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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, 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.

..body

**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

1 essential activities or essential business services. While the order initially was for a term of two  
2 weeks, the Governor has already recognized that that the order may need to be extended beyond  
3 that time to effectively fight the pandemic. It is possible that, to respond to COVID-19, social  
4 distancing measures will be required for a considerable period of time, measured in months.

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

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

21 G. Commercial and residential construction is necessary to accommodate businesses and  
22 to provide much-needed housing, including affordable housing, for City residents. Construction  
23 also employs a large number of workers and is a driver of economic activity in its own right.

1 Construction activity has, of necessity, been severely reduced by the recent measures needed to  
2 limit in-person contact. However, when public health considerations allow relaxation of those  
3 measures, resumption of normal levels of construction will be essential to reviving the local  
4 economy as well as meeting the still-urgent need for housing.

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

14 I. The City is undertaking urgent efforts to design and implement, as soon as possible,  
15 technical measures that would allow public meetings to be held remotely or virtually, without in-  
16 person contact. However, for the types of public meetings involved in the land use approval  
17 process, such measures are not easy to place in operation. The members of many of the boards  
18 in question are volunteers who will be participating from their individual homes or businesses  
19 and will require training to do so effectively on a remote basis. Particularly in the case of design  
20 review, many meetings involve substantial graphic materials such as plans, pictures, and  
21 visualizations that are difficult to present electronically, particularly given the technological  
22 limitations that may be faced by members of the public wishing to participate. Some meetings  
23 involve large attendance, increasing the difficulty of designing processes that allow public input

1 in an orderly fashion. Finally, any virtual meeting process will require development of careful  
2 instructions and outreach materials to educate the public on the technical aspects of using the  
3 process, and preparing such materials will take time.

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

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

17 L. The ability of projects to continue through the development approval process is critical  
18 to the economic recovery of the City and region as the restrictions needed to combat the  
19 pandemic are, hopefully, relaxed in coming months. When construction activity is able to  
20 resume, it will be critical for permits to be ready to be issued, as opposed to being either stalled  
21 or months behind in the permitting process.

22 M. The changes in this ordinance are designed to achieve that goal while still allowing  
23 for public input in the permitting process. The ordinance shifts projects that are subject to full

1 design review (which requires meetings of the Design Review Board) to administrative design  
2 review for the six-month duration of the ordinance or until such earlier time as the City has put in  
3 operation a system for the Board to hold such meetings virtually or the Board is able to resume  
4 meetings involving in-person contact. Administrative design review still involves opportunities  
5 for public input, but the design review recommendation is made by the Director of the Seattle  
6 Department of Construction and Inspections rather than by the Board.

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

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

1 populations to access affordable housing is critical to the City’s recovery from the COVID-19  
2 pandemic.

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

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

13 **23.41.004 Applicability**

14 A. Design review required

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

- 18 a. Multifamily;
- 19 b. Commercial;
- 20 c. Seattle Mixed;
- 21 d. Downtown; and
- 22 e. Stadium Transition Area Overlay District as shown in Map A for

23 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

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

4                   a. Industrial Buffer; and

5                   b. Industrial Commercial.

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

8                   a. Religious facilities;

9                   b. Elementary and secondary schools;

10                  c. Uses associated with a Major Institution Master Plan (MIMP); or

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

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

16                  5. Any development proposal, regardless of size or site characteristics, is subject  
17 to the administrative design review process according to Section 23.41.016 if it receives public  
18 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory  
19 agreement, covenant or other legal instrument recorded on the property title and enforceable by  
20 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King  
21 County, U.S. Department of Housing and Urban Development, or other similar entity as  
22 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy



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

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

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

9                   2. The provisions of this subsection 23.41.004.D apply from the effective date of  
10 this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the  
11 date when the Department places in operation a system, consistent with applicable statutory  
12 requirements, for holding meetings of the Design Review Board that do not involve in-person  
13 contact; or (c) the date when the Design Review Board resumes meetings involving in-person  
14 contact consistent with applicable statutory and public health requirements.

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

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

1                            b. If an applicant makes the election described in subsection  
2 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not  
3 completed under administrative design review, shall be shifted back to the full design review  
4 process at the time set forth in subsection 23.41.004.D.2.

5                            c. An applicant may make the election described in subsection  
6 23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the  
7 applicant's application vested according to Section 23.76.026.

8                    E. Temporary provisions for affordable housing projects

9                            1. Notwithstanding any contrary provision of Title 23, a project subject to  
10 administrative design review according to subsection 23.41.004.A.5 shall be exempt from design  
11 review if the applicant files a complete building permit application while this ordinance is in  
12 effect, except that the applicant may elect to have the project be subject to design review  
13 notwithstanding the preceding exemption.

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

17                            a. Requirements for bike rooms and the quantity of bike parking;

18                            b. Requirements for the size of parking spaces;

19                            c. Requirements for overhead weather protection;

20                            d. Requirements for façade openings, articulation, and modulation and art  
21 on the facades of buildings but not including limitations on structure width;



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

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

<b>Table B for 23.41.008</b>		
<b>Maximum number of Design Review Board meetings for certain projects</b>		
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.

10  
11                   4. The Director may require additional Design Review Board meetings above  
12 the maximum established in subsection 23.41.008.E.3 if the Director determines the Design  
13 Review Board needs additional time for deliberation and evaluation of a project due to the  
14 size and complexity of the site or proposed development, the amount and content of public  
15 comment, an applicant's insufficient response to previous Board direction, or at the applicant's  
16 request. If the Design Review Board cannot complete a recommendation, it shall identify  
17 reasons why another recommendation meeting is necessary.

1 \* \* \*

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

4 **23.41.014 Full design review process**

5 \* \* \*

6 B. Community outreach

7 1. Applicants shall prepare a community outreach plan. The outreach plan shall  
8 include, at minimum, the following outreach methods: printed, electronic or digital, and in-  
9 person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy  
10 the requirement for in-person outreach methods regardless of the contents of an outreach plan,  
11 and a project may be scheduled for an early design guidance meeting, to the extent such a  
12 meeting may be held according to subsection 23.41.004.D, notwithstanding a lack of in-person  
13 outreach.

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

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

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



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

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

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

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

12 \* \* \*

13 Section 6. Subsection 23.41.018.B of the Seattle Municipal Code, which section was last  
14 amended by Ordinance 125429, is amended as follows:

15 **23.41.018 Streamlined administrative design review (SDR) process**

16 \* \* \*

17 B. Community outreach

18 1. Applicants shall prepare a community outreach. The outreach plan shall  
19 include, at minimum, the following outreach methods: printed, electronic or digital, and in-  
20 person; except that, while this ordinance is in effect, electronic or digital methods shall satisfy  
21 the requirement for in-person outreach methods regardless of the contents of an outreach plan,  
22 and a project may proceed to the early design guidance process notwithstanding a lack of in-  
23 person outreach.



1 structure" and "non-highrise structure" are as defined in Section 23.75.020. While subsection  
2 23.41.004.D's provisions apply, design review for development proposals in a Master  
3 Planned Community zone that include a request for departures shall be processed according to  
4 the provisions of subsection 23.41.004.D, and design review for highrise structures that are  
5 subject to this Section 23.41.020 shall be processed according to the provisions of Section  
6 23.41.020 that apply to non-highrise structures.

7 \* \* \*

8 Section 8. Section 23.49.036 of the Seattle Municipal Code, last amended by Ordinance  
9 124952, is amended as follows:

10 **23.49.036 Planned community developments (PCDs)**

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

14 B. Public benefit priorities. The Director shall determine public benefit priorities for the  
15 PCD. These priorities shall be prepared prior to application for a Master Use Permit. They shall  
16 include priorities for public benefits listed in subsection 23.49.036.F and priorities for  
17 implementing the goals of the Comprehensive Plan, including adopted neighborhood plans for  
18 the area affected by the PCD, and a determination of whether the proposed PCD may use public  
19 right-of-way area to meet the minimum site size set forth in subsection 23.49.036.E. Before the  
20 priorities are prepared, the Director shall cause a public meeting to be held to identify concerns  
21 about the site and to receive public input into priorities for public benefits identified in adopted  
22 neighborhood plans and subsection 23.49.036.F. Notice for the meeting shall be provided  
23 pursuant to Section 23.76.011. The Director shall prepare priorities for the PCD taking into

1 account comments made at the public meeting or in writing to the Director, and the criteria in  
2 this Section 23.49.036. The Director shall distribute a copy of the priorities to all those who  
3 provided addresses for this purpose at the public meeting, to those who sent in comments or  
4 otherwise requested notification, and to the project proponent((-) ) except that, while this  
5 ordinance is in effect, the following provisions shall apply in lieu of the requirement for a public  
6 meeting:

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

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

14 3. The Director shall prepare priorities for the PCD taking into account comments  
15 made during public outreach or in writing to the Director, and the criteria in this Section  
16 23.49.036; and

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

20 \* \* \*

21 Section 9. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance  
22 125603, is amended as follows:

23 **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

1 district. The board shall make its recommendation within 30 days of the receipt of a completed  
2 application by the board staff, except that the applicant may waive the deadlines in writing for  
3 the special review board to make a recommendation or the Director of the Department of  
4 Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or  
5 issuance of related permits that are under review by the Seattle Department of Construction and  
6 Inspections.

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

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

14 3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, while this  
15 ordinance is in effect, applications for certificates of approval, whether pending or filed during  
16 the foregoing period, for the following items shall be subject to the process in subsection  
17 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

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

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

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

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

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

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

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

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

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

14 j. Installation of improvements for accessibility compliance.

15 k. Removal of trees more than 6 inches in diameter measured 4½ feet above the  
16 ground, identified as a hazard by an International Society of Arboriculture (ISA)  
17 Certified Arborist.

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

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

21 n. Change of use, establishment of a new use, or expansion of use, if use is a  
22 preferred use per Chapter 23.66 or applicable district rules.



1 Section 11. Section 23.79.006 of the Seattle Municipal Code, last amended by Ordinance  
2 123913, is amended as follows:

3 **23.79.006 Notice provided for development standard departure**

4 \* \* \*

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

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

19 Section 12. Section 23.79.010 of the Seattle Municipal Code, last amended by Ordinance  
20 124378, is amended as follows:

21 **23.79.010 Duties of Director**

22 A. The Director shall determine the amount of departure from established development  
23 standards that may be allowed or required, as well as mitigating measures that may be required.

1 The Director's decision shall be based on an evaluation of the factors set forth in subsection  
2 23.79.008.C, the majority recommendations and minority reports of the advisory committee, or  
3 the recommendations of the Director of the Department of Neighborhoods if applicable,  
4 comment at the public hearings and other comments from the public. If the Director modifies the  
5 recommendations of the advisory committee or Director of the Department of Neighborhoods if  
6 applicable, the reasons for the modification shall be put forth in writing.

7 \* \* \*

8 Section 13. Section 25.12.080 of the Seattle Municipal Code, last amended by Ordinance  
9 119121, is amended as follows:

10 **25.12.080 Certificate of approval.**

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

18 Section 14. Section 25.12.320 of the Seattle Municipal Code, last amended by Ordinance  
19 124919, is amended as follows:

20 **25.12.320 Staff—Historic Preservation Officer**

21 The Director of the Department of Neighborhoods shall provide adequate staff support to the  
22 Landmarks Preservation Board and shall assign a member of the Department's staff to act as  
23 Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer

1 shall be the custodian of the Board's records, conduct official correspondence, assist in  
2 organizing and supervising the Landmarks Preservation Board, organize and supervise the Board  
3 staff and the clerical and technical work of the Board to the extent required to administer this  
4 Chapter 25.12. In addition, the Historic Preservation Officer shall:

5 \* \* \*

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

8 Section 15. Section 25.12.500 of the Seattle Municipal Code, last amended by Ordinance  
9 118012, is amended as follows:

10 **25.12.500 Negotiations-Procedure and time requirements.**

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

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

22 C. Notwithstanding any contrary provision in subsection 25.12.500.B or Title 25, while  
23 this ordinance is in effect, if the owner and the Board staff reach written agreement within the

1 period allotted for negotiation, the City Historic Preservation Officer shall approve or disapprove  
2 the agreement, without the need for action of the Board or a public meeting.

3 Section 16. Section 25.12.510 of the Seattle Municipal Code, enacted by Ordinance  
4 106348, is amended as follows:

5 **25.12.510 Effect of Board approval of agreement.**

6 If the agreement on controls and incentives between the Board staff and owner is approved by  
7 the Board or the City Historic Preservation Officer, as applicable, the Board or City Historic  
8 Preservation Officer shall transmit the agreement to the Council with a request for Council action  
9 pursuant to Sections 25.12.650 and 25.12.660.

10 Section 17. Section 25.12.720 of the Seattle Municipal Code, last amended by Ordinance  
11 118012, is amended as follows:

12 **25.12.720 Board meeting on certificate of approval.**

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

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

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

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

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

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

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

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

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

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

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

20                   10. Installation of improvements for accessibility compliance.

21                   11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the  
22 ground, identified as a hazard by an International Society of Arboriculture (ISA)  
23 Certified Arborist.

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

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

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

6                   Section 18. Section 25.12.735 of the Seattle Municipal Code, enacted by Ordinance  
7 125429, 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 19. Section 25.16.100 of the Seattle Municipal Code, last amended by Ordinance  
12 124919, 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 during the foregoing period, for the following items shall be subject to administrative review and  
2 approval by the City Historic Preservation Officer, without the need for action of the Board or a  
3 public meeting but otherwise subject to the same approval criteria and procedures as would apply  
4 to such an application if it were subject to Board review and approval:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



1 structures or landscape elements in relation to the street or public way and to other buildings,  
2 structures and landscape elements.

3 C. Notwithstanding any contrary provision in subsection 25.22.110.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 be valid for the life of the permit issued by the Seattle Department of Construction and  
2 Inspections, including any extensions granted by the Seattle Department of Construction and  
3 Inspections in writing.

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

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

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

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

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

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

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

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

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

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

8                    10. Installation of improvements for accessibility compliance.

9                    11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the  
10 ground, identified as a hazard by an International Society of Arboriculture (ISA)  
11 Certified Arborist.

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

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

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

17                    Section 24. Section 25.30.090 of the Seattle Municipal Code, enacted by Ordinance  
18 124850, is amended as follows:

19 **25.30.090 Board meeting on certificate of approval**

20                    \* \* \*

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

23                    1. The purposes of this chapter;

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

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

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

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

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

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

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

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

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

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

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

14                   10. Installation of improvements for accessibility compliance.

15                   11. Removal of trees more than 6 inches in diameter measured 4 ½ feet above the  
16 ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified  
17 Arborist.

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

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

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

1           Section 25. All public meetings of the Landmarks Preservation Board provided for in  
2 Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle  
3 Municipal Code are suspended for 60 days.

4           Section 26. All public meetings provided for in Sections and subsections 23.66.030.D.2,  
5 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,  
6 25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended for 60 days.

7           Section 27. The time periods provided for in Sections and subsections 23.66.030.D.2,  
8 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,  
9 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal Code  
10 are suspended and tolled for 60 days.

11           Section 28. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and  
12 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may  
13 proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of  
14 an event to occur, are suspended for 60 days and any time limit leading to automatic approval or  
15 termination under those provisions is tolled for 60 days.

16           Section 29. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within  
17 60 days of adoption of this ordinance to take public testimony and consider adopting further  
18 findings.

19           Section 30. This ordinance shall be automatically repealed without subsequent Council  
20 action 180 days after it becomes effective.

21           Section 31. Based on the findings of fact set forth in Section 1 of this ordinance, the  
22 Council finds and declares that this ordinance is a public emergency ordinance, which shall take  
23 effect immediately and is necessary for the protection of the public health, safety, and welfare.

1 Section 32. By reason of the findings set out in this ordinance, and the emergency that is  
2 declared to exist, this ordinance shall become effective immediately upon a passage by a 3/4 vote  
3 of the Council, and its approval by the Mayor, as provided in Article IV, subsection 1.I of the  
4 Charter of the City.

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

8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

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

11 \_\_\_\_\_  
12 Jenny A. Durkan, Mayor

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

14 \_\_\_\_\_  
15 Monica Martinez Simmons, City Clerk

16 (Seal)