

CITY OF SEATTLE
ORDINANCE 126760
COUNCIL BILL 120456

AN ORDINANCE relating to historic preservation review procedures; amending and making permanent certain temporary procedures; amending Sections 23.66.030, 25.12.320, 25.12.720, 25.16.100, 25.20.090, 25.21.110, 25.22.110, 25.24.070, and 25.30.090 of the Seattle Municipal Code.

WHEREAS, on March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency for the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths; and

WHEREAS, on April 27, 2020, the Seattle City Council adopted Ordinance 126072, which allowed certain land use applications related to historic properties to be handled administratively and approved by the City's Historic Preservation Officer; and

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

WHEREAS, on October 5, 2020, the Seattle City Council adopted Ordinance 126188, which extended many of the provisions established in Ordinance 126072 until 60 days after the termination of the Proclamation of Civil Emergency issued by Mayor Durkan; and

WHEREAS, due to the termination of the Proclamation of the Civil Emergency, Ordinance 126188 will not be effective when this ordinance becomes effective; and

WHEREAS, in October 2021, the Department of Neighborhoods hired Broadview Planning to collect and assess local community responses to the temporary administrative review provisions that apply to the City's Historic Preservation Program; and

WHEREAS, Broadview Planning's findings generally indicated strong support for allowing many of the temporary administrative review provisions to become permanent; and

1 WHEREAS, the community responses collected by Broadview Planning also revealed support
2 for taking a more refined approach to the application of administrative review within the
3 City’s historic districts, which vary in scale and are each subject to a unique regulatory
4 framework; and

5 WHEREAS, the Department of Neighborhoods now proposes to amend and make permanent
6 many of the temporary administrative review provisions that apply to the City’s Historic
7 Preservation Program; NOW, THEREFORE,

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

9 Section 1. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance
10 126188, is amended as follows:

11 **23.66.030 Certificates of approval—Application, review and appeals**

12 * * *

13 D. Review

14 1. Review when no special review board is established

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

20 b. A copy of the Department of Neighborhoods Director’s decision shall
21 be sent to the Director and mailed to the owner and the applicant at the addresses provided in the
22 application. Notice of the Director’s decision also shall be provided to any person who, prior to

1 the rendering of the decision, made a written request to receive notice of the decision or
2 submitted written substantive comments on the application.

3 2. Review when special review board is established

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

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

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

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

22 e. A copy of the decision shall be sent to the Director and mailed to the
23 owner and the applicant at the addresses provided in the application. Notice of the decision shall

1 be provided to any person who, prior to the rendering of the decision, made a written request for
2 notice of the decision, or submitted substantive written comments on the application.

3 3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23,
4 applications for certificates of approval for the following items shall be subject to the process in
5 subsection 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

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

10 b. Installation, alteration, or removal of minor communication utility
11 equipment on rooftops or streetlight poles, when the location does not have impacts on other
12 historic resources and otherwise complies with the City Design Guidelines for minor
13 communication utilities.

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

16 d. Installation, removal, or alteration of exterior or interior signage.

17 e. Installation, removal, or alteration of awnings or canopies.

18 f. Installation, alteration, or removal of window treatments, including but
19 not limited to blinds, curtains, shades, or window film.

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

22 h. Alteration to exterior paint colors and other finishes when painting a
23 previously painted or otherwise finished material.

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

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

6 k. Installation, removal, or alteration of fences, gates, and barriers.

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

9 m. Repaving and restriping of existing asphalt paved areas not within
10 public rights-of-way.

11 n. Installation of improvements for accessibility compliance.

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

13 p. Temporary emergency alterations, if the proposed replacement material
14 used is compatible with the historic building fabric.

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

17 r. Replacement of non-original doors and windows within original
18 openings, when the design intent is consistent with the Secretary of the Interior's Standards for
19 Rehabilitation.

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

22 t. Alterations or changes to accommodate seismic improvements.

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

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

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

12 2. Installation, alteration, or removal of minor communication utility equipment
13 on rooftops or streetlight poles, when the location does not have impacts on other historic
14 resources and otherwise complies with the City Design Guidelines for minor communication
15 utilities.

16 3. Installation, removal, or alteration of exterior light fixtures, exterior security
17 lighting, and security system equipment.

18 4. Installation, removal, or alteration of exterior or interior signage.

19 5. Installation, removal, or alteration of awnings or canopies.

20 6. Installation, alteration, or removal of window treatments, including but not
21 limited to blinds, curtains, shades, or window film.

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

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

3 9. Interior alterations or changes when the design intent is consistent with the
4 Secretary of the Interior’s Standards for Rehabilitation.

5 10. Installation, alteration, or removal of art on public or private property, if the
6 work does not adversely impact designated or historic features.

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

9 12. Removal of trees when identified as a hazard or high-risk by an International
10 Society of Arboriculture (ISA) Certified Arborist, both on private property and within public
11 rights-of-way.

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

15 14. Installation, removal, or alteration of fences, gates, and barriers.

16 15. Minor alterations to site grading, soil retention, drainage, or paving.

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

19 17. Repaving and restriping of existing asphalt paved areas not within public
20 rights-of-way.

21 18. Installation, removal, or alteration of curbs, bollards, or wheel stops in parking
22 areas not within the public rights-of-way.

23 19. Installation of improvements for accessibility compliance.

1 review and approval by the City Historic Preservation Officer, without the need for action of the
2 Board or a public meeting but otherwise subject to the same approval criteria and procedures as
3 would apply 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 (including photovoltaic panels), weatherheads, wiring, meters, utility
6 connections, downspouts and gutters, or other similar mechanical, electrical or
7 telecommunication elements necessary for the normal operation of the site, building, or structure.

8 2. Installation, alteration, or removal of minor communication utility equipment
9 on rooftops or streetlight poles, when the location does not have impacts on other historic
10 resources and otherwise complies with the City Design Guidelines for minor communication
11 utilities.

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

14 4. Installation of improvements for accessibility compliance.

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

16 6. Temporary emergency alterations, if the proposed replacement material used is
17 compatible with the historic building fabric.

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

20 8. Alterations or changes to accommodate seismic improvements.

21 Section 5. Section 25.20.090 of the Seattle Municipal Code, last amended by Ordinance
22 126188, is amended as follows:

23 **25.20.090 Board meeting on certificate of approval((=))**

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2 C. Notwithstanding any contrary provision in subsection 25.20.090.A or this Title 25,
3 applications for certificates of approval for the following items shall be subject to administrative
4 review and approval by the City Historic Preservation Officer, without the need for action of the
5 Board or a public meeting but otherwise subject to the same approval criteria and procedures as
6 would apply 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 (including photovoltaic panels), weatherheads, wiring, meters, utility
9 connections, downspouts and gutters, or other similar mechanical, electrical or
10 telecommunication elements necessary for the normal operation of the site, building, or structure.

11 2. Installation, alteration, or removal of minor communication utility equipment
12 on rooftops or streetlight poles, when the location does not have impacts on other historic
13 resources and otherwise complies with the City Design Guidelines for minor communication
14 utilities.

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

17 4. Installation, removal, or alteration of exterior or interior signage.

18 5. Installation, removal, or alteration of awnings or canopies.

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

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

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

3 9. 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 10. Installation, alteration, or removal of art on public or private property, if the
7 work does not adversely impact designated or historic features.

8 11. Installation, alteration, or removal of small ancillary structures (including but
9 not limited to garden sheds, chicken coops/runs, or Little Free Library structures).

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

12 13. Installation of improvements for accessibility compliance.

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

14 15. Temporary emergency alterations, if the proposed replacement material used
15 is compatible with the historic building fabric.

16 16. Replacement of non-original doors and windows within original openings,
17 when the design intent is consistent with the Secretary of the Interior's Standards for
18 Rehabilitation.

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

21 18. Alterations or changes to accommodate seismic improvements.

22 Section 6. Section 25.21.110 of the Seattle Municipal Code, last amended by Ordinance
23 126188, is amended as follows:

1 **25.21.110 Board meeting on certificate of approval((=))**

2 * * *

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

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

12 2. Installation, alteration, or removal of minor communication utility equipment
13 on rooftops or streetlight poles, when the location does not have impacts on other historic
14 resources and otherwise complies with the City Design Guidelines for minor communication
15 utilities.

16 3. Installation, removal, or alteration of exterior light fixtures, exterior security
17 lighting, and security system equipment.

18 4. Installation, removal, or alteration of exterior or interior signage.

19 5. Installation, removal, or alteration of awnings or canopies.

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

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

1 C. Notwithstanding any contrary provision in subsection 25.22.110.A or this Title 25,
2 applications for certificates of approval for the following items shall be subject to administrative
3 review and approval by the City Historic Preservation Officer, without the need for action of the
4 Board or a public meeting but otherwise subject to the same approval criteria and procedures as
5 would apply to such an application if it were subject to Board review and approval:

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

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

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

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

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

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

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

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

1 1. The installation, removal, or alteration of: weatherheads, meters, utility
2 connections, downspouts and gutters, or other similar mechanical, electrical or
3 telecommunication elements necessary for the normal operation of the site, building, or structure.

4 2. Installation, alteration, or removal of minor communication utility equipment
5 on rooftops or streetlight poles, when the location does not have impacts on other historic
6 resources and otherwise complies with the City Design Guidelines for minor communication
7 utilities.

8 3. Installation, removal, or alteration of exterior light fixtures, unless otherwise
9 excluded from review under subsection 25.30.070.B.11.

10 4. Installation, removal, or alteration of exterior signage, unless otherwise
11 excluded from review under subsection 25.30.070.B.8.

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

14 6. Installation, removal, or alteration of the following site furnishings: benches;
15 movable planters; movable water features; and bike racks unless otherwise excluded from review
16 under subsection 25.30.070.B.5.

17 7. Installation, alteration, or removal of art on public or private property, if the
18 work does not adversely impact designated or historic features, unless otherwise excluded from
19 review under subsection 25.30.070.B.14.

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

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

1 10. Temporary emergency alterations, if the proposed replacement material used
2 is compatible with the historic building fabric.

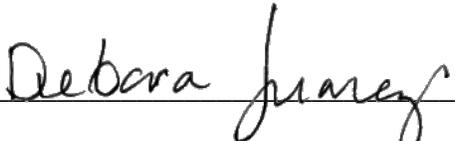
3 11. Replacement of non-original doors and windows within original openings,
4 when the design intent is consistent with the Secretary of the Interior's Standards for
5 Rehabilitation.

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

8 13. Alterations or changes to accommodate seismic improvements.

1 Section 9. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 7th day of February, 2023,
5 and signed by me in open session in authentication of its passage this 7th day of
6 February, 2023.

7 
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 13th day of February, 2023.

10 
11 Bruce A. Harrell, Mayor

12 Filed by me this 13th day of February, 2023.

13 
14 Elizabeth M. Adkisson, Interim City Clerk

15 (Seal)

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