



Legislation Text

File #: CB 119877, Version: 2

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.

WHEREAS, the COVID-19 pandemic continues to preclude holding in-person public meetings by the Design Review Board and various other City boards; and

WHEREAS, the Seattle City Council adopted, and the Mayor signed, Ordinance 126072 to facilitate virtual meetings and virtual public outreach, allow projects to elect to be processed through administrative design review while the Seattle Department of Construction and Inspections (SDCI) worked to set up a system for virtual Design Review Board meetings, and allow various processes related to historic preservation to be handled administratively in recognition of the reduced capacity of the relevant boards when holding virtual meetings, and

WHEREAS, SDCI has been working diligently to set up virtual Design Review Board meetings but the rollout of such a system involves difficult issues and is taking considerable time and is ongoing; and

WHEREAS, Ordinance 126072 was effective for a limited time; and

WHEREAS, in light of the continuing COVID-19 pandemic and the continuing issues related to setting up and holding virtual meetings, the need for provisions to address many of the matters addressed by Ordinance 126072 remains; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Low-income populations have increased risks of contracting, transmitting, suffering complications, and dying from COVID-19. These populations include low-income seniors and persons at risk of, or exiting, homelessness. Closure of non-essential businesses to mitigate risk of community transmission of COVID-19 has increased unemployment and put more people at risk of homelessness. Since passage of Ordinance 126072, seventeen affordable housing projects have taken advantage of the exemption from design review provided by that ordinance. At least five additional affordable housing projects have indicated an intent to take advantage of the exemption, if it is extended. Projects reviewed pursuant to Ordinance 126072 and those that have indicated an intent to utilize the exemption if it is extended, represent 2,756 new affordable units, 555 of which would serve people exiting homelessness and 263 of which would serve seniors and veterans experiencing chronic homelessness. The remainder would serve low-income families and individuals who may be more at risk of homelessness due to increased unemployment. An exemption from design review will accelerate the timeline for these projects, advancing the date when units serving these populations will be put in service. Based on the foregoing facts, the Council finds that an exemption from conducting SEPA review of the proposed design review exemption is necessary under Seattle Municipal Code Section 25.05.880 in order to expedite development of affordable housing serving populations vulnerable to COVID-19.

Section 2. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 126072, 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 projects that elected administrative design review

1. The provisions of this subsection 23.41.004.D apply notwithstanding any contrary provision of this Title 23 or of Ordinance 126072.

2. If a project elected to be processed through administrative design review as allowed by subsection 23.41.004.D.3.a as that subsection was enacted by section 2 of Ordinance 126072, and as of the effective date of this ordinance the Department has not been able to make a virtual early design guidance meeting or virtual design review recommendation meeting available to such project despite the project being otherwise ready for such a meeting, the project may elect to continue to be processed through administrative design review until a virtual meeting of the type for which the project is otherwise ready is made available or an in-person meeting is possible; provided that a project making such an election shall shift back to the full design review process no later than January 1, 2021, even if a virtual or in-person meeting is not made available by December 31, 2020. If the project so elects, no new notice that the project is being processed through administrative design review is required, unless the most recent notice did not reference that the project is being processed through administrative design review.

3. Notwithstanding any contrary provision of subsection 23.41.004.D.2, a project that elected to be processed through administrative design review as allowed by subsection 23.41.004.D.3.a as that subsection was enacted by section 2 of Ordinance 126072, and that completed the early design guidance process before the Department made a virtual early design guidance meeting available to such project, may elect to continue to be processed through administrative design review until December 31, 2020, and shift back to the full design review process on January 1, 2021, if the project has not completed design review through the administrative design review process by December 31, 2020. This election is available regardless of whether virtual or in-person meetings become possible before December 31, 2020. If the project so elects, no new notice that the project is being processed through administrative design review is required, unless the most recent notice did

not reference that the project is being processed through administrative design review.

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 or a project in a Master Planned Community zone that meets the requirements 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 facade 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 126072, 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; provided that the foregoing requirements of subsection 23.41.008.E.2 are suspended for meetings that do not involve in-person contact. 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.

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Section 4. Subsection 23.41.014.B of the Seattle Municipal Code, which section was last amended by Ordinance 126072, is amended as follows:

23.41.014 Full design review process

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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 method 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, 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 126072, 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, a high impact electronic or digital outreach method 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 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.

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Section 6. Subsection 23.41.018.B of the Seattle Municipal Code, which section was last amended by Ordinance 126072, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

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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, a high impact electronic or digital outreach method 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 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.

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Section 7. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance 126072, 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.

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Section 8. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance 126072, 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.

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Section 9. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 126072, is amended as follows:

23.66.030 Certificates of approval-Application, review and appeals

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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.

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

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

l. 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.

m. 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.

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

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

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

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.

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Section 10. Section 23.79.002 of the Seattle Municipal Code, enacted by Ordinance 126072, 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 126072, is amended as follows:

23.79.006 Notice provided for development standard departure

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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 126072, 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.

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Section 13. Section 25.12.080 of the Seattle Municipal Code, last amended by Ordinance 126072, 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 126072, 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 25.12.720 of the Seattle Municipal Code, last amended by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.
12. 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.
13. The alteration of existing doors and windows, including changing a door to a window or a window to a door, as long as the proposed alterations are sympathetic to and do not destroy historic building materials.
14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.
15. Approval of a final certificate of approval when the Board previously granted a preliminary design certificate of approval and when the proposed final design does not deviate from what was submitted and approved in the preliminary design certificate of approval.

Section 16. Section 25.12.735 of the Seattle Municipal Code, enacted by Ordinance 126072, 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 17. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.

12. 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.

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

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

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

Section 18. Section 25.20.090 of the Seattle Municipal Code, last amended by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.

12. 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.

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

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

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

Section 19. Section 25.21.110 of the Seattle Municipal Code, enacted by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.

12. 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.

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

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

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

Section 20. Section 25.22.110 of the Seattle Municipal Code, last amended by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.

12. 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.

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

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

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

Section 21. Section 25.24.070 of the Seattle Municipal Code, last amended by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.

12. 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.

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

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

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

Section 22. Section 25.30.090 of the Seattle Municipal Code, enacted by Ordinance 126072, 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. Installation, removal, or alteration of fire and life safety equipment.
12. 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.
13. The alteration of existing doors and windows, including changing a door to a window or a window to a door, as long as the proposed alterations are sympathetic to and do not destroy historic building materials.
14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.
15. Approval of a final certificate of approval when the Board previously granted a preliminary design certificate of approval and when the proposed final design does not deviate from what was submitted and approved in the preliminary design certificate of approval.

Section 23. When meetings of the International Special Review District Board, Landmarks Preservation Board and other Historic, Landmarks, and Special Review District Boards and Commissions resume, the Council requests that those boards and commissions apply an equity lens and prioritize projects without strong community opposition in scheduling their agendas, to the extent possible taking into account existing rules and

regulations.

Section 24. Sections 1 through 22 of this ordinance shall be automatically repealed without subsequent Council action 60 days after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

Section 25. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 26. 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)