



Legislation Details (With Text)

File #: CB 120456 **Version:** 2 **Name:** CB 120456
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 2/7/2023

Final Action: 2/13/2023 **Ord. No.** Ord 126760

Title: 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.

Sponsors: Tammy J. Morales

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Att 1 - Map of the City of Seattle's Historic Districts, 3. Central Staff Memo, 4. Presentation, 5. Amendment 1, 6. Signed Ordinance 126760, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
2/13/2023	2	City Clerk	attested by City Clerk	
2/13/2023	2	Mayor	returned	
2/13/2023	2	Mayor	Signed	
2/9/2023	2	City Clerk	submitted for Mayor's signature	
2/7/2023	2	City Council	passed	Pass
1/27/2023	1	Neighborhoods, Education, Civil Rights, and Culture Committee	pass as amended	Pass
12/9/2022	1	Neighborhoods, Education, Civil Rights, and Culture Committee	discussed	
11/1/2022	1	City Council	referred	
10/27/2022	1	Council President's Office	sent for review	
10/19/2022	1	City Clerk	sent for review	
10/19/2022	1	Mayor	Mayor's leg transmitted to Council	

CCITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

WHEREAS, the Department of Neighborhoods now proposes to amend and make permanent many of the temporary administrative review provisions that apply to the City's Historic Preservation Program;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 126188, 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, applications for certificates of approval 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 (including photovoltaic 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, alteration, or removal of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

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

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

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

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

g. Alterations to storefront systems, if the proposed alterations are sympathetic to and do

not destroy historic building materials.

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

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

j. 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.

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

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

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

n. Installation of improvements for accessibility compliance.

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

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

q. 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.

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

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

t. Alterations or changes to accommodate seismic improvements.

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 2. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance 126188, 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, and 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. Be responsible for review and approval of applications for certificates of approval for certain items as set forth in Title 25.

Section 3. Section 25.12.720 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

25.12.720 Board meeting on certificate of approval((-))

A. Within (~~thirty (30))~~ 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 this Title 25, applications for certificates of approval 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 (including photovoltaic 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, alteration, or removal of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

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

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

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

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

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

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

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

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

11. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.
12. Removal of trees when identified as a hazard or high-risk by an International Society of Arboriculture (ISA) Certified Arborist, both on private property and within public rights-of-way.
13. 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.
14. Installation, removal, or alteration of fences, gates, and barriers.
15. Minor alterations to site grading, soil retention, drainage, or paving.
16. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.
17. Repaving and restriping of existing asphalt paved areas not within public rights-of-way.
18. Installation, removal, or alteration of curbs, bollards, or wheel stops in parking areas not within the public rights-of-way.
19. Installation of improvements for accessibility compliance.
20. Installation, removal, or alteration of fire and life safety equipment.
21. Temporary emergency alterations, if the proposed replacement material used is compatible with the historic building fabric.
22. Replacement of non-original doors and windows within original openings, when the design intent is consistent with the Secretary of the Interior's Standards for Rehabilitation.
23. Installation, alteration, or removal of small ancillary structures (including but not limited to garden sheds, chicken coops/runs, or Little Free Library structures).
24. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.
25. Installation, alteration, or removal of single-story portable classrooms or storage sheds at

Seattle Public Schools, when located behind the school building and not impacting designated features of the landmark.

26. Installation, removal, or alteration of learning gardens, play areas, play equipment or pavement markings in outdoor play areas at Seattle Public Schools properties, including expansion of existing areas.

27. Alterations or changes to accommodate seismic improvements.

Section 4. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

25.16.100 Certificate of approval-Issuance or denial((-))

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D. Notwithstanding any contrary provision in subsection 25.16.100.A or this Title 25, applications for certificates of approval 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 (including photovoltaic 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, alteration, or removal of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

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

4. Installation of improvements for accessibility compliance.

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

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

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

8. Alterations or changes to accommodate seismic improvements.

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

25.20.090 Board meeting on certificate of approval((-))

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C. Notwithstanding any contrary provision in subsection 25.20.090.A or this Title 25, applications for certificates of approval 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 (including photovoltaic 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, alteration, or removal of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

3. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and

security system equipment.

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

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

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

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

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

9. 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.

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

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

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

13. Installation of improvements for accessibility compliance.

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

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

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

17. Revisions to a previously approved Certificate of Approval, where the design revisions are

sympathetic to and do not destroy historic building materials.

18. Alterations or changes to accommodate seismic improvements.

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

25.21.110 Board meeting on certificate of approval((-))

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C. Notwithstanding any contrary provision in subsection 25.21.110.A or this Title 25, applications for certificates of approval 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 (including photovoltaic 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, alteration, or removal of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

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

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

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

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

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

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

9. 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.

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

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

12. Installation of improvements for accessibility compliance.

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

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

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

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

17. Alterations or changes to accommodate seismic improvements.

Section 7. Section 25.22.110 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

25.22.110 Board meeting on certificate of approval((-))

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C. Notwithstanding any contrary provision in subsection 25.22.110.A or this Title 25, applications for

certificates of approval 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 (including photovoltaic 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. Temporary emergency alterations, if the proposed replacement material used is compatible with the historic building fabric.

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

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

15. Alterations or changes to accommodate seismic improvements.

Section 8. Section 25.30.090 of the Seattle Municipal Code, last amended by Ordinance 126188, is amended as follows:

25.30.090 Board meeting on certificate of approval

* * *

C. Notwithstanding any contrary provision in subsection 25.30.090.A or this Title 25, applications for certificates of approval 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: weatherheads, 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, alteration, or removal of minor communication utility equipment on rooftops or streetlight poles, when the location does not have impacts on other historic resources and otherwise complies with the City Design Guidelines for minor communication utilities.

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

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

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

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

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

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

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

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

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

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

13. Alterations or changes to accommodate seismic improvements.

Section 9. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments: