

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

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

Updated July 26, 2022

This Tip summarizes the application requirements for an administrative conditional use permit 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 neighborhood residential and multifamily zones based upon the proposed use meeting specific criteria as designated in the Land Use Code. These criteria are summarized in Attachment A of this document. Please review the criteria applicable to your proposal and design all the required documentation for your application package to show how your proposed use meets these criteria.

Plans Required

Plans should meet required size and scale as described in Tip 106, General Standards for Plans and Drawings, and each set should have a SDCI coversheet. As the intent of the plans is to clearly describe the existing and proposed development, **ALL plans should show EXISTING conditions and emphasize PROPOSED changes.**

The types of plans required include:

SITE PLAN—All applications require a detailed site plan requirements of Tip 103, *Site Plan Requirements*, and 103A, *Site Plan Guidelines*.

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

VICINITY MAP—A vicinity map is required for all applications for institutions showing the distance in feet to all other institutions within 600 feet. A vicinity map for other conditional use applications in Neighborhood Residential and Multifamily zones is optional.

LANDSCAPING AND SCREENING PLANS—The placement of landscaping may enhance the compatibility of the proposed development with the residential scale and character of the surrounding area. The quantity and location of landscaping and screening may also specifically support a proposed project in meeting noise control requirements and parking quantity and location. The quantity, placement and maintenance of landscaping is regulated by the Land Use Code and Director’s Rule 10-2011.

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 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 modification.

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



Application Fees and Procedures

Initial intake fees are due when SDCI determines your application intake is complete. This fee is charged in accordance with the Seattle Permit Fee Subtitle, available on 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 shoreline 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 permit application (Section 23.76.010D of the Land Use Code). Upload a signed and completed SEPA checklist to the portal.

Notice of Application

SDCI will prepare a notice of the application in the department's Land Use Information Bulletin (LUIB) 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 LUIB, 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.

The LUIB is available online at <https://cosaccela.seattle.gov/portal/Cap/CapHome.aspx?module=DPDPublicNotice&TabName=DPDPublicNotice>.

Decisions

The granting or denial of an administrative conditional use application 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.

CITY OF SEATTLE

Application Form for Administrative Conditional Use in Residential Zones

GENERAL DESCRIPTION

1. What type of conditional use are you requesting? _____
(Applicant - Please use one of the category headings from Attachment A. Examples: institution [church], clustered housing, use of landmark structure, 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 including square footage of the structure, height (1, 2, 3 stories, etc.) and other specific details that, with the plans explains the nature of the proposed development.
4. If the proposed development is an institution, how many clients, students, employees or residents will be using the facility? What hours of operation, types of programs, etc. are planned for the proposed development?

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 pre-submittal conference was conducted with a land use planner, please attach a copy of the conference notes to this application.

Institution Uses in Neighborhood Residential Zones

Land Use Code Sections 23.42.042 (conditional uses generally) and 23.44.022 (Neighborhood Residential)

Please respond as to how you meet each of the listed criteria.

New or expanding institutions in neighborhood residential zones shall meet the development standards for uses permitted outright in Sec. 23.44.008 through 23.44.016.

1. Dispersion

1.a. Does your proposal meet the following dispersion criterion?

The lot line is located 600 feet or more from any lot line of any other institution in a residential zone.

1.b. If your proposal does not meet dispersion as described above, describe how it meets one or more of the following exceptions:

1.b(1) An institution may expand even though it is within 600 feet of a public school if the public school was constructed subsequent to Dec. 12, 1985.

1.b(2) An institution may be located less than 600 feet from a lot line of another institution if the Director determines that the intent of the dispersion criteria is achieved due to the presence of physical elements such as bodies of water, large open spaces or topographical breaks or other elements such as arterials, freeways or nonresidential uses, which provide substantial separation from other institutions.

1.b(3) A child-care center serving not more than 25 children may be permitted to locate less than 600 feet from a lot line of another institution if the Director determines that, together with the nearby institutions, the proposed child care center would not:

- Create physical scale and bulk incompatible with the surrounding neighborhood;
- Create traffic safety hazards;
- Create or significantly increase identified parking shortages; or
- Significantly increase noise levels to the detriment of surrounding residents.

1.c. Your plans should graphically show the dispersion characteristics (i.e., the distance of any other institutions from the proposal) as described in the application instructions.

2. Demolition of Residential Structures

2.a. Does your proposal meet the following criterion?

No residential structure shall be demolished nor shall its use be changed to provide for institutional parking.

2.b. If your proposal does not meet the above criterion, describe how it meets the following exception:

If the demolition or change of use is necessary to meet the parking requirements of the Land Use Code and if alternative locations would have greater noise, odor, light and glare or traffic impacts on surrounding property in residential use, the Director may permit the parking. The Director may also consider waiver of parking requirements in order to preserve the residential structure and/or use. The waiver may include, but is not limited to, a reduction in the number of required parking spaces and a waiver of parking development standards such as location or screening.

3. Noise and Odors

3.a. Describe how the institution will operate in compliance with the Noise Ordinance, Chapter 25.08.

3.b. In addition to adjustments to the location of the institution on the lot, describe any mitigation provided for potential noise and odor impacts from the following (if applicable):

- on-site parking and vehicular circulation
- outdoor recreational areas
- trash and refuse storage areas
- ventilating mechanisms
- sports facilities and other noise-generating and odor-generating equipment
- fixtures or facilities

4. Landscaping

4.a. Describe how landscaping is used to:

- integrate the institution with adjacent areas
- reduce the potential for erosion or extensive stormwater runoff
- reduce the coverage of the site by impervious surfaces
- screen parking from adjacent residentially zoned lots or streets
- reduce the appearance of bulk of the institution

4.b. Describe how landscaping plant materials are species compatible with surrounding flora.

4.c. What existing plant material will be retained? Describe the long term maintenance plan for landscaped areas.

5. Light and Glare

5.a. Describe how exterior lighting will be shielded or directed away from adjacent residentially-zoned lots. What is the area, angle and intensity of illumination?

5.b. Identify mitigation, such as nonreflective surfaces which will be used to help reduce glare.

6. Bulk and Siting

6.a. Lot Area. Is the site more than one acre in size? If yes, please answer the following:

6.a(1) For lots with unusual configuration or uneven boundaries, are the proposed principal structures located so that changes in potential and existing development patterns on the block or blocks within which the institution is located are kept to a minimum?

6.a(2) For lots with large street frontage in relationship to their size, does the proposed institution reflect design and architectural features associated with adjacent residentially zoned block faces and provide continuity of the block front and provide integration with residential structures and uses in the immediate area?

6.b. Yards. Do the yards meet the following development standards?

6.b(1) Single-family development standards and no structure other than freestanding walls, fences, bulkheads or similar structures are closer than 10 feet to the side lot line.

6.c. If the proposed institution does not meet the above standards, the following criteria may be applied:

- 6.c(1) Existing structures which do not meet yard requirements may be permitted to convert to institution use, provided that the Director may require additional mitigating measures to reduce impacts of the proposed use on surrounding properties.
- 6.c(2) The yards may be reduced to a minimum of five feet if the possible noise, odor, comparative scale or other similar impacts can be mitigated.
- 6.c(3) Describe the demonstrable public benefit of a reduced yard (less than ten feet - but not less than feet).

6.d. Religious Symbols. Is there a religious symbol and portion of the roof supporting it, which extends up to 25 feet above the height limit?**6.e. Facade Scale. If any proposed facade exceeds 30 feet in length, what design features such as modulation, architectural features, landscaping or increased yards, have been used to minimize the appearance of bulk?****7. Parking and Loading Berth Requirements****7.a. What are the estimated demands for parking and loading for the proposed development?****7.b. How do you propose to reduce the use of single occupancy vehicles?**

- 7.b(1) Options - public transit, vanpools, carpools, and/or bicycles.

7.c. Are you requesting a modification of parking and loading requirements?

- 7.c(1) What would be the public benefit of the modification?
- 7.c(2) How much more traffic through residential streets would the modification cause?
- 7.c(3) What safety hazards might the modification create?

8. Transportation Plan

A transportation plan will be required for new institutions or institutional additions of more than 4,000 square feet or 20 or more parking spaces. The level of detail will be based on the probable impacts and/or scale of the institution. Please see Section 23.44.022M of the Land Use Code for components. SDCI Director's Rule 14-2002, *Transportation Management Programs*, provides detailed information that may be applicable to your proposal.

Clustered Housing Planned Developments (CHPDs) in Neighborhood Residential Zones

Land Use Code Sections 23.42.042 (conditional uses generally) and 23.44.024 (Neighborhood Residential)

Please respond as to how you meet each of the listed criteria.

1. Describe how your proposal meets the following site requirements:

- 1.a. The site is at least 2 acres.
- 1.b. Environmentally critical areas due to the presence of a riparian corridor, wetland, steep slope and submerged land have been excluded from calculation of minimum size requirements. *Note: If portions of a site are designated environmentally critical due to the presence of a riparian corridor, wetland or steep slope according to SMC Chapter 25.09, Regulations for Environmentally Critical Areas, the conditional use clustered development provisions under Section 25.09.260 shall apply, superseding the standards of this section.*

Note: SDCI may exclude some portions of the site from the CHPD when those portions are separated by topographical conditions, have a poor functional relationship to the whole site or would negatively impact adjacent neighborhood residential zoned lots.

2. Calculate the density, the number of single-family dwelling units permitted, using the following criteria.

- 2.a. Divide the CHPD land area by the minimum lot size permitted by the underlying neighborhood residential zoning (NR3, NR2 or NR1). Land in designated environmentally critical areas is excluded from the calculations.
- 2.b. One additional single-family structure is permitted if the CHPD provides recreational, meeting and/or day care facilities open to the surrounding community.

3. Yards for the CHPD are provided as follows:

- 3.a. Yard calculations - (provide in chart form and graphically on your plans):
 - 1) Distance to street property line = _____ [minimum of 20' to NR zoned lot]
 - 2) Side yard = _____ [minimum of five feet to NR zoned lot]
 - 3) Rear Yard = _____ [minimum of 25 feet to NR zoned lot]
 - 4) Other Yards = _____ [minimum of five feet to a non NR zoned lot]
 - 5) Distance between structures = _____ [minimum of ten feet]
 - 6) Distance from interior facade with no principal entrance to a facade with a principal entrance = _____ [minimum of 15 feet when structures are more than 100' from a property line]
 - 7) Distance from interior facade with principal entrance to a facade with a principal entrance = _____ [minimum of 20 feet when structures are more than 100' from a property line]
- 3.b. How do the yards preserve or enhance topographical conditions, the proposal's relationship to adjacent uses and maintenance of compatible scale and design with the surrounding community?

4. Landscaping

- 4.a. How does landscaping along the exterior lot lines of the site minimize the effect of the CHPD on adjacent uses?
- 4.b. Describe the compatibility of plant species with surrounding flora. Describe your long term plan for maintaining the landscaping.

Attachment A

Use of Landmark Structures in Neighborhood Residential and Multifamily Zones

Land Use Code Sections 23.42.042 (conditional uses generally), 23.44.026 (Neighborhood Residential) and 23.45.506 (multifamily)

Please respond as to how you meet each of the listed criteria.

Through an administrative conditional use permit, a use not otherwise permitted in the zone may be permitted in a landmark structure pursuant to the Seattle Municipal Code, Chapter 25.12, Landmark Preservation Ordinance. You will need to meet with the City's Landmark Preservation Board and receive written approval for the proposed use and any alterations that are planned.

1. Are any structural changes proposed?

If yes, describe the alterations. Describe how the use is compatible with the existing design and/or construction of the structure.

2. Please explain why a permitted use would be impracticable due to structure design and/or that no permitted use can provide adequate financial support necessary to sustain the structure in a reasonably good physical condition.

3. Describe any potentially detrimental impacts on other properties in the zone or vicinity or to the public interest.

4. Are you requesting a parking waiver? If so, why?

Attachment A

Part 4 - Structures Unsited to Uses Permitted Outright

Structures Unsited to Uses Permitted Outright in Neighborhood Residential Zones

**Land Use Code Sections 23.42.042 (conditional uses generally)
and 23.44.028 (Neighborhood Residential)**

Please respond as to how you meet each of the listed criteria.

NOTE: Application for this conditional use permit can only be made for structures with a minimum of four thousand (4000) sq.ft. of gross floor area.

- 1. Why is the design of the structure not suitable for conversion to a use permitted outright in a neighborhood residential zone?**
- 2. What is the public benefit provided by the proposed use?**
- 3. Describe measures taken to mitigate noise, odor, parking or traffic impacts.**

Attachment A
Part 5 - Park and Pool Lots

Park and Pool Lots in Neighborhood Residential and Multi-family Zones

**Land Use Code Sections 23.42.042 (conditional uses generally),
23.44.030 (Neighborhood Residential) and 23.45.506 (multifamily)**

Please respond as to how you meet each of the listed criteria.

A park and pool lot may be authorized through an administrative conditional use permit if the facility is under the management of a public agency responsible for commuter pooling efforts.

- 1. Does parking already exist on the lot?**
- 2. Is the parking lot needed by the principal use or its accessory uses during the hours proposed for park and pool use?**
- 3. When are the peak hour activities associated with the principal use and its accessory uses? Describe how the park and pool use would not interfere with these peak hour activities.**

Attachment A
Part 6 - Conversion of a Nonconforming Use
to Another Nonconforming Use

Conversion of a Nonconforming Use to Another Use Not Otherwise Permitted in a Neighborhood Residential or Multifamily Zone

Land Use Code Section 23.42.110

Please respond as to how you meet each of the listed criteria.

- 1. What is the existing use? What is the proposed use?**

- 2. How many employees and clients will be associated with the proposed use?**

- 3. What parking, traffic, light, glare, noise, odor and similar impacts are anticipated?**

- 4. How much parking will be provided and where will it be located?**

- 5. What measures such as landscaping, sound barriers or fences, mounding or berming, adjustments to yards or parking standards, design modification or setting hours of operation are you employing to mitigate impacts?**

Institution Uses, Other Than Public Schools, Not Meeting Development Standards in Multifamily Zones

Land Use Code Section: 23.45.506

Please respond as to how you meet each of the listed criteria.

1. Bulk and Siting

- 1.a. Describe the special needs of the proposed facility and how the proposed location of the facility is compatible to its surroundings.
- 1.b. Which of the development standards below are requested to be modified under this proposal to accommodate the special needs and location of the proposed institution? Please explain.
Modulation, landscaping, provision of open space, and structure width, depth and setbacks.

2. Criteria for Dispersion

- 2.a. Does the proposed institution meet dispersion criteria (more than 600 feet to the lot line of any other institution)?
- 2.b. Describe how the proposed new or expanding institution which does not meet development standards for dispersion would not substantially aggravate parking shortages, traffic safety hazards and noise in the surrounding residential area.

3. Noise

- 3.a. Describe potential noise impacts from the proposed use and any measures that will mitigate (lessen) the potential noise problems of this institutional use.

Examples of mitigating measures may include: existing or proposed landscaping, sound barriers or fences, mounding or berming, adjustments to yards or the location of refuse storage areas, parking location, design modifications and controlled hours for use of specific areas.

4. Transportation Plan

- 4.a. A transportation plan will be required for new institutions or institutional additions of more than 4,000 square feet or 20 or more parking spaces.

The level of detail will be based on the probable impacts and/or scale of the institution. Please see Chapter 23.45.122D of the Land Use Code for details of required elements in the plan.

Director's Rule 14-2002, *Transportation Management Programs*, describes detailed information on transportation management programs (TMPs) that may be applicable to your proposal.

Attachment A
Part 8 - Minor Telecommunication Utilities in Residential Zones

Minor Telecommunications Utilities in Residential Zones

Land Use Code Section: 23.57

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

– for Minor Telecommunication Utilities in Neighborhood Residential Zones, see Section 23.57.010 and Director's Rule 8-2004

"The proposal shall not be significantly detrimental to the residential character of the surrounding residentially zoned area, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The visual impacts that are addressed in Section shall be mitigated to the greatest extent practicable.

c. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

- 1) The antenna is at least 100 feet from a Major Institution Overlay District boundary, and
- 2) The antenna is substantially screened from the surrounding neighborhood's view.

If the proposed minor communication utility is proposed to exceed the permitted height of the zone, the applicant shall demonstrate the following:

- 1) The requested height is the minimum necessary for the effective functioning of the minor communication utility, and
- 2) Construction of a network of minor communication utilities that consists of a greater number of smaller less obtrusive utilities is not technically feasible.

e. 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.

f. If the proposed minor communication utility is for a personal wireless facility and it would be the third separate utility, or any subsequent separate utility after the third utility, on the same lot, the applicant shall demonstrate that it meets the criteria contained in subsection. A, except for minor communication utilities located on a freestanding water tower or similar facility."

— for Minor Telecommunication Utilities in Lowrise, Miderise and Highrise zones, see Section 23.57.011 and Director's Rule 8-2004

"Administrative Conditional Use when they meet the development standards of subsection 23.57.011.C and the following criteria, as applicable:

The project shall not be substantially detrimental to the residential character of nearby residentially zoned areas, and the facility and the location proposed shall be the least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

2. The visual impacts that are addressed in Section 23.57.016 shall be mitigated to the greatest extent practicable.

3. Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:

a. The antenna is at least 100 feet from a MIO boundary, and

b. The antenna is substantially screened from the surrounding neighborhood's view.

4. If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.

5. 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."