

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to land use and zoning; amending Section 23.76.029 of the Seattle Municipal Code to allow applicants for or holders of certain Master Use Permits approved for issuance between March 1, 2020 and December 31, 2026 to have their Master Use Permits expire in six years; and making other minor amendments to the procedure for expiration and renewal of Master Use Permits.

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**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 23.76.029 of the Seattle Municipal Code, last amended by Ordinance 126855, is amended as follows:

**23.76.029 Type I and II Master Use Permit duration and expiration date**

An issued Type I or II Master Use Permit expires three years from the date a permit is approved for issuance as described in Section 23.76.028, except as follows:

A. A Master Use Permit with a shoreline component expires pursuant to WAC 173-27-090.

B. A variance component of a Master Use Permit expires as follows:

1. Variances for access, yards, setback, open space, or lot area minimums granted as part of a short plat or lot boundary adjustment run with the land in perpetuity as recorded with the King County Recorder.

2. Variances granted as separate Master Use Permits pursuant to subsection 23.76.004.G expire three years from the date the permit is approved for issuance as described in Section 23.76.028 or on the effective date of any text amendment making more stringent the development standard from which the variance was granted, whichever is sooner. If a Master

1 Use Permit to establish the use is issued prior to the earlier of the dates specified in the preceding  
2 sentence, the variance expires on the expiration date of the Master Use Permit.

3 C. The time during which pending litigation related to the Master Use Permit or the  
4 property subject to the permit made it reasonable not to submit an application for a building  
5 permit, or to establish a use if a building permit is not required, is not included in determining the  
6 expiration date of the Master Use Permit.

7 D. Master Use Permits with a Major Phased Development or Planned Community  
8 Development component under Sections 23.45.600, 23.47A.007, 23.48.007, 23.49.036, ~~((23.49))~~  
9 23.50.015, or 23.50A.030 expire as follows:

10 1. For the first phase, the expiration date shall be three years from the date the  
11 permit is approved for issuance;

12 2. For subsequent phases, the expiration date shall be determined at the time of  
13 permit issuance for each phase, and the date shall be stated in the permit.

14 E. Permits for uses allowed under Section 23.42.038, temporary or intermittent use  
15 permits issued pursuant to Section 23.42.040, and transitional encampment interim use permits  
16 issued under Section 23.42.056 expire on the date stated in the permit.

17 F. Except as otherwise provided in this subsection 23.76.029.F, Master Use Permits for  
18 development pursuant to Section 23.49.180 expire on the date set by the Director in the Master  
19 Use Permit decision, which date may be a maximum of 15 years from the date the Master Use  
20 Permit is approved for issuance. The Director shall consider the complexity of the project,  
21 economic conditions of the area in which the project is located, and the construction schedule  
22 proposed by the applicant in setting the expiration date. If no expiration date is set in the Master

1 Use Permit decision, the expiration date is three years from the date a permit is approved for  
2 issuance.

3 1. In order for the Director to set the Master Use Permit expiration date, the  
4 applicant shall:

5 a. Submit with the application a site plan showing a level of detail  
6 sufficient to assess anticipated impacts of the completed project; and

7 b. Submit a proposed schedule for complying with the conditions  
8 necessary to gain the amount of extra floor area and the extra height sought for the project.

9 2. The expiration date of the Master Use Permit may be extended past the  
10 expiration date set in the Master Use Permit decision or the date established in this subsection  
11 23.76.029.F if:

12 a. On the expiration date stated in the Master Use Permit decision, a  
13 building permit for the entire development has been issued, in which case the Master Use Permit  
14 is extended for the life of the building permit if the Master Use Permit would otherwise expire  
15 earlier, or

16 b. A complete application for a building permit that either is for the entire  
17 development proposed pursuant to Section 23.49.180, or is for construction to complete the  
18 entire development proposed pursuant to Section 23.49.180, is:

19 1) Submitted before the expiration date of the Master Use Permit;

20 and

21 2) Made sufficiently complete to constitute a fully complete  
22 building permit application as defined in the Seattle Building Code, or for a highrise structure  
23 regulated under Section 403 of the Seattle Building Code, made to include the complete

1 structural frame of the building and schematic plans for the exterior shell of the building, in  
2 either case before the expiration date of the Master Use Permit, in which case the Master Use  
3 Permit is extended for the life of the building permit issued pursuant to the application if the  
4 Master Use Permit would otherwise expire earlier.

5 G. The permit expires earlier pursuant to Section 22.800.100.

6 H. The time during which the property subject to the Master Use Permit is used for a  
7 transitional encampment interim use is not included in determining the expiration date of the  
8 Master Use Permit.

9 I. A Master Use Permit subject to this subsection 23.76.029.I approved for issuance after  
10 March 1, 2020 and before December 31, 2026, and that is not subject to subsections 23.76.029.A  
11 or 23.76.029.E, shall expire six years from the date the permit was approved for issuance as  
12 described in Section 23.76.028. A Master Use Permit with a six-year expiration period is not  
13 eligible for a two-year extension described in Section 23.76.032. A variance component of a  
14 Master Use Permit subject to this subsection 23.76.029.I shall expire in accordance with  
15 subsection 23.76.029.B. A Master Use Permit with a Major Phased Development or Planned  
16 Community Development component under Section 23.45.600, 23.47A.007, 23.48.007,  
17 23.49.036, 23.50.015, or 23.50A.030 that is subject to this subsection 23.76.029.I shall expire as  
18 follows:

19 1. For the first phase, six years from the date the permit is approved for issuance;

20 2. For subsequent phases, expiration shall be stated in the permit.

21 Section 2. Subsection 23.76.029.I of the Seattle Municipal Code expires on December 31,  
22 2032.

