



CITY OF SEATTLE

City Council

Agenda

Monday, April 20, 2020

2:00 PM

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

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Council Chamber Listen Line: 206-684-8566

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CITY OF SEATTLE

City Council Agenda

April 20, 2020 - 2:00 PM

Meeting Location:

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

Committee Website:

<http://www.seattle.gov/council>

In-person attendance is currently prohibited per the Washington Governor's Proclamation No. 20-28 until April 23, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Sign-up registration will begin two hours before the 2:00 p.m. meeting start time and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at

Council@seattle.gov

Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 206-684-8566

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS

D. APPROVAL OF THE JOURNAL

[Min 277](#) April 13, 2020

Attachments: [Minutes](#)

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 251](#) April 20, 2020

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. PUBLIC COMMENT**

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at <http://www.seattle.gov/council/committees/public-comment>.

Sign-up registration will begin two hours before the 2:00 p.m. meeting start time and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

H. PAYMENT OF BILLS

These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.

- [CB 119777](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of April 6, 2020 through April 10, 2020 and ordering the payment thereof.

I. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

CITY COUNCIL:

1. [CB 119769](#) AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor's proclamations and the Mayor's proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Supporting Documents:

[Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Amendment Table and Proposed Voting Sequence](#)

[Morales Substitute](#)

[Strauss Substitute](#)

[Mosqueda Amendment 1](#)

[Herbold Amendment 1](#)

[Strauss & Herbold Amendment 6](#)

[Herbold Amendment 2](#)

[Herbold Amendment 3](#)

2. [CF 314428](#) Full unit lot subdivision of Noren Development, LLC to subdivide one parcel into 21 unit lots at 8559 Mary Avenue NW (Project No. 3020999; Type III).

Attachments: [Application Material](#)

3. [CB 119776](#) AN ORDINANCE approving and confirming the plat of “Verona-Roy” in portions of the Southwest Quarter of Southwest Quarter of Section 36, Township 26 North, Range 3 East, W.M. in King County, Washington.

Supporting Documents:

- [Summary and Fiscal Note](#)
- [Summary Att A – Vicinity Map](#)
- [Central Staff Memo](#)

J. ADOPTION OF OTHER RESOLUTIONS

K. OTHER BUSINESS

L. ADJOURNMENT



Legislation Text

File #: Min 277, **Version:** 1

April 13, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, April 13, 2020

2:00 PM

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

In-person attendance is currently prohibited per the Washington Governor's Proclamation No. 20-28 until April 23, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28 and guidance provided by the Attorney General's Office, on April 13, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

Present: 8 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Strauss

Late Arrival: 1 - Sawant

C. PRESENTATIONS

There were none.

Councilmember Sawant joined the meeting at 2:02 p.m.

D. APPROVAL OF THE JOURNAL

[Min 276](#)

April 6, 2020

Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 250](#) **April 13, 2020**

Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PAYMENT OF BILLS

[CB 119775](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of March 30, 2020 through April 3, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119775.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

H. COMMITTEE REPORTS

CITY COUNCIL:

1. [CB 119766](#) **AN ORDINANCE relating to commercial tenancies; temporarily restricting increases in commercial rents; authorizing repayment of late rent in installments for small businesses and nonprofits; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

ACTION 1:

Motion was made and duly second to pass Council Bill 119766.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119766, by amending Section 5, as shown in the underlined and strike through language below:

Section 5. For purposes of this ordinance, "small business" means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that (1) is owned and operated independently from all other businesses (a franchisee with five or fewer franchise units shall be considered owned and operated independently from its franchisor), and ~~that;~~ (2) has fifty or fewer employees per establishment or premises; (3) has either: been forced to close due to an emergency order issued by the Governor or Mayor; or has gross receipts from the previous calendar month of 2020 that are less than 70 percent of its gross receipts for the same month in 2019; and (4) is neither: a general sales and service business with ten or more establishments in operation located anywhere in the world; nor an entertainment use business with five or more establishments in operation located anywhere in the world.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119766 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

2. [CB 119771](#) **AN ORDINANCE relating to the 2018 Families, Education, Preschool, and Promise Levy; amending the levy implementation and evaluation plan adopted by Ordinance 125807 to provide for emergency childcare services; ratifying and confirming the Mayor’s Civil Emergency Order - Emergency Childcare Services for Front-line Essential Workers; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119771.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119771, by adding a new Section 4, and renumbering the remaining sections accordingly, as shown in the underlined language below:

Section 4. The Council requests that the Department of Education and Early Learning submit a monthly report to the Council, with the first report submitted by April 30, 2020, on the efforts to contract for emergency childcare services. At a minimum, the report should include:

A. The number of emergency childcare sites currently operating and their locations;

B. The number of staff at each site;

C. The number of students at each site, including a disaggregation by the type of essential work that the parents perform;

D. The amount of funds spent on emergency childcare services; and

E. The financial impacts to other Families, Education, Preschool, and Promise Levy investments from redirecting resources to emergency childcare services.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119771 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

3. [CB 119770](#) **AN ORDINANCE relating to the Office of the Hearing Examiner; temporarily suspending deadlines imposed by the Seattle Municipal Code for the duties of the Hearing Examiner; temporarily superseding several sections of the Seattle Municipal Code that impose deadlines on the actions of the Hearing Examiner; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 119770.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

I. ADOPTION OF OTHER RESOLUTIONS

There were none.

J. OTHER BUSINESS

There was none.

K. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 2:43 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on April 20, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: IRC 251, Version: 1

April 20, 2020



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

| Record No. | Title | Committee Referral |
|-------------------------------|---|--------------------|
| <u>By: Mosqueda</u> | | |
| 1. CB 119777 | AN ORDINANCE appropriating money to pay certain audited claims for the week of April 6, 2020 through April 10, 2020 and ordering the payment thereof. | City Council |
| <u>By: Lewis</u> | | |
| 2. Appt 01577 | Appointment of Estela Ortega as member, Working Group for Performance Auditing. | City Council |
| <u>By: Lewis</u> | | |
| 3. Appt 01578 | Appointment of Cheryle A. Broom as member, the Working Group for Performance Auditing. | City Council |
| <u>By: Lewis</u> | | |
| 4. Appt 01579 | Appointment of LaVonne Griffin-Valade as member, Working Group for Performance Auditing. | City Council |
| <u>By: Lewis</u> | | |
| 5. Appt 01580 | Appointment of Shaun Van Eyk as member, Working Group for Performance Auditing. | City Council |
| <u>By: Lewis</u> | | |
| 6. Appt 01581 | Appointment of Justin Marlowe as member, Working Group for Performance Auditing. | City Council |
| <u>By: Lewis</u> | | |
| 7. Appt 01582 | Appointment of Bob Thomas as member, Working Group for Performance Auditing. | City Council |
| <u>By: González</u> | | |
| 8. Appt 01583 | Appointment of Andrew J. Lewis as Chair, Working Group for Performance Auditing. | City Council |



Legislation Text

File #: CB 119777, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain audited claims for the week of April 6, 2020 through April 10, 2020 and ordering the payment thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$20,371,747.86 on PeopleSoft 9.2 mechanical warrants numbered 4100329327- 4100331337 plus manual or cancellation issues for claims, E-Payables of \$124,333.63 on PeopleSoft 9.2 9100006034- 9100006085 and Electronic Financial Transactions (EFT) in the amount of \$16,861,377.72 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 20th day of April 2020 and signed by me in open session in authentication of its passage this 20th day of April 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: CB 119769, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor’s proclamations and the Mayor’s proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a virus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and the City of Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in

gatherings with only limited exceptions for participating in essential activities or essential business services. While the order initially was for a term of two weeks, the Governor has already recognized that that the order may need to be extended beyond that time to effectively fight the pandemic. It is possible that, to respond to COVID-19, social distancing measures will be required for a considerable period of time, measured in months.

E. In recognition of the fact that to curtail the spread of COVID-19, it is necessary to limit person to person contact the Governor determined that it is necessary to waive any requirements in the Open Public Meetings Act (chapter 42.30 RCW) that provide for activities necessitating in-person contact, and issued Proclamation 20-28 on March 24, 2020 prohibiting any public agency from conducting any meeting subject to chapter 42.30 RCW unless the meeting is not conducted in-person and instead provides an option for the public to attend through, at minimum, telephonic access.

F. In addition to the paramount public health concerns, the spread of COVID-19 and the necessary measures taken to reduce that spread are causing and will continue to cause severe economic dislocation in the State of Washington, King County, and the City of Seattle. On March 26, it was announced that over 133,000 Washington residents filed for jobless benefits the previous week - nine times greater than a week earlier and five times greater than in any week during the Great Recession. Indeed, the velocity of jobless claims is the greatest since the 1930s - even before the effect of Governor Inslee's stay-at-home order is fully felt. In addition, governments at all levels, including the City of Seattle, face major reductions in tax revenues even as they face major new emergency expenditures to combat the pandemic.

G. Commercial and residential construction is necessary to accommodate businesses and to provide much-needed housing, including affordable housing, for City residents. Construction also employs a large number of workers and is a driver of economic activity in its own right. Construction activity has, of necessity, been severely reduced by the recent measures needed to limit in-person contact. However, when public health considerations allow relaxation of those measures, resumption of normal levels of construction will be essential to reviving the local economy as well as meeting the still-urgent need for housing.

H. The City of Seattle is a focus of construction activity in the region, and the volume of land use permitting activity has been very robust in recent years. Many of the City's land use permitting processes, particularly those involving design review and the regulation of historic structures and districts, involve public meetings as an integral and required part of the development approval process. In light of the public health crisis described above and the orders and proclamations issued to respond to COVID-19, the City cannot now hold public meetings that involve in-person contact, and likely will be unable to do so for a considerable period of time. The City has recently been cancelling, and will continue to cancel, public meetings - at least 18 design review meetings have already been cancelled.

I. The City is undertaking urgent efforts to design and implement, as soon as possible, technical measures that would allow public meetings to be held remotely or virtually, without in-person contact. However, for the types of public meetings involved in the land use approval process, such measures are not easy to place in operation. The members of many of the boards in question are volunteers who will be participating from their individual homes or businesses and will require training to do so effectively on a remote basis. Particularly in the case of design review, many meetings involve substantial graphic materials such as plans, pictures, and visualizations that are difficult to present electronically, particularly given the technological limitations that may be faced by members of the public wishing to participate. Some meetings involve large attendance, increasing the difficulty of designing processes that allow public input in an orderly fashion. Finally, any virtual meeting process will require development of careful instructions and outreach materials to educate the public on the technical aspects of using the process, and preparing such materials will take time.

J. Even in the best of circumstances, virtual public meetings will proceed slower than in-person meetings, reducing a board's capacity.

K. During the likely several-months-long period of time that it will take the City to create the capacity for non-in-person public meetings by many of the boards involved in the land use permitting process, the City

faces the prospect of major disruptions in land use permitting unless Seattle Municipal Code procedures are modified. As noted, public meetings are a required part of the current process for many types of approval. For example, the Design Review Boards involved in the “full” design review process under the City’s Land Use Code hold meetings in a given month involving approximately 20 major projects. The boards involved in historic preservation matters process a wide range of matters, from nominations and designations of landmarks, to certificates of approval for alterations and modifications to various structures. Absent the ability of the various boards to hold public meetings, a large number of development projects will become stalled in the development approval process.

L. The ability of projects to continue through the development approval process is critical to the economic recovery of the City and region as the restrictions needed to combat the pandemic are, hopefully, relaxed in coming months. When construction activity is able to resume, it will be critical for permits to be ready to be issued, as opposed to being either stalled or months behind in the permitting process.

M. The changes in this ordinance are designed to achieve that goal while still allowing for public input in the permitting process. The ordinance shifts projects that are subject to full design review (which requires meetings of the Design Review Board) to administrative design review for the six-month duration of the ordinance or until such earlier time as the City has put in operation a system for the Board to hold such meetings virtually or the Board is able to resume meetings involving in-person contact. Administrative design review still involves opportunities for public input, but the design review recommendation is made by the Director of the Seattle Department of Construction and Inspections rather than by the Board.

N. Similarly, the ordinance suspends meetings of the Landmarks Preservation Board and other boards involved with historic preservation to give the City time to set up virtual meetings. However, to reduce the workload of these boards so that they can accommodate the likely slower pace of virtual meetings, as well as to avoid interruption in the approval of comparatively minor matters such as certain alterations to existing structures, the ordinance temporarily shifts to the City’s Historic Preservation Officer the authority to approve

such matters.

O. The ordinance also provides an exemption from design review for certain affordable housing projects, if they can file a building permit application in the next six months. The Office of Housing is funding a number of affordable housing projects that will serve populations particularly impacted by the COVID-19 pandemic, including seniors and people at risk of or exiting homelessness, and that are far into the permitting process. These projects are currently subject to administrative design review, which allows certain departures to be granted from provisions of the Land Use Code. Exempting these projects from design review and allowing limited departures to be granted outside of the design review process will shorten the time required for these projects to complete the permitting process, advancing the date by which they can be constructed, and the allowed departures seek to increase the number of affordable units created. Finishing these projects as soon as possible and maximizing the ability of vulnerable populations to access affordable housing is critical to the City's recovery from the COVID-19 pandemic.

P. The City Council determines that the foregoing creates an emergency justifying adoption of the ordinance without a pre-adoption public hearing and justifying making the ordinance immediately effective. Holding a public hearing (with 30 days' notice) and following the normal rules for the ordinance becoming effective (e.g. after 30 days) would delay the proposed changes for over two months. During that period, for the reasons discussed above, the many projects whose approval requires public meetings that cannot now occur would face the prospect of being stalled, or at a minimum delayed, in the permitting process. This would stymie the City's and region's recovery from the COVID-19 emergency.

Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.41.004 Applicability

A. Design review required

1. Subject to the exemptions in subsection 23.41.004.B, design review is required in the

following areas or zones when development is proposed that exceeds a threshold in Table A or Table B for

23.41.004:

- a. Multifamily;
- b. Commercial;
- c. Seattle Mixed;
- d. Downtown; and
- e. Stadium Transition Area Overlay District as shown in Map A for 23.74.004, when the

width of the lot exceeds 120 feet on any street frontage.

2. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when commercial or institution development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:

- a. Industrial Buffer; and
- b. Industrial Commercial.

3. The gross floor area of the following uses is not included in the total gross floor area of a development for purposes of determining if a threshold is exceeded:

- a. Religious facilities;
- b. Elementary and secondary schools;
- c. Uses associated with a Major Institution Master Plan (MIMP); or
- d. Development of a major institution use within a Major Institution Overlay (MIO)

district.

4. Any development proposal participating in the Living Building Pilot Program according to Section 23.40.060, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014.

5. Any development proposal, regardless of size or site characteristics, is subject to the

administrative design review process according to Section 23.41.016 if it receives public funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory agreement, covenant or other legal instrument recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged, for a minimum period of 40 years.

6. Any development proposal that is located in a Master Planned Community zone and that includes a request for departures, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014. If a development proposal in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020.

7. Subject to the exemptions in subsection 23.41.004.B, design review is required for additions to existing structures when the size of the proposed addition or expansion exceeds a threshold in Table A or Table B for 23.41.004. Administrative design review, as described in Section 23.41.016, is required for certain other additions to existing structures according to rules promulgated by the Director.

* * *

C. Optional design review

1. Design review. Development proposals that are not subject to design review may elect to be reviewed pursuant to the full, administrative, or streamlined design review process if:

a. The development proposal is in any zone or area identified in subsection 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except development that is within a Master Planned Community zone is not eligible for optional design review; and

b. The development proposal does not include the uses listed in subsection 23.41.004.A.3.

2. Administrative design review. According to the applicable process described in Section 23.41.016, administrative design review is optional for a development proposal that is not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as defined in Section 25.11.020, when the ability to depart from development standards may result in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

D. Temporary provisions for shifting projects to administrative design review

1. The provisions of this subsection 23.41.004.D apply notwithstanding any contrary provision of this Title 23.

2. The provisions of this subsection 23.41.004.D apply from the effective date of this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the date when the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Design Review Board that do not involve in-person contact; or (c) the date when the Design Review Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

3. While the provisions of this subsection 23.41.004.D apply according to subsection 23.41.004.D.2,

a. All projects that are subject to the full design review process according to Section 23.41.014 shall, if the applicant elects, be processed through the administrative design review process according to Section 23.41.016 if (i) a Design Review Board meeting for the project has been cancelled due to the need to avoid in-person contact, or (ii) the project is otherwise ready to be scheduled for a Design Review Board meeting but such a meeting cannot be scheduled due to the need to avoid in-person contact and the lack of an operational system for holding meetings of the Design Review Board that do not involve in-person contact.

b. If an applicant makes the election described in subsection 23.41.004.D.3.a, all early

design guidance and recommendation processes, to the extent not completed under administrative design review, shall be shifted back to the full design review process at the time set forth in subsection 23.41.004.D.2.

c. An applicant may make the election described in subsection 23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the applicant's application vested according to Section 23.76.026.

E. Temporary provisions for affordable housing projects

1. Notwithstanding any contrary provision of Title 23, a project subject to administrative design review according to subsection 23.41.004.A.5 shall be exempt from design review if the applicant files a complete building permit application while this ordinance is in effect, except that the applicant may elect to have the project be subject to design review notwithstanding the preceding exemption.

2. Requests for departures. If a project is exempt from design review according to subsection 23.41.004.E.1, the Director may consider requests for departures from the following development standards in Title 23:

a. Requirements for bike rooms and the quantity of bike parking;

b. Requirements for the size of parking spaces;

c. Requirements for overhead weather protection;

d. Requirements for façade openings, articulation, and modulation and art on the facades of buildings but not including limitations on structure width;

e. Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities but not including any required outdoor open space;

f. Requirements related to residential uses, transparency, blank facades, and floor-to-floor height at street level, except as otherwise limited in subsection 23.41.012.B; and

g. Other similar standards as determined by the Director, not including those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not affect the size of the building

envelope.

3. Departures decision. Requests for departures according to subsection 23.41.004.E.2 shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would not impact the overall height, bulk, and scale of the proposed building and would result in additional housing units meeting the standards of subsection 23.41.004.A.5 being constructed.

Section 3. Subsection 23.41.008.E of the Seattle Municipal Code, which section was last amended by Ordinance 125662, is amended as follows:

23.41.008 Design Review general provisions

* * *

E. Meetings of the Design Review Board

1. Notice of Design Review Board meetings shall be given as described in subsection 23.76.015.C.

2. All meetings of the Design Review Board shall be held in the evening in a location that is accessible and conveniently located in the same design review district as the proposed project, except that the East Board may meet in either the East or Central Area district, except that the foregoing requirements of subsection 23.41.008.E.2 are suspended for meetings that do not involve in-person contact according to subsection 23.41.004.D. Board meetings are open to the general public. The actions of the Board are not quasi-judicial in nature.

3. Design Review Board meetings are limited to the maximum number described in Table B for 23.41.008.

| Table B for 23.41.008 Maximum number of Design Review Board meetings for certain projects | | |
|--|--------------------------------|------------------------|
| Type of design review | Early design guidance meetings | Recommendation meeting |
| Full design review | 2 ^{1,2} | 1 ^{1,2} |

Footnotes to Table B for 23.41.008 ¹ There is no limit to the number of Board meetings when: The project lot is abutting or across the street from a lot in a single-family zone; The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. ² The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.

4. The Director may require additional Design Review Board meetings above the maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review Board needs additional time for deliberation and evaluation of a project due to the size and complexity of the site or proposed development, the amount and content of public comment, an applicant's insufficient response to previous Board direction, or at the applicant's request. If the Design Review Board cannot complete a recommendation, it shall identify reasons why another recommendation meeting is necessary.

* * *

Section 4. Subsection 23.41.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 125612, is amended as follows:

23.41.014 Full design review process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach plan. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may be scheduled for an early design guidance meeting, to the extent such a meeting may be held according to subsection 23.41.004.D, notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit

documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

* * *

Section 5. Subsection 23.41.016.B of the Seattle Municipal Code, which section was last amended by Ordinance 125429, is amended as follows:

23.41.016 Administrative design review process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may proceed to the early design guidance process notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit

documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

* * *

Section 6. Subsection 23.41.018.B of the Seattle Municipal Code, which section was last amended by Ordinance 125429, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may proceed to the early design guidance process notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit

documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

* * *

Section 7. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

23.41.020 Master Planned Community design review process

A. Scope. This Section 23.41.020 applies only to development proposals in Master Planned Community zones that do not include a request for departures. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, "highrise structure" and "non-highrise structure" are as defined in Section 23.75.020. While subsection 23.41.004.D's provisions apply, design review for development proposals in a Master Planned Community zone that include a request for departures shall be processed according to the provisions of subsection 23.41.004.D, and design review for highrise structures that are subject to this Section 23.41.020 shall be processed according to the provisions of Section 23.41.020

that apply to non-highrise structures.

* * *

Section 8. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance 124952, is amended as follows:

23.49.036 Planned community developments (PCDs)

A. Planned community developments (PCDs) may be permitted by the Director as a Type II Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

B. Public benefit priorities. The Director shall determine public benefit priorities for the PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall include priorities for public benefits listed in subsection 23.49.036.F and priorities for implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for the area affected by the PCD, and a determination of whether the proposed PCD may use public right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the priorities are prepared, the Director shall cause a public meeting to be held to identify concerns about the site and to receive public input into priorities for public benefits identified in adopted neighborhood plans and subsection 23.49.036.F. Notice for the meeting shall be provided pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into account comments made at the public meeting or in writing to the Director, and the criteria in this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who provided addresses for this purpose at the public meeting, to those who sent in comments or otherwise requested notification, and to the project proponent((-)) , except that, while this ordinance is in effect, the following provisions shall apply in lieu of the requirement for a public meeting:

1. Before the priorities are prepared, the applicant shall consult with the Department of Neighborhoods to prepare a community outreach plan for conducting public outreach to identify concerns about the site and receiving public input into priorities for public benefits identified in adopted neighborhood plans

and subsection 23.49.036.F;

2. Upon approval of the outreach plan by the Department of Neighborhoods, the plan shall govern while this ordinance is in effect and the applicant shall submit to the Director documentation of the public outreach conducted and a summary of public input received;

3. The Director shall prepare priorities for the PCD taking into account comments made during public outreach or in writing to the Director, and the criteria in this Section 23.49.036; and

4. The Director shall distribute a copy of the priorities to all those who provided addresses for this purpose during public outreach, to those who sent in comments or otherwise requested notification, and to the project proponent.

* * *

Section 9. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.66.030 Certificates of approval-Application, review and appeals

* * *

D. Review

1. Review when no special review board is established

a. When there is no special review board, the Department of Neighborhoods Director shall, within 30 days of a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within 15 additional days, issue, issue with conditions, or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review when special review board is established

- a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.
- b. Notice of the board's public meeting shall be posted in two prominent locations in the district at least three days prior to the meeting.
- c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this Chapter 23.66, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within 30 days of the receipt of a completed application by the board staff, except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Seattle Department of Construction and Inspections.
- d. The Department of Neighborhoods Director shall, within 15 days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.
- e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to the process in subsection 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

a. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, or telecommunication elements necessary for the normal operation of the site, building, or structure.

b. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

c. Installation, removal, or alteration of exterior or interior signage.

d. Installation, removal, or alteration of awnings or canopies.

e. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

f. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

g. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

h. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

i. Right-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

j. Installation of improvements for accessibility compliance.

k. Removal of trees more than 6 inches in diameter measured 4½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

l. Installation, removal, or alteration of fire and life safety equipment.

m. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

n. Change of use, establishment of a new use, or expansion of use, if use is a preferred use per Chapter 23.66 or applicable district rules.

o. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

4. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this Subchapter I and adopted use and development standards for the district.

* * *

Section 10. Section 23.79.002 of the Seattle Municipal Code, enacted by Ordinance 112539, is amended as follows:

23.79.002 Initiation of development standard departure procedure.

A. The Seattle School District may apply for development standard departure for public school structures. Applications shall be made to the Director.

B. When demolition of residential structures is proposed, and the public school site includes land acquired for public school use after the effective date of the amendatory ordinance codified in this chapter, the Director shall initiate the process for development standard departures and the School District shall be bound by the development standard departures which are required in order to reduce demolition of residential structures.

C. Notwithstanding any contrary provision of this Chapter 23.79 or Title 23, while this ordinance is in effect, the Director shall decide on applications for development standard departures for public school structures, whether pending or filed during the foregoing period, without the participation of or a recommendation by the Development Standard Advisory Committee described in Section 23.79.004, and in lieu of a recommendation by the Development Standard Advisory Committee, the Director of the Department of Neighborhoods shall make a recommendation to the Director.

Section 11. Section 23.79.006 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.79.006 Notice provided for development standard departure

* * *

B. Notification of the application and formation of a Development Standard Advisory Committee and the first meeting of the advisory committee, or of the review of an application by the Department of Neighborhoods if applicable, shall be provided by the DON Director in the following manner:

1. Mailed notice;
2. Inclusion in the Land Use Information Bulletin;
3. Posting one land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the DON Director shall either post more than one sign or select an alternative posting location so that notice is clearly visible to the public;
4. Through the regular processes of a parents' organization, if one exists; and
5. Provision of notice to community organizations known to the DON Director as representing the local area, and to other organizations that have made a written request for notice and provided an address for notice.

Section 12. Section 23.79.010 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.79.010 Duties of Director

A. The Director shall determine the amount of departure from established development standards that may be allowed or required, as well as mitigating measures that may be required. The Director's decision shall be based on an evaluation of the factors set forth in subsection 23.79.008.C, the majority recommendations and minority reports of the advisory committee, or the recommendations of the Director of the Department of Neighborhoods if applicable, comment at the public hearings and other comments from the public. If the

Director modifies the recommendations of the advisory committee or Director of the Department of Neighborhoods if applicable, the reasons for the modification shall be put forth in writing.

* * *

Section 13. Section 25.12.080 of the Seattle Municipal Code, last amended by Ordinance 119121, is amended as follows:

25.12.080 Certificate of approval.

"Certificate of approval" is written authorization which must be issued by the Board or City Historic Preservation Officer, as applicable, before any alteration or significant change may be made to the controlled features of a landmark or landmark site, or during the pendency of designation proceedings, to a site, improvement or object after its nomination has been approved by the Board for further proceedings. The term "certificate of approval" includes written approval of a preliminary design of a project as well as its subsequent design phases as provided for in Section 25.12.680 E.

Section 14. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

25.12.320 Staff-Historic Preservation Officer

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, organize and supervise the Board staff and the clerical and technical work of the Board to the extent required to administer this Chapter 25.12. In addition, the Historic Preservation Officer shall:

* * *

L. While this ordinance is in effect, be responsible for review and approval of applications for certificates of approval for certain items as set forth in Title 25.

Section 15. Section 25.12.500 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.500 Negotiations-Procedure and time requirements.

A. The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing.

B. If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall submit the agreement to the Board for approval at a Board meeting to be held not later than thirty (30) days after the written agreement is signed by the owner. Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

C. Notwithstanding any contrary provision in subsection 25.12.500.B or Title 25, while this ordinance is in effect, if the owner and the Board staff reach written agreement within the period allotted for negotiation, the City Historic Preservation Officer shall approve or disapprove the agreement, without the need for action of the Board or a public meeting.

Section 16. Section 25.12.510 of the Seattle Municipal Code, enacted by Ordinance 106348, is amended as follows:

25.12.510 Effect of Board approval of agreement.

If the agreement on controls and incentives between the Board staff and owner is approved by the Board or the City Historic Preservation Officer, as applicable, the Board or City Historic Preservation Officer shall transmit the agreement to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660.

Section 17. Section 25.12.720 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.720 Board meeting on certificate of approval.

A. Within thirty (30) days after an application for a certificate of approval is determined to be complete, the Board shall hold a meeting thereon and shall serve notice of the meeting on the owner and the applicant not less than five (5) days before the date of the meeting. The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

B. Notwithstanding any contrary provision in subsection 25.12.720.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.

5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

10. Installation of improvements for accessibility compliance.

11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

12. Installation, removal, or alteration of fire and life safety equipment.

13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 18. Section 25.12.735 of the Seattle Municipal Code, enacted by Ordinance 125429, is amended as follows:

25.12.735 Development standards departures

A. An applicant seeking a certificate of approval for new multifamily, commercial or major institution development, that is not otherwise subject to design review pursuant to Section 23.41.004, may also seek land use code departures from the Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission. A Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, may recommend granting a departure where an applicant demonstrates the departure would result in a development that better meets the requirements of Chapter 25.12, the use and development standards for the district, and the purpose for creating the district; except that while this ordinance is in effect, the recommendation on applications for departures shall be made by the City Historic Preservation Officer, without the need for action of a board or commission or a public meeting.

B. Departures may be granted from any Land Use Code standard or requirement, except for the standards or requirements described in subsection 23.41.012.B.

C. The Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, or the City Historic Preservation Officer if applicable, shall recommend, in writing, to the Director of the Seattle Department of Construction and Inspections whether to approve, or deny any departure.

D. Departures authorized by this Section 25.12.735 do not limit the approval of waivers or modifications of development standards permitted by other provisions of the Seattle Municipal Code.

E. The Director of the Department of Neighborhoods, in coordination with the Director of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for a Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, to review and prepare a recommendation on whether to approve or deny any requested departure.

Section 19. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

25.16.100 - Certificate of approval-Issuance or denial.

* * *

C. A certificate of approval shall be valid for 18 months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of Construction and Inspections shall be valid for the life of the permit, including any extensions granted in writing by the Seattle Department of Construction and Inspections.

D. Notwithstanding any contrary provision in subsection 25.16.100.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval

criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.

5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

10. Installation of improvements for accessibility compliance.

11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

12. Installation, removal, or alteration of fire and life safety equipment.

13. Emergency repairs that are not already considered in-kind repair, if the proposed

replacement material used for the repair is compatible with the historic building fabric.

14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 20. Section 25.20.090 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.20.090 - Board meeting on certificate of approval.

* * *

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structures in relation to the street or public way and to other buildings and structures.

C. Notwithstanding any contrary provision in subsection 25.20.090.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.
3. Installation, removal, or alteration of exterior or interior signage.
4. Installation, removal, or alteration of awnings or canopies.
5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.
6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.
7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.
8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.
9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.
10. Installation of improvements for accessibility compliance.
11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.
12. Installation, removal, or alteration of fire and life safety equipment.
13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.
14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 21. Section 25.21.110 of the Seattle Municipal Code, enacted by Ordinance 122750, is amended as follows:

25.21.110 Board meeting on certificate of approval.

* * *

B. In reviewing applications or appeals of decisions of the Board, the Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Section 25.21.034; (3) guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Fort Lawton Landmark District; and (8) the position of such buildings, structures or landscape elements in relation to public property and to other buildings, structures and landscape elements.

C. Notwithstanding any contrary provision in subsection 25.21.110.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.

5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not

destroy historic building materials.

6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

10. Installation of improvements for accessibility compliance.

11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

12. Installation, removal, or alteration of fire and life safety equipment.

13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 22. Section 25.22.110 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.22.110 - Board meeting on certificate of approval.

* * *

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this

chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structures or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.

C. Notwithstanding any contrary provision in subsection 25.22.110.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.

5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials;

annuals; and similar low-lying plantings.

8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

10. Installation of improvements for accessibility compliance.

11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

12. Installation, removal, or alteration of fire and life safety equipment.

13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 23. Section 25.24.070 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

25.24.070 Issuance of certificate of approval.

* * *

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for 18 months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Seattle Department of Construction and Inspections shall be valid for the life of the permit issued by the Seattle Department of Construction and Inspections, including any extensions granted by the Seattle Department of Construction and Inspections in writing.

C. Notwithstanding any contrary provision in subsection 25.24.070.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Commission or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Commission review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.

5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

10. Installation of improvements for accessibility compliance.

11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

12. Installation, removal, or alteration of fire and life safety equipment.

13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 24. Section 25.30.090 of the Seattle Municipal Code, enacted by Ordinance 124850, is amended as follows:

25.30.090 Board meeting on certificate of approval

* * *

B. In reviewing applications or appeals of decisions of the Board, the Board and the Hearing Examiner shall consider:

1. The purposes of this chapter;
2. The criteria specified in Section 25.30.040;
3. Guidelines promulgated pursuant to this Chapter 25.30;
4. The properties' historical and architectural or landscape value and significance;
5. The properties' architectural or landscape type and general design;
6. The arrangement, texture, material, and color of the building or structure in question, and its appurtenant fixtures, including signs;
7. The relationship of such features to similar features within the Sand Point Naval Air Station Landmark District; and
8. The position of such buildings, structures, or landscape elements in relation to public

property and to other buildings, structures, and landscape elements.

C. Notwithstanding any contrary provision in subsection 25.30.090.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.

2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.

5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

10. Installation of improvements for accessibility compliance.

11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

12. Installation, removal, or alteration of fire and life safety equipment.

13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

Section 25. All public meetings of the Landmarks Preservation Board provided for in Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle Municipal Code are suspended for 60 days.

Section 26. All public meetings provided for in Sections and subsections 23.66.030.D.2, 23.69.032, 23.76.015, 23.78.010, 23.79.008, 25.16.100, 25.20.090.A, 25.21.110.A, 25.22.110.A, 25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended for 60 days.

Section 27. The time periods provided for in Sections and subsections 23.66.030.D.2, 23.79.008.D, 25.12.730, 25.16.100.A, 25.20.090.A, 25.20.100.A, 25.21.110.A, 25.21.120, 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal Code are suspended and tolled for 60 days.

Section 28. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of an event to occur, are suspended for 60 days and any time limit leading to automatic approval or termination under those provisions is tolled for 60 days.

Section 29. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this ordinance to take public testimony and consider adopting further findings.

Section 30. This ordinance shall be automatically repealed without subsequent Council action 180 days after it becomes effective.

Section 31. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 32. By reason of the findings set out in this ordinance, and the emergency that is declared to exist, this ordinance shall become effective immediately upon a passage by a 3/4 vote of the Council, and its approval by the Mayor, as provided in Article IV, subsection 1.I of the Charter of the City.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

| Department: | Dept. Contact/Phone: | CBO Contact/Phone: |
|--------------------|-----------------------------|------------------------------|
| Mayor's Office | Christina Ghan/206-684-8816 | Christie Parker/206-684-5211 |

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor's proclamations and the Mayor's proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Summary and background of the Legislation:

Background:

For background information on this emergency ordinance, please see Section 1 of the ordinance.

Summary:

This legislation would make temporary process changes in Title 23 and Title 25 SMC, to be in effect for up to six months. Adopting these changes on an interim basis will avoid potential public health risks from in-person contact, allow development to continue to minimize economic impacts, address urgent housing needs, and allow the City time to resolve technical issues to allow holding virtual meetings as soon as possible. A summary of the process changes in the legislation is included below.

1. Allow development projects that would normally be reviewed by the Design Review Board to be reviewed by SDCI staff through Administrative Design Review for the next six months, unless the department can transition all board reviews to virtual meetings or safely return to in-person meetings before then.
2. Expedite the production of affordable housing by exempting publicly-funded affordable housing projects from Design Review if the project applicants are ready to submit a complete building permit application within the next six months, and allow the SDCI Director to waive or modify certain development standards for those projects.
3. Allow developers preparing for Design Review to conduct their required Early Community Outreach via electronic or digital methods instead of in-person outreach methods.
4. Allow developers of proposals for planned community development packages to conduct other types of public outreach instead of having in-person public meetings.

5. Allow DON staff to review requests for certain alterations/modifications of City landmarks and buildings within Special Review Districts, Landmark Districts, and Historical Districts, as well as requests for development standard departures for City landmarks and controls and incentives agreements for City landmarks in instances where DON staff and the owner are able to reach written agreement.
6. Allow DON staff to review requests for flexibility from development standards by public schools.
7. Suspend the following board/committee reviews and extend any associated review timelines for 60 days:
 - a. Nomination/Designation of new City landmarks.
 - b. Requests to approve new buildings and larger alterations/modifications of City Landmarks and within Special Review Districts, Landmark Districts, and Historical Districts.
 - c. Controls agreements for City landmarks where staff and owner are not able to reach written agreement.
 - d. Major Institution Master Planning processes.
 - e. Various other public meetings that are required as part of the land use process.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes No X

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes No X

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No other impacts have been identified to date.

Is there financial cost or other impacts of *not* implementing the legislation?

If this legislation is not approved, certain development projects will be unable to proceed through the development process during the COVID-19 emergency; this will cause delay and potential cancellation of these projects. The result is likely to be a delay and/or loss of related permit fee revenues and real estate excise tax collections.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation affects the Seattle Department of Construction and Inspections as well as the Department of Neighborhoods. These two departments will be undertaking the administrative review that would normally be conducted by the Design Review Board, Special Review

District boards, Landmark District boards, Historical District boards and various other ad-hoc boards, commissions, and committees.

b. Is a public hearing required for this legislation?

This is emergency legislation. Under the provisions of RCW 36.70A.390, the City Council must hold a public hearing on this legislation within 60 days of adoption.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

This legislation does not require landlords or sellers of real property to provide information regarding the property to a buyer or tenant.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

e. Does this legislation affect a piece of property?

This legislation affects applications for development across many areas of the city.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation will allow housing construction, including affordable housing construction, to continue through the City permitting process and avoid delays due to the COVID-19 emergency. Communities of color are disproportionately burdened by increasing housing costs, and addressing housing affordability issues is an important piece of the City's RSJI work.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

This legislation does not include a new initiative or major programmatic expansion. This legislation temporarily changes the permitting review process to accommodate permitting reviews during the COVID-19 pandemic.

List attachments/exhibits below:

April 8, 2020

MEMORANDUM

To: Seattle City Council
From: Ketil Freeman, Analyst
Subject: Council Bill 119769 – Interim Standards to Address Development Approval Processes that Require Public Meetings

On Monday, April 13, 2020 the Council will consider and may vote on [Council Bill \(CB\) 119769](#), which addresses land use, historic preservation, and other regulatory processes that require public meetings. CB 119769 is proposed, in part, to allow those processes to continue while the City develops alternatives to in-person meetings during the COVID-19 civil emergency.

This memo: (1) provides background on public meeting requirements, (2) describes what CB 119769 would do, and (3) discusses next steps.

Public Meeting - Background

The Seattle Municipal Code requires public meetings for boards, committees, and commissions to solicit input on recommendations and decisions for a variety of regulatory processes that effect the built environment. These processes include design review, certificates of approval for modifications of historic landmarks, departures from development standards for public schools, and review of Major Institution Master Plans, among others. Under normal circumstances, public meetings associated with these processes are conducted in-person and subject to the requirements of the Open Public Meetings Act (OPMA).¹

On March 24, Governor Inslee issued [Proclamation 20-28](#), which prohibits in-person meetings subject to the OPMA and requires local governments to provide options for the public to attend meetings telephonically or through other virtual means.

What CB 119769 Would Do

Generally, CB 119769 would temporarily allow the Seattle Department of Construction and Inspections (SDCI) and the Department of Neighborhoods (DON) to administratively make some decisions that would otherwise be made or informed by an in-person board or committee meeting. For some regulatory processes, like design review, the authority to make administrative decisions would expire when SDCI has established a means to conduct virtual meetings. The bill would also suspend meetings of some boards and committees for 60 days and extend associated review timelines for 60 days.

¹ [Revised Code of Washington Chapter 42.30](#).

Unrelated to OPMA requirements, the bill would also temporarily exempt affordable housing projects that will soon submit building permit applications from design review and authorize the SDCI Director to administratively waive certain development standards, including standards for the quantity of bicycle parking, that could not normally be waived through design review.² Affordable housing projects are normally subject to administrative design review, which does not require public meetings.

The proposed bill would be enacted on an emergency basis pursuant to [RCW 36.70A.390](#). The provisions of the bill would expire, unless extended by Council, in 180 days. SDCI estimates that approximately 28 projects are in a stage of the design review process that requires a public meeting. DON estimates that approximately 35 projects subject to DON review requiring a public meeting are either under review or will soon apply.

Changes proposed in the bill are summarized in the table below. Unless otherwise indicated, the proposed modification to the review process would extend for 180 days.

| Regulatory Process | Changes in Bill |
|--------------------------------|--|
| SDCI – Administered | |
| Design Review* | <ul style="list-style-type: none"> • Allow projects subject to full design review to opt into administrative design review until the earlier of (1) 180 days, (2) the date SDCI begin to conduct virtual meetings, or (3) the date Design Review Boards resume meeting. • Exempt affordable housing projects that will file building permit applications while CB 119769 is in effect from design review and authorize the SDCI Director to waive some development standards as a decision not subject to appeal to the Hearing Examiner, if the bulk of the project is not increased and the project provides additional affordable units.³ • Allow required pre-application community outreach to be conducted virtually. • Authorize design review for high-rise projects in Yesler Terrace to be reviewed through an existing administrative process that does not require public meetings. |
| Planned Community Developments | <ul style="list-style-type: none"> • Allow public benefits for downtown planned community developments to be prioritized based on written comments instead of through written comments and comments provided at a public meeting. |

² For design review, affordable housing projects are defined as projects subject to an affordable housing covenant or regulatory agreement with at least 40% of units affordable to households with incomes at 60% of median income or below for a period of at least 40 years. See [Seattle Municipal Code \(SMC\) Section 23.41.004.A.5](#).

³ Both full design review and administrative design review are Type II decisions that can be appealed to the Hearing Examiner. See [SMC Section 23.76.004](#).

| Regulatory Process | Changes in Bill |
|---|---|
| DON-Administered | |
| Special Review District Certificates of Approval | <ul style="list-style-type: none"> Authorize the DON Director, rather than the Special Review District Board, to make certificate of approval decisions for specified modifications to the built environment in the Pioneer Square Preservation District and the International Special Review District. |
| Public School Development Standard Departures | <ul style="list-style-type: none"> Authorize the DON Director, rather than the Development Standard Advisory Committee, to recommend departures from development standards for public schools. |
| Landmark Controls and Incentives | <ul style="list-style-type: none"> Authorize the City's Historic Preservation Officer (HPO) to act on landmarks controls and incentives agreements about which the HPO and the applicant agree without action by the Landmarks Board. |
| Landmark Certificates of Approval | <ul style="list-style-type: none"> Authorize the HPO, rather than the Landmarks Board, to make certificate of approval decisions for specified modifications to historic landmarks. |
| Landmark District Development Standard Departures for New Development | <ul style="list-style-type: none"> Authorize the HPO, rather than Landmark District Board, to make recommendations to the SDCI Director on development standard departures for new development in historic districts. |
| Landmark District Certificates of Approval | <ul style="list-style-type: none"> Authorize the HPO, rather than the applicable landmarks board to make certificate of approval decisions for specified modifications to structures in the Ballard Avenue, Columbia City, Fort Lawton, Harvard Belmont, Pike Place Market, and Sand Point Naval Air Station Historic Districts. |

* See Attachment A for full and administrative design review flow charts.

** See Attachment B for the specified modifications for which the HPO could make decisions.

Next Steps

Amendments

Some Council offices may offer amendments to the bill. Please contact me about proposed amendments no later than 3 pm on Thursday. This memo will be updated with a description of proposed amendments and proposed amendment language and redistributed on Friday.

Public Hearing

Interim development standards enacted pursuant to RCW 36.70A.390 require a public hearing within 60 days after the bill becomes effective. Notice for the public hearing will be provided

prior to the hearing date. If the limitations in Proclamation 20-28 apply on the hearing date, the notice will provide instructions to the public on remote participation.

Future Legislation

It is likely that the Council may need to consider future interim or permanent legislation related to permitting procedures. That legislation will likely be informed by a future assessment of the economic impact of the pandemic on Seattle's economy. In 2009 and 2010, the City enacted specific regulations to address the impact of an economic downturn on construction. Those actions included [Ordinance 123072](#), which extended the life of Master Use Permit to six years, and [Ordinance 123566](#), which established a pilot program to allow street-level activating uses on dormant construction sites.

Attachments:

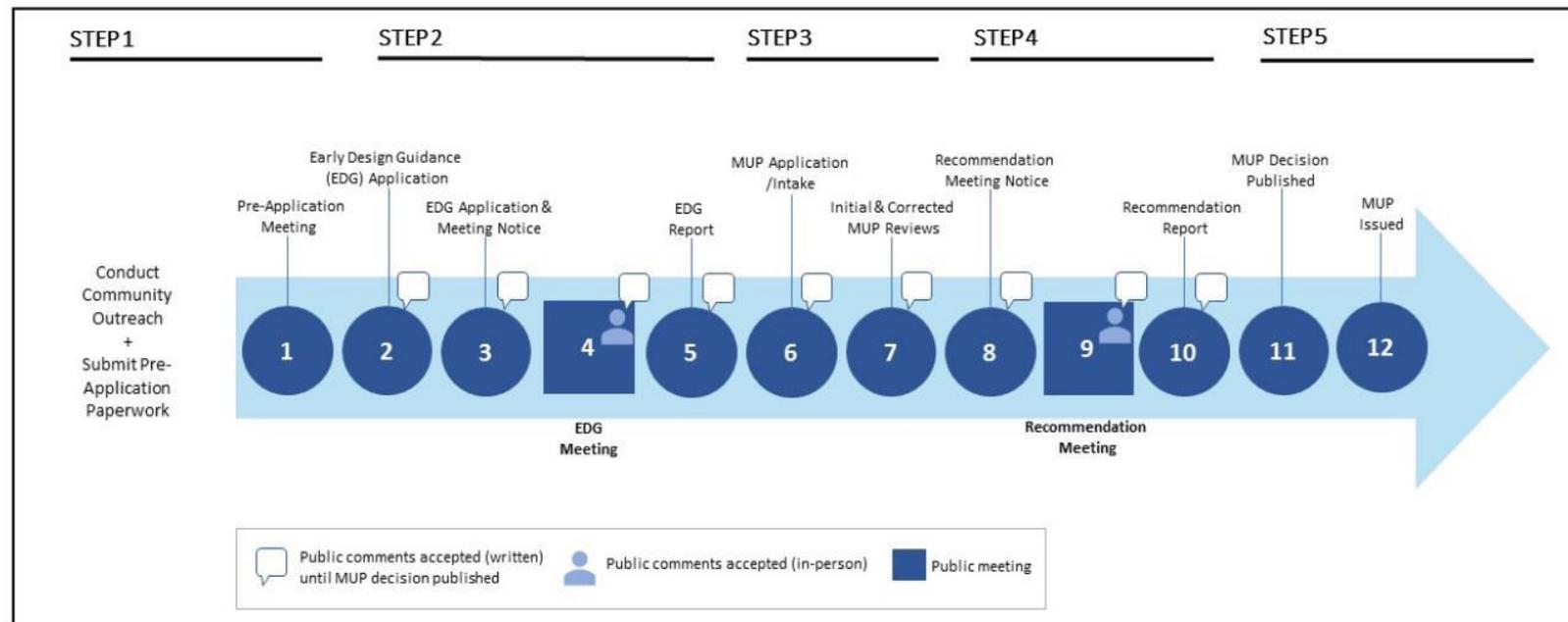
- A. Full and Administrative Design Review Flow Charts
- B. HPO Certificate of Approval Authority

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst

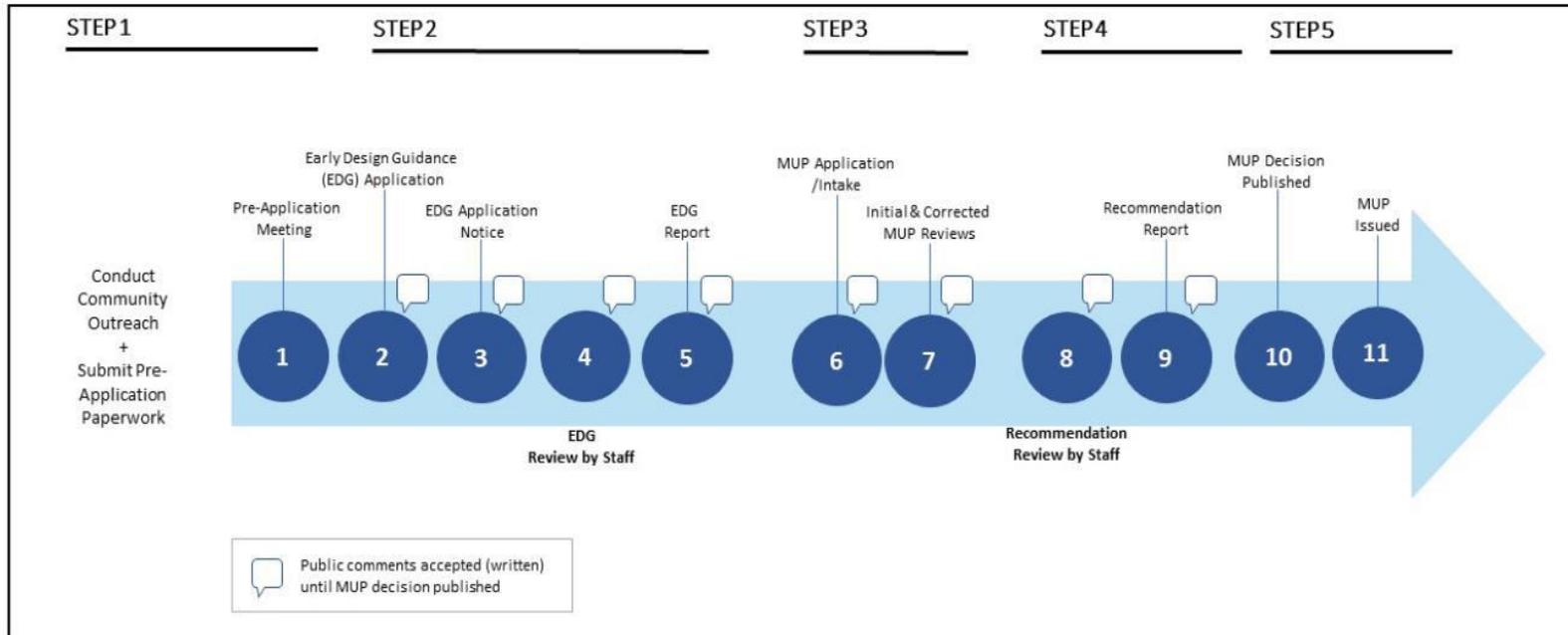
Attachment A – Full and Administrative Design Review Processes

Source: [SDCI TIP 238](#)

Full Design Review Process



Administrative Design Review Process



Attachment B – Specified Modifications Requiring a Certificate of Approval – Allowed Review by Historic Preservation Officer

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.
2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.
3. Installation, removal, or alteration of exterior or interior signage.
4. Installation, removal, or alteration of awnings or canopies.
5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.
6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.
7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.
8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.
9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.
10. Installation of improvements for accessibility compliance.
11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.
12. Installation, removal, or alteration of fire and life safety equipment.
13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.
14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

| Sequence | Amendment | Description |
|----------|--|---|
| 1 | Morales Substitute to Introduced Bill* | See Substitute Cover Sheet |
| 2 | Strauss Substitute to Introduced Bill | See Substitute Cover Sheet |
| 3 | Mosqueda Amdt.1 | This amendment would allow applicants who would normally be subject to full design review and elect administrative design review under the temporary provisions of the bill to continue in administrative design review for the 180-day duration of the ordinance after virtual design review meetings are available or after design review boards resume meeting in-person if (1) the project has completed early design guidance or (2) the SDCI Director determines that a return to full design review would cause the project not to meet Code required timeframes for Master Use Permit review. |
| 4 | Herbold Amdt.1 | This amendment would delete the proposed provision that would exempt affordable housing projects meeting certain requirements from design review. Affordable housing projects are currently subject to administrative design review, which do not require in-person meetings. |
| 5 | Herbold and Strauss Amdt. 6 | This amendment would add a new section 15 to the bill to provide a limited authorization to the Historic Preservation Officer (HPO) to negotiate controls and incentives agreements prior to the Landmarks Preservation Board's consideration of a landmark designation at a property owner's request. |
| 6 | Herbold Amdt. 2 | This amendment would reduce the term of the temporary changes made by the bill from six months to two months. |
| 7 | Herbold Amdt. 3 | This amendment would modify the suspension of meetings of the Landmarks Board and other regulatory review bodies from 60-days to the earlier of (a) 60-days, (b) when virtual meetings are possible, or (c) when in-person meetings resume. |

*Removes or modifies bill sections for Herbold and Strauss Amdt. 6, Herbold Amdt. 2 and Herbold Amdt. 3.

Councilmember Morales Substitute to Council Bill 119769

This table identifies and summarizes amendments contained in Councilmember Morales' proposed substitute to Council Bill (CB) 119769. Changes in the substitute are shown in track changes.

| Change in the Substitute | Page and Line |
|--|--|
| 1. Remove findings related to the Historic Preservation program | P. 4, l. 13-15 and P. 5, l. 9-14 |
| 2. Remove authority for the Seattle Historic Preservation Officer (HPO) to approve certain changes in the Pioneer Square Historic District and the International Special Review District | P. 18, l. 21 to P. 22, l. 5 |
| 3. Remove authority for the Director of Seattle Department of Construction and Inspections (SDCI) to approve development standard departures for Seattle School structures absent input from the Development Standard Advisory Committee but with input from the Director of the Department of Neighborhoods (DON) | P. 22, l. 7 to P. 24, l. 6 |
| 4. Remove authority for the HPO to provide administrative approval of certain changes to City of Seattle landmarks | P. 24, l. 8 to P. 25, l. 7 and P. 26, l. 10 to P. 29, l. 10 |
| 5. Remove authority for the HPO to administratively approve controls and incentives agreements when a landmark designation has been approved | P. 25, l. 8 to P. 26, l. 9 |
| 6. Remove authority for the HPO to provide administrative approval of certain changes in the Ballard Avenue Landmark District | P. 29, l. 11 to P. 31, l. 8 |
| 7. Remove authority for the HPO to provide administrative approval of certain changes in the Columbia City Landmark District | P. 31, l. 9 to P. 33, l. 9 |
| 8. Remove authority for the HPO to provide administrative approval of certain changes in the Fort Lawton Landmark District | P. 33, l. 10 to P. 35, l. 11 |
| 9. Remove authority for the HPO to provide administrative approval of certain changes in the Harvard-Belmont Landmark District | P. 35, l. 12 to P. 37, l. 14 |
| 10. Remove authority for the HPO to provide administrative approval of certain changes in the Pike Place Market Historical District | P. 37, l. 15 to P. 39, l. 16 |
| 11. Remove authority for the HPO to provide administrative approval of certain changes in the Sand Point Naval Air Station Landmark District | P. 39, l. 17 to P. 41, l. 23 |
| 12. Remove the 60-day suspension of meetings of the Seattle Landmarks Board and landmark, historic and special review district boards and commissions and the Development Standard Advisory Committee | P. 42, l. 1-6 |
| 13. Suspend and toll deadlines related to DON approvals to the earlier of (1) 60 days, (2) the date that the boards and commissions can meet virtually with language access for communities that do not speak English, or (3) in-person meetings can restart | P. 42, l. 10-16 |
| 14. Renumber sections and subsections to respond to deleted sections, as appropriate | Throughout |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor’s proclamations and the Mayor’s proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a virus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and the City of Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in

1 essential activities or essential business services. While the order initially was for a term of two
2 weeks, the Governor has already recognized that that the order may need to be extended beyond
3 that time to effectively fight the pandemic. It is possible that, to respond to COVID-19, social
4 distancing measures will be required for a considerable period of time, measured in months.

5 E. In recognition of the fact that to curtail the spread of COVID-19, it is necessary to
6 limit person to person contact the Governor determined that it is necessary to waive any
7 requirements in the Open Public Meetings Act (chapter 42.30 RCW) that provide for activities
8 necessitating in-person contact, and issued Proclamation 20-28 on March 24, 2020 prohibiting
9 any public agency from conducting any meeting subject to chapter 42.30 RCW unless the
10 meeting is not conducted in-person and instead provides an option for the public to attend
11 through, at minimum, telephonic access.

12 F. In addition to the paramount public health concerns, the spread of COVID-19 and the
13 necessary measures taken to reduce that spread are causing and will continue to cause severe
14 economic dislocation in the State of Washington, King County, and the City of Seattle. On
15 March 26, it was announced that over 133,000 Washington residents filed for jobless benefits the
16 previous week – nine times greater than a week earlier and five times greater than in any week
17 during the Great Recession. Indeed, the velocity of jobless claims is the greatest since the 1930s
18 – even before the effect of Governor Inslee’s stay-at-home order is fully felt. In addition,
19 governments at all levels, including the City of Seattle, face major reductions in tax revenues
20 even as they face major new emergency expenditures to combat the pandemic.

21 G. Commercial and residential construction is necessary to accommodate businesses and
22 to provide much-needed housing, including affordable housing, for City residents. Construction
23 also employs a large number of workers and is a driver of economic activity in its own right.

1 Construction activity has, of necessity, been severely reduced by the recent measures needed to
2 limit in-person contact. However, when public health considerations allow relaxation of those
3 measures, resumption of normal levels of construction will be essential to reviving the local
4 economy as well as meeting the still-urgent need for housing.

5 H. The City of Seattle is a focus of construction activity in the region, and the volume of
6 land use permitting activity has been very robust in recent years. Many of the City's land use
7 permitting processes, particularly those involving design review and the regulation of historic
8 structures and districts, involve public meetings as an integral and required part of the
9 development approval process. In light of the public health crisis described above and the orders
10 and proclamations issued to respond to COVID-19, the City cannot now hold public meetings
11 that involve in-person contact, and likely will be unable to do so for a considerable period of
12 time. The City has recently been cancelling, and will continue to cancel, public meetings – at
13 least 18 design review meetings have already been cancelled.

14 I. The City is undertaking urgent efforts to design and implement, as soon as possible,
15 technical measures that would allow public meetings to be held remotely or virtually, without in-
16 person contact. However, for the types of public meetings involved in the land use approval
17 process, such measures are not easy to place in operation. The members of many of the boards
18 in question are volunteers who will be participating from their individual homes or businesses
19 and will require training to do so effectively on a remote basis. Particularly in the case of design
20 review, many meetings involve substantial graphic materials such as plans, pictures, and
21 visualizations that are difficult to present electronically, particularly given the technological
22 limitations that may be faced by members of the public wishing to participate. Some meetings
23 involve large attendance, increasing the difficulty of designing processes that allow public input

1 in an orderly fashion. Finally, any virtual meeting process will require development of careful
2 instructions and outreach materials to educate the public on the technical aspects of using the
3 process, and preparing such materials will take time.

4 J. Even in the best of circumstances, virtual public meetings will proceed slower than in-
5 person meetings, reducing a board's capacity.

6 K. During the likely several-months-long period of time that it will take the City to create
7 the capacity for non-in-person public meetings by many of the boards involved in the land use
8 permitting process, the City faces the prospect of major disruptions in land use permitting unless
9 Seattle Municipal Code procedures are modified. As noted, public meetings are a required part
10 of the current process for many types of approval. For example, the Design Review Boards
11 involved in the "full" design review process under the City's Land Use Code hold meetings in a
12 given month involving approximately 20 major projects. ~~The boards involved in historic~~
13 ~~preservation matters process a wide range of matters, from nominations and designations of~~
14 ~~landmarks, to certificates of approval for alterations and modifications to various structures.~~

15 Absent the ability of the various boards to hold public meetings, a large number of development
16 projects will become stalled in the development approval process.

17 L. The ability of projects to continue through the development approval process is critical
18 to the economic recovery of the City and region as the restrictions needed to combat the
19 pandemic are, hopefully, relaxed in coming months. When construction activity is able to
20 resume, it will be critical for permits to be ready to be issued, as opposed to being either stalled
21 or months behind in the permitting process.

22 M. The changes in this ordinance are designed to achieve that goal while still allowing
23 for public input in the permitting process. The ordinance shifts projects that are subject to full

1 design review (which requires meetings of the Design Review Board) to administrative design
2 review for the six-month duration of the ordinance or until such earlier time as the City has put in
3 operation a system for the Board to hold such meetings virtually or the Board is able to resume
4 meetings involving in-person contact. Administrative design review still involves opportunities
5 for public input, but the design review recommendation is made by the Director of the Seattle
6 Department of Construction and Inspections rather than by the Board.

7 ~~N. Similarly, the ordinance suspends meetings of the Landmarks Preservation Board and~~
8 ~~other boards involved with historic preservation to give the City time to set up virtual meetings.~~
9 ~~However, to reduce the workload of these boards so that they can accommodate the likely slower~~
10 ~~pace of virtual meetings, as well as to avoid interruption in the approval of comparatively minor~~
11 ~~matters such as certain alterations to existing structures, the ordinance temporarily shifts to the~~
12 ~~City's Historic Preservation Officer the authority to approve such matters.~~

13 EN. The ordinance also provides an exemption from design review for certain affordable
14 housing projects, if they can file a building permit application in the next six months. The Office
15 of Housing is funding a number of affordable housing projects that will serve populations
16 particularly impacted by the COVID-19 pandemic, including seniors and people at risk of or
17 exiting homelessness, and that are far into the permitting process. These projects are currently
18 subject to administrative design review, which allows certain departures to be granted from
19 provisions of the Land Use Code. Exempting these projects from design review and allowing
20 limited departures to be granted outside of the design review process will shorten the time
21 required for these projects to complete the permitting process, advancing the date by which they
22 can be constructed, and the allowed departures seek to increase the number of affordable units
23 created. Finishing these projects as soon as possible and maximizing the ability of vulnerable

1 populations to access affordable housing is critical to the City’s recovery from the COVID-19
2 pandemic.

3 ~~O.P.~~ The City Council determines that the foregoing creates an emergency justifying
4 adoption of the ordinance without a pre-adoption public hearing and justifying making the
5 ordinance immediately effective. Holding a public hearing (with 30 days’ notice) and following
6 the normal rules for the ordinance becoming effective (e.g. after 30 days) would delay the
7 proposed changes for over two months. During that period, for the reasons discussed above, the
8 many projects whose approval requires public meetings that cannot now occur would face the
9 prospect of being stalled, or at a minimum delayed, in the permitting process. This would stymie
10 the City’s and region’s recovery from the COVID-19 emergency.

11 Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by
12 Ordinance 125603, is amended as follows:

13 **23.41.004 Applicability**

14 A. Design review required

15 1. Subject to the exemptions in subsection 23.41.004.B, design review is required
16 in the following areas or zones when development is proposed that exceeds a threshold in Table
17 A or Table B for 23.41.004:

- 18 a. Multifamily;
- 19 b. Commercial;
- 20 c. Seattle Mixed;
- 21 d. Downtown; and
- 22 e. Stadium Transition Area Overlay District as shown in Map A for

23 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

1 2. Subject to the exemptions in subsection 23.41.004.B, design review is required
2 in the following areas or zones when commercial or institution development is proposed that
3 exceeds a threshold in Table A or Table B for 23.41.004:

- 4 a. Industrial Buffer; and
- 5 b. Industrial Commercial.

6 3. The gross floor area of the following uses is not included in the total gross floor
7 area of a development for purposes of determining if a threshold is exceeded:

- 8 a. Religious facilities;
- 9 b. Elementary and secondary schools;
- 10 c. Uses associated with a Major Institution Master Plan (MIMP); or
- 11 d. Development of a major institution use within a Major Institution

12 Overlay (MIO) district.

13 4. Any development proposal participating in the Living Building Pilot Program
14 according to Section 23.40.060, regardless of size or site characteristics, is subject to full design
15 review according to Section 23.41.014.

16 5. Any development proposal, regardless of size or site characteristics, is subject
17 to the administrative design review process according to Section 23.41.016 if it receives public
18 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory
19 agreement, covenant or other legal instrument recorded on the property title and enforceable by
20 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King
21 County, U.S. Department of Housing and Urban Development, or other similar entity as
22 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy

1 2. Administrative design review. According to the applicable process described in
2 Section 23.41.016, administrative design review is optional for a development proposal that is
3 not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as
4 defined in Section 25.11.020, when the ability to depart from development standards may result
5 in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

6 D. Temporary provisions for shifting projects to administrative design review

7 1. The provisions of this subsection 23.41.004.D apply notwithstanding any
8 contrary provision of this Title 23.

9 2. The provisions of this subsection 23.41.004.D apply from the effective date of
10 this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the
11 date when the Department places in operation a system, consistent with applicable statutory
12 requirements, for holding meetings of the Design Review Board that do not involve in-person
13 contact; or (c) the date when the Design Review Board resumes meetings involving in-person
14 contact consistent with applicable statutory and public health requirements.

15 3. While the provisions of this subsection 23.41.004.D apply according to
16 subsection 23.41.004.D.2,

17 a. All projects that are subject to the full design review process according
18 to Section 23.41.014 shall, if the applicant elects, be processed through the administrative design
19 review process according to Section 23.41.016 if (i) a Design Review Board meeting for the
20 project has been cancelled due to the need to avoid in-person contact, or (ii) the project is
21 otherwise ready to be scheduled for a Design Review Board meeting but such a meeting cannot
22 be scheduled due to the need to avoid in-person contact and the lack of an operational system for
23 holding meetings of the Design Review Board that do not involve in-person contact.

1 b. If an applicant makes the election described in subsection
2 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not
3 completed under administrative design review, shall be shifted back to the full design review
4 process at the time set forth in subsection 23.41.004.D.2.

5 c. An applicant may make the election described in subsection
6 23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the
7 applicant's application vested according to Section 23.76.026.

8 E. Temporary provisions for affordable housing projects

9 1. Notwithstanding any contrary provision of Title 23, a project subject to
10 administrative design review according to subsection 23.41.004.A.5 shall be exempt from design
11 review if the applicant files a complete building permit application while this ordinance is in
12 effect, except that the applicant may elect to have the project be subject to design review
13 notwithstanding the preceding exemption.

14 2. Requests for departures. If a project is exempt from design review according to
15 subsection 23.41.004.E.1, the Director may consider requests for departures from the following
16 development standards in Title 23:

17 a. Requirements for bike rooms and the quantity of bike parking;

18 b. Requirements for the size of parking spaces;

19 c. Requirements for overhead weather protection;

20 d. Requirements for façade openings, articulation, and modulation and art
21 on the facades of buildings but not including limitations on structure width;

1 e. Requirements for the size and design of common recreational areas,
2 amenity areas, community rooms, and similar indoor amenities but not including any required
3 outdoor open space;

4 f. Requirements related to residential uses, transparency, blank facades,
5 and floor-to-floor height at street level, except as otherwise limited in subsection 23.41.012.B;
6 and

7 g. Other similar standards as determined by the Director, not including
8 those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not
9 affect the size of the building envelope.

10 3. Departures decision. Requests for departures according to subsection
11 23.41.004.E.2 shall be evaluated by the Director, in consultation with the Office of Housing, in
12 light of the particular population designed to be served by the project, and may be granted by the
13 Director as a Type I decision if the departure would not impact the overall height, bulk, and scale
14 of the proposed building and would result in additional housing units meeting the standards of
15 subsection 23.41.004.A.5 being constructed.

16 Section 3. Subsection 23.41.008.E of the Seattle Municipal Code, which section was last
17 amended by Ordinance 125662, is amended as follows:

18 **23.41.008 Design Review general provisions**

19 * * *

20 E. Meetings of the Design Review Board

21 1. Notice of Design Review Board meetings shall be given as described in
22 subsection 23.76.015.C.

1 2. All meetings of the Design Review Board shall be held in the evening in a
2 location that is accessible and conveniently located in the same design review district as the
3 proposed project, except that the East Board may meet in either the East or Central Area
4 district, except that the foregoing requirements of subsection 23.41.008.E.2 are suspended for
5 meetings that do not involve in-person contact according to subsection 23.41.004.D. Board
6 meetings are open to the general public. The actions of the Board are not quasi-judicial in
7 nature.

8 3. Design Review Board meetings are limited to the maximum number
9 described in Table B for 23.41.008.

| Table B for 23.41.008 | | |
|--|--------------------------------|------------------------|
| Maximum number of Design Review Board meetings for certain projects | | |
| Type of design review | Early design guidance meetings | Recommendation meeting |
| Full design review | 2 ^{1,2} | 1 ^{1,2} |

Footnotes to Table B for 23.41.008

¹ There is no limit to the number of Board meetings when:
The project lot is abutting or across the street from a lot in a single-family zone;
The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or
Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050.

² The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.

10
11 4. The Director may require additional Design Review Board meetings above
12 the maximum established in subsection 23.41.008.E.3 if the Director determines the Design
13 Review Board needs additional time for deliberation and evaluation of a project due to the
14 size and complexity of the site or proposed development, the amount and content of public
15 comment, an applicant's insufficient response to previous Board direction, or at the applicant's
16 request. If the Design Review Board cannot complete a recommendation, it shall identify
17 reasons why another recommendation meeting is necessary.

* * *

Section 4. Subsection 23.41.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 125612, is amended as follows:

23.41.014 Full design review process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach plan. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may be scheduled for an early design guidance meeting, to the extent such a meeting may be held according to subsection 23.41.004.D, notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach;

and

b. Materials to demonstrate that each outreach method was conducted.

1 a. A summary of the outreach completed to comply with the outreach plan,
2 including a list and description of the outreach methods used, dates associated with each method,
3 and a summary of what the applicant heard from the community when conducting the outreach;
4 and

5 b. Materials to demonstrate that each outreach method was conducted.

6 3. The purpose of the community outreach plan is to identify the outreach
7 methods an applicant will use to establish a dialogue with nearby communities early in the
8 development process in order to share information about the project, better understand the local
9 context, and hear community interests and concerns related to the project.

10 4. The Director may establish, by rule, what constitutes the community outreach
11 plan, and how compliance with the community outreach plan must be documented.

12 * * *

13 Section 6. Subsection 23.41.018.B of the Seattle Municipal Code, which section was last
14 amended by Ordinance 125429, is amended as follows:

15 **23.41.018 Streamlined administrative design review (SDR) process**

16 * * *

17 **B. Community outreach**

18 1. Applicants shall prepare a community outreach. The outreach plan shall
19 include, at minimum, the following outreach methods: printed, electronic or digital, and in-
20 person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy
21 the requirement for in-person outreach methods regardless of the contents of an outreach plan,
22 and a project may proceed to the early design guidance process notwithstanding a lack of in-
23 person outreach.

1 structure" and "non-highrise structure" are as defined in Section 23.75.020. While subsection
2 23.41.004.D's provisions apply, design review for development proposals in a Master
3 Planned Community zone that include a request for departures shall be processed according to
4 the provisions of subsection 23.41.004.D, and design review for highrise structures that are
5 subject to this Section 23.41.020 shall be processed according to the provisions of Section
6 23.41.020 that apply to non-highrise structures.

7 * * *

8 Section 8. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance
9 124952, is amended as follows:

10 **23.49.036 Planned community developments (PCDs)**

11 A. Planned community developments (PCDs) may be permitted by the Director as a Type II
12 Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and
13 Council Land Use Decisions.

14 B. Public benefit priorities. The Director shall determine public benefit priorities for the
15 PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall
16 include priorities for public benefits listed in subsection 23.49.036.F and priorities for
17 implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for
18 the area affected by the PCD, and a determination of whether the proposed PCD may use public
19 right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the
20 priorities are prepared, the Director shall cause a public meeting to be held to identify concerns
21 about the site and to receive public input into priorities for public benefits identified in adopted
22 neighborhood plans and subsection 23.49.036.F. Notice for the meeting shall be provided
23 pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into

1 account comments made at the public meeting or in writing to the Director, and the criteria in
2 this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who
3 provided addresses for this purpose at the public meeting, to those who sent in comments or
4 otherwise requested notification, and to the project proponent((-)) , except that, while this
5 ordinance is in effect, the following provisions shall apply in lieu of the requirement for a public
6 meeting:

7 1. Before the priorities are prepared, the applicant shall consult with the
8 Department of Neighborhoods to prepare a community outreach plan for conducting public
9 outreach to identify concerns about the site and receiving public input into priorities for public
10 benefits identified in adopted neighborhood plans and subsection 23.49.036.F;

11 2. Upon approval of the outreach plan by the Department of Neighborhoods, the
12 plan shall govern while this ordinance is in effect and the applicant shall submit to the Director
13 documentation of the public outreach conducted and a summary of public input received;

14 3. The Director shall prepare priorities for the PCD taking into account comments
15 made during public outreach or in writing to the Director, and the criteria in this Section
16 23.49.036; and

17 4. The Director shall distribute a copy of the priorities to all those who provided
18 addresses for this purpose during public outreach, to those who sent in comments or otherwise
19 requested notification, and to the project proponent.

20 * * *

21 ~~Section 9. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance~~
22 ~~125603, is amended as follows:~~
23 ~~**23.66.030 Certificates of approval Application, review and appeals**~~

~~***~~

~~D. Review~~

~~1. Review when no special review board is established~~

~~a. When there is no special review board, the Department of Neighborhoods Director shall, within 30 days of a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within 15 additional days, issue, issue with conditions, or deny the requested certificate of approval.~~

~~b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.~~

~~2. Review when special review board is established~~

~~a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.~~

~~b. Notice of the board's public meeting shall be posted in two prominent locations in the district at least three days prior to the meeting.~~

~~c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this Chapter 23.66, the district use and development standards, and the purposes for creating the~~

1 ~~district. The board shall make its recommendation within 30 days of the receipt of a completed~~
2 ~~application by the board staff, except that the applicant may waive the deadlines in writing for~~
3 ~~the special review board to make a recommendation or the Director of the Department of~~
4 ~~Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or~~
5 ~~issuance of related permits that are under review by the Seattle Department of Construction and~~
6 ~~Inspections.~~

7 ~~d. The Department of Neighborhoods Director shall, within 15 days of~~
8 ~~receiving the board's recommendation, issue or deny a certificate of approval or issue an~~
9 ~~approval with conditions.~~

10 ~~e. A copy of the decision shall be sent to the Director and mailed to the~~
11 ~~owner and the applicant at the addresses provided in the application. Notice of the decision shall~~
12 ~~be provided to any person who, prior to the rendering of the decision, made a written request for~~
13 ~~notice of the decision, or submitted substantive written comments on the application.~~

14 ~~3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, while this~~
15 ~~ordinance is in effect, applications for certificates of approval, whether pending or filed during~~
16 ~~the foregoing period, for the following items shall be subject to the process in subsection~~
17 ~~23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:~~

18 ~~a. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
19 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
20 ~~gutters, or other similar mechanical, electrical, or telecommunication elements necessary for the~~
21 ~~normal operation of the site, building, or structure.~~

22 ~~b. Installation, removal, or alteration of exterior light fixtures, exterior security~~
23 ~~lighting, and security system equipment.~~

1 e. Installation, removal, or alteration of exterior or interior signage.

2 d. Installation, removal, or alteration of awnings or canopies.

3 e. Alterations to storefront systems, if the proposed alterations are sympathetic to
4 and do not destroy historic building materials.

5 f. Alteration to interior or exterior paint colors and other finishes when painting a
6 previously painted or otherwise finished material.

7 g. Installation, removal, or alteration of the following landscape elements: shrubs;
8 perennials; annuals; and similar low lying plantings.

9 h. Installation, removal, or alteration of the following site furnishings: benches;
10 movable tables and seating; movable planters; movable water features; trash/recycling
11 receptacles; and bike racks.

12 i. Right of way alterations, including but not limited to alterations to sidewalks,
13 curbs, and the roadway.

14 j. Installation of improvements for accessibility compliance.

15 k. Removal of trees more than 6 inches in diameter measured 4½ feet above the
16 ground, identified as a hazard by an International Society of Arboriculture (ISA)
17 Certified Arborist.

18 l. Installation, removal, or alteration of fire and life safety equipment.

19 m. Emergency repairs that are not already considered in-kind repair, if the
20 proposed replacement material used for the repair is compatible with the historic building fabric.

21 n. Change of use, establishment of a new use, or expansion of use, if use is a
22 preferred use per Chapter 23.66 or applicable district rules.

1 ~~o. Revisions to a previously approved Certificate of Approval, where the design~~
2 ~~revisions are sympathetic to and do not destroy historic building materials.~~

3 ~~4. A decision denying a certificate of approval shall state the specific reasons for~~
4 ~~the denial and explain why the proposed changes are inconsistent with the requirements of this~~
5 ~~Subchapter I and adopted use and development standards for the district.~~

6 * * *

7 ~~Section 10. Section 23.79.002 of the Seattle Municipal Code, enacted by Ordinance~~
8 ~~112539, is amended as follows:~~

9 ~~**23.79.002 Initiation of development standard departure procedure.**~~

10 ~~A. The Seattle School District may apply for development standard departure for public~~
11 ~~school structures. Applications shall be made to the Director.~~

12 ~~B. When demolition of residential structures is proposed, and the public school site~~
13 ~~includes land acquired for public school use after the effective date of the amendatory ordinance~~
14 ~~codified in this chapter, the Director shall initiate the process for development standard~~
15 ~~departures and the School District shall be bound by the development standard departures which~~
16 ~~are required in order to reduce demolition of residential structures.~~

17 ~~C. Notwithstanding any contrary provision of this Chapter 23.79 or Title 23, while this~~
18 ~~ordinance is in effect, the Director shall decide on applications for development standard~~
19 ~~departures for public school structures, whether pending or filed during the foregoing period,~~
20 ~~without the participation of or a recommendation by the Development Standard Advisory~~
21 ~~Committee described in Section 23.79.004, and in lieu of a recommendation by the Development~~
22 ~~Standard Advisory Committee, the Director of the Department of Neighborhoods shall make a~~
23 ~~recommendation to the Director.~~

~~The Director's decision shall be based on an evaluation of the factors set forth in subsection 23.79.008.C, the majority recommendations and minority reports of the advisory committee, or the recommendations of the Director of the Department of Neighborhoods if applicable, comment at the public hearings and other comments from the public. If the Director modifies the recommendations of the advisory committee or Director of the Department of Neighborhoods if applicable, the reasons for the modification shall be put forth in writing.~~

~~* * *~~

~~Section 13. Section 25.12.080 of the Seattle Municipal Code, last amended by Ordinance 119121, is amended as follows:~~

~~**25.12.080 Certificate of approval.**~~

~~"Certificate of approval" is written authorization which must be issued by the Board or City Historic Preservation Officer, as applicable, before any alteration or significant change may be made to the controlled features of a landmark or landmark site, or during the pendency of designation proceedings, to a site, improvement or object after its nomination has been approved by the Board for further proceedings. The term "certificate of approval" includes written approval of a preliminary design of a project as well as its subsequent design phases as provided for in Section 25.12.680 E.~~

~~Section 14. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:~~

~~**25.12.320 Staff—Historic Preservation Officer**~~

~~The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer~~

1 ~~shall be the custodian of the Board's records, conduct official correspondence, assist in~~
2 ~~organizing and supervising the Landmarks Preservation Board, organize and supervise the Board~~
3 ~~staff and the clerical and technical work of the Board to the extent required to administer this~~
4 ~~Chapter 25.12. In addition, the Historic Preservation Officer shall:~~

5 ~~***~~

6 ~~L. While this ordinance is in effect, be responsible for review and approval of~~
7 ~~applications for certificates of approval for certain items as set forth in Title 25.~~

8 ~~Section 15. Section 25.12.500 of the Seattle Municipal Code, last amended by Ordinance~~
9 ~~118012, is amended as follows:~~

10 ~~**25.12.500 Negotiations-Procedure and time requirements.**~~

11 ~~A. The negotiation period may run for a maximum of seventy five (75) days from the~~
12 ~~date of service of the Board's report on designation on the owner. The negotiations shall~~
13 ~~terminate if either party concludes that an impasse has been reached and so notifies the other~~
14 ~~party in writing.~~

15 ~~B. If the owner and the Board staff reach written agreement within the period allotted for~~
16 ~~negotiation, the Board staff shall submit the agreement to the Board for approval at a Board~~
17 ~~meeting to be held not later than thirty (30) days after the written agreement is signed by the~~
18 ~~owner. Notice of such Board meeting shall be served on the owner and mailed to interested~~
19 ~~persons of record at least fifteen (15) days prior to such meeting. Within five (5) working days~~
20 ~~after such meeting the Board shall serve upon the owner, and mail to interested persons of~~
21 ~~record, notice of its approval or disapproval of the agreement and specify the reasons therefor.~~

22 ~~C. Notwithstanding any contrary provision in subsection 25.12.500.B or Title 25, while~~
23 ~~this ordinance is in effect, if the owner and the Board staff reach written agreement within the~~

~~period allotted for negotiation, the City Historic Preservation Officer shall approve or disapprove the agreement, without the need for action of the Board or a public meeting.~~

~~Section 16. Section 25.12.510 of the Seattle Municipal Code, enacted by Ordinance 106348, is amended as follows:~~

~~**25.12.510 Effect of Board approval of agreement.**~~

~~If the agreement on controls and incentives between the Board staff and owner is approved by the Board or the City Historic Preservation Officer, as applicable, the Board or City Historic Preservation Officer shall transmit the agreement to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660.~~

~~Section 17. Section 25.12.720 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:~~

~~**25.12.720 Board meeting on certificate of approval.**~~

~~A. Within thirty (30) days after an application for a certificate of approval is determined to be complete, the Board shall hold a meeting thereon and shall serve notice of the meeting on the owner and the applicant not less than five (5) days before the date of the meeting. The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.~~

~~B. Notwithstanding any contrary provision in subsection 25.12.720.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:~~

1 ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
2 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
3 ~~gutters, or other similar mechanical, electrical or telecommunication elements necessary for the~~
4 ~~normal operation of the site, building or structure.~~

5 ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security~~
6 ~~lighting, and security system equipment.~~

7 ~~3. Installation, removal, or alteration of exterior or interior signage.~~

8 ~~4. Installation, removal, or alteration of awnings or canopies.~~

9 ~~5. Alterations to storefront systems, if the proposed alterations are sympathetic to~~
10 ~~and do not destroy historic building materials.~~

11 ~~6. Alteration to interior or exterior paint colors and other finishes when painting a~~
12 ~~previously painted or otherwise finished material.~~

13 ~~7. Installation, removal, or alteration of the following landscape elements: shrubs;~~
14 ~~perennials; annuals; and similar low lying plantings.~~

15 ~~8. Installation, removal, or alteration of the following site furnishings: benches;~~
16 ~~movable tables and seating; movable planters; movable water features; trash/recycling~~
17 ~~receptacles; and bike racks.~~

18 ~~9. Rights-of-way alterations, including but not limited to alterations to sidewalks,~~
19 ~~curbs, and the roadway.~~

20 ~~10. Installation of improvements for accessibility compliance.~~

21 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
22 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
23 ~~Certified Arborist.~~

1 ~~12. Installation, removal, or alteration of fire and life safety equipment.~~

2 ~~13. Emergency repairs that are not already considered in-kind repair, if the~~
3 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

4 ~~14. Revisions to a previously approved Certificate of Approval, where the design~~
5 ~~revisions are sympathetic to and do not destroy historic building materials.~~

6 Section 18. ~~Section 25.12.735 of the Seattle Municipal Code, enacted by Ordinance~~
7 ~~125429, is amended as follows:~~

8 **~~25.12.735 Development standards departures~~**

9 ~~A. An applicant seeking a certificate of approval for new multifamily, commercial or~~
10 ~~major institution development, that is not otherwise subject to design review pursuant to Section~~
11 ~~23.41.004, may also seek land use code departures from the Landmarks Preservation Board, or~~
12 ~~the applicable Landmark District Board or Historical Commission. A Landmarks Preservation~~
13 ~~Board, or the applicable Landmark District Board or Historical Commission, may recommend~~
14 ~~granting a departure where an applicant demonstrates the departure would result in a~~
15 ~~development that better meets the requirements of Chapter 25.12, the use and development~~
16 ~~standards for the district, and the purpose for creating the district; except that while this~~
17 ~~ordinance is in effect, the recommendation on applications for departures shall be made by the~~
18 ~~City Historic Preservation Officer, without the need for action of a board or commission or a~~
19 ~~public meeting.~~

20 ~~B. Departures may be granted from any Land Use Code standard or requirement, except~~
21 ~~for the standards or requirements described in subsection 23.41.012.B.~~

22 ~~C. The Landmarks Preservation Board, or the applicable Landmark District Board or~~
23 ~~Historical Commission, or the City Historic Preservation Officer if applicable, shall recommend,~~

1 ~~in writing, to the Director of the Seattle Department of Construction and Inspections whether to~~
2 ~~approve, or deny any departure.~~

3 ~~D. Departures authorized by this Section 25.12.735 do not limit the approval of waivers~~
4 ~~or modifications of development standards permitted by other provisions of the Seattle~~
5 ~~Municipal Code.~~

6 ~~E. The Director of the Department of Neighborhoods, in coordination with the Director~~
7 ~~of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for~~
8 ~~a Landmarks Preservation Board, or the applicable Landmark District Board or Historical~~
9 ~~Commission, to review and prepare a recommendation on whether to approve or deny any~~
10 ~~requested departure.~~

11 ~~Section 19. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance~~
12 ~~124919, is amended as follows:~~

13 ~~**25.16.100—Certificate of approval—Issuance or denial.**~~

14 ~~***~~

15 ~~C. A certificate of approval shall be valid for 18 months from the date of issuance of the~~
16 ~~decision granting it unless the Director of the Department of Neighborhoods grants an extension~~
17 ~~in writing; provided however, that certificates of approval for actions subject to permits issued~~
18 ~~by the Seattle Department of Construction and Inspections shall be valid for the life of the~~
19 ~~permit, including any extensions granted in writing by the Seattle Department of Construction~~
20 ~~and Inspections.~~

21 ~~D. Notwithstanding any contrary provision in subsection 25.16.100.A or Title 25, while~~
22 ~~this ordinance is in effect, applications for certificates of approval, whether pending or filed~~
23 ~~during the foregoing period, for the following items shall be subject to administrative review and~~

1 ~~approval by the City Historic Preservation Officer, without the need for action of the Board or a~~
2 ~~public meeting but otherwise subject to the same approval criteria and procedures as would apply~~
3 ~~to such an application if it were subject to Board review and approval:~~

4 ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
5 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
6 ~~gutters, or other similar mechanical, electrical or telecommunication elements necessary for the~~
7 ~~normal operation of the site, building or structure.~~

8 ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security~~
9 ~~lighting, and security system equipment.~~

10 ~~3. Installation, removal, or alteration of exterior or interior signage.~~

11 ~~4. Installation, removal, or alteration of awnings or canopies.~~

12 ~~5. Alterations to storefront systems, if the proposed alterations are sympathetic to~~
13 ~~and do not destroy historic building materials.~~

14 ~~6. Alteration to interior or exterior paint colors and other finishes when painting a~~
15 ~~previously painted or otherwise finished material.~~

16 ~~7. Installation, removal, or alteration of the following landscape elements: shrubs;~~
17 ~~perennials; annuals; and similar low lying plantings.~~

18 ~~8. Installation, removal, or alteration of the following site furnishings: benches;~~
19 ~~movable tables and seating; movable planters; movable water features; trash/recycling~~
20 ~~receptacles; and bike racks.~~

21 ~~9. Rights of way alterations, including but not limited to alterations to sidewalks,~~
22 ~~curbs, and the roadway.~~

23 ~~10. Installation of improvements for accessibility compliance.~~

1 ~~during the foregoing period, for the following items shall be subject to administrative review and~~
2 ~~approval by the City Historic Preservation Officer, without the need for action of the Board or a~~
3 ~~public meeting but otherwise subject to the same approval criteria and procedures as would apply~~
4 ~~to such an application if it were subject to Board review and approval:~~

5 ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
6 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
7 ~~gutters, or other similar mechanical, electrical or telecommunication elements necessary for the~~
8 ~~normal operation of the site, building or structure.~~

9 ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security~~
10 ~~lighting, and security system equipment.~~

11 ~~3. Installation, removal, or alteration of exterior or interior signage.~~

12 ~~4. Installation, removal, or alteration of awnings or canopies.~~

13 ~~5. Alterations to storefront systems, if the proposed alterations are sympathetic to~~
14 ~~and do not destroy historic building materials.~~

15 ~~6. Alteration to interior or exterior paint colors and other finishes when painting a~~
16 ~~previously painted or otherwise finished material.~~

17 ~~7. Installation, removal, or alteration of the following landscape elements: shrubs;~~
18 ~~perennials; annuals; and similar low lying plantings.~~

19 ~~8. Installation, removal, or alteration of the following site furnishings: benches;~~
20 ~~movable tables and seating; movable planters; movable water features; trash/recycling~~
21 ~~receptacles; and bike racks.~~

22 ~~9. Rights of way alterations, including but not limited to alterations to sidewalks,~~
23 ~~curbs, and the roadway.~~

~~10. Installation of improvements for accessibility compliance.~~

~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.~~

~~12. Installation, removal, or alteration of fire and life safety equipment.~~

~~13. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.~~

~~14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.~~

~~Section 21. Section 25.21.110 of the Seattle Municipal Code, enacted by Ordinance 122750, is amended as follows:~~

~~**25.21.110 Board meeting on certificate of approval.**~~

~~***~~

~~B. In reviewing applications or appeals of decisions of the Board, the Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Section 25.21.034; (3) guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Fort Lawton Landmark District; and (8) the position of such buildings, structures or landscape elements in relation to public property and to other buildings, structures and landscape elements.~~

1 ~~C. Notwithstanding any contrary provision in subsection 25.21.110.A or Title 25, while~~
2 ~~this ordinance is in effect, applications for certificates of approval, whether pending or filed~~
3 ~~during the foregoing period, for the following items shall be subject to administrative review and~~
4 ~~approval by the City Historic Preservation Officer, without the need for action of the Board or a~~
5 ~~public meeting but otherwise subject to the same approval criteria and procedures as would apply~~
6 ~~to such an application if it were subject to Board review and approval:~~

7 ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
8 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
9 ~~gutters, or other similar mechanical, electrical or telecommunication elements necessary for the~~
10 ~~normal operation of the site, building or structure.~~

11 ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security~~
12 ~~lighting, and security system equipment.~~

13 ~~3. Installation, removal, or alteration of exterior or interior signage.~~

14 ~~4. Installation, removal, or alteration of awnings or canopies.~~

15 ~~5. Alterations to storefront systems, if the proposed alterations are sympathetic to~~
16 ~~and do not destroy historic building materials.~~

17 ~~6. Alteration to interior or exterior paint colors and other finishes when painting a~~
18 ~~previously painted or otherwise finished material.~~

19 ~~7. Installation, removal, or alteration of the following landscape elements: shrubs;~~
20 ~~perennials; annuals; and similar low lying plantings.~~

21 ~~8. Installation, removal, or alteration of the following site furnishings: benches;~~
22 ~~movable tables and seating; movable planters; movable water features; trash/recycling~~
23 ~~receptacles; and bike racks.~~

1 ~~9. Rights of way alterations, including but not limited to alterations to sidewalks,~~
2 ~~curbs, and the roadway.~~

3 ~~10. Installation of improvements for accessibility compliance.~~

4 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
5 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
6 ~~Certified Arborist.~~

7 ~~12. Installation, removal, or alteration of fire and life safety equipment.~~

8 ~~13. Emergency repairs that are not already considered in-kind repair, if the~~
9 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

10 ~~14. Revisions to a previously approved Certificate of Approval, where the design~~
11 ~~revisions are sympathetic to and do not destroy historic building materials.~~

12 ~~Section 22. Section 25.22.110 of the Seattle Municipal Code, last amended by Ordinance~~
13 ~~118012, is amended as follows:~~

14 ~~**25.22.110 – Board meeting on certificate of approval.**~~

15 ~~***~~

16 ~~B. In reviewing applications or appeals of decisions of the Board, the Application Review~~
17 ~~Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the~~
18 ~~purposes of this chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3)~~
19 ~~guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural or~~
20 ~~landscape value and significance; (5) the properties' architectural or landscape type and general~~
21 ~~design; (6) the arrangement, texture, material and color of the building or structure in question;~~
22 ~~and its appurtenant fixtures, including signs; (7) the relationship of such features to similar~~
23 ~~features within the Harvard Belmont Landmark District; and (8) the position of such buildings,~~

1 ~~structures or landscape elements in relation to the street or public way and to other buildings,~~
2 ~~structures and landscape elements.~~

3 ~~C. Notwithstanding any contrary provision in subsection 25.22.110.A or Title 25, while~~
4 ~~this ordinance is in effect, applications for certificates of approval, whether pending or filed~~
5 ~~during the foregoing period, for the following items shall be subject to administrative review and~~
6 ~~approval by the City Historic Preservation Officer, without the need for action of the Board or a~~
7 ~~public meeting but otherwise subject to the same approval criteria and procedures as would apply~~
8 ~~to such an application if it were subject to Board review and approval:~~

9 ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
10 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
11 ~~gutters, or other similar mechanical, electrical or telecommunication elements necessary for the~~
12 ~~normal operation of the site, building or structure.~~

13 ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security~~
14 ~~lighting, and security system equipment.~~

15 ~~3. Installation, removal, or alteration of exterior or interior signage.~~

16 ~~4. Installation, removal, or alteration of awnings or canopies.~~

17 ~~5. Alterations to storefront systems, if the proposed alterations are sympathetic to~~
18 ~~and do not destroy historic building materials.~~

19 ~~6. Alteration to interior or exterior paint colors and other finishes when painting a~~
20 ~~previously painted or otherwise finished material.~~

21 ~~7. Installation, removal, or alteration of the following landscape elements: shrubs;~~
22 ~~perennials; annuals; and similar low lying plantings.~~

1 ~~8. Installation, removal, or alteration of the following site furnishings: benches;~~
2 ~~movable tables and seating; movable planters; movable water features; trash/recycling~~
3 ~~receptacles; and bike racks.~~

4 ~~9. Rights of way alterations, including but not limited to alterations to sidewalks,~~
5 ~~curbs, and the roadway.~~

6 ~~10. Installation of improvements for accessibility compliance.~~

7 ~~11. Removal of trees more than 6 inches in diameter measured 4 1/2 feet above the~~
8 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
9 ~~Certified Arborist.~~

10 ~~12. Installation, removal, or alteration of fire and life safety equipment.~~

11 ~~13. Emergency repairs that are not already considered in-kind repair, if the~~
12 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

13 ~~14. Revisions to a previously approved Certificate of Approval, where the design~~
14 ~~revisions are sympathetic to and do not destroy historic building materials.~~

15 ~~Section 23. Section 25.24.070 of the Seattle Municipal Code, last amended by Ordinance~~
16 ~~124919, is amended as follows:~~

17 ~~**25.24.070 Issuance of certificate of approval.**~~

18 ~~***~~

19 ~~B. A certificate of approval for a use shall be valid as long as the use is authorized by the~~
20 ~~applicable codes. Any other type of certificate of approval shall be valid for 18 months from the~~
21 ~~date of issuance of the decision granting it unless the Director of the Department of~~
22 ~~Neighborhoods grants an extension in writing; provided however, that certificates of approval for~~
23 ~~actions subject to permits issued by the Seattle Department of Construction and Inspections shall~~

1 ~~be valid for the life of the permit issued by the Seattle Department of Construction and~~
2 ~~Inspections, including any extensions granted by the Seattle Department of Construction and~~
3 ~~Inspections in writing.~~

4 ~~C. Notwithstanding any contrary provision in subsection 25.24.070.A or Title 25, while~~
5 ~~this ordinance is in effect, applications for certificates of approval, whether pending or filed~~
6 ~~during the foregoing period, for the following items shall be subject to administrative review and~~
7 ~~approval by the City Historic Preservation Officer, without the need for action of the~~
8 ~~Commission or a public meeting but otherwise subject to the same approval criteria and~~
9 ~~procedures as would apply to such an application if it were subject to Commission review and~~
10 ~~approval:~~

11 ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC~~
12 ~~vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and~~
13 ~~gutters, or other similar mechanical, electrical or telecommunication elements necessary for the~~
14 ~~normal operation of the site, building or structure.~~

15 ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security~~
16 ~~lighting, and security system equipment.~~

17 ~~3. Installation, removal, or alteration of exterior or interior signage.~~

18 ~~4. Installation, removal, or alteration of awnings or canopies.~~

19 ~~5. Alterations to storefront systems, if the proposed alterations are sympathetic to~~
20 ~~and do not destroy historic building materials.~~

21 ~~6. Alteration to interior or exterior paint colors and other finishes when painting a~~
22 ~~previously painted or otherwise finished material.~~

1 ~~7. Installation, removal, or alteration of the following landscape elements: shrubs;~~
2 ~~perennials; annuals; and similar low lying plantings.~~

3 ~~8. Installation, removal, or alteration of the following site furnishings: benches;~~
4 ~~movable tables and seating; movable planters; movable water features; trash/recycling~~
5 ~~receptacles; and bike racks.~~

6 ~~9. Rights of way alterations, including but not limited to alterations to sidewalks,~~
7 ~~curbs, and the roadway.~~

8 ~~10. Installation of improvements for accessibility compliance.~~

9 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
10 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
11 ~~Certified Arborist.~~

12 ~~12. Installation, removal, or alteration of fire and life safety equipment.~~

13 ~~13. Emergency repairs that are not already considered in-kind repair, if the~~
14 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

15 ~~14. Revisions to a previously approved Certificate of Approval, where the design~~
16 ~~revisions are sympathetic to and do not destroy historic building materials.~~

17 ~~Section 24. Section 25.30.090 of the Seattle Municipal Code, enacted by Ordinance~~
18 ~~124850, is amended as follows:~~

19 ~~**25.30.090 Board meeting on certificate of approval**~~

20 ~~***~~

21 ~~B. In reviewing applications or appeals of decisions of the Board, the Board and the~~
22 ~~Hearing Examiner shall consider:~~

23 ~~1. The purposes of this chapter;~~

- ~~2. The criteria specified in Section 25.30.040;~~
- ~~3. Guidelines promulgated pursuant to this Chapter 25.30;~~
- ~~4. The properties' historical and architectural or landscape value and significance;~~
- ~~5. The properties' architectural or landscape type and general design;~~
- ~~6. The arrangement, texture, material, and color of the building or structure in question, and its appurtenant fixtures, including signs;~~
- ~~7. The relationship of such features to similar features within the Sand Point Naval Air Station Landmark District; and~~
- ~~8. The position of such buildings, structures, or landscape elements in relation to public property and to other buildings, structures, and landscape elements.~~

~~C. Notwithstanding any contrary provision in subsection 25.30.090.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:~~

- ~~1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building or structure.~~
- ~~2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.~~

1 3. Installation, removal, or alteration of exterior or interior signage.

2 4. Installation, removal, or alteration of awnings or canopies.

3 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
4 and do not destroy historic building materials.

5 6. Alteration to interior or exterior paint colors and other finishes when painting a
6 previously painted or otherwise finished material.

7 7. Installation, removal, or alteration of the following landscape elements: shrubs;
8 perennials; annuals; and similar low-lying plantings.

9 8. Installation, removal, or alteration of the following site furnishings: benches;
10 movable tables and seating; movable planters; movable water features; trash/recycling
11 receptacles; and bike racks.

12 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
13 curbs, and the roadway.

14 10. Installation of improvements for accessibility compliance.

15 11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the
16 ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified
17 Arborist.

18 12. Installation, removal, or alteration of fire and life safety equipment.

19 13. Emergency repairs that are not already considered in-kind repair, if the
20 proposed replacement material used for the repair is compatible with the historic building
21 fabric.

22 14. Revisions to a previously approved Certificate of Approval, where the design
23 revisions are sympathetic to and do not destroy historic building materials.

1 ~~Section 25. All public meetings of the Landmarks Preservation Board provided for in~~
2 ~~Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle~~
3 ~~Municipal Code are suspended for 60 days.~~

4 ~~Section 26. All public meetings provided for in Sections and subsections 23.66.030.D.2,~~
5 ~~23.69.032, 23.76.015, 23.78.010, 23.79.008, 25.16.100, 25.20.090.A, 25.21.110.A, 25.22.110.A,~~
6 ~~25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended for 60 days.~~

7 ~~Section 279.~~ The time periods provided for in Sections and subsections 23.66.030.D.2,
8 23.79.008.D, 25.12.730, 25.16.100.A, 25.20.090.A, 25.20.100.A, 25.21.110.A, 25.21.120,
9 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal Code
10 are suspended and tolled ~~for~~until the earlier of (1) 60 days after the effective date of this
11 ordinance, or (2) the date the City places in operation a system, consistent with applicable
12 statutory requirements, for holding meetings of the Landmarks Preservation Board, Landmarks
13 District Boards, Special Review Boards, and Historical Commissions without in-person contact
14 and with provisions of access to all interested parties in languages commonly used in the
15 district.; or (c) the date when such meetings can resume with in-person contact with applicable
16 statutory and public health requirements.

17 Section ~~2810~~. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and
18 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may
19 proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of
20 an event to occur, are suspended for 60 days and any time limit leading to automatic approval or
21 termination under those provisions is tolled for 60 days.

1 Section ~~29~~11. Pursuant to RCW 36.70A.390, the Council will hold a public hearing
2 within 60 days of adoption of this ordinance to take public testimony and consider adopting
3 further findings.

4 Section ~~30~~12. This ordinance shall be automatically repealed without subsequent Council
5 action 180 days after it becomes effective.

6 Section ~~31~~13. Based on the findings of fact set forth in Section 1 of this ordinance, the
7 Council finds and declares that this ordinance is a public emergency ordinance, which shall take
8 effect immediately and is necessary for the protection of the public health, safety, and welfare.

Substitute

1 Section ~~32~~14. By reason of the findings set out in this ordinance, and the emergency that
2 is declared to exist, this ordinance shall become effective immediately upon a passage by a 3/4
3 vote of the Council, and its approval by the Mayor, as provided in Article IV, subsection 1.I of
4 the Charter of the City.

5 Passed by a 3/4 vote of all the members of the City Council the _____ day of
6 _____, 2020, and signed by me in open session in authentication of its
7 passage this _____ day of _____, 2020.

8 _____
9 President _____ of the City Council

10 Approved by me this _____ day of _____, 2020.

11 _____
12 Jenny A. Durkan, Mayor

13 Filed by me this _____ day of _____, 2020.

14 _____
15 Monica Martinez Simmons, City Clerk

16 (Seal)

Councilmember Strauss Substitute to Council Bill 119769

This table identifies and summarizes amendments contained in the proposed substitute to Council Bill (CB) 119769. Initiating Councilmembers are identified for each change in the substitute

| Change in the Substitute | Page and Line |
|---|--|
| 1. Clarify that Seattle Housing Authority affordable housing projects in Yesler Terrace are eligible for the proposed exemption from Design Review. Affordable housing projects are eligible if they are subject to an affordable housing covenant or regulatory agreement with at least 40% of units affordable to households with incomes at 60% of median income or below for a period of at least 40 years and if they apply for a building permit while the bill is in effect. (Strauss) | Page 10, Lines 10-11 |
| 2. Clarify qualifying digital and electronic methods for required Design Review Program community outreach by referencing standards contained in adopted Director's Rule 4-2018 . (Mosqueda) | <ul style="list-style-type: none"> ▪ P. 13, l. 9-12 ▪ P. 14, l. 16-19 ▪ P. 16, l. 1-4 |
| 3. Delete authority for the Department of Neighborhoods (DON) Director or Historic Preservation Officer (HPO) to administratively make decisions on removal of trees identified as a hazard. (Strauss) | Throughout, beginning on p. 22 |
| 4. Authorize the HPO to administratively make decisions on door and window replacements in historic and special review districts. (Herbold) | Throughout, beginning on p. 22 |
| 5. Authorize the HPO to administratively approve penthouse installations in Pioneer Square that comply with Secretary of the Interior Standards. (Strauss) | P. 22, l. 14-16 |
| 6. Authorize the HPO to administratively approve certificates of approval when the Landmarks Board has granted preliminary approval and final designs do not deviate from the preliminary approval. (Strauss) | Throughout beginning on p. 27 |
| 7. Request that the Seattle Department of Construction and Inspections (SDCI) and the Office of Labor Standards promulgate a rule related to construction industry workplace safety to mitigate the risk of COVID-19 transmission. (Mosqueda) | P. 46, l. 12-17 |
| 8. Request that SDCI and DON report to the Council in 60 days on progress towards implementing virtual meetings. (Strauss) | P. 46, l. 18-22 |

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor’s proclamations and the Mayor’s proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a virus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and the City of Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in

1 essential activities or essential business services. While the order initially was for a term of two
2 weeks, the Governor has already recognized that that the order may need to be extended beyond
3 that time to effectively fight the pandemic. It is possible that, to respond to COVID-19, social
4 distancing measures will be required for a considerable period of time, measured in months.

5 E. In recognition of the fact that to curtail the spread of COVID-19, it is necessary to
6 limit person to person contact the Governor determined that it is necessary to waive any
7 requirements in the Open Public Meetings Act (chapter 42.30 RCW) that provide for activities
8 necessitating in-person contact, and issued Proclamation 20-28 on March 24, 2020 prohibiting
9 any public agency from conducting any meeting subject to chapter 42.30 RCW unless the
10 meeting is not conducted in-person and instead provides an option for the public to attend
11 through, at minimum, telephonic access.

12 F. In addition to the paramount public health concerns, the spread of COVID-19 and the
13 necessary measures taken to reduce that spread are causing and will continue to cause severe
14 economic dislocation in the State of Washington, King County, and the City of Seattle. On
15 March 26, it was announced that over 133,000 Washington residents filed for jobless benefits the
16 previous week – nine times greater than a week earlier and five times greater than in any week
17 during the Great Recession. Indeed, the velocity of jobless claims is the greatest since the 1930s
18 – even before the effect of Governor Inslee’s stay-at-home order is fully felt. In addition,
19 governments at all levels, including the City of Seattle, face major reductions in tax revenues
20 even as they face major new emergency expenditures to combat the pandemic.

21 G. Commercial and residential construction is necessary to accommodate businesses and
22 to provide much-needed housing, including affordable housing, for City residents. Construction
23 also employs a large number of workers and is a driver of economic activity in its own right.

1 Construction activity has, of necessity, been severely reduced by the recent measures needed to
2 limit in-person contact. However, when public health considerations allow relaxation of those
3 measures, resumption of normal levels of construction will be essential to reviving the local
4 economy as well as meeting the still-urgent need for housing.

5 H. The City of Seattle is a focus of construction activity in the region, and the volume of
6 land use permitting activity has been very robust in recent years. Many of the City's land use
7 permitting processes, particularly those involving design review and the regulation of historic
8 structures and districts, involve public meetings as an integral and required part of the
9 development approval process. In light of the public health crisis described above and the orders
10 and proclamations issued to respond to COVID-19, the City cannot now hold public meetings
11 that involve in-person contact, and likely will be unable to do so for a considerable period of
12 time. The City has recently been cancelling, and will continue to cancel, public meetings – at
13 least 18 design review meetings have already been cancelled.

14 I. The City is undertaking urgent efforts to design and implement, as soon as possible,
15 technical measures that would allow public meetings to be held remotely or virtually, without in-
16 person contact. However, for the types of public meetings involved in the land use approval
17 process, such measures are not easy to place in operation. The members of many of the boards
18 in question are volunteers who will be participating from their individual homes or businesses
19 and will require training to do so effectively on a remote basis. Particularly in the case of design
20 review, many meetings involve substantial graphic materials such as plans, pictures, and
21 visualizations that are difficult to present electronically, particularly given the technological
22 limitations that may be faced by members of the public wishing to participate. Some meetings
23 involve large attendance, increasing the difficulty of designing processes that allow public input

1 in an orderly fashion. Finally, any virtual meeting process will require development of careful
2 instructions and outreach materials to educate the public on the technical aspects of using the
3 process, and preparing such materials will take time.

4 J. Even in the best of circumstances, virtual public meetings will proceed slower than in-
5 person meetings, reducing a board's capacity.

6 K. During the likely several-months-long period of time that it will take the City to create
7 the capacity for non-in-person public meetings by many of the boards involved in the land use
8 permitting process, the City faces the prospect of major disruptions in land use permitting unless
9 Seattle Municipal Code procedures are modified. As noted, public meetings are a required part
10 of the current process for many types of approval. For example, the Design Review Boards
11 involved in the "full" design review process under the City's Land Use Code hold meetings in a
12 given month involving approximately 20 major projects. The boards involved in historic
13 preservation matters process a wide range of matters, from nominations and designations of
14 landmarks, to certificates of approval for alterations and modifications to various structures.
15 Absent the ability of the various boards to hold public meetings, a large number of development
16 projects will become stalled in the development approval process.

17 L. The ability of projects to continue through the development approval process is critical
18 to the economic recovery of the City and region as the restrictions needed to combat the
19 pandemic are, hopefully, relaxed in coming months. When construction activity is able to
20 resume, it will be critical for permits to be ready to be issued, as opposed to being either stalled
21 or months behind in the permitting process.

22 M. The changes in this ordinance are designed to achieve that goal while still allowing
23 for public input in the permitting process. The ordinance shifts projects that are subject to full

1 design review (which requires meetings of the Design Review Board) to administrative design
2 review for the six-month duration of the ordinance or until such earlier time as the City has put in
3 operation a system for the Board to hold such meetings virtually or the Board is able to resume
4 meetings involving in-person contact. Administrative design review still involves opportunities
5 for public input, but the design review recommendation is made by the Director of the Seattle
6 Department of Construction and Inspections rather than by the Board.

7 N. Similarly, the ordinance suspends meetings of the Landmarks Preservation Board and
8 other boards involved with historic preservation to give the City time to set up virtual meetings.
9 However, to reduce the workload of these boards so that they can accommodate the likely slower
10 pace of virtual meetings, as well as to avoid interruption in the approval of comparatively minor
11 matters such as certain alterations to existing structures, the ordinance temporarily shifts to the
12 City's Historic Preservation Officer the authority to approve such matters.

13 O. The ordinance also provides an exemption from design review for certain affordable
14 housing projects, if they can file a building permit application in the next six months. The Office
15 of Housing is funding a number of affordable housing projects that will serve populations
16 particularly impacted by the COVID-19 pandemic, including seniors and people at risk of or
17 exiting homelessness, and that are far into the permitting process. These projects are currently
18 subject to administrative design review, which allows certain departures to be granted from
19 provisions of the Land Use Code. Exempting these projects from design review and allowing
20 limited departures to be granted outside of the design review process will shorten the time
21 required for these projects to complete the permitting process, advancing the date by which they
22 can be constructed, and the allowed departures seek to increase the number of affordable units
23 created. Finishing these projects as soon as possible and maximizing the ability of vulnerable

1 populations to access affordable housing is critical to the City’s recovery from the COVID-19
2 pandemic.

3 P. The City Council determines that the foregoing creates an emergency justifying
4 adoption of the ordinance without a pre-adoption public hearing and justifying making the
5 ordinance immediately effective. Holding a public hearing (with 30 days’ notice) and following
6 the normal rules for the ordinance becoming effective (e.g. after 30 days) would delay the
7 proposed changes for over two months. During that period, for the reasons discussed above, the
8 many projects whose approval requires public meetings that cannot now occur would face the
9 prospect of being stalled, or at a minimum delayed, in the permitting process. This would stymie
10 the City’s and region’s recovery from the COVID-19 emergency.

11 Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by
12 Ordinance 125603, is amended as follows:

13 **23.41.004 Applicability**

14 A. Design review required

15 1. Subject to the exemptions in subsection 23.41.004.B, design review is required
16 in the following areas or zones when development is proposed that exceeds a threshold in Table
17 A or Table B for 23.41.004:

- 18 a. Multifamily;
- 19 b. Commercial;
- 20 c. Seattle Mixed;
- 21 d. Downtown; and
- 22 e. Stadium Transition Area Overlay District as shown in Map A for

23 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

1 2. Subject to the exemptions in subsection 23.41.004.B, design review is required
2 in the following areas or zones when commercial or institution development is proposed that
3 exceeds a threshold in Table A or Table B for 23.41.004:

- 4 a. Industrial Buffer; and
- 5 b. Industrial Commercial.

6 3. The gross floor area of the following uses is not included in the total gross floor
7 area of a development for purposes of determining if a threshold is exceeded:

- 8 a. Religious facilities;
- 9 b. Elementary and secondary schools;
- 10 c. Uses associated with a Major Institution Master Plan (MIMP); or
- 11 d. Development of a major institution use within a Major Institution

12 Overlay (MIO) district.

13 4. Any development proposal participating in the Living Building Pilot Program
14 according to Section 23.40.060, regardless of size or site characteristics, is subject to full design
15 review according to Section 23.41.014.

16 5. Any development proposal, regardless of size or site characteristics, is subject
17 to the administrative design review process according to Section 23.41.016 if it receives public
18 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory
19 agreement, covenant or other legal instrument recorded on the property title and enforceable by
20 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King
21 County, U.S. Department of Housing and Urban Development, or other similar entity as
22 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy

1 2. Administrative design review. According to the applicable process described in
2 Section 23.41.016, administrative design review is optional for a development proposal that is
3 not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as
4 defined in Section 25.11.020, when the ability to depart from development standards may result
5 in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

6 D. Temporary provisions for shifting projects to administrative design review

7 1. The provisions of this subsection 23.41.004.D apply notwithstanding any
8 contrary provision of this Title 23.

9 2. The provisions of this subsection 23.41.004.D apply from the effective date of
10 this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the
11 date when the Department places in operation a system, consistent with applicable statutory
12 requirements, for holding meetings of the Design Review Board that do not involve in-person
13 contact; or (c) the date when the Design Review Board resumes meetings involving in-person
14 contact consistent with applicable statutory and public health requirements.

15 3. While the provisions of this subsection 23.41.004.D apply according to
16 subsection 23.41.004.D.2,

17 a. All projects that are subject to the full design review process according
18 to Section 23.41.014 shall, if the applicant elects, be processed through the administrative design
19 review process according to Section 23.41.016 if (i) a Design Review Board meeting for the
20 project has been cancelled due to the need to avoid in-person contact, or (ii) the project is
21 otherwise ready to be scheduled for a Design Review Board meeting but such a meeting cannot
22 be scheduled due to the need to avoid in-person contact and the lack of an operational system for
23 holding meetings of the Design Review Board that do not involve in-person contact.

1 b. If an applicant makes the election described in subsection
2 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not
3 completed under administrative design review, shall be shifted back to the full design review
4 process at the time set forth in subsection 23.41.004.D.2.

5 c. An applicant may make the election described in subsection
6 23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the
7 applicant's application vested according to Section 23.76.026.

8 E. Temporary provisions for affordable housing projects

9 1. Notwithstanding any contrary provision of Title 23, a project subject to
10 administrative design review according to subsection 23.41.004.A.5 [or a project in a Master](#)
11 [Planned Community zone that meets the requirements according to subsection 23.41.004.A.5](#)
12 shall be exempt from design review if the applicant files a complete building permit application
13 while this ordinance is in effect, except that the applicant may elect to have the project be subject
14 to design review notwithstanding the preceding exemption.

15 2. Requests for departures. If a project is exempt from design review according to
16 subsection 23.41.004.E.1, the Director may consider requests for departures from the following
17 development standards in Title 23:

18 a. Requirements for bike rooms and the quantity of bike parking;

19 b. Requirements for the size of parking spaces;

20 c. Requirements for overhead weather protection;

21 d. Requirements for façade openings, articulation, and modulation and art

22 on the facades of buildings but not including limitations on structure width;

1 2. All meetings of the Design Review Board shall be held in the evening in a
2 location that is accessible and conveniently located in the same design review district as the
3 proposed project, except that the East Board may meet in either the East or Central Area
4 district, except that the foregoing requirements of subsection 23.41.008.E.2 are suspended for
5 meetings that do not involve in-person contact according to subsection 23.41.004.D. Board
6 meetings are open to the general public. The actions of the Board are not quasi-judicial in
7 nature.

8 3. Design Review Board meetings are limited to the maximum number
9 described in Table B for 23.41.008.

| Table B for 23.41.008 | | |
|---|--------------------------------|------------------------|
| Maximum number of Design Review Board meetings for certain projects | | |
| Type of design review | Early design guidance meetings | Recommendation meeting |
| Full design review | 2 ^{1,2} | 1 ^{1,2} |
| Footnotes to Table B for 23.41.008 | | |
| ¹ There is no limit to the number of Board meetings when: The project lot is abutting or across the street from a lot in a single-family zone; The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. | | |
| ² The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4. | | |

10
11 4. The Director may require additional Design Review Board meetings above
12 the maximum established in subsection 23.41.008.E.3 if the Director determines the Design
13 Review Board needs additional time for deliberation and evaluation of a project due to the
14 size and complexity of the site or proposed development, the amount and content of public
15 comment, an applicant's insufficient response to previous Board direction, or at the applicant's
16 request. If the Design Review Board cannot complete a recommendation, it shall identify
17 reasons why another recommendation meeting is necessary.

* * *

Section 4. Subsection 23.41.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 125612, is amended as follows:

23.41.014 Full design review process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach plan. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, a high impact electronic or digital outreach methods from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its successor rule, that is not already being used to meet the electronic or digital outreach requirement, shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may be scheduled for an early design guidance meeting, to the extent such a meeting may be held according to subsection 23.41.004.D, notwithstanding a lack of in-person outreach.

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

1 b. Materials to demonstrate that each outreach method was conducted.

2 3. The purpose of the community outreach plan is to identify the outreach
3 methods an applicant will use to establish a dialogue with nearby communities early in the
4 development process in order to share information about the project, better understand the local
5 context, and hear community interests and concerns related to the project.

6 4. The Director may establish, by rule, what constitutes the community outreach
7 plan, and how compliance with the community outreach plan must be documented.

8 * * *

9 Section 5. Subsection 23.41.016.B of the Seattle Municipal Code, which section was last
10 amended by Ordinance 125429, is amended as follows:

11 **23.41.016 Administrative design review process**

12 * * *

13 B. Community outreach

14 1. Applicants shall prepare a community outreach. The outreach plan shall
15 include, at minimum, the following outreach methods: printed, electronic or digital, and in-
16 person; except that, while this ordinance is in effect, a high impact electronic or digital outreach
17 methods from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its
18 successor rule, that is not already being used to meet the electronic or digital outreach
19 requirement, shall satisfy the requirement for in-person outreach methods regardless of the
20 contents of an outreach plan, and a project may be scheduled for an early design guidance
21 meeting, to the extent such a meeting may be held according to subsection 23.41.004.D,
22 notwithstanding a lack of in-person outreach.

1 Section 7. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance
2 125429, is amended as follows:

3 **23.41.020 Master Planned Community design review process**

4 A. Scope. This Section 23.41.020 applies only to development proposals in Master
5 Planned Community zones that do not include a request for departures. If an application in a
6 Master Planned Community zone includes a request for departures, then the applicable design
7 review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, "highrise
8 structure" and "non-highrise structure" are as defined in Section 23.75.020. While subsection
9 23.41.004.D's provisions apply, design review for development proposals in a Master
10 Planned Community zone that include a request for departures shall be processed according to
11 the provisions of subsection 23.41.004.D, and design review for highrise structures that are
12 subject to this Section 23.41.020 shall be processed according to the provisions of Section
13 23.41.020 that apply to non-highrise structures.

14 * * *

15 Section 8. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance
16 124952, is amended as follows:

17 **23.49.036 Planned community developments (PCDs)**

18 A. Planned community developments (PCDs) may be permitted by the Director as a Type II
19 Land Use Decision pursuant to Chapter 23.76, Procedures for Master Use Permits and
20 Council Land Use Decisions.

21 B. Public benefit priorities. The Director shall determine public benefit priorities for the
22 PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall
23 include priorities for public benefits listed in subsection 23.49.036.F and priorities for

1 implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for
2 the area affected by the PCD, and a determination of whether the proposed PCD may use public
3 right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the
4 priorities are prepared, the Director shall cause a public meeting to be held to identify concerns
5 about the site and to receive public input into priorities for public benefits identified in adopted
6 neighborhood plans and subsection 23.49.036.F. Notice for the meeting shall be provided
7 pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into
8 account comments made at the public meeting or in writing to the Director, and the criteria in
9 this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who
10 provided addresses for this purpose at the public meeting, to those who sent in comments or
11 otherwise requested notification, and to the project proponent((-)) , except that, while this
12 ordinance is in effect, the following provisions shall apply in lieu of the requirement for a public
13 meeting:

14 1. Before the priorities are prepared, the applicant shall consult with the
15 Department of Neighborhoods to prepare a community outreach plan for conducting public
16 outreach to identify concerns about the site and receiving public input into priorities for public
17 benefits identified in adopted neighborhood plans and subsection 23.49.036.F;

18 2. Upon approval of the outreach plan by the Department of Neighborhoods, the
19 plan shall govern while this ordinance is in effect and the applicant shall submit to the Director
20 documentation of the public outreach conducted and a summary of public input received;

21 3. The Director shall prepare priorities for the PCD taking into account comments
22 made during public outreach or in writing to the Director, and the criteria in this Section
23 23.49.036; and

1 b. Notice of the board's public meeting shall be posted in two prominent
2 locations in the district at least three days prior to the meeting.

3 c. The board, after reviewing the application and considering the
4 information received at the public meeting, shall make a written recommendation to the
5 Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of
6 approval application based upon the consistency of the proposed action with the requirements of
7 this Chapter 23.66, the district use and development standards, and the purposes for creating the
8 district. The board shall make its recommendation within 30 days of the receipt of a completed
9 application by the board staff, except that the applicant may waive the deadlines in writing for
10 the special review board to make a recommendation or the Director of the Department of
11 Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or
12 issuance of related permits that are under review by the Seattle Department of Construction and
13 Inspections.

14 d. The Department of Neighborhoods Director shall, within 15 days of
15 receiving the board's recommendation, issue or deny a certificate of approval or issue an
16 approval with conditions.

17 e. A copy of the decision shall be sent to the Director and mailed to the
18 owner and the applicant at the addresses provided in the application. Notice of the decision shall
19 be provided to any person who, prior to the rendering of the decision, made a written request for
20 notice of the decision, or submitted substantive written comments on the application.

21 3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, while this
22 ordinance is in effect, applications for certificates of approval, whether pending or filed during

1 the foregoing period, for the following items shall be subject to the process in subsection
2 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

3 a. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
4 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and
5 gutters, or other similar mechanical, electrical, or telecommunication elements necessary for the
6 normal operation of the site, building, or structure.

7 b. Installation, removal, or alteration of exterior light fixtures, exterior security
8 lighting, and security system equipment.

9 c. Installation, removal, or alteration of exterior or interior signage.

10 d. Installation, removal, or alteration of awnings or canopies.

11 e. Alterations to storefront systems, if the proposed alterations are sympathetic to
12 and do not destroy historic building materials.

13 f. Alteration to interior or exterior paint colors and other finishes when painting a
14 previously painted or otherwise finished material.

15 g. Installation, removal, or alteration of the following landscape elements: shrubs;
16 perennials; annuals; and similar low-lying plantings.

17 h. Installation, removal, or alteration of the following site furnishings: benches;
18 movable tables and seating; movable planters; movable water features; trash/recycling
19 receptacles; and bike racks.

20 i. Right-of-way alterations, including but not limited to alterations to sidewalks,
21 curbs, and the roadway.

22 j. Installation of improvements for accessibility compliance.

1 k. Removal of trees more than 6 inches in diameter measured 4½ feet above the
2 ground, identified as a hazard by an International Society of Arboriculture (ISA)
3 Certified Arborist.

4 kl. Installation, removal, or alteration of fire and life safety equipment.

5 lm. Emergency repairs that are not already considered in-kind repair, if the
6 proposed replacement material used for the repair is compatible with the historic building fabric.

7 mn. Change of use, establishment of a new use, or expansion of use, if use is a
8 preferred use per Chapter 23.66 or applicable district rules.

9 n. The alteration of existing doors and windows, including changing a door to a
10 window or a window to a door, as long as the proposed alterations are sympathetic to and do not
11 destroy historic building materials.

12 o. Revisions to a previously approved Certificate of Approval, where the design
13 revisions are sympathetic to and do not destroy historic building materials.

14 p. In the Pioneer Square Special Review District, installation of a penthouse,
15 where the penthouse complies with the applicable Secretary of Interior Standard for
16 Rehabilitation and National Parks Service Preservation Brief 14.

17 4. A decision denying a certificate of approval shall state the specific reasons for
18 the denial and explain why the proposed changes are inconsistent with the requirements of this
19 Subchapter I and adopted use and development standards for the district.

20 * * *

21 Section 10. Section 23.79.002 of the Seattle Municipal Code, enacted by Ordinance
22 112539, is amended as follows:

23 **23.79.002 Initiation of development standard departure procedure.**

1 A. The Seattle School District may apply for development standard departure for public
2 school structures. Applications shall be made to the Director.

3 B. When demolition of residential structures is proposed, and the public school site
4 includes land acquired for public school use after the effective date of the amendatory ordinance
5 codified in this chapter, the Director shall initiate the process for development standard
6 departures and the School District shall be bound by the development standard departures which
7 are required in order to reduce demolition of residential structures.

8 C. Notwithstanding any contrary provision of this Chapter 23.79 or Title 23, while this
9 ordinance is in effect, the Director shall decide on applications for development standard
10 departures for public school structures, whether pending or filed during the foregoing period,
11 without the participation of or a recommendation by the Development Standard Advisory
12 Committee described in Section 23.79.004, and in lieu of a recommendation by the Development
13 Standard Advisory Committee, the Director of the Department of Neighborhoods shall make a
14 recommendation to the Director.

15 Section 11. Section 23.79.006 of the Seattle Municipal Code, last amended by Ordinance
16 123913, is amended as follows:

17 **23.79.006 Notice provided for development standard departure**

18 * * *

19 B. Notification of the application and formation of a Development Standard Advisory
20 Committee and the first meeting of the advisory committee, or of the review of an application by
21 the Department of Neighborhoods if applicable, shall be provided by the DON Director in the
22 following manner:

- 23 1. Mailed notice;

1 **25.12.080 Certificate of approval.**

2 "Certificate of approval" is written authorization which must be issued by the Board or City
3 Historic Preservation Officer, as applicable, before any alteration or significant change may be
4 made to the controlled features of a landmark or landmark site, or during the pendency of
5 designation proceedings, to a site, improvement or object after its nomination has been approved
6 by the Board for further proceedings. The term "certificate of approval" includes written
7 approval of a preliminary design of a project as well as its subsequent design phases as provided
8 for in Section 25.12.680 E.

9 Section 14. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance
10 124919, is amended as follows:

11 **25.12.320 Staff—Historic Preservation Officer**

12 The Director of the Department of Neighborhoods shall provide adequate staff support to the
13 Landmarks Preservation Board and shall assign a member of the Department's staff to act as
14 Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer
15 shall be the custodian of the Board's records, conduct official correspondence, assist in
16 organizing and supervising the Landmarks Preservation Board, organize and supervise the Board
17 staff and the clerical and technical work of the Board to the extent required to administer this
18 Chapter 25.12. In addition, the Historic Preservation Officer shall:

19 * * *

20 L. While this ordinance is in effect, be responsible for review and approval of
21 applications for certificates of approval for certain items as set forth in Title 25.

22 Section 15. Section 25.12.500 of the Seattle Municipal Code, last amended by Ordinance
23 118012, is amended as follows:

1 **25.12.500 Negotiations-Procedure and time requirements.**

2 A. The negotiation period may run for a maximum of seventy-five (75) days from the
3 date of service of the Board's report on designation on the owner. The negotiations shall
4 terminate if either party concludes that an impasse has been reached and so notifies the other
5 party in writing.

6 B. If the owner and the Board staff reach written agreement within the period allotted for
7 negotiation, the Board staff shall submit the agreement to the Board for approval at a Board
8 meeting to be held not later than thirty (30) days after the written agreement is signed by the
9 owner. Notice of such Board meeting shall be served on the owner and mailed to interested
10 persons of record at least fifteen (15) days prior to such meeting. Within five (5) working days
11 after such meeting the Board shall serve upon the owner, and mail to interested persons of
12 record, notice of its approval or disapproval of the agreement and specify the reasons therefor.

13 C. Notwithstanding any contrary provision in subsection 25.12.500.B or Title 25, while
14 this ordinance is in effect, if the owner and the Board staff reach written agreement within the
15 period allotted for negotiation, the City Historic Preservation Officer shall approve or disapprove
16 the agreement, without the need for action of the Board or a public meeting.

17 Section 16. Section 25.12.510 of the Seattle Municipal Code, enacted by Ordinance
18 106348, is amended as follows:

19 **25.12.510 Effect of Board approval of agreement.**

20 If the agreement on controls and incentives between the Board staff and owner is approved by
21 the Board or the City Historic Preservation Officer, as applicable, the Board or City Historic
22 Preservation Officer shall transmit the agreement to the Council with a request for Council action
23 pursuant to Sections 25.12.650 and 25.12.660.

1 Section 17. Section 25.12.680 of the Seattle Municipal Code, last amended by Ordinance
2 124949, is amended as follows:

3 **25.12.680 - Application for certificate of approval—Filing.**

4 A. Application for a certificate of approval shall be made by filing an application for
5 such certificate with the Board.

6 ***

7 F. A certificate of approval shall be valid for 18 months from the date of issuance of the
8 Board's decision granting it unless the Board grants an extension; provided however, that
9 certificates of approval for actions subject to permits issued by the Seattle Department of
10 Construction and Inspections shall be valid for the life of the permit issued by the Seattle
11 Department of Construction and Inspections, including any extensions granted by the Seattle
12 Department of Construction and Inspections in writing.

13 G. Notwithstanding any contrary provisions in Title 25, while this ordinance is in effect,
14 the City Historic Preservation Officer shall approve a final certificate of approval without action
15 of the Board, where the Board previously granted a preliminary design certificate and when the
16 proposed final design does not deviate from what was submitted and approved in the preliminary
17 design certificate of approval filed pursuant to this Section 25.12.680.

18 Section 17. Section 25.12.720 of the Seattle Municipal Code, last amended by Ordinance
19 118012, is amended as follows:

20 **25.12.720 Board meeting on certificate of approval.**

21 A. Within thirty (30) days after an application for a certificate of approval is determined
22 to be complete, the Board shall hold a meeting thereon and shall serve notice of the meeting on
23 the owner and the applicant not less than five (5) days before the date of the meeting. The

1 absence of the owner or the applicant from the meeting shall not impair the Board's authority to
2 make a decision on the application.

3 B. Notwithstanding any contrary provision in subsection 25.12.720.A or Title 25, while
4 this ordinance is in effect, applications for certificates of approval, whether pending or filed
5 during the foregoing period, for the following items shall be subject to administrative review and
6 approval by the City Historic Preservation Officer, without the need for action of the Board or a
7 public meeting but otherwise subject to the same approval criteria and procedures as would apply
8 to such an application if it were subject to Board review and approval:

9 1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
10 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and
11 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
12 normal operation of the site, building or structure.

13 2. Installation, removal, or alteration of exterior light fixtures, exterior security
14 lighting, and security system equipment.

15 3. Installation, removal, or alteration of exterior or interior signage.

16 4. Installation, removal, or alteration of awnings or canopies.

17 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
18 and do not destroy historic building materials.

19 6. Alteration to interior or exterior paint colors and other finishes when painting a
20 previously painted or otherwise finished material.

21 7. Installation, removal, or alteration of the following landscape elements: shrubs;
22 perennials; annuals; and similar low-lying plantings.

1 8. Installation, removal, or alteration of the following site furnishings: benches;
2 movable tables and seating; movable planters; movable water features; trash/recycling
3 receptacles; and bike racks.

4 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
5 curbs, and the roadway.

6 10. Installation of improvements for accessibility compliance.

7 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
8 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
9 ~~Certified Arborist.~~

10 ~~1211. Installation, removal, or alteration of fire and life safety equipment.~~

11 ~~1312. Emergency repairs that are not already considered in-kind repair, if the~~
12 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

13 ~~13. The alteration of existing doors and windows, including changing a door to a~~
14 ~~window or a window to a door, as long as the proposed alterations are sympathetic to and do not~~
15 ~~destroy historic building materials.~~

16 14. Revisions to a previously approved Certificate of Approval, where the design
17 revisions are sympathetic to and do not destroy historic building materials.

18 ~~15. Approval of a final certificate of approval when the Board previously granted~~
19 ~~a preliminary design certificate of approval and when the proposed final design does not deviate~~
20 ~~from what was submitted and approved in the preliminary design certificate of approval.~~

21
22 Section 18. Section 25.12.735 of the Seattle Municipal Code, enacted by Ordinance
23 125429, is amended as follows:

1 **25.12.735 Development standards departures**

2 A. An applicant seeking a certificate of approval for new multifamily, commercial or
3 major institution development, that is not otherwise subject to design review pursuant to Section
4 23.41.004, may also seek land use code departures from the Landmarks Preservation Board, or
5 the applicable Landmark District Board or Historical Commission. A Landmarks Preservation
6 Board, or the applicable Landmark District Board or Historical Commission, may recommend
7 granting a departure where an applicant demonstrates the departure would result in a
8 development that better meets the requirements of Chapter 25.12, the use and development
9 standards for the district, and the purpose for creating the district; except that while this
10 ordinance is in effect, the recommendation on applications for departures shall be made by the
11 City Historic Preservation Officer, without the need for action of a board or commission or a
12 public meeting.

13 B. Departures may be granted from any Land Use Code standard or requirement, except
14 for the standards or requirements described in subsection 23.41.012.B.

15 C. The Landmarks Preservation Board, or the applicable Landmark District Board or
16 Historical Commission, or the City Historic Preservation Officer if applicable, shall recommend,
17 in writing, to the Director of the Seattle Department of Construction and Inspections whether to
18 approve, or deny any departure.

19 D. Departures authorized by this Section 25.12.735 do not limit the approval of waivers
20 or modifications of development standards permitted by other provisions of the Seattle
21 Municipal Code.

22 E. The Director of the Department of Neighborhoods, in coordination with the Director
23 of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for

1 a Landmarks Preservation Board, or the applicable Landmark District Board or Historical
2 Commission, to review and prepare a recommendation on whether to approve or deny any
3 requested departure.

4 Section 19. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance
5 124919, is amended as follows:

6 **25.16.100 - Certificate of approval—Issuance or denial.**

7 * * *

8 C. A certificate of approval shall be valid for 18 months from the date of issuance of the
9 decision granting it unless the Director of the Department of Neighborhoods grants an extension
10 in writing; provided however, that certificates of approval for actions subject to permits issued
11 by the Seattle Department of Construction and Inspections shall be valid for the life of the
12 permit, including any extensions granted in writing by the Seattle Department of Construction
13 and Inspections.

14 D. Notwithstanding any contrary provision in subsection 25.16.100.A or Title 25, while
15 this ordinance is in effect, applications for certificates of approval, whether pending or filed
16 during the foregoing period, for the following items shall be subject to administrative review and
17 approval by the City Historic Preservation Officer, without the need for action of the Board or a
18 public meeting but otherwise subject to the same approval criteria and procedures as would apply
19 to such an application if it were subject to Board review and approval:

20 1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
21 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and
22 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
23 normal operation of the site, building or structure.

1 2. Installation, removal, or alteration of exterior light fixtures, exterior security
2 lighting, and security system equipment.

3 3. Installation, removal, or alteration of exterior or interior signage.

4 4. Installation, removal, or alteration of awnings or canopies.

5 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
6 and do not destroy historic building materials.

7 6. Alteration to interior or exterior paint colors and other finishes when painting a
8 previously painted or otherwise finished material.

9 7. Installation, removal, or alteration of the following landscape elements: shrubs;
10 perennials; annuals; and similar low-lying plantings.

11 8. Installation, removal, or alteration of the following site furnishings: benches;
12 movable tables and seating; movable planters; movable water features; trash/recycling
13 receptacles; and bike racks.

14 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
15 curbs, and the roadway.

16 10. Installation of improvements for accessibility compliance.

17 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
18 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
19 ~~Certified Arborist.~~

20 ~~1211. Installation, removal, or alteration of fire and life safety equipment.~~

21 ~~1312. Emergency repairs that are not already considered in-kind repair, if the~~
22 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

23

1 13. The alteration of existing doors and windows, including changing a door to a
2 window or a window to a door, as long as the proposed alterations are sympathetic to and do not
3 destroy historic building materials.

4 14. Revisions to a previously approved Certificate of Approval, where the design
5 revisions are sympathetic to and do not destroy historic building materials.

6 15. Approval of a final certificate of approval when the Board previously granted
7 a preliminary design certificate of approval and when the proposed final design does not deviate
8 from what was submitted and approved in the preliminary design certificate of approval.

9 Section 20. Section 25.20.090 of the Seattle Municipal Code, last amended by Ordinance
10 118012, is amended as follows:

11 **25.20.090 - Board meeting on certificate of approval.**

12 * * *

13 B. In reviewing applications, the Application Review Committee and the Landmarks
14 Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2)
15 the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this
16 chapter; (4) the properties' historical and architectural value and significance; (5) the properties'
17 architectural style and general design; (6) the arrangement, texture, material and color of the
18 building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship
19 of such features to similar features of other buildings within the Columbia City Landmark
20 District; and (8) the position of such buildings or structures in relation to the street or public way
21 and to other buildings and structures.

22 C. Notwithstanding any contrary provision in subsection 25.20.090.A or Title 25, while
23 this ordinance is in effect, applications for certificates of approval, whether pending or filed

1 during the foregoing period, for the following items shall be subject to administrative review and
2 approval by the City Historic Preservation Officer, without the need for action of the Board or a
3 public meeting but otherwise subject to the same approval criteria and procedures as would apply
4 to such an application if it were subject to Board review and approval:

5 1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
6 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and
7 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
8 normal operation of the site, building or structure.

9 2. Installation, removal, or alteration of exterior light fixtures, exterior security
10 lighting, and security system equipment.

11 3. Installation, removal, or alteration of exterior or interior signage.

12 4. Installation, removal, or alteration of awnings or canopies.

13 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
14 and do not destroy historic building materials.

15 6. Alteration to interior or exterior paint colors and other finishes when painting a
16 previously painted or otherwise finished material.

17 7. Installation, removal, or alteration of the following landscape elements: shrubs;
18 perennials; annuals; and similar low-lying plantings.

19 8. Installation, removal, or alteration of the following site furnishings: benches;
20 movable tables and seating; movable planters; movable water features; trash/recycling
21 receptacles; and bike racks.

22 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
23 curbs, and the roadway.

1 or landscape type and general design; (6) the arrangement, texture, material and color of the
2 building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship
3 of such features to similar features within the Fort Lawton Landmark District; and (8) the
4 position of such buildings, structures or landscape elements in relation to public property and to
5 other buildings, structures and landscape elements.

6 C. Notwithstanding any contrary provision in subsection 25.21.110.A or Title 25, while
7 this ordinance is in effect, applications for certificates of approval, whether pending or filed
8 during the foregoing period, for the following items shall be subject to administrative review and
9 approval by the City Historic Preservation Officer, without the need for action of the Board or a
10 public meeting but otherwise subject to the same approval criteria and procedures as would apply
11 to such an application if it were subject to Board review and approval:

12 1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
13 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and
14 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
15 normal operation of the site, building or structure.

16 2. Installation, removal, or alteration of exterior light fixtures, exterior security
17 lighting, and security system equipment.

18 3. Installation, removal, or alteration of exterior or interior signage.

19 4. Installation, removal, or alteration of awnings or canopies.

20 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
21 and do not destroy historic building materials.

22 6. Alteration to interior or exterior paint colors and other finishes when painting a
23 previously painted or otherwise finished material.

1 7. Installation, removal, or alteration of the following landscape elements: shrubs;
2 perennials; annuals; and similar low-lying plantings.

3 8. Installation, removal, or alteration of the following site furnishings: benches;
4 movable tables and seating; movable planters; movable water features; trash/recycling
5 receptacles; and bike racks.

6 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
7 curbs, and the roadway.

8 10. Installation of improvements for accessibility compliance.

9 11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the
10 ground, identified as a hazard by an International Society of Arboriculture (ISA)
11 Certified Arborist.

12 1211. Installation, removal, or alteration of fire and life safety equipment.

13 1312. Emergency repairs that are not already considered in-kind repair, if the
14 proposed replacement material used for the repair is compatible with the historic building fabric.

15 13. The alteration of existing doors and windows, including changing a door to a
16 window or a window to a door, as long as the proposed alterations are sympathetic to and do not
17 destroy historic building materials.

18 14. Revisions to a previously approved Certificate of Approval, where the design
19 revisions are sympathetic to and do not destroy historic building materials.

20 15. Approval of a final certificate of approval when the Board previously granted
21 a preliminary design certificate of approval and when the proposed final design does not deviate
22 from what was submitted and approved in the preliminary design certificate of approval.

1 Section 22. Section 25.22.110 of the Seattle Municipal Code, last amended by Ordinance
2 118012, is amended as follows:

3 **25.22.110 - Board meeting on certificate of approval.**

4 * * *

5 B. In reviewing applications or appeals of decisions of the Board, the Application Review
6 Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the
7 purposes of this chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3)
8 guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural or
9 landscape value and significance; (5) the properties' architectural or landscape type and general
10 design; (6) the arrangement, texture, material and color of the building or structure in question,
11 and its appurtenant fixtures, including signs; (7) the relationship of such features to similar
12 features within the Harvard-Belmont Landmark District; and (8) the position of such buildings,
13 structures or landscape elements in relation to the street or public way and to other buildings,
14 structures and landscape elements.

15 C. Notwithstanding any contrary provision in subsection 25.22.110.A or Title 25, while
16 this ordinance is in effect, applications for certificates of approval, whether pending or filed
17 during the foregoing period, for the following items shall be subject to administrative review and
18 approval by the City Historic Preservation Officer, without the need for action of the Board or a
19 public meeting but otherwise subject to the same approval criteria and procedures as would apply
20 to such an application if it were subject to Board review and approval:

21 1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
22 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and

1 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
2 normal operation of the site, building or structure.

3 2. Installation, removal, or alteration of exterior light fixtures, exterior security
4 lighting, and security system equipment.

5 3. Installation, removal, or alteration of exterior or interior signage.

6 4. Installation, removal, or alteration of awnings or canopies.

7 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
8 and do not destroy historic building materials.

9 6. Alteration to interior or exterior paint colors and other finishes when painting a
10 previously painted or otherwise finished material.

11 7. Installation, removal, or alteration of the following landscape elements: shrubs;
12 perennials; annuals; and similar low-lying plantings.

13 8. Installation, removal, or alteration of the following site furnishings: benches;
14 movable tables and seating; movable planters; movable water features; trash/recycling
15 receptacles; and bike racks.

16 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
17 curbs, and the roadway.

18 10. Installation of improvements for accessibility compliance.

19 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
20 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
21 ~~Certified Arborist.~~

22 1211. Installation, removal, or alteration of fire and life safety equipment.

1 C. Notwithstanding any contrary provision in subsection 25.24.070.A or Title 25, while
2 this ordinance is in effect, applications for certificates of approval, whether pending or filed
3 during the foregoing period, for the following items shall be subject to administrative review and
4 approval by the City Historic Preservation Officer, without the need for action of the
5 Commission or a public meeting but otherwise subject to the same approval criteria and
6 procedures as would apply to such an application if it were subject to Commission review and
7 approval:

8 1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC
9 vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and
10 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
11 normal operation of the site, building or structure.

12 2. Installation, removal, or alteration of exterior light fixtures, exterior security
13 lighting, and security system equipment.

14 3. Installation, removal, or alteration of exterior or interior signage.

15 4. Installation, removal, or alteration of awnings or canopies.

16 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
17 and do not destroy historic building materials.

18 6. Alteration to interior or exterior paint colors and other finishes when painting a
19 previously painted or otherwise finished material.

20 7. Installation, removal, or alteration of the following landscape elements: shrubs;
21 perennials; annuals; and similar low-lying plantings.

1 8. Installation, removal, or alteration of the following site furnishings: benches;
2 movable tables and seating; movable planters; movable water features; trash/recycling
3 receptacles; and bike racks.

4 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
5 curbs, and the roadway.

6 10. Installation of improvements for accessibility compliance.

7 ~~11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the~~
8 ~~ground, identified as a hazard by an International Society of Arboriculture (ISA)~~
9 ~~Certified Arborist.~~

10 ~~1211. Installation, removal, or alteration of fire and life safety equipment.~~

11 ~~1312. Emergency repairs that are not already considered in-kind repair, if the~~
12 ~~proposed replacement material used for the repair is compatible with the historic building fabric.~~

13 ~~13. The alteration of existing doors and windows, including changing a door to a~~
14 ~~window or a window to a door, as long as the proposed alterations are sympathetic to and do not~~
15 ~~destroy historic building materials.~~

16 14. Revisions to a previously approved Certificate of Approval, where the design
17 revisions are sympathetic to and do not destroy historic building materials.

18 ~~15. Approval of a final certificate of approval when the Board previously granted~~
19 ~~a preliminary design certificate of approval and when the proposed final design does not deviate~~
20 ~~from what was submitted and approved in the preliminary design certificate of approval.~~

21 Section 24. Section 25.30.090 of the Seattle Municipal Code, enacted by Ordinance
22 124850, is amended as follows:

23 **25.30.090 Board meeting on certificate of approval**

* * *

B. In reviewing applications or appeals of decisions of the Board, the Board and the Hearing Examiner shall consider:

1. The purposes of this chapter;
2. The criteria specified in Section 25.30.040;
3. Guidelines promulgated pursuant to this Chapter 25.30;
4. The properties' historical and architectural or landscape value and significance;
5. The properties' architectural or landscape type and general design;
6. The arrangement, texture, material, and color of the building or structure in question, and its appurtenant fixtures, including signs;
7. The relationship of such features to similar features within the Sand Point Naval Air Station Landmark District; and
8. The position of such buildings, structures, or landscape elements in relation to public property and to other buildings, structures, and landscape elements.

C. Notwithstanding any contrary provision in subsection 25.30.090.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and

1 gutters, or other similar mechanical, electrical or telecommunication elements necessary for the
2 normal operation of the site, building or structure.

3 2. Installation, removal, or alteration of exterior light fixtures, exterior security
4 lighting, and security system equipment.

5 3. Installation, removal, or alteration of exterior or interior signage.

6 4. Installation, removal, or alteration of awnings or canopies.

7 5. Alterations to storefront systems, if the proposed alterations are sympathetic to
8 and do not destroy historic building materials.

9 6. Alteration to interior or exterior paint colors and other finishes when painting a
10 previously painted or otherwise finished material.

11 7. Installation, removal, or alteration of the following landscape elements: shrubs;
12 perennials; annuals; and similar low-lying plantings.

13 8. Installation, removal, or alteration of the following site furnishings: benches;
14 movable tables and seating; movable planters; movable water features; trash/recycling
15 receptacles; and bike racks.

16 9. Rights-of-way alterations, including but not limited to alterations to sidewalks,
17 curbs, and the roadway.

18 10. Installation of improvements for accessibility compliance.

19 11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the
20 ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified
21 Arborist.

22 1211. Installation, removal, or alteration of fire and life safety equipment.

1 1312. Emergency repairs that are not already considered in-kind repair, if the
2 proposed replacement material used for the repair is compatible with the historic building
3 fabric.

4 13. The alteration of existing doors and windows, including changing a door to a
5 window or a window to a door, as long as the proposed alterations are sympathetic to and do not
6 destroy historic building materials.

7 14. Revisions to a previously approved Certificate of Approval, where the design
8 revisions are sympathetic to and do not destroy historic building materials.

9 15. Approval of a final certificate of approval when the Board previously granted
10 a preliminary design certificate of approval and when the proposed final design does not deviate
11 from what was submitted and approved in the preliminary design certificate of approval.

12 Section 25. All public meetings of the Landmarks Preservation Board provided for in
13 Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle
14 Municipal Code are suspended for 60 days.

15 Section 26. All public meetings provided for in Sections and subsections 23.66.030.D.2,
16 23.69.032, 23.76.015, 23.78.010, 23.79.008, 25.16.100, 25.20.090.A, 25.21.110.A, 25.22.110.A,
17 25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended for 60 days.

18 Section 27. The time periods provided for in Sections and subsections 23.66.030.D.2,
19 23.79.008.D, 25.12.730, 25.16.100.A, 25.20.090.A, 25.20.100.A, 25.21.110.A, 25.21.120,
20 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal Code
21 are suspended and tolled for 60 days.

22 Section 28. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and
23 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may

1 proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of
2 an event to occur, are suspended for 60 days and any time limit leading to automatic approval or
3 termination under those provisions is tolled for 60 days.

4 Section 29. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within
5 60 days of adoption of this ordinance to take public testimony and consider adopting further
6 findings.

7 Section 30. This ordinance shall be automatically repealed without subsequent Council
8 action 180 days after it becomes effective.

9 Section 31. Based on the findings of fact set forth in Section 1 of this ordinance, the
10 Council finds and declares that this ordinance is a public emergency ordinance, which shall take
11 effect immediately and is necessary for the protection of the public health, safety, and welfare.

12 Section 32. The Council requests that the Seattle Department of Construction and
13 Inspections and the Office of Labor Standards, in consultation with Public Health – Seattle and
14 King County, investigate the feasibility of promulgating a rule establishing construction industry
15 workplace safety standards to mitigate the risk of COVID-19 transmission. Any draft rule
16 should be informed by best practices identified by the Washington State Building and
17 Construction Trades Council.

18 Section 33. The Council requests that the Seattle Department of Construction and
19 Inspections report to the Council 60 days after the effective date of this ordinance on progress
20 towards implementing virtual meetings that meet the minimum requirements of the Governor’s
21 Proclamation 20-28 and any future proclamation addressing the requirements of the Open Public
22 Meetings Act during the state of emergency.

1 Section ~~3234~~³²³⁴. By reason of the findings set out in this ordinance, and the emergency that
2 is declared to exist, this ordinance shall become effective immediately upon a passage by a 3/4
3 vote of the Council, and its approval by the Mayor, as provided in Article IV, subsection 1.I of
4 the Charter of the City.

5 Passed by a 3/4 vote of all the members of the City Council the _____ day of
6 _____, 2020, and signed by me in open session in authentication of its
7 passage this _____ day of _____, 2020.

8 _____
9 President _____ of the City Council

10 Approved by me this _____ day of _____, 2020.

11 _____
12 Jenny A. Durkan, Mayor

13 Filed by me this _____ day of _____, 2020.

14 _____
15 Monica Martinez Simmons, City Clerk

16 (Seal)

Amendment 1 to CB 119769 – Allow applicants who elect administrative design review, under limited circumstances for the 180-day duration of the ordinance, to continue administrative review after virtual or in-person meetings resume.

Sponsor: Mosqueda

This amendment would allow applicants who would normally be subject to full design review and elect administrative design review under the temporary provisions of the bill to continue in administrative design review for the 180-day duration of the ordinance after virtual design review meetings are available or after design review boards resume meeting in-person if (1) the project has completed early design guidance or (2) the SDCI Director determines that a return to full design review would cause the project not to meet Code required timeframes for Master Use Permit review. Changes are shown in [track changes](#).

Amend Section 2 as follows:

Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.41.004 Applicability

D. Temporary provisions for shifting projects to administrative design review

1. The provisions of this subsection 23.41.004.D apply notwithstanding any contrary provision of this Title 23.

2. The provisions of this subsection 23.41.004.D apply from the effective date of this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the date when the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Design Review Board that do not involve in-person contact; or (c) the date when the Design Review Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

3. While the provisions of this subsection 23.41.004.D apply according to subsection 23.41.004.D.2,

a. All projects that are subject to the full design review process according to Section 23.41.014 shall, if the applicant elects, be processed through the administrative design

Amendment 1 to CB 119769 – Allow applicants who elect administrative design review, under limited circumstances for the 180-day duration of the ordinance, to continue administrative review after virtual or in-person meetings resume.

Sponsor: Mosqueda

This amendment would allow applicants who would normally be subject to full design review and elect administrative design review under the temporary provisions of the bill to continue in administrative design review for the 180-day duration of the ordinance after virtual design review meetings are available or after design review boards resume meeting in-person if (1) the project has completed early design guidance or (2) the SDCI Director determines that a return to full design review would cause the project not to meet Code required timeframes for Master Use Permit review. Changes are shown in track changes.

review process according to Section 23.41.016 if (i) a Design Review Board meeting for the project has been cancelled due to the need to avoid in-person contact, or (ii) the project is otherwise ready to be scheduled for a Design Review Board meeting but such a meeting cannot be scheduled due to the need to avoid in-person contact and the lack of an operational system for holding meetings of the Design Review Board that do not involve in-person contact.

b. If an applicant makes the election described in subsection 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not completed under administrative design review, shall be shifted back to the full design review process at the time set forth in subsection 23.41.004.D.2-, except that an applicant may elect to have its project continue in administrative design review through the entire period this ordinance is effective, notwithstanding that the Design Review Board has started holding meetings as described in subsections 23.41.004.D.2.b or 23.41.004.D.2.c, if:

i. The project has completed early design guidance under administrative design review prior to the Design Review Board starting to hold meetings as described in subsections 23.41.004.D.2.b or 23.41.004.D.2.c, or

ii. The Director determines that a return to full design review would preclude review from being completed in the time required by Section 23.76.005.

Amendment 1 to CB 119769 – Allow applicants who elect administrative design review, under limited circumstances for the 180-day duration of the ordinance, to continue administrative review after virtual or in-person meetings resume.

Sponsor: Mosqueda

This amendment would allow applicants who would normally be subject to full design review and elect administrative design review under the temporary provisions of the bill to continue in administrative design review for the 180-day duration of the ordinance after virtual design review meetings are available or after design review boards resume meeting in-person if (1) the project has completed early design guidance or (2) the SDCI Director determines that a return to full design review would cause the project not to meet Code required timeframes for Master Use Permit review. Changes are shown in [track changes](#).

c. An applicant may make the election described in subsection

23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the applicant's application vested according to Section 23.76.026.

Amendment 1 to CB 119769 – Delete proposed amendment temporarily exempting affordable housing projects from Design Review.

Sponsor: Herbold

This amendment would delete the proposed provision that would exempt affordable housing projects meeting certain requirements from design review. Affordable housing projects are currently subject to administrative design review, which do not require in-person meetings. Changes are shown in [track changes](#).

Amend Sections 1 and 2 as follows:

Section 1. The City Council finds and declares that:

~~O. The ordinance also provides an exemption from design review for certain affordable housing projects, if they can file a building permit application in the next six months. The Office of Housing is funding a number of affordable housing projects that will serve populations particularly impacted by the COVID-19 pandemic, including seniors and people at risk of or exiting homelessness, and that are far into the permitting process. These projects are currently subject to administrative design review, which allows certain departures to be granted from provisions of the Land Use Code. Exempting these projects from design review and allowing limited departures to be granted outside of the design review process will shorten the time required for these projects to complete the permitting process, advancing the date by which they can be constructed, and the allowed departures seek to increase the number of affordable units created. Finishing these projects as soon as possible and maximizing the ability of vulnerable populations to access affordable housing is critical to the City's recovery from the COVID-19 pandemic.~~

[Reletter Section 1]

Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

Amendment 1 to CB 119769 – Delete proposed amendment temporarily exempting affordable housing projects from Design Review.

Sponsor: Herbold

This amendment would delete the proposed provision that would exempt affordable housing projects meeting certain requirements from design review. Affordable housing projects are currently subject to administrative design review, which do not require in-person meetings. Changes are shown in [track changes](#).

23.41.004 Applicability

E. Temporary provisions for affordable housing projects

~~1. Notwithstanding any contrary provision of Title 23, a project subject to administrative design review according to subsection 23.41.004.A.5 shall be exempt from design review if the applicant files a complete building permit application while this ordinance is in effect, except that the applicant may elect to have the project be subject to design review notwithstanding the preceding exemption.~~

~~2. Requests for departures. If a project is exempt from design review according to subsection 23.41.004.E.1, the Director may consider requests for departures from the following development standards in Title 23:~~

~~a. Requirements for bike rooms and the quantity of bike parking;~~

~~b. Requirements for the size of parking spaces;~~

~~c. Requirements for overhead weather protection;~~

~~d. Requirements for façade openings, articulation, and modulation and art on the facades of buildings but not including limitations on structure width;~~

~~e. Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities but not including any required outdoor open space;~~

Amendment 1 to CB 119769 – Delete proposed amendment temporarily exempting affordable housing projects from Design Review.

Sponsor: Herbold

This amendment would delete the proposed provision that would exempt affordable housing projects meeting certain requirements from design review. Affordable housing projects are currently subject to administrative design review, which do not require in-person meetings. Changes are shown in [track changes](#).

~~f. Requirements related to residential uses, transparency, blank facades, and floor to floor height at street level, except as otherwise limited in subsection 23.41.012.B; and~~

~~g. Other similar standards as determined by the Director, not including those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not affect the size of the building envelope.~~

~~3. Departures decision. Requests for departures according to subsection 23.41.004.E.2 shall be evaluated by the Director, in consultation with the Office of Housing, in light of the particular population designed to be served by the project, and may be granted by the Director as a Type I decision if the departure would not impact the overall height, bulk, and scale of the proposed building and would result in additional housing units meeting the standards of subsection 23.41.004.A.5 being constructed.~~

Amendment 6 to CB 119769 – Authorize the Historic Preservation Officer to negotiate controls and incentives agreements prior to designation of a landmark.

Sponsors: Herbold and Strauss

This amendment would add a new section 15 to the bill to provide a limited authorization to the Historic Preservation Officer (HPO) to negotiate controls and incentives agreements prior to the Landmarks Preservation Board’s consideration of a landmark designation at a property owner’s request. Changes to the Seattle Municipal Code are shown in track changes.

1. Add a new Section 15 to Council Bill (CB) 119769, with amendments to Seattle Municipal

Code Section 25.12.490 as follows:

Section 15. Section 25.12.490 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

25.12.490 Negotiation with owner.

A. Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence negotiations with the owner on the application of controls and incentives to the site, improvement, or object, regarding the specific features or characteristics identified in the Board's report on designation. If within fifteen (15) days of the commencement of the negotiation period, the owner fails to participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

B. While this ordinance is in effect, for a site, improvement, or object that has been nominated and the designation meeting for which has been cancelled for public health reasons, the Board staff may, at the owner’s request, commence negotiations with the owner on the application of controls and incentives to the site, improvement, or object, regarding specific features or characteristics identified in the Board’s report on nomination. The question of

Amendment 6 to CB 119769 – Authorize the Historic Preservation Officer to negotiate controls and incentives agreements prior to designation of a landmark.

Sponsors: Herbold and Strauss

This amendment would add a new section 15 to the bill to provide a limited authorization to the Historic Preservation Officer (HPO) to negotiate controls and incentives agreements prior to the Landmarks Preservation Board’s consideration of a landmark designation at a property owner’s request. Changes to the Seattle Municipal Code are shown in track changes.

whether to designate such a site, improvement or object shall be referred to the next meeting of the Board.

2. Renumber sections 15 of CB 119769 and following, as appropriate.

Amendment 2 to CB 119769 – Reduce the term of the legislation from 6 to 2 months.

Sponsor: Herbold

This amendment would reduce the term of the temporary changes made by the bill from six months to two months. Changes are shown in [track changes](#).

Amend Sections 1, 2 and 30, as follows:

Section 1. The City Council finds and declares that:

M. The changes in this ordinance are designed to achieve that goal while still allowing for public input in the permitting process. The ordinance shifts projects that are subject to full design review (which requires meetings of the Design Review Board) to administrative design review for the ~~six~~ [two](#)-month duration of the ordinance or until such earlier time as the City has put in operation a system for the Board to hold such meetings virtually or the Board is able to resume meetings involving in-person contact. Administrative design review still involves opportunities for public input, but the design review recommendation is made by the Director of the Seattle Department of Construction and Inspections rather than by the Board.

O. The ordinance also provides an exemption from design review for certain affordable housing projects, if they can file a building permit application in the next ~~six~~ [two](#) months. The Office of Housing is funding a number of affordable housing projects that will serve populations particularly impacted by the COVID-19 pandemic, including seniors and people at risk of or exiting homelessness, and that are far into the permitting process. These projects are currently subject to administrative design review, which allows certain departures to be granted from provisions of the Land Use Code. Exempting these projects from design review and allowing limited departures to be granted outside of the design review process will shorten the time required for these projects to complete the permitting process, advancing the date by which they can be constructed, and the allowed departures seek to increase the number of affordable units

Amendment 2 to CB 119769 – Reduce the term of the legislation from 6 to 2 months.

Sponsor: Herbold

This amendment would reduce the term of the temporary changes made by the bill from six months to two months. Changes are shown in [track changes](#).

created. Finishing these projects as soon as possible and maximizing the ability of vulnerable populations to access affordable housing is critical to the City’s recovery from the COVID-19 pandemic.

Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.41.004 Applicability

D. Temporary provisions for shifting projects to administrative design review

1. The provisions of this subsection 23.41.004.D apply notwithstanding any contrary provision of this Title 23.

2. The provisions of this subsection 23.41.004.D apply from the effective date of this ordinance until the earlier of: (a) ~~180-60~~ days after the effective date of this ordinance; (b) the date when the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Design Review Board that do not involve in-person contact; or (c) the date when the Design Review Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

3. While the provisions of this subsection 23.41.004.D apply according to subsection 23.41.004.D.2,

a. All projects that are subject to the full design review process according to Section 23.41.014 shall, if the applicant elects, be processed through the administrative design review process according to Section 23.41.016 if (i) a Design Review Board meeting for the

Amendment 2 to CB 119769 – Reduce the term of the legislation from 6 to 2 months.

Sponsor: Herbold

This amendment would reduce the term of the temporary changes made by the bill from six months to two months. Changes are shown in [track changes](#).

project has been cancelled due to the need to avoid in-person contact, or (ii) the project is otherwise ready to be scheduled for a Design Review Board meeting but such a meeting cannot be scheduled due to the need to avoid in-person contact and the lack of an operational system for holding meetings of the Design Review Board that do not involve in-person contact.

b. If an applicant makes the election described in subsection 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not completed under administrative design review, shall be shifted back to the full design review process at the time set forth in subsection 23.41.004.D.2.

c. An applicant may make the election described in subsection 23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the applicant's application vested according to Section 23.76.026.

Section 30. This ordinance shall be automatically repealed without subsequent Council action ~~180-60~~ days after it becomes effective.

Amendment 3 to CB 119769 – Modify the suspension of meetings of the Landmarks Board and other regulatory review bodies.

Sponsor: Herbold

This amendment would modify the suspension of meetings of the Landmarks Board and other regulatory review bodies from 60-days to the earlier of (a) 60-days, (b) when virtual meetings are possible, or (c) when in-person meetings resume. Changes are shown in [track changes](#).

Amend Sections 25 - 28 as follows:

Section 25. All public meetings of the Landmarks Preservation Board provided for in Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle Municipal Code are suspended ~~for~~[until the earlier of \(a\) 60 days after the effective date of this ordinance; \(b\) the date the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Landmarks Preservation Board that do not involve in-person contact; or \(c\) the date when the Landmarks Preservation Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.](#)

Section 26. All public meetings provided for in Sections and subsections 23.66.030.D.2, 23.69.032, 23.76.015, 23.78.010, 23.79.008, 25.16.100, 25.20.090.A, 25.21.110.A, 25.22.110.A, 25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended for 60 days [after the effective date of this ordinance; \(b\) the date the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Landmarks Preservation Board that do not involve in-person contact; or \(c\) the date when the Landmarks Preservation Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.](#)

Section 27. The time periods provided for in Sections and subsections 23.66.030.D.2, 23.79.008.D, 25.12.730, 25.16.100.A, 25.20.090.A, 25.20.100.A, 25.21.110.A, 25.21.120, 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal Code

Amendment 3 to CB 119769 – Modify the suspension of meetings of the Landmarks Board and other regulatory review bodies.

Sponsor: Herbold

This amendment would modify the suspension of meetings of the Landmarks Board and other regulatory review bodies from 60-days to the earlier of (a) 60-days, (b) when virtual meetings are possible, or (c) when in-person meetings resume. Changes are shown in [track changes](#).

~~are suspended and tolled for 60 days, to the extent those periods are linked to public meetings suspended according to sections 25 and 26 of this ordinance or to actions that depend on the occurrence of such public meetings, are suspended and tolled for the period of time during which those meetings are suspended according to sections 25 and 26 of this ordinance.~~

Section 28. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of an event to occur, ~~are suspended for 60 days and any time limit leading to automatic approval or termination under those provisions is tolled for 60 days~~ are suspended for the period of time during which any meeting relevant to the matter in question is suspended according to sections 25 and 26 of this ordinance and any time limit leading to automatic approval or termination under those provisions is tolled for the period of time during which such a meeting is suspended according to sections 25 and 26 of this ordinance.



Legislation Text

File #: CF 314428, **Version:** 1

Full unit lot subdivision of Noren Development, LLC to subdivide one parcel into 21 unit lots at 8559 Mary Avenue NW (Project No. 3020999; Type III).

The Application material is provided as an attachment.

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Findings and Decision** to each person listed below, or on the attached mailing list, in the matter of **Julian Weber**, Hearing Examiner File **MUP-17-034(SD)** in the manner indicated.

| Party | Method of Service |
|--|---|
| DEPARTMENT Name: Carly Guillory Business: SDCI Email: carly.guillory@seattle.gov Phone: Fax: | <input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |
| APPLICANT Name: Julian Weber Email: dpd@jwaseattle.com Phone: Address: | <input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger |

Dated: December 12, 2017

Michele D'Alessandro
Executive Assistant

**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

JULIAN WEBER

for approval of a preliminary unit
lot subdivision

Hearing Examiner File:
MUP-17-034 (SD)

Department Reference:
3020999

Introduction

The Applicant seeks preliminary approval of a 21-unit lot subdivision of property. The Director of the Department of Construction and Inspections (“Director”) recommended approval of the subdivision with one condition. There were no requests for further consideration of the Director’s recommendation pursuant to SMC 23.76.024.D.

A public hearing on the subdivision application was held before the Hearing Examiner on November 29, 2017. The Applicant was represented by Lauren Powers of JW Architects, *pro se*, and the Director was represented by Carly Guillory, Land Use Planner, Senior Land Use Planner. The record closed following the Examiner’s site visit on December 9, 2017.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence in the record and reviewing the site, the Examiner enters the following findings of fact, conclusions, and decision on the application.

Findings of Fact

Site and Vicinity

1. The proposal site is addressed as 8559 Mary Avenue and located at the intersection of Mary Avenue NW and NW 87th Street, in the Crown Hill neighborhood. It is rectangular in shape and 35,800 square feet in size, with access from NW 87th Street.
2. The site is zoned NC3P-40 (Neighborhood Commercial 3 with a pedestrian overlay and 40-foot height limit), as is property to the south and west. There is C1-40 zoning to the north, and LR2 zoning to the east. Surrounding development includes big-box retail and multifamily development.

Proposal

3. On August 4, 2016, the Director issued a SEPA Determination of Non-significance (“DNS”) without conditions for construction of 21 four-story townhouse units with below ground parking for 21 vehicles. The DNS was not appealed.

4. The Director has determined that no dedications are required for the subdivision. New sidewalks will be required along both NW 87th Street and Mary Avenue NW. **Transit stops** are available on 15th Avenue NW to the west, and 8th Avenue NW to the east of the property.
5. The plat shows vehicular access from NW 87th Street through a permanent garage easement, and pedestrian access from both NW 87th Street and Mary Avenue NW via a pedestrian easement.
6. The Applicant now seeks to subdivide the property into the anticipated 21 unit lots.
7. Private usable open space will be provided for each unit on the same lot that it serves, and will be directly accessible to the unit. Exhibit 4.
8. The preliminary plat includes a notation that the unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot. Exhibit 4.
9. All required easements are shown on the plat, as are the easement maintenance, common wall, joint use and maintenance, amenity area, and utility easement agreements.

Director's Review of Unit Lot Subdivision

10. The Director received one public comment on the subdivision, which expressed concern about the amount of off-street parking being provided for the project. Exhibit 6. However, this issue was addressed in the SEPA DNS, issued at the time of the MUP application to allow the proposed development. The DNS, which was not appealed, found that no additional mitigation for parking impacts was warranted pursuant to the City's SEPA policy on parking.
11. The Director circulated a request for comment to agencies and City departments. The Seattle Director of Housing, Superintendent of Parks and Recreation, Fire Chief, Department of Transportation, DCI Drainage Review, and DCI Ordinance Review all recommended approval of the preliminary subdivision with no conditions. The Director of Public Health, King County Metro, King County Wastewater, and Sound Transit had no comment on the proposal.
12. The area is served with domestic water, and Seattle Public Utilities issued a Water Availability Certificate for the proposal on June 24, 2017. The Certificate is valid for 18 months from the date of issuance and will expire on December 24, 2017. The Applicant will need to submit a current Water Availability Certificate with the final plat.
13. Seattle City Light recommended approval of the subdivision subject to a blanket easement for electrical facilities to provide power to the proposed unit lots, and the required easement language has been added to the face of the plat. Exhibit 4.

14. The Director has determined that the subdivision as a whole will meet all minimum development standards for the zone, and recommends approval of the subdivision with one condition. Exhibit 8.

Applicable Code Provisions

15. SMC 23.22.054.A, entitled "Public use and interest," lists some of the factors the Hearing Examiner must consider in determining whether to approve a subdivision:

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of the subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements, or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat.

16. SMC 23.22.052 provides that:

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to existing sidewalks contiguous to the subdivision.

D. Vehicular access to every lot shall be from a dedicated street unless the Director ... permits access by a permanent private easement [that meets the requirements of SMC 23.22.052.D].

17. SMC 23.22.062 provides for unit lot subdivision of townhouse development as follows:

....

B. [L]ots lots developed or proposed to be developed ... may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the King County Recorder.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Recorder.

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Recorder.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to Chapters 23.76 and 23.22 SMC.
2. The subdivision meets the requirements of SMC 23.22.052. Sidewalks have been provided, no dedications are required, and the subdivision will provide vehicular access that the Director has determined is consistent with SMC 23.33.052.D.
3. The proposal also meets the requirements of SMC 23.22.062 for unit lot subdivisions. The development as a whole will meet the development standards applicable to the parent lot; as noted above, the required parking, easements and private, usable open space are provided; and the required disclosures and joint use and maintenance agreement are provided on the face of the plat.
4. The record shows that the subdivision makes appropriate provision for open spaces, drainage ways, streets, transit stops, potable water, sanitary wastes, fire protection facilities, parks and playgrounds, and sidewalks that assure safe walking conditions for students who walk to and from school. The subdivision makes appropriate provision for the public health, safety and general welfare.

5. The proposal will promote individual ownership of the 21 residential units, which will be constructed in a configuration that is compatible with the surrounding neighborhood. As conditioned, the subdivision will serve the public use and interest.

Decision

The application of Julian Weber for the unit lot subdivision is **APPROVED** subject to the following condition:

Prior to final plat approval the approved CCRs shall be recorded with King County and the recording number provided on the final plat documents.

Entered this 12th day of December, 2017.


 Sue A. Tanner
 Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner in this case is the final decision for the City of Seattle. In accordance with RCW 36.70C.040, a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the decision is issued unless a motion for reconsideration is filed, in which case a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the order on the motion for reconsideration is issued.

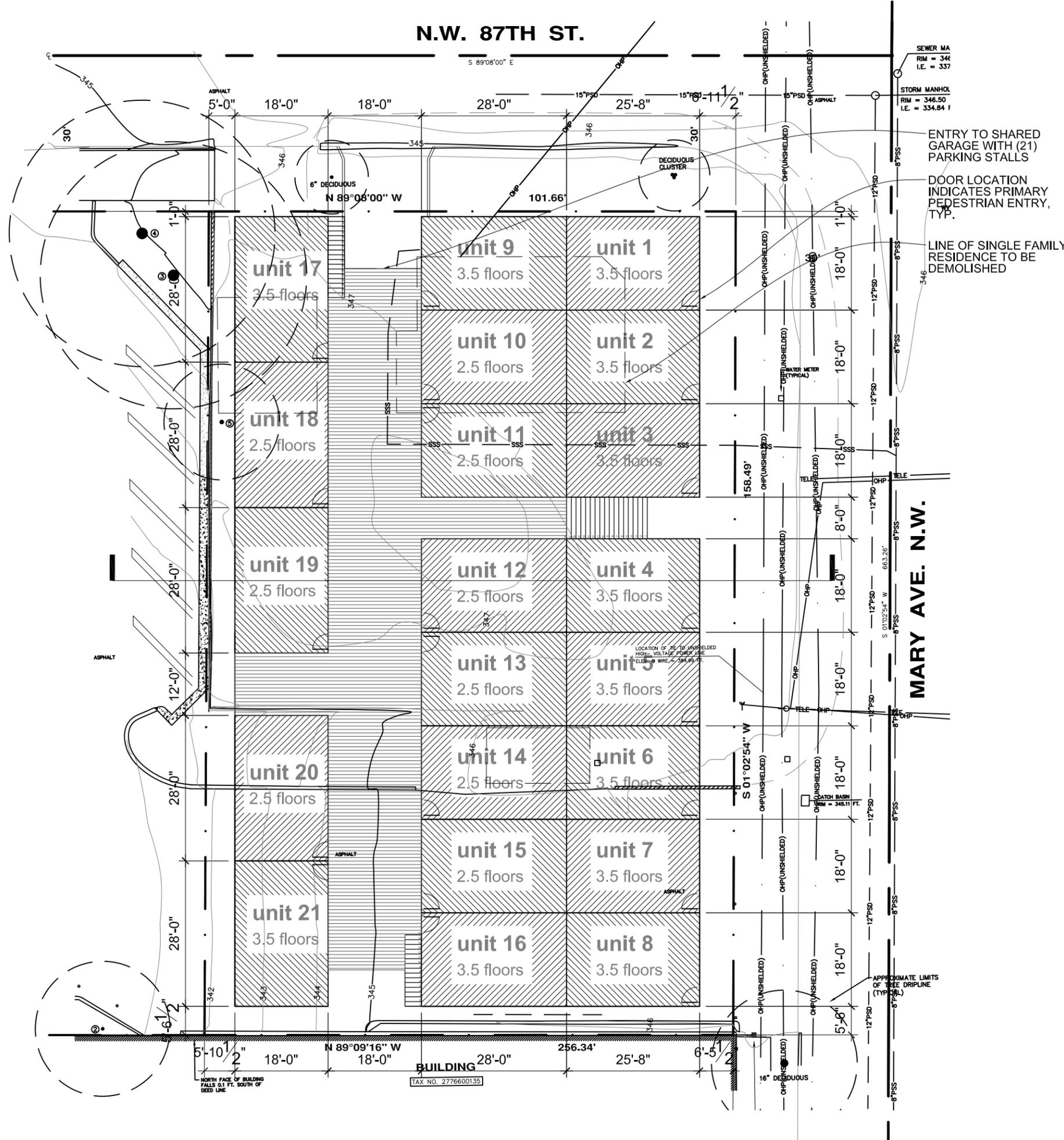
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Applicant/Owner

Julian Weber,
 JW Architects
 1257 South King Street
 Seattle, WA 98144

Director

Nathan Torgelson, Director, DCI
 700 Fifth Avenue, Suite 1900
 Seattle, WA 98104



Noren Mary Ave NW

8559 MARY AVE NW
SEATTLE, WA 98117

DPD PROJECT #3020999

PROJECT DESCRIPTION: SUBDIVISION TO DIVIDE ONE LOT INTO 21 UNIT LOTS

LEGAL DESCRIPTION: THAT PORTION OF LOT 20 AND THE NORTH HALF OF LOT 19, GILSON'S BALLARD ACRE TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 11 OF PLATS, PAGE 45, IN KING COUNTY, WASHINGTON, LYING SOUTH OF N.W. 87TH ST. AND WEST OF MARY AVE. N.W. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF N.W. 87TH ST. WITH THE WEST RIGHT-OF-WAY LINE OF MARY AVE. N.W., THENCE S 01°02'54" W, ALONG SAID RIGHT-OF-WAY LINE OF MARY AVE. N.W., 158.49 FT. TO THE SOUTH LINE OF THE NORTH HALF OF SAID LOT 19; THENCE N 89°09'16" W, ALONG SAID SOUTH LLINE, 102.01 FT.; THENCE N 01°10'29" E, 158.53 FT. TO THE SOUTH RIGHT-OF-WAY LINE OF N.W. 87TH ST.; THENCE S 89°08'00" E, 101.66 FT. TO THE POINT OF BEGINNING.

TAX ID NUMBER: 2776600141 & 2776600145

PROJECT TEAM:

OWNER/APPLICANT:
NOREN DEVELOPMENT
5650 24TH AVENUE NORTHWEST
#404
SEATTLE, WA 98017
p 206.697.1468

ARCHITECT/PROJECT CONTACT:
JULIAN WEBER, AIA
3715 SOUTH HUDSON STREET
SUITE 105
SEATTLE, WA 98118
p 206.953.1305

ZONE: NC3P-40

LOT AREA: 16,130 SF



Legislation Text

File #: CB 119776, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE approving and confirming the plat of “Verona-Roy” in portions of the Southwest Quarter of Southwest Quarter of Section 36, Township 26 North, Range 3 East, W.M. in King County, Washington. WHEREAS, a proposed plat of “Verona-Roy” has been submitted for approval to the Seattle Department of

Construction and Inspections (SDCI) and given the Permit No. 3020999; and

WHEREAS, following review and recommendations by the various City departments that have jurisdiction in this matter and a public hearing by the Hearing Examiner of The City of Seattle on November 29, 2017, the Hearing Examiner approved the preliminary plat of “Verona-Roy” subject to certain conditions on December 12, 2017; and

WHEREAS, SDCI has confirmed that the preliminary plat conditions have been satisfied; and

WHEREAS, the Director of Transportation and the Director of SDCI have, subject to Council approval, approved the final plat and have reported that the final plat now meets all of the requirements of the State platting law (chapter 58.17 RCW) and of the Seattle Municipal Code (Chapter 23.22), except for the execution of the required certifications by the King County Assessor and the King County Finance Division; and

WHEREAS, the Director of Transportation and the Director of SDCI report that the plat of “Verona-Roy,” a copy of which is in Clerk File 314428, is now complete and ready for City Council approval; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The plat of “Verona-Roy,” a platting of portions of the Southwest Quarter of the Southwest Quarter of Section 36, Township 26 North, Range 3 East, W.M., all in King County, Washington, is legally described as follows:

PARENT LOT LEGAL DESCRIPTION

PARCEL B OF CITY OF SEATTLE LOT BOUNDARY ADJUSTMENT NO. 3019730 AS RECORDED IN VOLUME 323 OF SURVEYS, PAGE 028, RECORDS OF KING COUNTY, WA. (KING CO. REC. NO. 20150417900002)

Section 2. With respect to the plat of “Verona-Roy,” together with any interest in abutting streets, as executed by Kashish Dhingra as Managing Member and approved by the Director of Transportation and the Director of the Seattle Department of Construction and Inspections, the following findings are hereby made:

A. The final plat is in substantial conformance with the approved preliminary plat; and

B. When both the King County Assessor and King County Finance Division have affixed their certifications as required by RCW 58.17.160(4), the requirements of State law and City ordinances that were in effect at the time of preliminary plat approval will also have been satisfied by the subdivider; and

C. The public use and interest will be served by the establishment of the plat, and the plat makes appropriate provision for the public health, safety, and general welfare.

Section 3. The plat of “Verona-Roy,” a subdivision of portions of the Southwest Quarter of the Southwest Quarter of Section 36, Township 26 North, Range 3 East, W.M., King County, Washington, is in all respects approved and the plat confirmed and accepted, subject to certification by the King County Assessor and King County Finance Division, and the City Clerk is hereby authorized and directed to execute a certificate upon the face of such plat attesting to the approval thereof as evidenced by enactment of this ordinance.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2020, and signed by

me in open session in authentication of its passage this ____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

| Department: | Dept. Contact/Phone: | CBO Contact/Phone: |
|--------------------------------------|------------------------------|------------------------------|
| Seattle Department of Transportation | Anderson Arifin/206-386-4063 | Christie Parker/206-684-5211 |

1. BILL SUMMARY

Legislation Title: AN ORDINANCE approving and confirming the plat of “Verona-Roy” in portions of the Southwest Quarter of Southwest Quarter of Section 36, Township 26 North, Range 3 East, W.M. in King County, Washington.

Summary and background of the Legislation: This legislation approves the division of Parcel B of City of Seattle Lot Boundary Adjustment No. 3019730 as recorded in volume 323 of Surveys, Page 028, Records of King County, WA, at 8559 Mary Ave N.W. into twenty-one unit lots (A to U). The Hearing Examiner held a public hearing on November 29th, 2017 and issued her approval of the preliminary plat on of the unit lot subdivision on December 12th, 2017.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No.

Is there financial cost or other impacts of *not* implementing the legislation?
No.

4. OTHER IMPLICATIONS

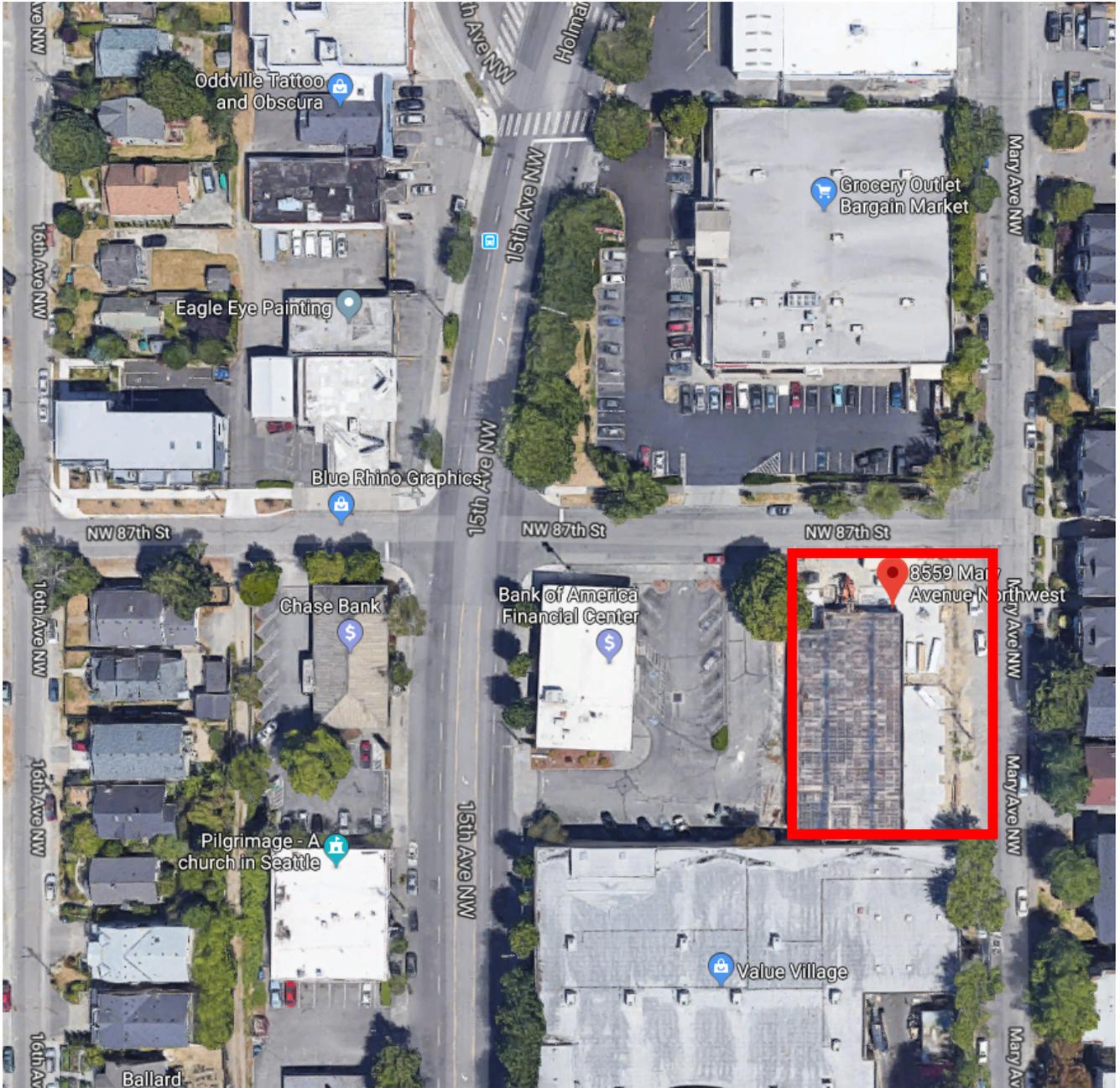
- a. **Does this legislation affect any departments besides the originating department?**
No.
- b. **Is a public hearing required for this legislation?**
No, a public hearing was required at the preliminary subdivision stage and this occurred on November 29, 2017.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
No.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. **Does this legislation affect a piece of property?**
Yes, Parcel B at 8559 Mary Ave NE. See Attachment A for a reference map.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
There are no perceived Race and Social Justice Initiative implications.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**
N/A

List attachments/exhibits below:

Summary Attachment A – Vicinity Map

Attachment A – Vicinity Map

8559 Mary Ave N.W.



April 17, 2020

MEMORANDUM

To: Seattle City Council
From: Lish Whitson, Analyst
Subject: Verona-Roy plat (Council Bill 119776 and Clerk File 314428)

On Monday, April 20, the City Council (Council) will consider Council Bill (CB) [119776](#) and Clerk File (CF) [314428](#). Passage of the CB and filing of the CF would grant final approval of the “Verona-Roy” plat, which is located at 8559 Mary Ave NW in the Crown Hill Urban Village, Council District 6. The plat will facilitate the division of one parcel into 21 unit lots to facilitate the sale of individual townhouse units.

Final approval of a plat is a legislative act, unless the City Council (Council) has delegated that review to another body. Council’s review of a final plat is limited to certifying that the plat has met conditions that have previously been placed on the plat by the Seattle Hearing Examiner. Under Washington State Law, Council must act within 30 days of filing of the final plat. Because Council’s purview is constrained both in time and substance, Council routinely considers final subdivision ordinances, like the Verona-Roy plat, at a City Council meeting without consideration at committee. The bill is necessary to allow the Verona-Roy townhouses, which have been built, to be sold as individual units.

The Seattle Department of Transportation (SDOT), the Seattle Department of Construction and Inspections (SDCI) and Council Central Staff have confirmed that the plat would meet all applicable conditions and recommends that the Council grant final approval (this requires a “do pass” vote on CB 119776 and also a vote to “place on file” CF 314428).

The following is an overview of the subdivision process and a description of the plat. The Hearing Examiner’s “Findings and Decision” documents for the preliminary plat approval are attached, and a map is provided for informational purposes.

Overview of Process

The [Revised Code of Washington \(RCW\) § 58.17.140](#) requires that Council grant final plat approval for subdivisions within 30 days of filing of the final plat by the owner. Generally, the Council grants such approval after completion of the following steps:

1. SDCI issuance a Master Use Permit and other project approvals;
2. Hearing Examiner approval of the preliminary plat approval, usually subject to conditions (the Hearing Examiner holds a public hearing prior to issuing a decision);
3. Developer’s construction of site infrastructure (this includes construction of roadways and installation of utilities);

4. SDOT and SDCI review of the final plat to confirm that all the applicable requirements have been met; and
5. Council determination that applicable requirements have been met or can be met if a bond is posted.

Final plat approval requires votes on both a Council Bill and a Clerk File. Both were referred directly to Council because of the short deadline for approval under the RCW.

When reviewing final plats, SMC [23.22.074.A](#) requires the Council to determine that:

1. The final plat is in substantial conformance with the approved preliminary plat;
2. The requirements imposed when the preliminary plat was approved have been met;
3. The bond, if required by the City, is sufficient in its terms to assure that the improvements will be completed; and
4. the applicant has satisfied the requirements of Washington State Law and the Seattle Municipal Code that were in effect at the time of preliminary plat approval.

The Directors of SDOT and SDCI have confirmed that the plat meets all the requirements of the preliminary plat approval, as well as the requirements of State platting law and the Seattle Municipal Code. SDOT prepared the Council Bill for Council review and action. Central Staff has reviewed the final plat and legislation and **recommends that the Council grant final plat approval.**

Description of the Verona-Roy Plat

The Verona-Roy plat is located at 8559 Mary Ave NW, in the middle of the Crown Hill urban village. The site is a half block east of 15th Avenue NW, and halfway between NW 85th and NW 87th streets. The plat is located on the west side of Mary Avenue NW.

The approximately 35,800 square foot site is currently composed of one parcel. At the time of preliminary plat approval, the site was zoned Neighborhood Commercial 3-40 with a pedestrian designation (NC3P-40), a mixed-use commercial zone with a 40-foot height limit. It has subsequently been rezoned to Neighborhood Commercial 3-75 with a Pedestrian designation and a Mandatory Housing 1 Affordability Suffix (NC3P-75 (M1)), which is a mixed-use commercial zone with a 75-foot height limit.

Areas on the east side of Mary Avenue NW are zoned Lowrise 2 (M). Lowrise 2 is a multifamily zone that allows apartments, townhouses and rowhouses up to 40 feet. The block to the north of the subdivision is zoned Neighborhood Commercial 2P-75 (M1), a mixed-use commercial zone with a pedestrian designation, a height limit of 75 and an M1 Mandatory Housing Affordability suffix. These areas were zoned LR2 and C1-40 at the time of preliminary plat approval.

The subdivision would divide one lot into 21 lots. Unit lots would range in size from 596 square feet to 1,085 square feet. Pedestrian access and access to a shared underground garage will be via easements from NW 87th Street. Development of the 21 4-story townhouse units was permitted under permit [3019258](#). This subdivision is only for the purpose of allowing sale or lease of the unit lots.

The SDCI Director recommended conditional approval of the preliminary subdivision on November 29, 2017. On December 12, 2017, the Seattle Hearing Examiner recommended approval of the plat with the following condition regarding Covenants, Conditions, and Restrictions (CCRs) to be placed on the property:

Prior to final plat approval the approved CCRs shall be recorded with King County and the recording number provided on the final plat documents.

SDCI, SDOT and Council Central Staff have reviewed the final plat and have found that the requirements are substantively met.

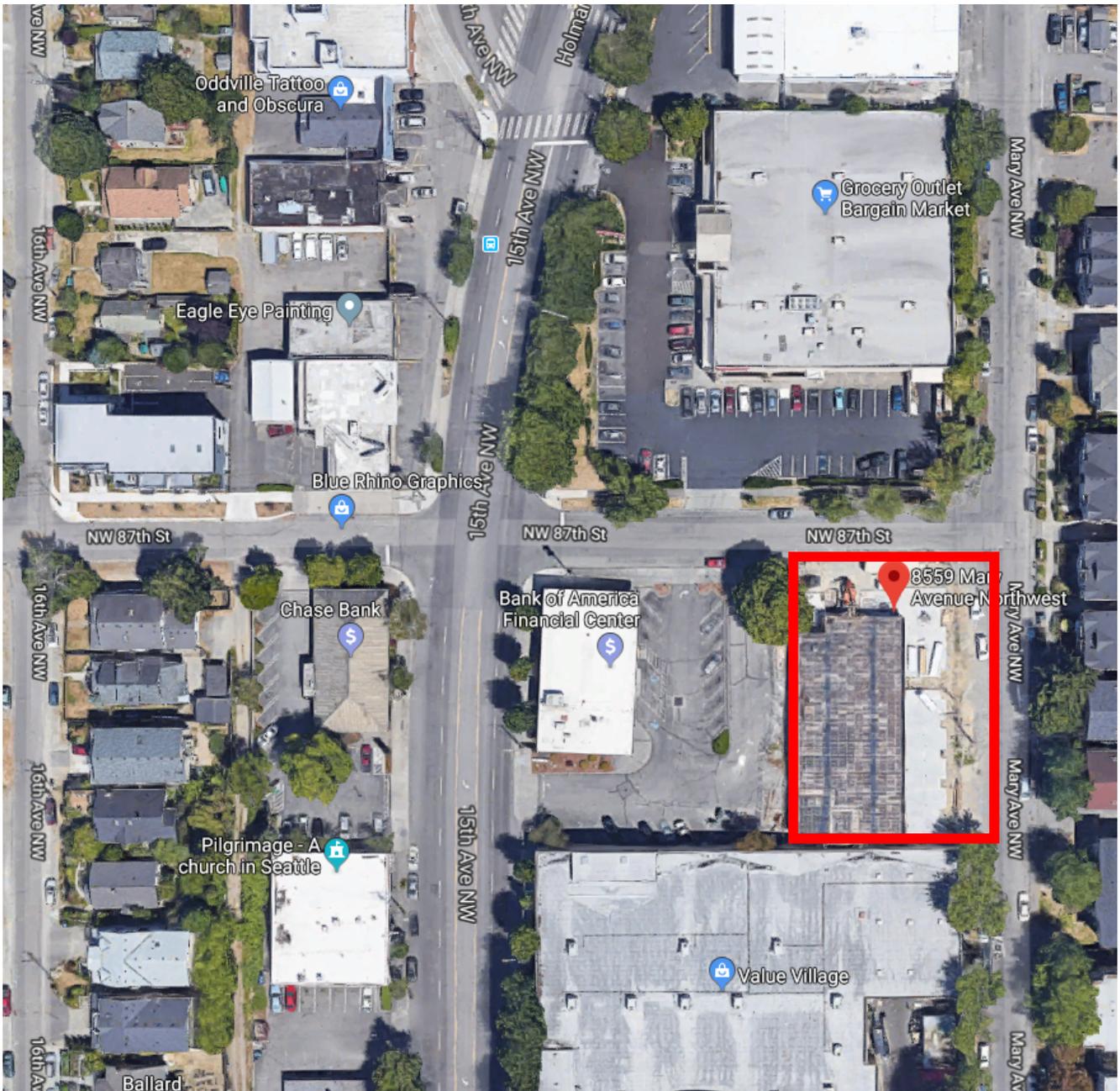
Attachments:

1. Map of Location of Verona-Roy Plat
2. Findings and Decision of the Hearing Examiner

cc: Kirstan Arestad, Executive Director
Aly Pennucci, Supervising Analyst

Attachment 1 - Location of Verona-Roy Plat

8559 Mary Ave N.W.



**FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

In the Matter of the Application of

JULIAN WEBER

for approval of a preliminary unit
lot subdivision

Hearing Examiner File:
MUP-17-034 (SD)

Department Reference:
3020999

Introduction

The Applicant seeks preliminary approval of a 21-unit lot subdivision of property. The Director of the Department of Construction and Inspections (“Director”) recommended approval of the subdivision with one condition. There were no requests for further consideration of the Director’s recommendation pursuant to SMC 23.76.024.D.

A public hearing on the subdivision application was held before the Hearing Examiner on November 29, 2017. The Applicant was represented by Lauren Powers of JW Architects, *pro se*, and the Director was represented by Carly Guillory, Land Use Planner, Senior Land Use Planner. The record closed following the Examiner’s site visit on December 9, 2017.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence in the record and reviewing the site, the Examiner enters the following findings of fact, conclusions, and decision on the application.

Findings of Fact

Site and Vicinity

1. The proposal site is addressed as 8559 Mary Avenue and located at the intersection of Mary Avenue NW and NW 87th Street, in the Crown Hill neighborhood. It is rectangular in shape and 35,800 square feet in size, with access from NW 87th Street.
2. The site is zoned NC3P-40 (Neighborhood Commercial 3 with a pedestrian overlay and 40-foot height limit), as is property to the south and west. There is C1-40 zoning to the north, and LR2 zoning to the east. Surrounding development includes big-box retail and multifamily development.

Proposal

3. On August 4, 2016, the Director issued a SEPA Determination of Non-significance (“DNS”) without conditions for construction of 21 four-story townhouse units with below ground parking for 21 vehicles. The DNS was not appealed.

4. The Director has determined that no dedications are required for the subdivision. New sidewalks will be required along both NW 87th Street and Mary Avenue NW. **Transit stops** are available on 15th Avenue NW to the west, and 8th Avenue NW to the east of the property.
5. The plat shows vehicular access from NW 87th Street through a permanent garage easement, and pedestrian access from both NW 87th Street and Mary Avenue NW via a pedestrian easement.
6. The Applicant now seeks to subdivide the property into the anticipated 21 unit lots.
7. Private usable open space will be provided for each unit on the same lot that it serves, and will be directly accessible to the unit. Exhibit 4.
8. The preliminary plat includes a notation that the unit lots are not separate buildable lots and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot. Exhibit 4.
9. All required easements are shown on the plat, as are the easement maintenance, common wall, joint use and maintenance, amenity area, and utility easement agreements.

Director's Review of Unit Lot Subdivision

10. The Director received one public comment on the subdivision, which expressed concern about the amount of off-street parking being provided for the project. Exhibit 6. However, this issue was addressed in the SEPA DNS, issued at the time of the MUP application to allow the proposed development. The DNS, which was not appealed, found that no additional mitigation for parking impacts was warranted pursuant to the City's SEPA policy on parking.
11. The Director circulated a request for comment to agencies and City departments. The Seattle Director of Housing, Superintendent of Parks and Recreation, Fire Chief, Department of Transportation, DCI Drainage Review, and DCI Ordinance Review all recommended approval of the preliminary subdivision with no conditions. The Director of Public Health, King County Metro, King County Wastewater, and Sound Transit had no comment on the proposal.
12. The area is served with domestic water, and Seattle Public Utilities issued a Water Availability Certificate for the proposal on June 24, 2017. The Certificate is valid for 18 months from the date of issuance and will expire on December 24, 2017. The Applicant will need to submit a current Water Availability Certificate with the final plat.
13. Seattle City Light recommended approval of the subdivision subject to a blanket easement for electrical facilities to provide power to the proposed unit lots, and the required easement language has been added to the face of the plat. Exhibit 4.

14. The Director has determined that the subdivision as a whole will meet all minimum development standards for the zone, and recommends approval of the subdivision with one condition. Exhibit 8.

Applicable Code Provisions

15. SMC 23.22.054.A, entitled "Public use and interest," lists some of the factors the Hearing Examiner must consider in determining whether to approve a subdivision:

The Hearing Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. The Hearing Examiner shall consider all relevant facts to determine whether the public interest will be served by the subdivision and dedication, and if it finds that the proposed plat makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage ways, streets, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, fire protection facilities, parks, playgrounds, sites for school and schoolgrounds, sidewalks and other planning features that assure safe walking conditions for students who walk to and from school, is designed to maximize the retention of existing trees, and that the public use and interest will be served by the platting of the subdivision, then it shall be approved. If the Hearing Examiner finds that the proposed plat does not provide the appropriate elements, or that the public use and interest will not be served, then the Hearing Examiner may disapprove the proposed plat.

16. SMC 23.22.052 provides that:

A. Every subdivision shall include adequate provision for dedication of drainage ways, streets, alleys, pedestrian access and circulation, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.

B. Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.

C. Sidewalks shall be provided on dedicated streets, and must be convenient for pedestrians and contiguous to each other and to any private sidewalks within the subdivision and to existing sidewalks contiguous to the subdivision.

D. Vehicular access to every lot shall be from a dedicated street unless the Director ... permits access by a permanent private easement [that meets the requirements of SMC 23.22.052.D].

17. SMC 23.22.062 provides for unit lot subdivision of townhouse development as follows:

....

B. [L]ots lots developed or proposed to be developed ... may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private usable open space or private amenity area for each dwelling unit shall be provided on the same unit lot as the dwelling unit it serves.

C. Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

D. Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard open spaces for cottage housing), and other similar features, as recorded with the King County Recorder.

E. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the King County Recorder.

F. The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the King County Recorder.

Conclusions

1. The Hearing Examiner has jurisdiction over this matter pursuant to Chapters 23.76 and 23.22 SMC.
2. The subdivision meets the requirements of SMC 23.22.052. Sidewalks have been provided, no dedications are required, and the subdivision will provide vehicular access that the Director has determined is consistent with SMC 23.33.052.D.
3. The proposal also meets the requirements of SMC 23.22.062 for unit lot subdivisions. The development as a whole will meet the development standards applicable to the parent lot; as noted above, the required parking, easements and private, usable open space are provided; and the required disclosures and joint use and maintenance agreement are provided on the face of the plat.
4. The record shows that the subdivision makes appropriate provision for open spaces, drainage ways, streets, transit stops, potable water, sanitary wastes, fire protection facilities, parks and playgrounds, and sidewalks that assure safe walking conditions for students who walk to and from school. The subdivision makes appropriate provision for the public health, safety and general welfare.

5. The proposal will promote individual ownership of the 21 residential units, which will be constructed in a configuration that is compatible with the surrounding neighborhood. As conditioned, the subdivision will serve the public use and interest.

Decision

The application of Julian Weber for the unit lot subdivision is **APPROVED** subject to the following condition:

Prior to final plat approval the approved CCRs shall be recorded with King County and the recording number provided on the final plat documents.

Entered this 12th day of December, 2017.


 Sue A. Tanner
 Hearing Examiner

Concerning Further Review

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner in this case is the final decision for the City of Seattle. In accordance with RCW 36.70C.040, a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the decision is issued unless a motion for reconsideration is filed, in which case a request for judicial review of the decision must be commenced within twenty-one (21) days of the date the order on the motion for reconsideration is issued.

The person seeking review must arrange for and initially bear the cost of preparing a verbatim transcript of the hearing. Instructions for preparation of the transcript are available from the Office of Hearing Examiner. Please direct all mail to: PO Box 94729, Seattle, Washington 98124-4729. Office address: 700 Fifth Avenue, Suite 4000. Telephone: (206) 684-0521.

Applicant/Owner

Julian Weber,
 JW Architects
 1257 South King Street
 Seattle, WA 98144

Director

Nathan Torgelson, Director, DCI
 700 Fifth Avenue, Suite 1900
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