



## Legislation Details (With Text)

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<b>On agenda:</b>	4/27/2020				
<b>Final Action:</b>		<b>Ord. No.</b>	Ord 126072		
<b>Title:</b>	AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor's proclamations and the Mayor's proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.				
<b>Sponsors:</b>	Dan Strauss				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Summary and Fiscal Note, 2. Morales Amendment 1, 3. Lewis Amendment 2 v2, 4. Central Staff Memo, 5. Amendment Table and Proposed Voting Sequence, 6. Morales Substitute, 7. Strauss Substitute, 8. Strauss Substitute v2 (added; 4/20/20), 9. Mosqueda Amendment 1, 10. Herbold Amendment 1, 11. Strauss & Herbold Amendment 6, 12. Herbold Amendment 2, 13. Herbold Amendment 3, 14. Herbold Amendment 3 v2 (added; 4/20/20), 15. Signed Ordinance 126072, 16. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
4/29/2020	3	City Clerk	attested by City Clerk	
4/28/2020	3	Mayor	returned	
4/28/2020	3	Mayor	Signed	
4/28/2020	3	City Clerk	submitted for Mayor's signature	
4/27/2020	2	City Council	passed as amended	Pass
4/20/2020	1	City Council	not passed	Fail
4/6/2020	1	City Council	referred	
4/3/2020	1	Council President's Office	sent for review	
4/2/2020	1	City Clerk	sent for review	
4/2/2020	1	Mayor	Mayor's leg transmitted to Council	

## CITY OF SEATTLE

## ORDINANCE \_\_\_\_\_

## COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code,

consistent with the Governor's proclamations and the Mayor's proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

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

Section 1. The City Council finds and declares that:

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

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

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

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in essential activities or essential business services. While the order initially was for a term of two weeks, the Governor has already recognized that that the order may need to be extended beyond that time to effectively fight the pandemic. It is possible that, to respond to COVID-19, social distancing measures will be required for a considerable period of time, measured in months.

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

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

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

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

I. The City is undertaking urgent efforts to design and implement, as soon as possible, technical measures that would allow public meetings to be held remotely or virtually, without in-person contact.

However, for the types of public meetings involved in the land use approval process, such measures are not easy to place in operation. The members of many of the boards in question are volunteers who will be participating from their individual homes or businesses and will require training to do so effectively on a remote basis. Particularly in the case of design review, many meetings involve substantial graphic materials such as plans, pictures, and visualizations that are difficult to present electronically, particularly given the technological limitations that may be faced by members of the public wishing to participate. Some meetings involve large attendance, increasing the difficulty of designing processes that allow public input in an orderly fashion. Finally, any virtual meeting process will require development of careful instructions and outreach materials to educate the public on the technical aspects of using the process, and preparing such materials will take time.

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

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

L. The ability of projects to continue through the development approval process is critical to the economic recovery of the City and region as the restrictions needed to combat the pandemic are, hopefully,

relaxed in coming months. When construction activity is able to resume, it will be critical for permits to be ready to be issued, as opposed to being either stalled or months behind in the permitting process.

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

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

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

possible and maximizing the ability of vulnerable populations to access affordable housing is critical to the City's recovery from the COVID-19 pandemic.

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

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

#### **23.41.004 Applicability**

##### **A. Design review required**

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

- a. Multifamily;
- b. Commercial;
- c. Seattle Mixed;
- d. Downtown; and
- e. Stadium Transition Area Overlay District as shown in Map A for 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

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

Table A or Table B for 23.41.004:

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

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

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

district.

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

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

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

include a request for departures, the applicable design review procedures are in Section 23.41.020.

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

\* \* \*

#### C. Optional design review

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

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

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

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

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

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

2. The provisions of this subsection 23.41.004.D apply from the effective date of this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the date when the Department



places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Design Review Board that do not involve in-person contact; or (c) the date when the Design Review Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

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

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

b. If an applicant makes the election described in subsection 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not completed under administrative design review, shall be shifted back to the full design review process at the time set forth in subsection 23.41.004.D.2, except that an applicant may elect to have its project continue in administrative design review through the entire period this ordinance is effective, notwithstanding that the Design Review Board has started holding meetings as described in subsections 23.41.004.D.2.b or 23.41.004.D.2.c, if:

i. The project has completed early design guidance under administrative design review prior to the Design Review Board starting to hold meetings as described in subsections 23.41.004.D.2.b or 23.41.004.D.2.c, or

ii. The Director determines that a return to full design review would preclude review from being completed in the time required by Section 23.76.005.

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

E. Temporary provisions for affordable housing projects

1. Notwithstanding any contrary provision of Title 23, a project subject to administrative design review according to subsection 23.41.004.A.5 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 façade openings, articulation, and modulation and art on the facades of buildings but not including limitations on structure width;
- e. Requirements for the size and design of common recreational areas, amenity areas, community rooms, and similar indoor amenities but not including any required outdoor open space;
- f. Requirements related to residential uses, transparency, blank facades, and floor-to-floor height at street level, except as otherwise limited in subsection 23.41.012.B; and
- g. Other similar standards as determined by the Director, not including those listed in subsection 23.41.012.B, that pertain to the interior of the building and do not affect the size of the building envelope.

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

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

**23.41.008 Design Review general provisions**

\* \* \*

**E. Meetings of the Design Review Board**

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

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

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

Table B for 23.41.008 Maximum number of Design Review Board meetings for certain projects		
Type of design review	Early design guidance meetings	Recommendation meeting
Full design review	2 <sup>1,2</sup>	1 <sup>1,2</sup>

Footnotes to Table B for 23.41.008<sup>1</sup> 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.<sup>2</sup> The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.

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

\* \* \*

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

**23.41.014 Full design review process**

\* \* \*

**B. Community outreach**

1. Applicants shall prepare a community outreach plan. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, 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 according to subsection 23.41.004.D,

notwithstanding a lack of in-person outreach.

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

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

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

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

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

\* \* \*

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

**23.41.016 Administrative design review process**

\* \* \*

**B. Community outreach**

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, 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 125429, is amended as follows:

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

\* \* \*

**B. Community outreach**

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is

in effect, 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.

\* \* \*

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

**23.41.020 Master Planned Community design review process**

A. Scope. This Section 23.41.020 applies only to development proposals in Master Planned Community zones that do not include a request for departures. If an application in a Master Planned

Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, "highrise structure" and "non-highrise structure" are as defined in Section 23.75.020. While subsection 23.41.004.D's provisions apply, design review for development proposals in a Master Planned Community zone that include a request for departures shall be processed according to the provisions of subsection 23.41.004.D, and design review for highrise structures that are subject to this Section 23.41.020 shall be processed according to the provisions of Section 23.41.020 that apply to non-highrise structures.

\* \* \*

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

**23.49.036 Planned community developments (PCDs)**

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

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



sent in comments or otherwise requested notification, and to the project proponent((-)) , except that, while this ordinance is in effect, the following provisions shall apply in lieu of the requirement for a public meeting:

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

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

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

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

\* \* \*

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

### **23.66.030 Certificates of approval-Application, review and appeals**

\* \* \*

#### **D. Review**

##### **1. Review when no special review board is established**

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

within 15 additional days, issue, issue with conditions, or deny the requested certificate of approval.

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

2. Review when special review board is established

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

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

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

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

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

substantive written comments on the application.

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

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

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

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

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

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

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

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

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

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

j. Installation of improvements for accessibility compliance.

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.

\* \* \*

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

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

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

B. When demolition of residential structures is proposed, and the public school site includes land

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

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

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

**23.79.006 Notice provided for development standard departure**

\* \* \*

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

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

the local area, and to other organizations that have made a written request for notice and provided an address for notice.

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

**23.79.010 Duties of Director**

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

\* \* \*

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

**25.12.080 Certificate of approval.**

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

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

### **25.12.320 Staff-Historic Preservation Officer**

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

\* \* \*

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

Section 15. Section 25.12.490 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

#### **25.12.490 Negotiation with owner.**

A. Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence negotiations with the owner on the application of controls and incentives to the site, improvement, or object, regarding the specific features or characteristics identified in the Board's report on designation. If within fifteen (15) days of the commencement of the negotiation period, the owner fails to participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.

B. While this ordinance is in effect, for a site, improvement, or object that has been nominated and the designation meeting for which has been cancelled for public health reasons, the Board staff may, at the owner's request, commence negotiations with the owner on the application of controls and incentives to the site,

improvement, or object, regarding specific features or characteristics identified in the Board's report on nomination. The question of whether to designate such a site, improvement or object shall be referred to the next meeting of the Board.

Section 16. Section 25.12.500 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

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

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

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

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

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

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

If the agreement on controls and incentives between the Board staff and owner is approved by the Board or the



City Historic Preservation Officer, as applicable, the Board or City Historic Preservation Officer shall transmit the agreement to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660.

Section 18. Section 25.12.680 of the Seattle Municipal Code, last amended by Ordinance 124949, is amended as follows:

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

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

\*\*\*

F. A certificate of approval shall be valid for 18 months from the date of issuance of the Board's decision granting it unless the Board grants an extension; 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.

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

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

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

A. Within thirty (30) days after an application for a certificate of approval is determined to be complete, the Board shall hold a meeting thereon and shall serve notice of the meeting on the owner and the applicant not

less than five (5) days before the date of the meeting. The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.

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

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

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

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

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

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

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

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

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

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

roadway.

10. Installation of improvements for accessibility compliance.

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

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

#### **25.12.735 Development standards departures**

A. An applicant seeking a certificate of approval for new multifamily, commercial or major institution development, that is not otherwise subject to design review pursuant to Section 23.41.004, may also seek land use code departures from the Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission. A Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, may recommend granting a departure where an applicant demonstrates the departure would result in a development that better meets the requirements of Chapter 25.12, the use and development standards for the district, and the purpose for creating the district; except that while this ordinance is in effect,

the recommendation on applications for departures shall be made by the City Historic Preservation Officer, without the need for action of a board or commission or a public meeting.

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

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

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

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

Section 21. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

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

\* \* \*

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

D. Notwithstanding any contrary provision in subsection 25.16.100.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for

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

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

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

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

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

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

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

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

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

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

10. Installation of improvements for accessibility compliance.

11. 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 25.20.090 of the Seattle Municipal Code, last amended by Ordinance 118012, is amended as follows:

**25.20.090 - Board meeting on certificate of approval.**

\* \* \*

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

C. Notwithstanding any contrary provision in subsection 25.20.090.A or Title 25, while this ordinance is in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation

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

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

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

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

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

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

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

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

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

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

10. Installation of improvements for accessibility compliance.

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

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

\* \* \*

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

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



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

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

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

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

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

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

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

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

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

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

10. Installation of improvements for accessibility compliance.

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

**25.22.110 - Board meeting on certificate of approval.**

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

10. Installation of improvements for accessibility compliance.

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

**25.24.070 Issuance of certificate of approval.**

\* \* \*

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

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

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

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

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

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

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

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

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

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

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

10. Installation of improvements for accessibility compliance.

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

**25.30.090 Board meeting on certificate of approval**

\* \* \*

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

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

C. Notwithstanding any contrary provision in subsection 25.30.090.A or Title 25, while this ordinance is

in effect, applications for certificates of approval, whether pending or filed during the foregoing period, for the following items shall be subject to administrative review and approval by the City Historic Preservation Officer, without the need for action of the Board or a public meeting but otherwise subject to the same approval criteria and procedures as would apply to such an application if it were subject to Board review and approval:

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

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

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

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

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

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

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

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

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

10. Installation of improvements for accessibility compliance.

11. 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 27. All public meetings of the Landmarks Preservation Board provided for in Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle Municipal Code are suspended until the earlier of (a) 60 days after the effective date of this ordinance; (b) the date the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Landmarks Preservation Board that do not involve in-person contact but that do provide access to all interested parties in languages commonly spoken in the area; or (c) the date when the Landmarks Preservation Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

Section 28. All public meetings provided for in Sections and subsections 23.66.030.D.2, 23.69.032, 23.76.015, 23.78.010, 23.79.008, 25.16.100, 25.20.090.A, 25.21.110.A, 25.22.110.A, 25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended until the earlier of (a) 60 days after the effective date of this ordinance; (b) the date the City places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Landmarks Preservation Board, Landmark District Boards, Pioneer Square Preservation Board, Historical Commissions, and Development Standard Advisory Committees without



in-person contact but that do provide access to all interested parties in languages commonly spoken in the area; or (c) the date when the meetings can resume with in-person contact consistent with applicable statutory and public health requirements.

Section 29. The time periods provided for in Sections and subsections 23.66.030.D.2, 23.79.008.D, 25.12.730, 25.16.100.A, 25.20.090.A, 25.20.100.A, 25.21.110.A, 25.21.120, 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal Code, to the extent those periods are linked to public meetings suspended according to sections 25 and 26 of this ordinance or to actions that depend on the occurrence of such public meetings, are suspended and tolled for the period of time during which those meetings are suspended according to sections 27 and 28 of this ordinance.

Section 30. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of an event to occur, are suspended for the period of time during which any meeting relevant to the matter in question is suspended according to sections 25 and 26 of this ordinance and any time limit leading to automatic approval or termination under those provisions is tolled for the period of time during which such a meeting is suspended according to sections 27 and 28 of this ordinance.

Section 31. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this ordinance to take public testimony and consider adopting further findings.

Section 32. This ordinance shall be automatically repealed without subsequent Council action 180 days after it becomes effective.

Section 33. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 34. The Council requests that the Seattle Department of Construction and Inspections and the

Office of Labor Standards, in consultation with Public Health - Seattle and King County, investigate the feasibility of promulgating a rule establishing construction industry workplace safety standards to mitigate the risk of COVID-19 transmission. Any draft rule should be informed by best practices identified by the Washington State Building and Construction Trades Council.

Section 35. The Council requests that the Seattle Department of Construction and Inspections report to the Council 60 days after the effective date of this ordinance on progress towards implementing virtual meetings that meet the minimum requirements of the Governor's Proclamation 20-28 and any future proclamation addressing the requirements of the Open Public Meetings Act during the state of emergency.

Section 36. 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 37. By reason of the findings set out in this ordinance, and the emergency that is declared to exist, this ordinance shall become effective immediately upon a passage by a 3/4 vote of the Council, and its approval by the Mayor, as provided in Article IV, subsection 1.I of the Charter of the City.

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

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Monica Martinez Simmons, City Clerk

(Seal)