Sign, business" means an on-premises sign directing attention to a business, profession, commodity, service or entertainment conducted, sold or offered on the lot where the sign is located. This definition shall not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, canopy" means graphics on a canopy used or intended to be used to attract attention to the subject matter for advertising, identification, or information purposes. A canopy sign shall not be considered a fabric sign.

"Sign, changing-image" means a sign, including a sign using a video display method, which changes its message or background by means of electrical, kinetic, solar or mechanical energy, not including message board signs. A video display method is a method of display characterized by real-time, full-motion imagery of at least television quality.

"Sign, chasing" means a sign that includes one or more rows of lights that light up in sequence.

"Sign, combination" means any sign incorporating any combination of the features of freestanding, projecting, and roof signs. The individual requirements of roof, projecting and pole signs shall be applied for combination signs incorporating any or all of the requirements specified in this Code.

"Sign, double-faced" means a sign that has two display surfaces in approximately parallel planes backed against each other or against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction.

"Sign, electric" means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

"Sign, externally illuminated" means a sign illuminated by an exterior light source.

"Sign, fabric" means a sign made of canvas, cloth or similar nonrigid material, but not including a

canopy sign.

"Sign, flashing" means an electrical sign or portion of an electrical sign that changes light intensity in sudden transitory bursts. Flashing signs do not include changing image or chasing signs.

"Sign, freestanding" means a pole or ground sign.

"Sign, ground" means a sign that is six (6) feet or less in height above ground level and is supported by one (1) or more poles, columns or supports anchored in the ground.

"Sign, identification" means any ground, wall or roof sign which displays only (1) the name, address and/or use of the premises; and/or (2) noncommercial messages.

"Sign kiosk" means a small freestanding sign structure visible to the public used for posting small signs.

"Sign, land use" means a sign with dimensions of at least eighteen (18) inches by twenty-four (24) inches but smaller than an environmental review sign, constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, large" means a sign four (4) by eight (8) feet, constructed of a durable material.

"Sign, large notice" means a sign with dimensions of four feet by eight feet constructed of a durable material, required for public notice of proposed land use actions according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

"Sign, marquee" means a sign placed on, constructed in or attached to a marquee.

"Sign, message board" means an electric sign that has a reader board for the display of information, such as time, temperature, of public service or commercial messages, that can be changed through the turning on and off of different combinations of light bulbs within the display area.

"Sign, multiple business center" means an on-premises sign directing attention to a grouping of two or more business establishments that either share common parking on the lot where the sign is located or occupy a single structure or separate structures that are physically attached or both. A multiple business center sign may be used to identify a multiple business center and may identify individual business establishments within a multiple business center but not the products or services offered by the business establishments. (See also "multiple business center" and "sign, business.")

"Sign, off-premises" means a sign relating, through its message and content, to a business activity, use, product or service not available on the premises upon which the sign is erected.

"Sign, off-premises directional" means an off-premises sign used to direct pedestrian or vehicular traffic to a facility, service, or business located on other premises within one thousand five hundred (1,500) feet of the sign, which sign does not include any reference to brand names of products or services whether or not available on such other premises, except the name of the facility, service or business.

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For the purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition does not include signs located within a structure except those signs oriented so as to be visible through a window.

"Sign, on-premises directional" means an on-premises incidental sign designed to direct pedestrian or vehicular traffic.

"Sign, pole" means a sign wholly supported by a structure in the ground.

"Sign, portable" means a sign that is not permanently affixed and is designed for or capable of being moved, except those signs explicitly designed for people to carry on their persons or that are permanently affixed to motor vehicles.

"Sign, projecting" means a sign other than a wall sign, that projects from and is supported by a wall of a structure.

"Sign, public" means a sign in the right-of-way that is at least partially funded by public funds and is intended to carry messages of interest to the public.

"Sign, roof" means a sign erected upon or above a roof or parapet of a building or structure.

"Sign, rotating" means a sign that revolves on a fixed axis.

"Sign, side-by-side" means advertising signs that are adjacent to each other on the same plane and facing in the same direction, either on the same structure or within twenty-five (25) feet of one another.

"Sign, temporary" means any sign that is to be displayed for a limited period of time only, including but not limited to, banners, pennants, streamers, fabric signs, wind-animated objects, clusters of flags, festoons of lights and searchlights. A temporary sign may be of rigid or non-rigid construction.

"Sign, under-marquee" means a lighted or unlighted sign attached to the underside of a marquee.

"Sign, visually blocked" means an advertising sign that is located against or attached to a building, thereby visible from only one (1) direction. To be considered visually blocked, the advertising sign must be within eight (8) feet of any building wall or walls that are used to block the back side of the advertising sign and the advertising sign cannot project above or beyond the blocking wall or walls.

"Sign, wall" means any sign attached to and supported by a wall of a structure, or projected on or onto a wall of a building or structure, or suspended from the roof of a building or structure, with the exposed face of the sign on a plane approximately parallel to the plane of the wall, or any sign painted directly on a building facade.

"Single-family dwelling unit." See "Residential use."

"Single-occupant facility." See "Telecommunication facility, single-occupant" under "Communication devices and utilities."

"Skylight" means an opening in a roof that is covered with translucent or transparent material, designed to admit light, and incidental to the roof itself.

"Soil, structural" means a soil mix or equivalent structure approved by the Director that is engineered to support pavement while allowing healthy root growth.

"Solar access" means the amount of unrestricted sunlight that reaches a structure, or portion thereof.

"Solar collector" means any device used to collect direct sunlight for use in the heating or cooling of a structure, domestic hot water, or swimming pool, or the generation of electricity.

"Solar greenhouse" means a solar collector that is a structure or portion of a structure utilizing glass or similar glazing material to collect direct sunlight for space heating purposes.

"Solarium" means a room, porch, or other area, that is designed to admit sunlight, is part of a larger structure, is enclosed substantially entirely by glass or another transparent material, and is not primarily used for the cultivation or protection of plants.

"Solid waste incineration facilities." See "Solid waste management" under "Utility."

"Solid waste landfills." See "Solid waste management" under "Utility"

"Solid waste management." See "Utility."

"Solid waste transfer station." See "Solid waste management" under "Utility."

"South Downtown" means the area that is identified as such on Map 1A for Chapter 23.49.

"Spectator sports facility." See "Theaters and spectator sports facilities" under "Entertainment"

"Sports and recreation, indoor." See "Entertainment."

"Sports and recreation, outdoor." See "Entertainment."

"Stoop" See "porch"

"Storage" means a use in which goods or products are stored more than (72) hours. Storage uses include but are not limited to the following uses:

- 1.

"Mini-warehouse" means a storage use in which enclosed storage space divided into separate compartments no larger than five hundred (500) square feet in area is provided for use by individuals to store personal items or by businesses to store material for operation of a business establishment at another location.

2. "Storage, outdoor" means a storage use in which an outdoor area is used for retention of materials, containers and/or equipment. Outdoor storage does not include sale, repair, incineration, recycling or discarding of materials or equipment. Outdoor storage areas are not accessible to the public unless an agent of the business is present. Outdoor parking areas for two (2) or more fleet vehicles of more than ten thousand (10,000) pounds gross vehicle weight shall also be considered outdoor storage. Temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or erect a structure and vehicle sales areas where motorized vehicles are stored for the purpose of direct sale to the ultimate consumer shall not be considered outdoor storage.
3. "Warehouse" means a storage use in which space is provided in an enclosed structure for the storage of goods produced off-site, for distribution or transfer to another location.

"Story" means that portion of a structure included between the surface of any floor and the surface of the floor next above, except that the highest story is that portion of the structure included between the highest floor surface and the ceiling or roof above.

"Street" means a right-of-way that is intended to provide or that provides a roadway for general vehicular circulation, is the principal means of vehicular access to abutting properties and includes space for utilities, pedestrian walkways, sidewalks and drainage. Any such right-of-way shall be included within this definition, regardless of whether it has been developed or not.

"Street, arterial" means every street, or portion thereof, designated as an arterial on the Arterial street map, Section 11.18.010.

1. "Minor arterial" means a street or portion thereof designated as such on Map 1B for Chapter 23.49.
2. "Principal arterial" or "major arterial" means a street or portion thereof designated as such on Map 1B for Chapter 23.49.

"Street, existing" means any street that is not a new street.

"Street-facing facade." See "Facade, street-facing".

"Street level" or "street-level" means the same grade as an abutting street or streets, or at that grade, as the context may require.

"Street-level facade" see "Facade, street-level".

"Street, new" means a street proposed to be created through the platting process, or by dedication to the City as part of a development proposal.

"Street, private" means a named, private permanent access easement exceeding thirty-two (32) feet in width not dedicated to public use but that provides a roadway at least twenty-four (24) feet wide for internal use within a subdivision or development, and that includes sidewalks and space for utilities and drainage. A private street shall be treated as a street for purposes of application of development standards to abutting properties.

"Streetscape" means the visual character of a street as determined by various elements such as structures, landscaping, open space, natural vegetation and view.

"Structural building overhang" means all encroachments into and over public property, such as: bay windows, other projections enclosing occupied interior space, balconies, cornices, eaves, sills, belt courses, facade treatments, and other minor architectural features.

"Structural soil." See "Soil, structural."

"Structural alterations" means any change in the supporting members of a building, such as foundations, bearing walls or bearing partitions, columns, beams or girders, or any structural change in the roof.

"Structure" means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed to the ground, including fences, walls and signs, but not including poles, flowerbed frames and such minor incidental improvements.

"Structure depth" means that dimension of a structure extending between the front and rear lot lines.

"Structure width" means that dimension of a structure extending between side lot lines.

"Structure, accessory." See "Accessory structure."

"Structure, detached" means a structure having no common or party wall with another structure.

"Structure, enclosed" means a roofed structure or portion of a structure having no openings other than fixed windows and such exits as are required by law, and which is equipped with self-closing doors.

"Structure, multifamily residential." See "Multifamily residential structure."

"Structure, nonconforming." See "Nonconforming structure."

"Structure, nonresidential." See "Nonresidential structure."

"Structure, principal." See "Principal structure."

"Structure, residential." See "Residential structure."

"Structure, single-family." See "Single-family dwelling unit."

"Subdivision" means the division or redivision of land into ten (10) or more lots, tracts, parcels,

sites, or divisions for the purpose of sale, lease, or transfer of ownership.

"Submerged land" means all lands waterward of the ordinary high water mark or mean higher high water, whichever is higher.

"Substandard size lot" means a lot that contains less land than the minimum size required for the zone in which it is located.

(Ord. 124457, § 5, 2014; Ord. 124378, § 93, 2013; Ord. 123913, § 49, 2012; Ord. 123649, § 61, 2011; Ord. 123589, § 102, 2011; Ord. 123495, § 89, 2011; Ord. 123378, § 26, 2010; Ord. 123046, § 62, 2009; Ord. 122935, § 21, 2009; Ord. 122311, § 100, 2006)

23.84A.038 - "T"

"Tandem houses" means two unattached single-family dwelling units occupying the same lot.

"Tandem parking" means one (1) car parked behind another where aisles are not provided.

"TDP" or "transferable development potential" means base residential floor area, measured in square feet of gross floor area, that may be transferred from one lot to another according to provisions of this Title 23. These terms do not denote or imply that the owner of TDP has a legal or vested right to construct or develop any development or to establish any use.

"TDP, Landmark" means TDP transferred from, or transferable from, a lot based on its status as a Landmark TDP site.

"TDP, open space" means TDP transferred from, or transferable from, a lot based on its status as an open space TDP site.

"TDP, South Downtown Historic" means TDP transferred from, or transferable from, a lot based on its status as a South Downtown Historic TDP site.

"TDP site, Landmark" means a lot, in an area where the applicable provisions of the zone permit Landmark TDP to be transferred from a lot, that includes one or more structures designated wholly or in part as a landmark under Chapter 25.12 or its predecessor ordinance, if the owner of the landmark has executed and recorded an agreement acceptable in form and content to the Landmarks Preservation Board, providing for the restoration and maintenance of the historically significant features of the structure, and which lot includes no other structure that is not accessory to one or more of such structures.

"TDP site, open space" means a lot, in an area where the provisions of the zone permit open space TDP to be transferred from a lot, that satisfies the applicable standards for an open space TDP site in Chapter 23.58A and the provisions of the zone to the extent that an exception from those standards has not been granted.

"TDP site, South Downtown Historic" means a lot within the Pioneer Square Preservation District or the International Special Review District that satisfies the conditions to be a sending lot for South Downtown Historic TDP under Chapter 23.58A.

"TDR" or "Transferable development rights" means development potential, measured in square feet of gross floor area, that may be transferred from a lot pursuant to provisions of this Title 23. Such terms do not include regional development credits, nor do they include development capacity transferable between lots pursuant to Planned Community Development provisions. These terms do not denote or imply that the owner of TDR has a legal or vested right to construction or develop any development or to establish any use.

"TDR, arts facility" means either TDR from a major performing arts facility that are transferable pursuant to Section 23.49.014 G; or TDR that are eligible for transfer based on the status of the sending lot as an arts facility TDR site, and if they are eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as arts facility TDR.

"TDR, DMC housing" means TDR that are eligible for transfer based on the status of the sending lot as a DMC housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as DMC housing TDR.

"TDR, housing" means TDR that are eligible for transfer based on the status of the sending lot as a housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as housing TDR.

"TDR, Landmark" means TDR that are eligible for transfer based on the fact that the sending lot or a structure on such lot is designated as a landmark or as part of a landmark under Chapter 25.12 or its predecessor ordinance, except Landmark housing TDR.

"TDR, Landmark housing" means TDR that are eligible for transfer based on the status of the sending lot as a Landmark housing TDR site and, if they would be eligible for transfer on any other basis, are designated by the applicant seeking to use such TDR on a receiving lot as Landmark housing TDR.

"TDR, open space" means TDR that may be transferred from, or transferable from, a lot based on its status as an open space TDP site.

"TDR site, arts facility" means a lot meeting the following requirements:

1. The lot is located in the South Lake Union Urban Center either in an IC zone or in a zone with a height limit of 85 feet or more;
2. Each structure to be developed on the lot is a major performing arts facility; or has or will have a minimum of one FAR or all of its chargeable floor area if there is less than one FAR in the structure(s) committed for at least 50 years to occupancy by one or more not-for-profit organizations dedicated to the creation, display, performance or screening of art by or for members of the general public.
3. The arts facility commitments on the lot comply with Section 23.50.053 for structures in the South Lake Union Urban Center and are memorialized in a recorded agreement between the owner of such an arts facility and the Director of the Seattle Office of Arts and Cultural Affairs.

"TDR site, DMC housing" means a lot meeting the following requirements:

1. The lot is located in a Downtown Mixed Commercial (DMC) zone;
2. Each structure to be developed on the lot has or will have a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years, unless such requirement is waived or modified by the Director of the Office of Housing for good cause;
3. The lot will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years; and

4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except PMM, DH-1 and DH-2 zones, or is located in the South Lake Union Urban Center in any SM zone with a height limit of 85 feet or higher;
2. Each structure on the lot has a minimum of 50 percent of total gross above-grade floor area committed to low-income housing for a minimum of 50 years;
3. The lot has above-grade gross floor area equivalent to at least 1 FAR committed to very low-income housing use for a minimum of 50 years;
4. The above-grade gross floor area on the lot committed to satisfy the conditions in subsections 2 and 3 of this definition is contained in one or more structures existing as of July 27, 2001 and the area was in residential use as of that date and
5. The low-income housing and very low-income housing commitments on the lot comply with the standards in subsection 23.49.012.B.1.b and are memorialized in a recorded agreement between the owner of the low-income and very low-income housing and the Director of Housing.

"TDR site, Landmark housing" means a lot meeting the following requirements:

1. The lot is located in any Downtown zone except IDM, IDR, PSM, PMM, DH-1 and DH-2 zones;
2. The lot contains a designated landmark under SMC 25.12 and such structure will be renovated to include a minimum of fifty (50) percent of total gross above-grade floor area committed to low-income housing for a minimum of fifty (50) years;
3. The lot has or will have above-grade gross floor area equivalent to at least one (1) FAR committed to very low-income housing use for a minimum of fifty (50) years;
4. The low-income housing and very low-income housing commitments on the lot comply with the standards in Section 23.49.012 B1b and are memorialized in a recorded agreement between the owner of such low-income and very low-income housing and the Director of the Office of Housing.

"TDR site, open space" means a lot that has been approved by the Director as a sending lot for open space TDR, which approval is still in effect, and for which all the conditions to transfer open space TDR have been satisfied.

"TDR, South Downtown Historic" means TDR, except Landmark TDR, that are eligible for transfer based on the status of a structure on the sending lot as contributing to the architectural or historic character of the Pioneer Square Preservation District or the International Special Review District pursuant to Section 23.66.032.

"TDR site, South Downtown Historic" means a lot eligible to transfer South Downtown Historic TDR, located within the Pioneer Square Preservation District or the International Special Review District, that includes one or more structures determined to be contributing to the architectural or historic character of the district pursuant to Section 23.66.032.

"Theaters and spectator sports facilities." See "Entertainment."

"Topographic break" means a separation of two (2) areas by an abrupt change in ground elevation.

"Tower" means the portion of a structure above the podium height established for structures that exceeds a specified height in a Seattle Mixed (SM) zone.

"Tower, nonresidential" means the portion of a structure in nonresidential use above the podium height established for structures that exceeds a specified height in a Seattle Mixed (SM) zone.

"Tower, residential" means the portion of a structure in residential use above the podium height established for structures that exceeds the applicable base height limit for residential uses in a Seattle Mixed (SM) zone.

"Towing service." See "Parking and moorage" under "Transportation facility."

"Townhouse" See "Residential use."

"Townhouse unit" means a dwelling unit in a townhouse development.

"Transferable development potential" See "TDP"

"Transferable development rights" See "TDR"

"Transit facility, rail." See "Transportation facility."

"Transit service, frequent" means transit service headways in at least one direction of 15 minutes or less for at least 12 hours per day, 6 days per week, and transit service headways of 30 minutes or less for at least 18 hours every day.

"Transit station, light rail." See "Rail transit facility" under "Transportation facility."

"Transit station access easement" means an easement for a pedestrian route or connection to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit station access, grade-level" means a pedestrian connection that provides direct access from street level to transit tunnel stations or concourses and/or light rail transit facilities at approximately the same level as the station mezzanine.

"Transit station access, mechanical" means a pedestrian connection that incorporates a mechanical device, such as an escalator, to provide direct access from street level to transit tunnel stations and concourses and/or light rail transit facilities.

"Transit vehicle base." See "Bus base" under "Vehicle storage and maintenance" under "Transportation facility."

"Transitional Encampment" means a use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

"Transparent" when used with reference to material in windows, doors and display windows, means clear or lightly tinted.

"Transmission tower." See "Communications utilities and devices."

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

1. "Cargo terminal" means a transportation facility in which quantities of goods or container cargo are, without undergoing any manufacturing processes, transferred to carriers or stored outdoors in order to transfer them to other locations. Cargo terminals may include accessory warehouses, railroad yards, storage yards, and offices.
2. "Parking and moorage" means the short term or long term storage of automotive vehicles or vessels or both when not in use. Parking and moorage uses include but are not limited to:
 - a. "Boat moorage" means a use, in which a system of piers, buoys or floats is used to provide moorage for vessels except barges, for sale or rent usually on a monthly or yearly basis. Minor vessel repair, haul out, dry boat storage, and other services are also often provided. Boat moorage includes, but is not limited to:
 - 1) "Commercial moorage" means a boat moorage primarily intended for commercial vessels except barges.
 - 2) "Recreational marina" means a boat moorage primarily intended for pleasure craft. (See also, "Boat moorage, public")
 - b. "Dry boat storage" means a use in which space on a lot on dry land, or inside a building over water or on dry land, is rented or sold to the public or to members of a yacht or boating club for the purpose of storing boats. Sometimes referred to as "dry storage."
 - c. "Parking, principal use" means a use in which an open area or garage is provided for the parking of vehicles by the public, and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises. Battery charging stations for electric vehicles are accessory to principal use parking. Principal use parking includes but is not limited to the following uses:
 - 1) "Park and pool lot" means a principal use parking use, operated or approved by a public ridesharing agency, where commuters park private vehicles and join together in carpools or vanpools for the ride to work and back, or board public transit at a stop located outside of the park and pool lot.
 - 2) "Park and ride lot" means a principal use parking use where commuters park private vehicles and either join together in carpools or vanpools, or board public transit at a stop located in the park and ride lot.
 - d. "Towing services" means a parking and moorage use in which more than two tow trucks are employed in the hauling of motorized vehicles, and where vehicles may be impounded, stored or sold, but not disassembled or junked.
3. "Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, trains, buses or planes that provide transportation to passengers for hire by land, sea or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities,

restroom facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered part of the passenger terminal use and shall not be treated as separate uses. Metro street bus stops, monorail transit stations, and light rail transit stations are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.

4. "Rail transit facility" means a transportation facility used for public transit by rail. Rail transit facilities include but are not limited to the following:
 - a. "Light rail transit facility" means a structure, rail track, equipment, maintenance base or other improvement of a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit stations and related passenger amenities, bus layover and intermodal passenger transfer facilities, and transit station access facilities.
 - b. "Light rail transit station" means a light rail transit facility whether at grade, above grade or below grade that provides pedestrian access to light rail transit vehicles and facilitates transfer from light rail to other modes of transportation. A light rail transit station may include mechanical devices such as elevators and escalators to move passengers and may also include such passenger amenities as informational signage, seating, weather protection, fountains, artwork or concessions.
 - c. "Light rail transit system" means a public rail transit line that operates at grade level, above grade level, or in a tunnel and that provides high-capacity, regional transit service, owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A light rail transit system may be designed to share a street right-of-way although it may also use a separate right-of-way. Commuter rail, and low capacity, or excursion rail transit service, such as the Waterfront Streetcar, are not included.
5. "Transportation facility, air" means one of the following transportation facilities:
 - a. "Airport, land-based" means a transportation facility used for the takeoff and landing of airplanes.
 - b. "Airport, water-based" means a transportation facility used exclusively by aircraft that take off and land directly on the water.
 - c. "Heliport" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft, and one or more of the following services are provided: cargo facilities, maintenance and overhaul, fueling service, tie-down space, and other accessory buildings and open spaces.
 - d. "Helistop" means a transportation facility in which an area on a roof or on the ground is used for the takeoff and landing of helicopters or other steep- gradient aircraft, but not including fueling service, hangars, maintenance, overhaul or tie-down space for more than one aircraft.
6. "Vehicle storage and maintenance" means a use in which facilities for vehicle storage and maintenance are provided. Vehicle storage and maintenance uses include but are not limited to:
 - a. "Bus base" means a transportation facility in which a fleet of buses is stored, maintained,

and repaired.

- b. "Railroad switchyard" means a vehicle storage and maintenance use in which:
 - 1) Rail cars and engines are serviced and repaired; and
 - 2) Rail cars and engines are transferred between tracks and coupled to provide a new train configuration.
- c. "Railroad switchyard with a mechanized hump" means a railroad switchyard that includes a mechanized classification system operating over an incline.
- d. "Streetcar maintenance base" means a transportation facility in which a fleet of streetcars is stored, maintained, and repaired.
- e. "Transportation services, personal" means a vehicle storage and maintenance use in which either emergency transportation to hospitals, or general transportation by car, van, or limousine for a fee is provided. Such uses generally include dispatching offices and facilities for vehicle storage and maintenance.

"Traveled way" means the portion of a freeway, expressway, or parkway, and its entrance or exit ramps, or scenic route, exclusive of shoulders, used for the movement of vehicles.

"Tree" means a plant defined as a tree in the Sunset Western Garden Book, 7th Edition, 2001. The size of a tree is identified as follows:

1. "Small tree" means a tree identified as a "small tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread less than or equal to 15 feet in diameter at maturity.
2. "Small/medium tree" means a tree identified as a "small/medium tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than 15 feet and less than or equal to 20 feet in diameter at maturity.
3. "Medium/large tree" means a tree identified as a "medium/large tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than 20 and less than or equal to 25 feet in diameter at maturity.
4. "Large tree" means a tree identified as a "large tree" in the Department of Transportation's "Recommended Street Trees and Planting Schedules," or a tree not listed in such schedules that is normally expected to have a spread greater than 25 feet in diameter at maturity.
5. "Large existing tree" means an existing tree with a trunk diameter exceeding 6 inches when measured at 4.5 feet above the ground.

"Tree, exceptional" means a tree designated as such per Chapter 25.11.

"Triplex" means a single structure containing three (3) dwelling units.

(Ord. 124747, § 7, 2015; Ord. 124378, § 94, 2013; Ord. 124172, § 66, 2013; Ord. 123776, § 13, 2011; Ord. 123729, § 7, 2011; Ord. 123649, § 62, 2011; Ord. 123589, § 103, 2011; Ord. 123495, § 90, 2011; Ord. 123046, § 63, 2009; Ord. 122935, § 22, 2009; Ord. 122611, § 14, 2007; Ord. 122330, § 3, 2007; Ord. 122311, § 100, 2006)

23.88.020 - Land use interpretations

- A. Interpretations generally. A decision by the Director as to the meaning, application or intent of any development regulation in Title 23 or in Chapter 25.09, Regulations for Environmentally Critical Areas, as it relates to a specific property, or a decision by the Director upon review of a determination of consistency of a proposed project with a planned action ordinance, is known as an "interpretation." An interpretation may be requested in writing by any person or may be initiated by the Director. Procedural provisions and statements of policy are not subject to the interpretation process. A decision by the Director that an issue is not subject to an interpretation request is final and not subject to administrative appeal. A request for an interpretation, and a subsequent appeal to the Hearing Examiner if available, are administrative remedies that must be exhausted before judicial review of a decision subject to interpretation may be sought. An interpretation decision by the Director may affirm, reverse, or modify all or any portion of a Type I or Type II land use decision.
- B. Filing and Fees. Any request for interpretation shall be filed with the Director accompanied by the required fee. If a request for interpretation is included in an appeal to the Hearing Examiner of a related project decision, a copy shall be filed with the Director, accompanied by the applicable fee.
- C. Timing of Request.
1. An interpretation that is not related to any pending project application may be requested at any time, by any person.
 2. If an interpretation relates to a project application requiring no public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:
 - a. Any person may request an interpretation within fourteen (14) days after the date the project application is determined to be complete, provided that the interpretation will not apply to the project if the permit is ready to issue before or on the same day the interpretation request and fee are submitted to the Department.
 - b. The project applicant may request an interpretation more than fourteen (14) days after the project application is determined to be complete if he or she agrees in writing that the time limits required by SMC Section 23.76.005 shall be calculated from the day the interpretation is requested.
 3. If an interpretation relates to a project application requiring public notice pursuant to the provisions of Chapter 23.76, the following rules govern the deadline by which the request for interpretation must be received by the Department in order for the interpretation to be applied to the pending permit application:
 - a. Any person may request an interpretation prior to the end of the public comment period, including any extension, for the project application.
 - b. The project applicant may request an interpretation after the end of the public comment period and prior to publication of a land use decision or recommendation, if he or she agrees in writing that the time limits required by SMC Section 23.76.005 shall be calculated from the day the interpretation is requested.

- c. Notwithstanding the above deadlines, an appeal of a Type II decision or a request for further consideration of a Type III recommendation may include a request that the Director issue in writing his or her interpretation of specified code sections, combined with an appeal of such interpretation, provided that an interpretation regarding whether a use proposed under the related project application has been correctly classified may not be requested pursuant to this subsection (c). A request for interpretation made pursuant to this subsection (c) shall state with specificity:
 - (1) How the Director's construction or application of the specified code sections is in error; and
 - (2) How the requester believes those sections should be construed or applied.

The provisions of subsections D, E and F of this section shall not apply to interpretations requested pursuant to this subsection (c). The Director shall respond to the request by issuing an interpretation in the form of a memorandum to be filed with the Hearing Examiner at least five (5) calendar days before the hearing.

- D. Notice of Request for Interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60A Shoreline District, notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that Major Institution.
- E. Notice of Interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A, Shoreline District, notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by Land Use Information Bulletin.
- F. Availability and Venue of Appeals.
 1. An interpretation that is unrelated to any specific project application, or is related to a Type III or IV decision, may be appealed by any person to the Hearing Examiner. Such an appeal shall be filed with the Hearing Examiner by five p.m. (5:00 p.m.) on the fourteenth calendar day following publication of the notice of the interpretation. When the last day of the appeal period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The appeal hearing on an interpretation related to a Type III Master Use Permit shall be consolidated with the open record hearing on the project application and the appeal hearing for any related environmental determination. Interpretations related to Type IV decisions shall be appealable to the Hearing Examiner in accordance with SMC Section 23.76.052.
 2. An interpretation relating to a project application that does not require public notice shall not be subject to administrative appeal.

3. An interpretation relating to a Type II Master Use Permit shall be subject to the same appeal deadline as the related project decision, and may be appealed only if that project decision is appealed. The appeal of an interpretation shall be consolidated with the appeal of the related project decision. Interpretations related to projects that are appealed to the Hearing Examiner shall be appealable to the Hearing Examiner, and interpretations relating to project decisions that are appealed to the Shoreline Hearings Board shall be appealable to the Shoreline Hearings Board.

G. Appeals to Hearing Examiner, process and standard of review

1. The appeal of an interpretation, where permitted, shall be in writing and shall state specifically why the applicant believes the interpretation to be incorrect.
2. Appeals submitted to the Hearing Examiner shall be accompanied by payment of a filing fee as established in SMC Chapter 3.02.
3. The Hearing Examiner shall consider the appeal in accordance with the procedure established for hearing contested cases in the Administrative Code, Chapter 3.02 and the Hearing Examiner Rules of Practice and Procedure in effect at the time the appeal is made.
4. In the event of an appeal of an interpretation not related to a specific project application, such appeal shall be decided within fifteen (15) days of the close of the record before the Hearing Examiner.
5. Appeals shall be considered de novo, and the decision of the Hearing Examiner shall be made upon the same basis as was required of the Director. The interpretation of the Director shall be given substantial weight, and the burden of establishing the contrary shall be upon the appellant. The Hearing Examiner shall summarily dismiss an appeal without hearing which is determined to be without merit on its face, frivolous, or brought merely to secure a delay.
6. The Hearing Examiner may affirm, reverse or modify the Director's interpretation either in whole or in part or may remand the interpretation to the Director for further consideration. The decision of the Hearing Examiner shall be final and conclusive unless the decision is reversed or remanded on judicial appeal. Any judicial review must be commenced as provided by state law.

(Ord. 124378, § 99, 2013; Ord. 124105, § 34, 2013; Ord. 123963, § 34, 2012; Ord. 123649, § 66, 2011; Ord. 121477 § 65, 2004; Ord. 121476 § 27, 2004; Ord. 118181 § 8, 1996; Ord. 118012 § 58, 1996; Ord. 112522 § 17(part), 1985; Ord. 110793 § 76, 1982; Ord. 110381 § 1(part), 1982.)

Case—Mandamus will not issue to compel the City to abate a violation which comes to light through the interpretation process. **Carkeek v. Seattle**, 53 Wn.App. 277, 766 P.2d 480 (1989).

This section does not preclude a lawsuit by neighbors who opposed issuance of a permit and had no reason or opportunity to seek interpretation of the code. **Kates v. Seattle**, 44 Wn.App. 754, 723 P.2d 493 (1986).