

Seattle Permits

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

Rezoning: Process and Application Requirements

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REQUESTING A REZONE

Zone designations established in Seattle's adopted Land Use Map regulate land use and development on all property in Seattle. Any property owner or other interested party may initiate a request for a rezone, which is an amendment to the City's official Land Use Map. This process is described in the Land Use Code as a quasi-judicial rezone application. The decision on such applications is made by the Seattle City Council. The review and decision process includes a report and recommendation from the Department of Planning and Development (DPD). The City's Hearing Examiner then conducts a public hearing for the City Council, and writes a report which includes a recommendation to the City Council. The City Council applies rezone criteria to the record established at the public hearing in making a decision on the application.

A quasi-judicial rezone is an application to rezone a lot or lots based on an evaluation of zoning and locational criteria in Seattle Municipal Code (SMC) Chapter 23.34. An application may be limited to a request for a change to the City's land use (zoning) map, without any accompanying development proposal. Such an application for a "general rezone," would be analyzed based on all potential development that could occur with the zone change. When an applicant proposes a specific project or use, a contract rezone request may be more appropriate. A contract rezone is also a request to rezone a lot or lots, evaluated under SMC 23.34. Contract rezones are subject to a Property Use and Development Agreement (PUDA), whereby the property owners agree to restrictions on the use and/or development of the property compared with what would be allowed by the proposed zoning designation alone.

PUDAs include specific requirements or include conditions designed to mitigate or address potential adverse impacts that could occur from unrestricted use and development permitted by development regulations otherwise applicable after the rezone. The PUDA and related ordinance accepting the agreement and approving the rezone may also allow for waivers of code requirements, including off-street parking and loading requirements, if the Council determines that the waivers are necessary under the agreement to achieve a better development than would otherwise result from the application of regulations of the zone.

Requesting a Shoreline Environment Redesignation

Seattle's shorelines are governed by the Shoreline Master Program (SMC 23.60). In the shoreline, zone classifications are called "environments," and a change from one environment to another is called a "redesignation." A shoreline environment redesignation is a Shoreline Master Program amendment which must be approved by the state Department of Ecology (DOE) according to state procedures before it becomes effective. To ensure that the intent of the Seattle Shoreline Master Program is met, the proposed redesignation must be consistent with the Seattle Comprehensive Plan Shoreline Area Objectives for the area in which the proposed redesignation is located. If the area proposed for a shoreline designation change is within or adjacent to a harbor area, the impact of the redesignation on the purpose and intent of harbor areas as given in Articles XV and XVII of the state Constitution shall be considered.

Initial Applicant Research

To apply for a rezone, contract rezone, or shoreline redesignation, you should first obtain general information on the fees, process, and criteria from the DPD Applicant Services Center (ASC), located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave., (206) 684-8850.



Chapters of the Land Use Code (including rezone criteria, process, and submittal requirements) are available online at www.seattle.gov/dpd/Planning/Land_Use_Policy/LandUseCodeRelatedRegulations/default.asp (select Land Use Code Table of Contents, and go to Chapter 23.34 and 23.76).

Chapters of the code may be purchased at the Public Resource Center located on the 20th floor of Seattle Municipal Tower, or by calling (206) 684-8467.

Pre-submittal Conference

Presubmittal forms and instructions are available online at www.seattle.gov/dpd/publications/forms, or from the ASC. Completed forms may be dropped off, mailed or faxed to the ASC. ASC support staff will review the request, note pertinent information, and call back with available appointment times and an assigned project number.

You should prepare for the meeting by getting familiar with the rezone criteria, locational criteria, and process information found in the Land Use Code, SMC 23.34. A DPD land use planner will discuss with you the process and analysis associated with a rezone application, as well as the timing and costs involved in this process.

DPD applies the fee for a pre-submittal conference to the full rezone fee, provided that formal application for a rezone is made within six months of the pre-submittal meeting. Pre-submittal conference fees must be paid prior to the pre-submittal conference meeting. The pre-submittal conference fee covers one hour of DPD land use planner time; additional time involved in preparation for the conference and follow-up will be charged to the project number and collected when an application is filed.

Design Review

Development proposals that require a rezone and design review proceed first through early design guidance (EDG). Application for the Master Use Permit and the rezone occurs concurrently, when EDG has been completed.

Application Appointment

Application requirements for rezones and contract rezones are the same, except that contract rezone applications, if they involve proposed development, must be accompanied by more detailed plans. DPD requires six identical copies or sets of plans for

review. If the site is located in an environmentally critical area (ECA) additional submittal documentation may be needed—consult the ECA ordinance, SMC 25.09.330 for details. Additional documents required for the application intake appointment include:

- A vicinity map
- Plot plan
- Notes from the pre-submittal conference
- An environmental checklist
- The information detailed at the end of this document

Prepare your materials in accordance with the instructions you obtained at your pre-submittal conference. When you have your documents ready, call (206) 684-8850 to schedule an application intake appointment.

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 DPD's Public Resource Center (PRC), (206) 684-8467, or on the DPD's Fees page at www.seattle.gov/dpd/About/Fees/default.asp.

Additional fees at an hourly rate will almost always apply, and will be charged based on the time required to process your permit. Rezone applications entail complex analysis and greater procedural requirements resulting in billable hours that are generally higher than those for projects without a rezone proposal. Information on fee rates and procedural requirements is available by calling the PRC at (206) 684-8467.

Appearance of Fairness Doctrine

Quasi-judicial actions, including rezone applications, are subject to the state's Appearance of Fairness Doctrine (RCW 42.36) as well as Council rules adopted under Resolution 31001. Both of these rules prohibit City Council members and the City Hearing Examiner from engaging in ex parte communications, defined by Council rules as "any direct or indirect communication between a Councilmember and a proponent, opponent, or a party of record that is made outside of a Council hearing or meeting considering a quasi-judicial action and that contains the merits of the quasi-judicial action pending before the City Council."

Such communications include in-person conversations, letters, phone calls, emails or other direct or indirect communications to a Council member.

A matter becomes “pending,” for purposes of the Appearance of Fairness doctrine and Council rules, when notice is sent to the City Clerk’s office. For rezones that do not require design review, DPD sends notice to the City Clerk immediately upon acceptance of the rezone application.

For decisions that include design review, the date that DPD sends notice to the City Clerk is earlier:

- For decisions involving administrative design review, DPD sends notice to the City Clerk when the applicant begins the early design guidance process;
- For decisions involving the Design Review Board DPD sends notice to the City Clerk of the first early design guidance public meeting.

Questions about the Appearance of Fairness doctrine and ex parte communication should be directed to Council Central Staff at (206) 684-8888.

DPD Review of Rezone Applications

A land use planner is assigned to review the application materials for a rezone and related land use components. The assigned planner is the primary contact for the project during the review. Early on in the process, the planner will schedule a coordination meeting with you and the assigned City Council staff person to discuss the Council process (not the merits of the proposal).

The DPD planner writes a report that includes a recommendation on rezone applications and decisions on other land use components of the project. This recommendation and decision may also include conditions to mitigate impacts of the proposal. Some components of DPD’s decision, such as the environmental threshold determination and any design review conditions, may be appealed to the City’s Hearing Examiner.

The planner is responsible for preparing the documentation of DPD’s recommendation at the Hearing Examiner hearing and informing the assigned Council staff analyst of the decision publication and hearing date.

Hearing Examiner Public Hearing

A public hearing is scheduled before the City’s Hearing Examiner to consider DPD’s rezone recommendation and create a record for the Council’s consideration of the application. The Hearing Examiner prepares a report to Council consisting of findings of fact, conclusions, and recommendations for the Council. The Hearing Examiner’s recommendation may be appealed to the City Council.

City of Seattle Council Action

The assigned City Council staff reviews the Hearing Examiner recommendation and record established at the hearing, and then prepares briefing materials on that record for City Council committee consideration. If a Public Use and Development Agreement (PUDA) is required, Council staff will draft it and provide the PUDA to the responsible property owners for signature after the Council Committee recommendation. The full Council then votes on the Committee recommendation.

The result of the Council action is an ordinance amending the official land use map describing the properties affected by the zoning change, the PUDA if applicable, and conditioning of the rezone decision. The Council will also approve a separate document detailing their findings, and conclusions in support of their decision. If a PUDA is required, Council staff will file it with the title of the property at the King County Department of Records and Elections.

DPD Final Action

Following the final Council Action, and appeal periods, DPD documents the final conditioning of the project, collects any outstanding fees owed for post recommendation activity, and issues the Master Use Permit for the rezone and any associated land use components.

Rezone Process and Fees

The following steps are involved in a rezone application. There are several milestones when fees are collected, as indicated by (\$):

- Pre-submittal conference (\$)
- EDG – if needed (\$)
- Application (\$)
- Public Notice
- DPD Recommendation (\$)
- Public Hearing
- Hearing Examiner Recommendation
- City Council Committee
- City Law Department - PUDAs
- Council Action
- Final DPD Action (\$)

Reference Documents

- **DPD Web Site:** This is a good place to browse for pertinent on-line information, including links to the City's Comprehensive Plan, www.seattle.gov/dpd.
- **Land Use Codes:** Land Use Code (Title 23), SEPA, Design Review, and Comprehensive Plan, www.seattle.gov/dpd/Codes/default.asp.
- **DPD Packets: Land Use:**
Find descriptions of common permit types, and all the informational documents and forms that relate to them, compiled in one place. These include:
 - CAMs 103, *Site Plan Requirements*, 103A, *Site Plan Guidelines*, and 103B, *Environmentally Critical Area Site Plan Requirements*.
 - CAMs 207, *Review of Greenhouse Gas Emissions*, 228, *Application Requirements for Rezoning and Contract Rezoning*, 233, *Sources for Property Information*, and 238, *Design Review: General Information, Application Instructions, and Submittal Requirements*.
 - Preliminary Application materials
 - Pre-Submittal Conference materials
 - Financial Responsibility Form
 - Letter of Authorization
 - Land Use Application Requirements
 - SEPA Checklist
 - DR 29-2006, *Environmental Review Sign*
 - DR 5-2003, *Financial Responsibility for Payment of Fees*
- **Council Rules:** Resolution 31001, adopted September 17, 2007.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)** and other helpful publications are available on our website at www.seattle.gov/dpd/publications. Paper copies of these documents are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Avenue in downtown Seattle, (206) 684-8467.

Rezone Application Submittal Information

Please provide the following information with your rezoning application at the time of your appointment:

1. Project number.
2. Subject property address(es).
3. Existing zoning classification(s) and proposed change(s).
4. Approximate size of property/area to be rezoned.
5. If the site contains or is within 25 feet of an environmentally critical area, provide information if required pursuant to SMC 25.09.330 and CAM 103B, *Environmentally Critical Area Site Plan Requirements*.
6. Applicant information:
 - a. Property owner or owner's representative or
 - b. Other? (Explain)
7. Legal description of property(s) to be rezoned (also include on plans – see #16, below).
8. Present use(s) of property.
9. What structures, if any, will be demolished or removed?
10. What are the planned uses for the property if a rezoning is approved?
11. Does a specific development proposal accompany the rezoning application? If yes, please provide plans.
12. Reason for the requested change in zoning classification and/or new use.
13. Anticipated benefits the proposal will provide.
14. Summary of potential negative impacts of the proposal on the surrounding area.
15. List other permits or approvals being requested in conjunction with this proposal (e.g., street vacation, design review).
16. Submit a written analysis of rezoning criteria (see SMC 23.34.008 and applicable sections of 23.34.009-128). Include applicable analysis locational criteria of 23.60.220 if a shoreline environment redesignation is proposed.
17. Provide six copies of scale drawings with all dimensions shown that include, at a minimum, existing site conditions, right-of-way information, easements, vicinity map, and legal description. See SMC 23.76.040.D, Application for Council Land Use Decisions for other application materials that may be pertinent. Plans must be accompanied by DPD plans coversheet.