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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

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

..body

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

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

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

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

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

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

1 Section 1. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance
2 126072, is amended as follows:

3 **23.41.004 Applicability**

4 A. Design review required

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

- 8 a. Multifamily;
- 9 b. Commercial;
- 10 c. Seattle Mixed;
- 11 d. Downtown; and
- 12 e. Stadium Transition Area Overlay District as shown in Map A for
13 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

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

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

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

- 21 a. Religious facilities;
- 22 b. Elementary and secondary schools;
- 23 c. Uses associated with a Major Institution Master Plan (MIMP); or

1 d. Development of a major institution use within a Major Institution
2 Overlay (MIO) district.

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

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

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

20 7. Subject to the exemptions in subsection 23.41.004.B, design review is required
21 for additions to existing structures when the size of the proposed addition or expansion exceeds a
22 threshold in Table A or Table B for 23.41.004. Administrative design review, as described in

1 Section 23.41.016, is required for certain other additions to existing structures according to rules
2 promulgated by the Director.

3 * * *

4 C. Optional design review

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

8 a. The development proposal is in any zone or area identified in subsection
9 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except
10 development that is within a Master Planned Community zone is not eligible for optional design
11 review; and

12 b. The development proposal does not include the uses listed in subsection
13 23.41.004.A.3.

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

19 D. Temporary provisions for projects that elected administrative design review

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

22 2. If a project elected to be processed through administrative design review as
23 allowed by subsection 23.41.004.D.3.a as that subsection was enacted by section 2 of Ordinance

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

11 3. Notwithstanding any contrary provision of subsection 23.41.004.D.2, a project
12 that elected to be processed through administrative design review as allowed by subsection
13 23.41.004.D.3.a as that subsection was enacted by section 2 of Ordinance 126072, and that
14 completed the early design guidance process before the Department made a virtual early design
15 guidance meeting available to such project, may elect to continue to be processed through
16 administrative design review until December 31, 2020, and shift back to the full design review
17 process on January 1, 2021, if the project has not completed design review through the
18 administrative design review process by December 31, 2020. This election is available
19 regardless of whether virtual or in-person meetings become possible before December 31, 2020.
20 If the project so elects, no new notice that the project is being processed through administrative
21 design review is required, unless the most recent notice did not reference that the project is being
22 processed through administrative design review.

23 E. Temporary provisions for affordable housing projects

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

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

10 a. Requirements for bike rooms and the quantity of bike parking;
11 b. Requirements for the size of parking spaces;
12 c. Requirements for overhead weather protection;
13 d. Requirements for facade openings, articulation, and modulation and art
14 on the facades of buildings but not including limitations on structure width;

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

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

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

Footnotes to Table B for 23.41.008

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

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

23.41.014 Full design review process

* * *

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

1 requirement, shall satisfy the requirement for in-person outreach methods regardless of the
2 contents of an outreach plan, and a project may be scheduled for an early design guidance
3 meeting, to the extent such a meeting may be held, notwithstanding a lack of in-person outreach.

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

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

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

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

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

19 * * *

20 Section 4. Subsection 23.41.016.B of the Seattle Municipal Code, which section was last
21 amended by Ordinance 126072, is amended as follows:

22 **23.41.016 Administrative design review process**

23 * * *

1 B. Community outreach

2 1. Applicants shall prepare a community outreach. The outreach plan shall
3 include, at minimum, the following outreach methods: printed, electronic or digital, and in-
4 person; except that, while this ordinance is in effect, a high impact electronic or digital outreach
5 method from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its
6 successor rule, that is not already being used to meet the electronic or digital outreach
7 requirement, shall satisfy the requirement for in-person outreach methods regardless of the
8 contents of an outreach plan, and a project may proceed to the early design guidance process,
9 notwithstanding a lack of in-person outreach.

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

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

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

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

1 and a summary of what the applicant heard from the community when conducting the outreach;
2 and

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

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

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

10 * * *

11 Section 6. Section 23.41.020 of the Seattle Municipal Code, last amended by Ordinance
12 126072, is amended as follows:

13 **23.41.020 Master Planned Community design review process**

14 A. Scope. This Section 23.41.020 applies only to development proposals in Master
15 Planned Community zones that do not include a request for departures. If an application in a
16 Master Planned Community zone includes a request for departures, then the applicable design
17 review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, "highrise
18 structure" and "non-highrise structure" are as defined in Section 23.75.020. While subsection
19 23.41.004.D's provisions apply, design review for development proposals in a Master
20 Planned Community zone that include a request for departures shall be processed according to
21 the provisions of subsection 23.41.004.D, and design review for highrise structures that are
22 subject to this Section 23.41.020 shall be processed according to the provisions of Section
23 23.41.020 that apply to non-highrise structures.

* * *

Section 7. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance 126072, is amended as follows:

23.49.036 Planned community developments (PCDs)

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

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

1 use and development standards for the district and shall, within 15 additional days, issue, issue
2 with conditions, or deny the requested certificate of approval.

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

8 2. Review when special review board is established

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

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

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

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

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

8 3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, while
9 this ordinance is in effect, applications for certificates of approval, whether pending or filed
10 during the foregoing period, for the following items shall be subject to the process in subsection
11 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

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

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

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

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

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

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

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

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

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

8 j. Installation of improvements for accessibility compliance.
9 Installation, removal, or alteration of fire and life safety equipment.

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

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

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

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

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

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

1 **23.79.006 Notice provided for development standard departure**

2 * * *

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

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

17 Section 11. Section 23.79.010 of the Seattle Municipal Code, last amended by Ordinance
18 126072, is amended as follows:

19 **23.79.010 Duties of Director**

20 A. The Director shall determine the amount of departure from established development
21 standards that may be allowed or required, as well as mitigating measures that may be required.
22 The Director's decision shall be based on an evaluation of the factors set forth in subsection
23 23.79.008.C, the majority recommendations and minority reports of the advisory committee, or

1 the recommendations of the Director of the Department of Neighborhoods if applicable,
2 comment at the public hearings and other comments from the public. If the Director modifies the
3 recommendations of the advisory committee or Director of the Department of Neighborhoods if
4 applicable, the reasons for the modification shall be put forth in writing.

5 * * *

6 Section 12. Section 25.12.080 of the Seattle Municipal Code, last amended by Ordinance
7 126072, is amended as follows:

8 **25.12.080 Certificate of approval.**

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

16 Section 13. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance
17 126072, is amended as follows:

18 **25.12.320 Staff—Historic Preservation Officer**

19 The Director of the Department of Neighborhoods shall provide adequate staff support to the
20 Landmarks Preservation Board and shall assign a member of the Department's staff to act as
21 Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer
22 shall be the custodian of the Board's records, conduct official correspondence, assist in
23 organizing and supervising the Landmarks Preservation Board, organize and supervise the Board

1 staff and the clerical and technical work of the Board to the extent required to administer this
2 Chapter 25.12. In addition, the Historic Preservation Officer shall:

3 * * *

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

6 Section 14. Section 25.12.720 of the Seattle Municipal Code, last amended by Ordinance
7 126072, is amended as follows:

8 **25.12.720 Board meeting on certificate of approval.**

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

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

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

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

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

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

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

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

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

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

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

16 10. Installation of improvements for accessibility compliance.

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

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

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

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

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

6 Section 15. Section 25.12.735 of the Seattle Municipal Code, enacted by Ordinance
7 126072, is amended as follows:

8 **25.12.735 Development standards departures**

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

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

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

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

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

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

11 Section 16. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance
12 126072, is amended as follows:

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

14 * * *

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

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

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

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

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

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

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

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

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

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

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

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

23 10. Installation of improvements for accessibility compliance.

1 District; and (8) the position of such buildings or structures in relation to the street or public way
2 and to other buildings and structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 10. Installation of improvements for accessibility compliance.

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

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

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

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

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

22 Section 19. Section 25.22.110 of the Seattle Municipal Code, last amended by Ordinance
23 126072, is amended as follows:

1 **25.22.110 Board meeting on certificate of approval.**

2 * * *

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

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

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

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

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

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

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

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

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

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

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

16 10. Installation of improvements for accessibility compliance.

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

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

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

1 procedures as would apply to such an application if it were subject to Commission review and
2 approval:

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

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

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

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

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

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

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

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

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

22 10. Installation of improvements for accessibility compliance.

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

1 6. The arrangement, texture, material, and color of the building or structure in
2 question, and its appurtenant fixtures, including signs;

3 7. The relationship of such features to similar features within the Sand Point
4 Naval Air Station Landmark District; and

5 8. The position of such buildings, structures, or landscape elements in relation
6 to public property and to other buildings, structures, and landscape elements.

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

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

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

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

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

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

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

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

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

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

10 10. Installation of improvements for accessibility compliance.

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

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

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

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

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

1 Section 22. When meetings of the International Special Review District Board,
2 Landmarks Preservation Board and other Historic, Landmarks, and Special Review District
3 Boards and Commissions resume, the Council requests that those boards and commissions apply
4 an equity lens and prioritize projects without strong community opposition in scheduling their
5 agendas, to the extent possible taking into account existing rules and regulations.

6 Section 23. Sections 1 through 22 of this ordinance shall be automatically repealed
7 without subsequent Council action 180 days after the termination of the civil emergency
8 proclaimed by the Mayor on March 3, 2020.

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