

Staff Draft – Sept 2017 Director’s Rule

Applicant: City of Seattle Department of Construction and Inspections	Page 1 of 4	Supersedes: n/a
	Publication: n/a	Effective: n/a
Subject: Requirements for Revisions to Master Use Permits with a Design Review Component	Code and Section Reference: Chapter 23.41 SMC Chapter 23.76 SMC	
	Type of Rule:	
	Ordinance Authority: Proposed Council Bill No. 119057	
Index: Seattle Land Use Code	Approved	Date
_____ Nathan Torgelson, Director, SDCI		

BACKGROUND:

Seattle City Council Bill No. [119057](#), as proposed, acknowledges that changes to approved permits may occur after the Master Use Permit has been issued and contemplates how the assessment of such changes should occur by the Department of Construction and Inspections (SDCI). Subsection 23.74.006.B SMC and Table A for subsection 23.76.004 SMC, as proposed, identify minor revisions to an issued and unexpired Master Use Permit (MUP) that was subject to design review as a Type I decision and major revisions to an issued and unexpired MUP that was subject to design review as a Type II decision.

Proposed subsection 23.41.008.G.1 SMC defines minor revisions as any proposed change to an issued and unexpired MUP that has little or no effect on the overall appearance of the design or environmental impact of the issued MUP. Proposed subsection 23.41.008.G.2 SMC defines major revisions as any proposed change to an issued MUP that is not a minor revision that is consistent with the building massing, site

plan, and guidance received at EDG, where the current context of the project (adjacent structures, uses, etc.) is comparable to the context at the time of the EDG.

Proposed subsection 23.41.008.G.3 SMC authorizes the Director of SDCI to adopt a rule establishing what constitutes a major and minor revision to an issued and unexpired MUP that was subject to design review and the review process for proposed major and minor revisions.

Projects that have undergone design review have less flexibility to allow future revisions than other projects because the original Master Use Permit process incorporated a response to design review guidelines, public input, staff review, and (in many cases) review by the Design Review Board.

RULE:

This rule sets forth the process by which SDCI determines what constitutes a major or minor revision to an issued and unexpired Master Use Permit (hereafter "issued MUP") that was subject to design review, and the review process for proposed revisions.

Application Process

An applicant shall submit to SDCI an application for proposed changes to an issued MUP for consideration. Upon review of the proposed revisions, SDCI will decide whether the proposed revisions are considered minor or major.

Minor Revisions

Pursuant to proposed subsection 23.41.008.G.1 SMC, a Minor Revision is defined as any proposed change to an issued MUP that has little or no effect on the overall appearance of the design or environmental impact of the issued MUP.

To meet the definition of Minor Revision, the following must occur:

1. The proposed change(s) must be consistent with both the guidance received at EDG and the conditions of approval in the original issued MUP decision; and
2. The building massing, site plan, material concept, and architectural concept must remain consistent with the final design that was approved as part of the issued MUP.

The following proposed changes do not qualify for a Minor Revision:

1. Any new departures or changes to granted departures from development standards.
2. Any proposed changes that would likely result in adverse environmental impacts that were not anticipated in the original issued MUP decision, or proposed changes that would exceed SEPA thresholds or otherwise require additional environmental review pursuant to Chapter 25.05 SMC.
3. Changes to the conditions of approval of the original MUP decision.

Process for reviewing Minor Revisions

Pursuant to Table A for SMC 23.76.004 and 23.76.006.B [as proposed in CB [119057](#)], a Minor Revision decision is a Type I decision. Minor Revisions will be reviewed as a Type I land use permit related to the issued MUP. If there is an issued building permit, the Director may allow a Minor Revision to the associated MUP that meets the requirements of this rule to be reviewed through the building permit post submittal revision process.

Vesting

Minor Revisions are subject to the vesting provisions as set forth in SMC 23.76.026.C and E, and do not extend the life of the original MUP.

Major Revisions

Pursuant to proposed subsection 23.41.008.G.2 SMC, a Major Revision is defined as any proposed change to an issued MUP that is not a Minor Revision. A Major Revision is a change that is consistent with the building massing, site plan, and guidance received at Early Design Guidance (EDG), where the current context of the project (adjacent structures, uses, etc.) is comparable to the context at the time of the EDG.

Process for reviewing Major Revisions

Pursuant to Table A for SMC 23.76.004 and 23.76.006.B [as proposed in CB [119057](#)], Major Revisions are a Type II decision that require a new MUP application. As such, Major Revisions require notice of application pursuant to Section 23.76.012 SMC, and a new appealable Director's decision pursuant to Section 23.76.020 SMC.

A Major Revision may use the EDG from the issued MUP application. Notice of application pursuant to Section 23.76.012 SMC must be provided before a revision may be considered by the Design Review Board (for projects subject to Board review and approval) or the Director (for projects subject to administrative review and approval). Pursuant to SMC 23.41.008.G.2 [as proposed in CB [119057](#)], in instances when citywide or neighborhood design guidelines have been adopted, amended, or updated since the EDG, the Board or SDCI staff may identify additional guideline priorities as part of the Major Revision process.

Pursuant to Chapter 25.05 SMC, additional environmental analysis and a new threshold determination may be required for a Major Revision.

Vesting

Major Revisions require a new MUP application and therefore the Major Revisions application shall be considered vested under the Land Use Code and other land use control ordinances as set forth in Section 23.76.026 SMC. Major Revisions are not vested under the date of the original issued MUP and do not extend the life of the original MUP.

Inspection & Enforcement

The land use planner inspects constructed projects prior to occupancy to ensure compliance with design review approval. Pursuant to the procedures for the enforcement of the Land Use Code in Chapter 23.90 SMC, failure to construct a development in accordance with the approved design may result in modifications required to bring the development into compliance. To avoid enforcement action, SDCI encourages applicants to apply for revisions for any desired changes to the approved design before beginning construction on those changes.

ADDITIONAL RESOURCES

- See Tip 224B, Master Use Permit Revisions for more information about applying for a Master Use Permit Revision.
- See SMC 23.76.032 and Tip 224A, Master Use Permit (MUP) Extensions and Renewals, for information about MUP expiration, renewals, and shoreline extensions.