

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Master Use Permit Requirements for Administrative Conditional Use (in Residential Commercial and Commercial Zones)

Updated September 12, 2019

This Tip summarizes the application requirements for an Administrative Conditional Use Permit in Residential Commercial and Commercial zones based upon specific criteria as set out in the Land Use Code (provisions of Subtitle IV, parts 2 and 3 of Title 23 of the Seattle Municipal Code).

Applications for an Administrative Conditional Use Permit are authorized according to the procedures for Master Use Permits and Council Land Use Actions as described in Chapter 23.76 of the Land Use Code.

Criteria

A conditional use may be granted in Residential-Commercial and Commercial zones based upon the proposed use meeting general criteria as designated in the Land Use Code Section 23.46.006B (for the RC zone) and 23.47A.006A (for Commercial zones). In addition, specific design and impact standards for specific uses are summarized in attachment “A” at the end of this document. Please review the standards applicable to your proposal and design all the required documentation for your application package to show how your proposal meets the standards.

Plans Required

Plans should meet required size and scale as described in Tip 106, *General Standards for Plans and Drawings*.

As the intent of the plans is to clearly describe the existing and proposed development, all plans should show existing conditions and emphasize the proposed changes.

The types of plans required include:

SITE PLAN—All applications require a detailed site plan per the requirements of Tip 103, *Site Plan Requirements*, and 103A, *Site Plan Guidelines*, describing the existing and proposed developments.

ELEVATION PLANS—Provide elevation views of structures showing height dimensions from existing or finished grade (whichever is lower) to the top of walls and all roof ridge lines.

FLOOR PLANS(S)—Provide floor plans showing the use of all floor area.

VICINITY MAP—A vicinity map may be required where criteria address surrounding structures and/or uses.

LANDSCAPING AND SCREENING PLANS—The placement of landscaping may enhance the compatibility of the proposed development with the surrounding area and mitigate adverse impacts. The quantity, placement and maintenance of landscaping is regulated by the Land Use Code and Director’s Rule 10-2011. Further information can be obtained from Tip 234, *Landscaping Information*.

TOPOGRAPHIC MAP—A topographic map per the requirements of Tip 103B, *ECA Site Plan Requirements*, will be required when the application includes construction components and/or is subject to the standards for Environmentally Critical Areas (25.09). Under conditions other than those stated above, the topographic map is optional, however, it may provide useful information to meet specific conditions or requirements, especially with regard to requested waivers and modifications.

PARKING LOCATION AND ACCESS—Provide information on parking location and vehicular access to the site on the site plan. Calculations of required parking spaces and proposed spaces should be provided on the plans.



For a **checklist of the specific plan and application requirements for your project**, please visit our Applicant Services Center (ASC) and speak with a land use planner. The ASC is located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave.

Application Fees

Land Use applications require payment at intake to cover the intake appointment, public notice and minimum hourly land use review fee. These fees are charged in accordance with the Seattle Permit Fee Subtitle, available from SDCI's Public Resource Center (PRC), (206) 684-8467, or on the SDCI's Fees page at [www.seattle.gov/sdci/codes/codes-we-enforce-\(a-z\)/fees](http://www.seattle.gov/sdci/codes/codes-we-enforce-(a-z)/fees). Additional fees at an hourly rate may apply, depending on the time required to process your permit. Information on fee rates and procedural requirements is available by calling our PRC at (206) 684-8467.

Application Instructions

1. **Get coaching:** For assistance with specific Land Use Code questions related to your application, you can meet with a land use planner at the counter in the ASC.
2. **Prepare for an appointment:** In order to schedule an intake appointment, you must have completed a Preliminary Application online and a Pre-Application Site Visit (be sure to select the authorization checkbox). You will receive a record number and a report from the site inspector.
3. **Schedule an appointment:** You need to schedule an appointment in order to submit your application. You can schedule your appointment through the Seattle Services Portal at <https://cosaccela.seattle.gov/Portal/>.
4. **Submit your application:** Submit your permit application online through the Seattle Services Portal. Be sure to:
 - Complete the attached permit application form and upload it as a separate document to the Seattle Services Portal.
 - Prepare and upload an electronic plan set as indicated above.
5. **Submit SEPA documents:** If environmental review is required under the State Environmental Policy Act (SEPA) (see Tip 208, *When Environmental Review*

is Required in Seattle), the SEPA component must be reviewed in conjunction with the review of the administrative conditional use application (Section 23.76.010D of the Land Use Code). A completed SEPA Checklist form will be required at the intake appointment along with the applicable fee.

Notice of Application

SDCI will give notice of the application in the department's Land Use Information Service Bulletin (available online at the Seattle Services Portal at <https://cosaccela.seattle.gov/Portal/welcome.aspx>) and will post four placards on or near the development site. Additionally all properties within 300 feet of the subject site will receive mailed notice of the application.

The Land Use Information Service Bulletin, placards and 300 foot mailed notice initiate a 14-day comment period that may be extended for an additional 14 days if written request is received prior to the end of the initial 14-day comment period.

Decisions

The grant or denial of an Administrative Conditional Use is regulated by the provisions of Section 23.76.004 of the Land Use Code.

When a conditional use is granted, conditions may be attached regarding the location, character and other features of a proposed structure or use as may be deemed necessary to carry out the spirit and purpose of the Land Use Code.

SDCI will publish the decision and notify interested parties. Any person significantly affected by, or interested in, the decision of the department may appeal. The appeal instructions are included with the notice of decision.

Access to Information

Links to electronic versions of SDCI **Tips, forms, codes** and Director's Rules are available on our website at www.seattle.gov/sdci. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

CITY OF SEATTLE

Application Form for Administrative Conditional Use in Residential Commercial and Commercial Zones

GENERAL DESCRIPTION

1. What type of conditional use are you requesting? _____
(Applicant - Please use one of the category headings from Attachment A. Examples: Residential Use in a C2 Zone, Drinking Establishment in a NC2 Zone, etc)
2. Is the proposal a new use? _____ or an expansion of an existing use? _____. If this is a new use, what is the existing use of the site or structure?
3. Describe the proposed project. Include specific details that explain the nature and use of the proposed development that are not included in your plans or in your responses to specific standards in attachment A.

SPECIFIC REQUIREMENTS

On a separate sheet of paper, describe how your proposal meets the criteria or requirements shown on Attachment A for the specific type of conditional use you are requesting. Reference the criteria number for each response.

Attachment A is only a summary of Land Use Code requirements. Before completing this application, you should read the entire portion of the Code which is applicable to your proposal because you are responsible for ensuring that your application meets all Land Use Code requirements.

If you are requesting any waiver or modification to the development standards or criteria, please provide your reasons or justification for the waiver request.

If a presubmittal conference was conducted with a land use planner, please attach a copy of the conference notes to this application.

Parking in a Residential Commercial (RC) Zone

(ACCESSORY TO NONRESIDENTIAL USES IN
ADJACENT COMMERCIAL ZONES)

Land Use Code Section 23.46.006C

Please respond to each of the points listed below.

1. Purpose for the proposed parking

- 1a. Is the proposed parking necessary to meet required parking for a use on an adjacent commercially zoned lot? Will the parking be used as a shared parking facility?
- 1b. Is the proposed parking necessary to avoid increased parking congestion in the neighboring commercial area? If yes, please explain and provide documentation if applicable.
- 1c. Is the proposed parking necessary to avoid creation or worsening of excessive spillover parking in adjacent residential areas? If yes, please explain.

2. Other parking options

Have you considered other parking options, including shared parking to meet parking demand? Have you found these options unavailable in the adjacent commercial area, making this application necessary? If so, explain.

3. Traffic flow

Describe the traffic flow for the proposed parking facility (illustrate on your plans if necessary). Explain how the parking would not encourage substantial traffic to pass through adjacent residential areas.

4. Standards for proposed surface parking facility

Please see Section 23.46.006C2 of the Land Use Code for specific development standards for surface parking facilities in a Residential Commercial zone.

Drinking Establishments in NC-1 and NC-2 Zones

Land Use Code Section 23.47A.006B1

Please respond to each of the points listed below.

1. Size and Design of the Structure

1a. If this is an expansion of an existing drinking establishment, how much area is being added? (Plans should show calculations of gross area of existing and proposed use.)

1b. Describe how the size and design of the structure, signage, and illumination makes the business compatible with the commercial area and other structures in the vicinity.

2. Parking

Is the location, access and design of parking for the drinking establishment compatible with the adjacent residential zones?

3. Noise

The proposed locations of door or window openings in a drinking establishment may allow noise from the use to impact adjacent residential properties. Describe the measures you have taken to minimize the noise impact such as setbacks and/or moving openings so that they do not face lots that abut residential zones.

4. Traffic

How will you assure that the proposed use will not create traffic congestion or cause spillover parking on residential streets?

Park-and-Ride Lots in NC-3, C1 and C2 Zones

Land Use Code Section 23.47A.006B3

Please respond to each of the points listed below.

1. Access to the Lot

Does the park-and-ride lot have direct access to a street that is a designated arterial? Is the arterial improved to meet City standards?

2. Shared Parking

Does the park-and-ride lot share parking with other uses? What are the business hours of the other uses? and of the Park and Ride?

3. Mitigating Measures

To provide comfort and safety for pedestrians and bicyclists and to insure the compatibility of the park-and-ride lot with the surrounding area, which of the following mitigating measures are proposed?

- 1) landscaping and screening (in addition to that required for surface parking areas)
- 2) noise mitigation
- 3) vehicular access controls
- 4) signage restrictions
- 5) other measures

Residential Uses in C-2 Zones

Land Use Code Section 23.47A.006B3

Please respond to each of the points listed below.

1. Relationship to Transportation Systems

Describe the transportation systems available in the area of the proposed development. Does the area have direct access to major transportation systems such as freeways, state routes, or freight rail lines? If yes, please answer the following questions:

- 1) How far away are the closest freeways, state routes or freight rail lines?
- 2) Are there physical buffers between the site and the nearby major transportation system?

2. Compatibility with Surrounding Areas

Is the residential use near industrial areas and/or uses that have the potential to create a nuisance or conflict with a residential use such as: (Show all uses of properties on the vicinity map.)

- 1) Uses prohibited in the NC3 zone (see Chart A of Section 23.47A.004).
- 2) Major noise generators (see Section 23.47A.018 B for a list of Major Noise Generators).
- 3) Major odor sources (see Section 23.47A.020 B for a list of Major Odor Sources).

Medical Service Use

(OVER 10,000 SQ.FT., OUTSIDE BUT WITHIN 2,500 FT. OF A
MEDICAL MAJOR INSTITUTION OVERLAY DISTRICT BOUNDARY)

Land Use Code Section 23.47.006B4

Please respond to each of the points listed below.

Unless the proposed development is included in an adopted master plan or is a veterinary service use, the Director determines whether an adequate supply of commercially zoned land for businesses serving neighborhood residents will continue to exist after medical service use is established. The following factors are used in making this determination:

1. Concentration of medical service uses

What uses are in the vicinity of the proposed medical service uses? What non-medical services are available? (Show the existing uses on the vicinity map.)

2. Commercial Street Front

2a. Would the proposed medical service use displace existing neighborhood-serving commercial uses at street level? Explain.

2b. Would the proposed use disrupt a continuous commercial street front, particularly of general sales and service uses? How would the proposed use enhance rather than detract from the area's overall neighborhood-serving commercial character?

Change of One Nonconforming Use to Another

Land Use Code Section 23.47A.006B5

Please respond to each of the points listed below.

1. Permitted Uses

1a. What is the existing use? What is the proposed use?

1b. Is the proposed use one that is permitted in the next more intensive zone?

2. Relative Impacts

2a. Describe the characteristics of the existing use and proposed use such as size, parking, and the generation of traffic, light, glare, noise and odor. Are they the same or different?

2b. Explain any measures that you propose to mitigate the effects of impacts the proposed use might generate.

3. Impacts to Neighborhood Properties

Explain how the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

Lodging Uses in NC2 Zones up to 25,000 sq. ft.

Land Use Code Section 23.47A.006B6

Please respond to each of the points listed below.

Hotels and motels in NC2 zones require an Administrative Conditional Use Permit; bed and breakfasts are allowed in existing structures in NC2 zones and do not require an Administrative Conditional Use Permit. Lodging in NC2 zones is subject to design review (see CAM 238, *Design Review: General Information, Application Instructions, and Submittal Requirements*), whether or not they exceed the minimum requirements in Chapter 23.41.

1. Size of lodging use

- 1a. What is the gross square footage of the lodging use?
- 1b. How many units will there be?

2. Compatibility with the surrounding commercial area

Describe how the design of the structure, including signage and illumination makes the business compatible with the commercial area.

3. Access to the lodging

Is auto access to the site possible along arterial streets that are either exclusively through nonresidential zones or are through a mix of residential and nonresidential zones?

Minor and Major Telecommunication Utilities in Neighborhood Commercial and Commercial Zones

Land Use Code Chapter 23.57

Read the following Land Use Code sections, as applicable to your project, and respond to each criterion:

- for Minor Telecommunication Utilities in Neighborhood Commercial and Commercial zones, see Section 23.57.012.

Administrative Conditional Use Criteria.

In Neighborhood Commercial, Commercial, and Seattle Mixed zones, an administrative conditional use shall be required for the establishment or expansion of a free standing transmission tower, regardless of height, and for minor communication utilities and accessory communication devices that exceed the height limit of the underlying zone as modified by subsection 23.57.012.C. Approval shall be pursuant to the following criteria, as applicable:

1. The proposal does not result in a significant change in the pedestrian or retail character of the commercial area.
2. If the minor communication utility is proposed to exceed the zone height limit as modified by subsection 23.57.012.C, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.
3. If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller, less obtrusive utilities, shall be considered.

- for Shared-use Major Communication Utilities in Commercial 1 and Commercial 2 zones, see Sections 23.57.005 and 23.57.007.