

ORDINANCE No.

119121

COUNCIL BILL No.

112257

The City Law Department
02/02/98

The City

Relating to land use and historic preservation; amending Chapters 22.901T, 23.66, 25.12, 25.16, 25.20, 25.22 and 25.24 of the Seattle Municipal Code to clarify the process for certificates of approval for preliminary and subsequent design phases for Landmark properties and for properties in the Ballard Avenue Landmark District, the Columbia City Landmark District, the Harvard-Belmont Landmark District, the International Special Review District, and the Pioneer Square Preservation District; and, to add a preliminary Certificate of Approval process for the Pike Place Market Historical District.

Honorable President:

Your Committee on _____

to which was referred the within Co report that we have considered the

8/18/98

BEC

8-24-98 Full CO

(Excuse)

Introduced: <i>JUL 20 1998</i>	By: DRAGO
Referred: <i>JUL 20 1998</i>	To: Business, Economic & Community Development Committee
Referred:	To:
Referred:	To:
Reported: <i>8-24-98</i>	Second Reading
Third Reading: <i>8-24-98</i>	Signed: <i>8-24-98</i>
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Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:



Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

City President:

Committee on _____

_____ was referred to the within Council Bill No. _____

_____ that we have considered the same and respectfully recommend that the same:

8/18/98

BECD Do approve LO.

4-98 Full Council Action: 7-0 Passed

(Excused: Conlin, Podlodowski)



Committee Chair

ORDINANCE 119121

AN ORDINANCE relating to land use and historic preservation; amending Chapters 22.901T, 23.66, 25.12, 25.16, 25.20, 25.22 and 25.24 of the Seattle Municipal Code to clarify the process for certificates of approval for preliminary and subsequent design phases for Landmark properties and for properties in the Ballard Avenue Landmark District, the Columbia City Landmark District, the Harvard-Belmont Landmark District, the International Special Review District, and the Pioneer Square Preservation District; and, to add a preliminary Certificate of Approval process for the Pike Place Market Historical District.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 22.901T.010, which Section was adopted by Ordinance 117405, is amended as follows:

22.901T.010 Department of Neighborhood fees assessed in association with Department review.

The following fees shall be collected by the Director of the Department of Neighborhoods and shall be deposited in the General Fund.

A. Certificate of Approval Fees. There shall be a charge for a Certificate of Approval as required by all applicable ordinances for the construction or alteration of property in a designated Special Review District, Landmark, Landmark District, or Historic District of Ten Dollars (\$10) for construction costs of One Thousand Five Hundred Dollars (\$1500) or less, plus Ten Dollars (\$10) for each additional Five Thousand Dollars (\$5000) of construction costs up to a maximum fee of One Thousand Dollars (\$1000), except that when an applicant applies for a certificate of approval for the preliminary design of a project and later applies for a certificate of approval for a subsequent phase or phases of the same project, a fee shall only be charged for the first application. There shall be an additional charge of Ten Dollars (\$10) for a Certificate of Approval in the Pioneer Square Preservation District, the Pike Place Market Historical District and the International Special Review District.

1
2 Section 2. Subsections C and E of Section 23.66.030 of the Seattle Municipal Code, which
3 Section was last amended by Ordinance 118181, is further amended as follows:

4 **23.66.030 Certificates of approval-Application, review and appeals.**

5 C. Application.

6 1. An application for a certificate of approval shall be filed with the Director of the Department of
7 Neighborhoods. When a permit application is filed with the Director or with the Director of
8 Transportation for work requiring a certificate of approval, the permit application shall not be
9 determined to be complete until the applicant has submitted a complete application for a certificate of
10 approval to the Department of Neighborhoods.

11 2. The following information must be provided in order for the application to be complete, unless
12 the Director of the Department of Neighborhoods indicates in writing that specific information is not
13 necessary for a particular application:

- 14 a. Building name and building address;
- 15 b. Name of the business(es) located at the site
16 of the proposed work;
- 17 c. Applicant's name and address;
- 18 d. Building owner's name and address;
- 19 e. Applicant's telephone number;
- 20 f. The building owner's signature on the application, or a signed letter from the owner
21 designating the applicant as the owner's representative, if the applicant is not the owner;
- 22 g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has
23 been paid;
- 24

1 h. A detailed description of the proposed work, including:

2 (1) Any changes that will be made to the building or the site,

3 (2) Any effect that the work would have on the public right-of-way or other public spaces,

4 (3) Any new construction,

5 (4) Any proposed use, change of use, or expansion of use;

6 i. Four (4) sets of scale drawings, with all dimensions shown, of:

7 (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the
8 proposal includes any work in the public right-of-way, the existing street uses, such as street trees and
9 sidewalk displays, and another site plan showing proposed changes to the existing
10 conditions,

11 (2) A floor plan showing the existing features and a floor plan showing the proposed new
12 features,

13 (3) Elevations and sections of both the proposed new features and the existing features,

14 (4) Construction details,

15 (5) A landscape plan showing existing features and plantings, and another landscape plan
16 showing proposed site features and plantings;

17 j. Photographs of any existing features that would be altered and photographs showing the
18 context of those features, such as the building facade where they are located;

19 k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an
20 elevation drawing or a photograph showing the location of proposed new finishes or paint;

21 l. If the proposal includes new signage, awnings, or exterior lighting:

22 (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall
23 dimensions, material, design graphics, typeface, letter size, and colors,

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1 (2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the
2 proposed awning, sign, or lighting,

3 (3) Four (4) copies of details showing the proposed method of attaching the new awning, sign,
4 or lighting,

5 (4) The wattage and specifications of the proposed lighting, and a drawing or picture of the
6 lighting fixture,

7 (5) One (1) sample of proposed sign colors or awning material and color,

8 (6) For new signage or awnings in the International Special Review District, the dimensions
9 of the street frontage on the side where the sign or awning would be located;

10 m. If the proposal includes demolition of a structure or object:

11 (1) A statement of the reason(s) for demolition,

12 (2) A description of the replacement structure or object and the replacement use;

13 n. If the proposal includes replacement, removal, or demolition of existing features, a survey of
14 the existing conditions of the features that would be replaced, removed, or demolished.

15 3. The Director of the Department of Neighborhoods shall determine whether an application is
16 complete and shall notify the applicant in writing within twenty-eight (28) days of the application being
17 filed whether the application is complete or that the application is incomplete and what additional
18 information is required before the application will be complete. Within fourteen (14) days of receiving
19 the additional information, the Director of the Department of Neighborhoods shall notify the applicant in
20 writing whether the application is now complete or what additional information is necessary. An
21 application shall be deemed to be complete if the Director of the Department of Neighborhoods does not
22 notify the applicant in writing by the deadlines in this section that the application is incomplete. A
23 determination that the application is complete is not a determination that the application is vested.
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1 4. The determination of completeness does not preclude the Director of the Department of
2 Neighborhoods or the board from requiring additional information during the review process if more
3 information is needed to evaluate the application according to the criteria in this chapter and in
4 any rules adopted by the board, or if the proposed work changes. For example, additional information
5 that may be required could include a shadow study or a traffic study when new construction is proposed.

6 5. An applicant may make a written request to submit an application for a certificate of approval
7 for a preliminary design of a project if the applicant waives in writing the deadline for a board
8 ~~((decision))~~ recommendation and decision by the Director of the Department of Neighborhoods on the
9 ~~((final design))~~ subsequent design phase or phases of the project. ~~((and any deadlines for decisions on~~
10 ~~related permit applications under review by the Department of Construction and Land Use))~~ and agrees
11 in writing that the decision by the Director of the Department of Neighborhoods on the preliminary
12 design is immediately appealable by the applicant or any interested person. The staff may reject the
13 request if it appears that approval of a preliminary design would not be an efficient use of staff or board
14 time and resources, or would not further the goals and objectives of this chapter. To be complete, an
15 application for a certificate of approval for a preliminary design must include the information listed
16 above in subsection C2, subparagraphs a through h, i(1) ~~((and))~~ through i(3), j, m and n. A certificate of
17 approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the
18 final design and all of the information listed above in subsection C2, and upon board approval, prior to
19 issuance of permits for work affecting the structure, right-of-way or space.

20 6. After the special review board has given notice of the meeting at which an application for a
21 certificate of approval will be considered, no other application for the same alteration or change of use
22 may be submitted until the application is withdrawn or the Department of Neighborhoods Director has
23 approved or denied the existing application and all appeals have been concluded, except that an
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1 application may be made for a certificate of approval for the preliminary design of a project and a later
2 application made for a certificate of approval for a subsequent design phase or phases of the same
3 project.

4 E. Appeal to Hearing Examiner.

5 1. Any interested person may appeal the decision of the Department of Neighborhoods Director to
6 the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of
7 Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of
8 approval is also the subject of one or more related permit applications under review by the
9 Department of Construction and Land Use, then the appellant must also file notice of the appeal with the
10 Director of the Department of Construction and Land Use, and the appeal of the certificate of approval
11 shall not be heard until all of the time periods for filing administrative appeals on the other permits or
12 any environmental determinations have expired, except that an appeal of a certificate of approval for the
13 preliminary design or for subsequent design phases may proceed immediately without being
14 consolidated. The appeal of the certificate of approval shall be consolidated with the predecision
15 hearing required for any Type IV Council land use decision, or if one or more appeals are filed regarding
16 the other permits or environmental determinations, the appeal of the certificate of approval shall be
17 consolidated with them and shall be heard according to the same timelines established for the other
18 appeals or predecision hearing, except that appeals to the State Shoreline Hearings Board shall proceed
19 independently according to the timelines set by the state for such appeals, and except that an appeal of a
20 certificate of approval for a preliminary design or for a subsequent design phase may proceed without
21 being consolidated.

22 2. If the related permit decisions would not be appealable, and no predecision hearing is required,
23 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.
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1 3. The applicant for the certificate of approval, not involving approval of preliminary and
2 subsequent design phases also may elect to have the appeal proceed immediately rather than be
3 postponed for consolidation with appeals of related permit applications or with a predecision hearing, if
4 the applicant agrees in writing that the (~~Department of Construction and Land Use may suspend its~~
5 ~~review of the related permits or approvals, and that the~~) time period for review of those permits or
6 approvals shall be suspended until the Hearing Examiner issues a decision on the appeal
7 of the certificate of approval.

8 4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and
9 procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code.
10 Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be
11 reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods
12 Director's decision was arbitrary and capricious.

13 5. If evidence is presented to the Hearing Examiner that was not presented to the Board, or if the
14 Hearing Examiner determines that additional information is required, then the Hearing Examiner shall
15 remand the decision to the Department of Neighborhoods Director for consideration of the additional
16 information or evidence.

17 6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of any
18 appeals of related permit decisions is filed provided that, when an appeal of a certificate of approval is
19 consolidated with a predecision hearing, the Hearing Examiner shall issue the decision on the certificate
20 of approval with the recommendation to the City Council on a Type IV Council land use decision, or, if
21 the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided
22 in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal.

1 Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of
2 approval shall be exempt from the deadlines for review and decision on both the certificate of approval
3 and any related permit applications or approvals.

4 7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision
5 shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be
6 commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by
7 RCW 36.70C.040.

8 Section 3. Section 25.12.080 of the Seattle Municipal Code, as last amended by Ordinance
9 109125, is further amended as follows:

10 **SMC 25.12.080 Certificate of approval.**

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

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18 Section 4. Subsection E of Section 25.12.680 of the Seattle Municipal Code, which Section was
19 last amended by Ordinance 118181, is further amended as follows:

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

21 E. An applicant may make a written request to submit an application for a certificate of approval for
22 a preliminary design of a project if the applicant waives in writing the deadline for a Board decision on
23 the ~~((final design))~~ subsequent phase or phases of the project, and any deadlines for decisions on related
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1 permit applications under review by the Department of Construction and Lane Use; and the applicant
2 agrees in writing that the Board decision on the preliminary design is immediately appealable by the
3 applicant or any interested person of record. The staff may reject the request if it appears that approval
4 of a preliminary design would not be an efficient use of staff or Board time and resources, or would not
5 further the goals and objectives of this chapter. To be complete, an application for a certificate of
6 approval for a preliminary design must include the information listed above in subsection B,
7 subparagraphs 1 through 8, 9a through 9c, 10, 13 and 14. A certificate of approval that is granted for a
8 preliminary design shall be conditioned upon subsequent submittal of the final design and all of the
9 information listed above in subsection B, and Board approval prior to issuance of permits for work
10 affecting the landmark.

11
12 Section 5. Section 25.12.700 of the Seattle Municipal Code, as last amended by Ordinance
13 118012, is further amended as follows:

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15 **SMC 25.12.700 Application for certificate of approval-Similar changes.**

16 An application for a certificate of approval shall not be accepted for filing while another application
17 for the same or similar action is pending before the Board or on appeal; except that an application may
18 be made for a certificate of approval for the preliminary design of a project and a later application made
19 for a certificate of approval for a subsequent design phase or phases of the same project.

20
21 Section 6. Subsection B of Section 25.12.740 of the Seattle Municipal Code, which Section was
22 last amended by Ordinance 118012, is further amended as follows:

23 **SMC 25.12.740 Appeal to Hearing Examiner.**

1 B. When the proposed action that is the subject of the certificate of approval is also the subject of
2 one or more related permit applications under review by the Department of Construction and Land Use,
3 then the appellant must also file notice of the appeal with the Department of Construction and Land Use,
4 and the appeal of the certificate of approval shall not be heard until all of the time periods for filing
5 administrative appeals on the other permits have expired, except that an appeal of a certificate of
6 approval for the preliminary design or for subsequent design phases may proceed immediately according
7 to 25.12.680 without being consolidated. If one or more appeals are filed regarding the other permits,
8 then the appeal of the certificate of approval shall be consolidated with them and shall be heard
9 according to the same timelines established for the other appeals, except that appeals to the State
10 Shoreline Hearings Board shall proceed independently according to the timelines set by the state for
11 such appeals, and except that an appeal of a certificate of approval for a preliminary design or for a
12 subsequent design phase may proceed according to 25.12.680 without being consolidated. If the related
13 permit decisions would not be appealable, then the appeal of the certificate of approval decision shall
14 proceed immediately after it is filed.

15
16 Section 7. A new Section 25.16.065 is added to Chapter 25.16 of the Seattle Municipal Code to
17 read as follows:

18 **25.16.065 Certificate of Approval-Definition**

19 "Certificate of Approval" is written authorization that must be issued by the Board before any
20 change may be made to the external appearance of any building or structure in the district or to the external
21 appearance of any other property visible from a public street alley or way in the district or any new
22 building or structure is constructed. The term "certificate of approval" includes written approval of a
23 preliminary design of a project as well as its subsequent design phases as provided for in 25.16.080.
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1 Section 8. Section 25.16.080, as last amended by Ordinance 118181, is further amended as
2 follows:

3 **Section 25.16.080 Certificate of Approval-Application.**

4 A. Application.

5 1. All applications for a certificate of approval, and all applications for any permit requiring such a
6 certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the
7 District Board.

8 2. The following information must be provided in order for the application to be complete, unless the
9 Board staff indicate in writing that specific information is not necessary for a particular
10 application:

11 a. Building name and building address;

12 b. Name of the business(es) located at the site of the proposed work;

13 c. Applicant's name and address;

14 d. Building owner's name and address;

15 e. Applicant's telephone number;

16 f. The building owner's signature on the application, or a signed letter from the owner
17 designating the applicant as the owner's representative, if the applicant is not the owner;

18 g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been
19 paid;

20 h. A detailed description of the proposed work; including:

21 (1) Any changes it will make to the building or the site,

22 (2) Any effect that the work would have on the public right-of-way or other public spaces,

23 (3) Any new construction;

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1 i. Four (4) sets of scale drawings, with all dimensions shown, of:

2 (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the
3 proposal includes any work in the public right-of-way, the existing street uses, such as street trees and
4 sidewalk displays, and another site plan showing proposed changes to the existing conditions,

5 (2) A floor plan showing the existing features and a floor plan showing the proposed new features,

6 (3) Elevations and sections of both the proposed new features and the existing features,

7 (4) Construction details,

8 (5) A landscape plan showing existing features and plantings, and another landscape plan showing
9 proposed site features and plantings;

10 j. Photographs of any existing features that would be altered and photographs showing the context of
11 those features, such as the building facade where they are located;

12 k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an
13 elevation drawing or a photograph showing the location of proposed new finishes or paint;

14 l. If the proposal includes new signage, awnings, or exterior lighting;

15 (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall
16 dimensions, material, design graphics, typeface, letter size, and colors,

17 (2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed
18 awning, sign, or lighting,

19 (3) Four (4) copies of details showing the proposed method of attaching the new awning, sign or
20 lighting,

21 (4) The wattage and specifications of the proposed lighting, and a drawing or picture of the
22 lighting fixture,

23 (5) One (1) sample of proposed sign colors or awning material and color;

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1 m. If the proposal includes demolition of a structure or object:

2 (1) A statement of the reason(s) for demolition,

3 (2) A description of the replacement structure or object;

4 n. If the proposal includes replacement, removal, or demolition of existing features, a survey
5 of the existing conditions of the features that would be replaced, removed, or demolished.

6 3. The staff shall determine whether an application is complete and shall notify the applicant
7 in writing within twenty-eight (28) days of the application being filed whether the application is
8 complete or that the application is incomplete and what additional information is required before the
9 application will be complete. Within fourteen (14) days of receiving the additional information, the staff
10 shall notify the applicant in writing whether the application is now complete or what additional information
11 is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in
12 writing by the deadlines in this section that the application is incomplete. A determination that the
13 application is complete is not a determination that the application is vested.

14 4. The determination of completeness does not preclude the staff or the Board from requiring
15 additional information during the review process if more information is needed to evaluate the application
16 according to the standards in this chapter and in any rules adopted by the Board, or if the proposed work
17 changes. For example, additional information that may be required could include a shadow study or a
18 traffic study when new construction is proposed.

19 B. An applicant may make a written request to submit an application for a certificate of approval
20 for a preliminary design of a project if the applicant waives in writing the deadline for the decision on the
21 certificate of approval for ~~((final design))~~ a subsequent design phase or phases of the project ~~((and any~~
22 ~~deadlines for decisions on related permit applications under review by the Department of Construction and~~
23 ~~Land Use))~~ and the applicant agrees in writing that the Board decision on the preliminary design is
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1 immediately appealable by the applicant or any interested person of record. The staff may reject the
2 request if it appears that approval of a preliminary design would not be an efficient use of staff or District
3 Board time and resources, or would not further the goals and objectives of this Chapter. To be complete,
4 an application for a certificate of approval for a preliminary design must include the information listed
5 above in subsection A.2, subparagraphs a through h, i(1) through i(3), j, m and n. A certificate of approval
6 that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design
7 and all of the information listed above in subsection A.2, and upon obtaining a certificate of approval for
8 final design, prior to issuance of permits for work affecting any building or property in the District.

9 C. If before a certificate of approval is obtained, an application is made to the Department of
10 Construction and Land Use for a permit for which a certificate of approval is required, the Director of
11 Construction and Land Use shall require the applicant to submit an application to the District Board for a
12 certificate of approval. Submission of a complete application for a certificate of approval to the District
13 Board shall be required before the permit application to the Department of Construction and Land Use may
14 be deemed to be complete. The Department of Construction and Land Use shall continue to process such
15 application, but shall not issue any permit until a certificate of approval has been issued pursuant to this
16 Chapter, or the time has expired for filing with the Director of the Department of construction and Land
17 Use the notice of denial of a certificate of approval.

18 D. After the Board has commenced proceedings for the consideration of any application for a
19 certificate of approval for a particular alteration or significant change by giving notice of a meeting
20 pursuant to this section or otherwise, no other application for the same or a similar alteration or significant
21 change may be made until the application has been withdrawn or such proceedings and all appeals
22 therefrom have been concluded, except than an application may be made for a certificate of approval for
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1 the preliminary design of a project and a later application made for a certificate of approval for a
2 subsequent design phase or phases of the same project.

3 Section 9. Subsection A of Section 25.16.110 of the Seattle Municipal Code, which Section was
4 last amended by Ordinance 118012, is further amended as follows:

5 **25.16.110 Certificate of approval-Appeal if denied.**

6 A. The applicant may appeal the final denial of any such application to the Hearing Examiner within
7 fourteen (14) days of the date of notice of the denials. When the proposed action that is the subject
8 of the certificate of approval is also the subject of one or more related permit applications under
9 review by the Department of Construction and Land Use, then the appellant must also file notice of the
10 appeal with the Department of Construction and Land-Use, and the appeal of the certificate of approval
11 shall not be heard until all of the time periods for filing administrative appeals on the other permits have
12 expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent
13 design phases may proceed immediately according to 25.16.080 without being consolidated. If one or more
14 appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be
15 consolidated with them and shall be heard according to the same timelines established for the other appeals,
16 except that appeals to the State Shoreline Hearings Board shall proceed independently according to the
17 timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a
18 preliminary design or for a subsequent design phase may proceed according to 25.16.080 without being
19 consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of
20 approval decision shall proceed immediately after it is filed.

21 Section 10. Subsection D of Section 25.20.010 of the Seattle Municipal Code, which Section was
22 last amended by Ordinance 118012, is further amended as follows:

23 **25.20.010 Definitions.**

1 The following terms used in this chapter shall, unless the context clearly demands a different
2 meaning, mean as follows:

3 D. "Certificate of approval" is written authorization which must be issued by the Board before
4 any alteration or ~~((significant))~~ change may be made to the exterior of any building or structure, to the
5 exterior appearance of any other property or right of way visible from a public street, alley, way or other
6 public property, or to painting or signs, or before any new building or structure is constructed ~~((controlled~~
7 features of a building or other property))
8 within the District. The term "certificate of approval" includes written approval of a preliminary design of
9 a project as well as its subsequent design phases, as contemplated in Section 25.20.080.

10 Section 11. Subsections B and D of Section 25.20.080, which Section was last amended by
11 Ordinance 118012, is further amended as follows:

12 **25.20.080 Application for certificate of approval.**

13 B. An applicant may make a written request to submit an application for a certificate of approval for a
14 preliminary design of a project if the applicant waives in writing the deadline for a Board decision on the
15 ~~((final design))~~ subsequent design phase or phases of the project and any deadlines for decisions on related
16 permit applications under review by the Department of Construction and Land Use and the applicant agrees
17 in writing that the Board decision on the preliminary design is immediately appealable by the applicant or
18 any interested person of record. The staff may reject the request if it appears that approval of a preliminary
19 design would not be an efficient use of staff or Board time and resources or would not further the goals and
20 objectives of this Chapter. To be complete, an application for a certificate of approval for a preliminary
21 design must include the information listed above in subsection A.2, subparagraphs a through h, i(1) through
22 I(3), j, m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon

1 subsequent submittal of the final design and all of the information listed above in subsection A.2, and upon
2 Board approval, prior to issuance of permits for work affecting any building or property in the District.
3 complete.

4 D. After the Board has commenced proceedings for the consideration of any application for a certificate
5 of approval for a particular alteration or significant change, by giving notice of a meeting pursuant to this
6 section or otherwise, no other application for the same or a similar alteration or significant change may be
7 made until the application is withdrawn or such proceedings and all appeals therefrom have been
8 concluded, except than an application may be made for a certificate of approval for the preliminary design
9 of a project and a later application made for a certificate of approval for a subsequent design phase or
10 phases of the same project.

11 Section 12. Subsection B of Section 25.20.110, which Section was last amended by Ordinance
12 118012, is further amended as follows:

13 **25.20.110 Appeal to Hearing Examiner.**

14 B. When the proposed action that is the subject of the certificate of approval is also the subject of one
15 or more related permit applications under review by the Department of Construction and Land Use, then
16 the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the
17 appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative
18 appeals on the other permits have expired, except that an appeal of a certificate of approval for the
19 preliminary design or for subsequent design phases may proceed immediately according to 25.20.080
20 without being consolidated. If one or more appeals are filed regarding the other permits then the appeal of
21 the certificate of approval shall be consolidated with them and shall be heard according to the same
22 timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
23 proceed independently according to the timelines set by the state for such appeals, and except that an
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1 appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed
2 according to 25.20.080 without being consolidated. If the related permit decisions would not be appealable,
3 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

4 Section 13. Subsection C of Section 25.22.020, which Section was last amended by Ordinance
5 118012, is further amended as follows:

6 **25.22.020 Definitions.**

7 The following terms used in this chapter shall, unless the context clearly demands a different meaning,
8 mean as follows:

9 C. "Certificate of approval" is written authorization which must be issued by the Board before
10 any demolition or exterior alteration of a structure, any new construction, any addition or removal of major
11 or significant landscape and site elements may be undertaken (~~change may be made to the controlled~~
12 ~~features of a building or other property~~) within the District. The term "certificate of approval" includes
13 written approval of a preliminary design of a project as well as its subsequent design phases, as provided
14 for in 25.22.100.

15 Section 14. Subsection B and D. of Section 25.22.100, which Section was last amended by
16 Ordinance 118181, is further amended as follows:

17 **25.22.100 Application for certificate of approval.**

18 B. An applicant may make a written request to submit an application for a certificate of approval for a
19 preliminary design of a project, if the applicant waives in writing the deadline for a Board decision on the
20 (~~final design~~) subsequent design phase or phases of the project (~~and any deadlines for decisions on~~
21 ~~related permit applications under review by the Department of Construction and Land Use~~) and the
22 applicant agrees in writing that the Board decision on the preliminary design is immediately appealable by
23 the applicant or any interested person of record. The staff may reject the request if it appears that approval
24

1 of a preliminary design would not be an efficient use of staff or Board time and resources, or would not
2 further the goals and objectives of this Chapter. To be complete, an application for a certificate of approval
3 for a preliminary design must include the information listed above in subsection A.2, subparagraphs a
4 through h, i(1) through i(3), j, m and n. A certificate of approval that is granted for a preliminary design
5 shall be conditioned upon subsequent submittal of the final design and all of the information listed above in
6 subsection A.2, and upon Board approval, prior to issuance of permits for work affecting any building or
7 property in the District.

8 D. After the Board has commenced proceedings for the consideration of any application for a certificate
9 of approval for a particular alteration or significant change by giving notice of a meeting pursuant to this
10 section or otherwise, no other application for the same or a similar alteration or significant change at the
11 same site may be made until the application is withdrawn or such proceedings and all appeals therefrom
12 have been concluded , except that an application may be made for a certificate of approval for the
13 preliminary design of a project and a later application may be made for a certificate of approval for a
14 subsequent design phase or phases of the same project.

15 Section 15. Subsection B of Section 25.22.130, which Section was last amended by Ordinance
16 118012, is further amended as follows:

17 **25.22.130 Appeal to Hearing Examiner.**

18 B. When the proposed action that is the subject of the certificate of approval is also the subject of one
19 or more related permit applications under review by the Department of Construction and Land Use, then
20 the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the
21 appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative
22 appeals on the other permits have expired except that an appeal of a certificate of approval for the
23 preliminary design or for subsequent design phases may proceed immediately according to 25.22.100
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1 without being consolidated. If one or more appeals are filed regarding the other permits, then the appeal of
2 the certificate of approval shall be consolidated with them and shall be heard according to the same
3 timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
4 proceed independently according to the timelines set by the state for such appeals, and except that an
5 appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed
6 according to 25.22.100 without being consolidated. If the related permit decisions would not be appealable,
7 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

8 Section 16. A new Section 25.24.055 is added the Seattle Municipal Code to read:

9 **25.24.055 Definition.**

10 "Certificate of approval" is written authorization which must be issued by the Commission before
11 any change to any building, structure or other visible element may be made. The term includes written
12 approval of a preliminary design as well as of subsequent design phases.

13
14 Section 17. Section 25.24.060 of the Seattle Municipal Code, last amended by Ordinance 118012,
15 is further amended as follows:

16 **25.24.060 Approval of changes to buildings, structures and other visible elements.**

17 A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure,
18 lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a
19 certificate of approval authorized by the Commission which shall not be transferable; and no building
20 permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor
21 any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which
22 it is used at the time of the adoption of such regulation or amendment or any existing division of land,
23 except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly
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1 prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries
2 of the Historical District including public places except where areas have been reserved for groups of signs
3 or for signs which identify the Market District as a whole, as determined by the Commission. The fee for
4 certificates of approval shall be according to the SMC Chapter 22.901T Permit Fee Subtitle

5 B. Application.

6 1. Applications for certificates of approval involving structures or sites within the Historical
7 District shall be submitted to the Commission. If an application is made to the Director for a permit for
8 which a certificate of approval is required, the Director of Construction and Land Use shall require the
9 applicant to submit an application to the Commission for a certificate of approval. Submission of the
10 application for a certificate of approval to the Commission shall be required before the permit
11 application to the Department of Construction and Land Use may be determined to be complete.

12 2. The following information must be provided in order for the application to be complete, unless the
13 Commission's staff indicate in writing that specific information is not necessary for a particular
14 application:

- 15 a. Business name and business address;
- 16 b. Name of the building(s) located at the site of the proposed work;
- 17 c. The square footage of the shop where the proposed work would take place;
- 18 d. Applicant's name and address;
- 19 e. Landlord or building owner's name and address;
- 20 f. A written description of the ownership interest and role in the business operation;
- 21 g. Applicant's telephone number;
- 22 h. The building owner's signature on the application, or a signed letter from the owner designating the
23 applicant as the owner's representative, if the applicant is not the owner;
- 24

1 i. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been
2 paid;

3 j. A detailed description of the proposed merchandise, service, or work, including:

4 (1) Any changes it will make to the building or the site,

5 (2) Any effect that the proposed work or use would have on the public right-of-way or other public
6 spaces,

7 (3) Any new construction;

8 (4) Any proposed use, change of use, or expansion of use,

9 (5) Any change of ownership or location,

10 (6) Any proposed increase in the business area;

11 k. Four (4) sets of scale drawings, with all dimensions shown, of:

12 (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the
13 proposal includes any work in the public right-of-way, the existing street uses, such as street trees and
14 sidewalk displays, and another site plan showing proposed changes to the existing conditions,

15 (2) A floor plan showing the existing features and a floor plan showing the proposed new features,

16 (3) Elevations and sections of both the proposed new features and the existing features,

17 (4) Construction details,

18 (5) A landscape plan showing existing features and plantings, and another landscape plan showing
19 proposed site features and plantings;

20 l. Photographs of any existing features that would be altered and photographs showing the context of
21 those features, such as the building facade where they are located;

22 m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or
23 paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures,
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1 furniture, or paint;

2 n. If the proposal includes new signage, awnings, or exterior lighting:

3 (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall
4 dimensions, material, design graphics, typeface, letter size, and colors,

5 (2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed
6 awning, sign, or lighting,

7 (3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or
8 lighting,

9 (4) The wattage and specifications of the proposed lighting, and a drawing or picture of the
10 lighting fixture,

11 (5) One (1) sample of proposed sign colors or awning material and color;

12 o. If the proposal includes demolition of a structure or object:

13 (1) A statement of the reason(s) for demolition,

14 (2) A description of the replacement structure or object, and the replacement use;

15 p. If the proposal includes replacement, removal, or demolition of existing features, a survey
16 of the existing conditions of the features that would be replaced, removed, or demolished.

17 3. The staff shall determine whether an application is complete and shall notify the applicant
18 in writing within twenty-eight (28) days of the application being filed whether the application is
19 complete or that the application is incomplete and what additional information is required before the
20 application will be complete. Within fourteen (14) days of receiving the additional information, the staff
21 shall notify the applicant in writing whether the application is now complete or what additional
22 information is necessary. An application shall be deemed to be complete if the staff does not notify the
23 applicant in writing by the deadlines in this section that the application is incomplete. A determination
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1 that the application is complete is not a determination that the application is vested.

2 4. The determination of completeness does not preclude the staff or the Commission from requiring
3 additional information during the review process if more information is needed to evaluate the application
4 according to the criteria in this chapter and in any rules adopted by the Commission, or if the proposed
5 work changes. For example, additional information that may be required could include a shadow study or a
6 traffic study when new construction is proposed.

7 5. After the Commission has given notice of the meeting at which an application for a certificate of
8 approval will be considered, no other application for the same alteration or change of use may be submitted
9 until the application is withdrawn or the Commission has approved or denied the existing application and
10 all appeals have been concluded, except when an application is made for a certificate of approval for the
11 preliminary design of a project, a later application may be made for a certificate of approval for a
12 subsequent design phase or phases of the same project.

13 C. An applicant may make a written request to submit an application for a certificate of approval for a
14 preliminary design of a project if the applicant waives in writing the deadline for a Commission decision
15 on the subsequent design phase or phases of the project, and agrees in writing that the Commission
16 decision on the preliminary design is immediately appealable by the applicant or any interested person of
17 record. The staff may reject the request if it appears that approval of a preliminary design would not be an
18 efficient use of staff or Commission time and resources, or would not further the goals and objectives of
19 this Chapter. To be complete, an application for a certificate of approval for a preliminary design must
20 include the information listed above in subsection B2, subparagraphs a through j, k1, k2, k3, k5, l, o and p.
21 A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent
22 submittal of the final design and all of the information listed above in subsection B2 and Commission
23 approval prior to issuance of permits for work affecting a building, structure or other visible element.
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1 ((C)) D. The Commission shall review and make recommendations regarding appropriateness of each
2 proposed change or addition and a certificate of approval shall be issued by the Commission as provided
3 in this chapter. The Commission, in considering the appropriateness of any alteration, demolition, new
4 construction, reconstruction, restoration, remodeling, or other modification of any building or other
5 structure in the Historic District, including structures to be located in public places, shall refer
6 to the purpose of this chapter and shall consider among other things the historical and architectural value
7 and significance, architectural style, the general design, arrangement, texture, material, occupancy and use,
8 and color of the building or structure in question or its appurtenant fixtures, including signs, the
9 relationship of such features to similar features of the other buildings within the Historical District and the
10 position of such building or structure in relation to the street, public way, or semipublic way and to other
11 buildings and structures. The Commission shall also make no recommendations or requirements except for
12 the purpose of preventing developments inconsistent with the criteria of this chapter. Where modification
13 of the appearance of a structure within the Historical District does not require a building or demolition
14 permit, an application for a certificate of approval shall nonetheless be filed with the Commission.

15 ((D)) E. The Commission shall have sole responsibility for determining the appropriate location, design
16 and use of signs and structures to be located on or above the surface of public places in the Historical
17 District and the sole responsibility for licensing and determining the appropriate locations for performers as
18 defined in Section 17.32.010 H1 of the Seattle Municipal Code, in the Historical District; provided, that
19 property owned by the Pike Place Market Preservation and Development Authority shall not be considered
20 a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of
21 public places in the District by performers, may assess reasonable permit fees, and may utilize the services
22 of the Pike Place Market Preservation and Development Authority (PDA) or should the PDA decline to
23 make its services available, may utilize the services of any other organization appropriate for
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1 implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit
2 donations by word of mouth, gestures, mechanical devices, second parties. It shall also be unlawful for any
3 performer or other person to use any device for the reproduction or amplification of sound without the
4 express written approval of the Commission secured in advance.

5 Section 18. Subsection B of Section 25.24.080, which Section was last amended by Ordinance
6 118012, is further amended as follows:

7 **25.24.080 Appeal to Hearing Examiner.**

8 B. When the proposed action that is the subject of the certificate of approval is also the subject of one
9 or more related permit applications under review by the Department of Construction and Land Use, then
10 the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the
11 appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative
12 appeals on the other permits have expired except that an appeal of a certificate of approval for the
13 preliminary design or for subsequent design phases may proceed immediately according to 25.24.060
14 without being consolidated. If one or more appeals are filed regarding the other permits, then the appeal of
15 the certificate of approval shall be consolidated with them and shall be heard according to the same
16 timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
17 proceed independently according to the timelines set by the state for such appeals and except that an appeal
18 of a certificate of approval for a preliminary design or for a subsequent design phase may proceed
19 according to 25.24.060 without being consolidated. If the related permit decisions would not be appealable,
20 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

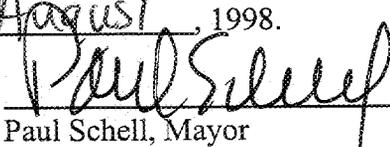
21 Section 19. This ordinance shall take effect and be in force thirty (30) days from and after
22 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
23 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

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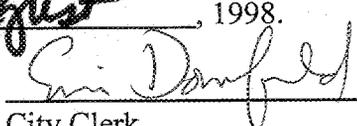
Passed by the City Council the 24 day of August, 1998, and signed by me in open session in authentication of its passage this 24th day of August 1998.



President of the City Council

Approved by me this 25th day of August, 1998.


Paul Schell, Mayor

Filed by me this 28 day of August, 1998.


acting City Clerk

(SEAL)

Return Address:

Seattle City Clerk's Office
600 4th Avenue, Room 104
Seattle, WA 98104

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CITY OF SEATTLE

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CITY CLERK

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) (or transaction contained therein): (all areas applicable to your document <u>must</u> be filled) ORDINANCE # 119121
Re _____ of document.
Grantor(s) (Last name first, then first name and initials) 1. Various Historic Preservation District Landmarks <input type="checkbox"/> Additional names on page _____ of document.
Grantee(s) (Last name first, then first name and initials) 1. N/A 2.
Legal description (abbreviated: i.e. lot, block, plat or section, township, range) <input type="checkbox"/> Additional reference #'s on page _____ of document/ N/A
Assessor's Property Tax Parcel/Account Number/ N/A <input type="checkbox"/> Assessor Tax # not yet assigned.

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ORDINANCE 119121

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4 AN ORDINANCE relating to land use and historic preservation: amending Chapters 22.901T, 23.66, 25.12, 25.16, 25.20,
5 25.22 and 25.24 of the Seattle Municipal Code to clarify the process for certificates of approval for preliminary and
6 subsequent design phases for Landmark properties and for properties in the Ballard Avenue Landmark District, the
7 Columbia City Landmark District, the Harvard-Beimont Landmark District, the International Special Review
8 District, and the Pioneer Square Preservation District; and, to add a preliminary Certificate of Approval process for
9 the Pike Place Market Historical District.

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

11 Section 1. Subsection A of Section 22.901T.010, which Section was adopted by Ordinance
12 117405, is amended as follows:

13 **22.901T.010 Department of Neighborhood fees assessed in association with Department review.**

14 The following fees shall be collected by the Director of the Department of Neighborhoods and
15 shall be deposited in the General Fund.

16 A. Certificate of Approval Fees. There shall be a charge for a Certificate of Approval as
17 required by all applicable ordinances for the construction or alteration of property in a designated
18 Special Review District, Landmark, Landmark District, or Historic District of Ten Dollars (\$10) for
19 construction costs of One Thousand Five Hundred Dollars (\$1500) or less, plus Ten Dollars (\$10) for
20 each additional Five Thousand Dollars (\$5000) of construction costs up to a maximum fee of One
21 Thousand Dollars (\$1000), except that when an applicant applies for a certificate of approval for the
22 preliminary design of a project and later applies for a certificate of approval for a subsequent phase or
23 phases of the same project, a fee shall only be charged for the first application. There shall be an
24 additional charge of Ten Dollars (\$10) for a Certificate of Approval in the Pioneer Square Preservation
District, the Pike Place Market Historical District and the International Special Review District.

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Section 2. Subsections C and E of Section 23.66.030 of the Seattle Municipal Code, which Section was last amended by Ordinance 118181, is further amended as follows:

23.66.030 Certificates of approval-Application, review and appeals.

C. Application.

1. An application for a certificate of approval shall be filed with the Director of the Department of Neighborhoods. When a permit application is filed with the Director or with the Director of Transportation for work requiring a certificate of approval, the permit application shall not be determined to be complete until the applicant has submitted a complete application for a certificate of approval to the Department of Neighborhoods.

2. The following information must be provided in order for the application to be complete, unless the Director of the Department of Neighborhoods indicates in writing that specific information is not necessary for a particular application:

- a. Building name and building address;
- b. Name of the business(es) located at the site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;
- e. Applicant's telephone number;
- f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;
- g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

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h. A detailed description of the proposed work, including:

- (1) Any changes that will be made to the building or the site,
- (2) Any effect that the work would have on the public right-of-way or other public spaces,
- (3) Any new construction,
- (4) Any proposed use, change of use, or expansion of use;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,

(2) A floor plan showing the existing features and a floor plan showing the proposed new features,

(3) Elevations and sections of both the proposed new features and the existing features,

(4) Construction details,

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

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(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color,

(6) For new signage or awnings in the International Special Review District, the dimensions of the street frontage on the side where the sign or awning would be located;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

(2) A description of the replacement structure or object and the replacement use;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The Director of the Department of Neighborhoods shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the Director of the Department of Neighborhoods shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the Director of the Department of Neighborhoods does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

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1 4. The determination of completeness does not preclude the Director of the Department of
2 Neighborhoods or the board from requiring additional information during the review process if more
3 information is needed to evaluate the application according to the criteria in this chapter and in
4 any rules adopted by the board, or if the proposed work changes. For example, additional information
5 that may be required could include a shadow study or a traffic study when new construction is proposed.

6 5. An applicant may make a written request to submit an application for a certificate of approval
7 for a preliminary design of a project if the applicant waives in writing the deadline for a board
8 ~~((decision))~~ recommendation and decision by the Director of the Department of Neighborhoods on the
9 ~~((final design))~~ subsequent design phase or phases of the project, ((and any deadlines for decisions on
10 related permit applications under review by the Department of Construction and Land Use)) and agrees
11 in writing that the decision by the Director of the Department of Neighborhoods on the preliminary
12 design is immediately appealable by the applicant or any interested person. The staff may reject the
13 request if it appears that approval of a preliminary design would not be an efficient use of staff or board
14 time and resources, or would not further the goals and objectives of this chapter. To be complete, an
15 application for a certificate of approval for a preliminary design must include the information listed
16 above in subsection C2, subparagraphs a through h, i(1) ~~((and))~~ through i(3), j, m and n. A certificate of
17 approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the
18 final design and all of the information listed above in subsection C2, and upon board approval, prior to
19 issuance of permits for work affecting the structure, right-of-way or space.

20 6. After the special review board has given notice of the meeting at which an application for a
21 certificate of approval will be considered, no other application for the same alteration or change of use
22 may be submitted until the application is withdrawn or the Department of Neighborhoods Director has
23 approved or denied the existing application and all appeals have been concluded, except that an
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1 application may be made for a certificate of approval for the preliminary design of a project and a later
2 application made for a certificate of approval for a subsequent design phase or phases of the same
3 project.

4 E. Appeal to Hearing Examiner.

5 1. Any interested person may appeal the decision of the Department of Neighborhoods Director to
6 the Hearing Examiner by filing a notice of appeal within fourteen (14) days of the Department of
7 Neighborhoods Director's decision. When the proposed action that is the subject of the certificate of
8 approval is also the subject of one or more related permit applications under review by the
9 Department of Construction and Land Use, then the appellant must also file notice of the appeal with the
10 Director of the Department of Construction and Land Use, and the appeal of the certificate of approval
11 shall not be heard until all of the time periods for filing administrative appeals on the other permits or
12 any environmental determinations have expired, except that an appeal of a certificate of approval for the
13 preliminary design or for subsequent design phases may proceed immediately without being
14 consolidated. The appeal of the certificate of approval shall be consolidated with the predecision
15 hearing required for any Type IV Council land use decision, or if one or more appeals are filed regarding
16 the other permits or environmental determinations, the appeal of the certificate of approval shall be
17 consolidated with them and shall be heard according to the same timelines established for the other
18 appeals or predecision hearing, except that appeals to the State Shoreline Hearings Board shall proceed
19 independently according to the timelines set by the state for such appeals, and except that an appeal of a
20 certificate of approval for a preliminary design or for a subsequent design phase may proceed without
21 being consolidated.

22 2. If the related permit decisions would not be appealable, and no predecision hearing is required,
23 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.
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1 3. The applicant for the certificate of approval, not involving approval of preliminary and
2 subsequent design phases also may elect to have the appeal proceed immediately rather than be
3 postponed for consolidation with appeals of related permit applications or with a predecision hearing, if
4 the applicant agrees in writing that the ~~((Department of Construction and Land Use may suspend its~~
5 ~~review of the related permits or approvals, and that the-))~~ time period for review of those permits or
6 approvals shall be suspended until the Hearing Examiner issues a decision on the appeal
7 of the certificate of approval.

8 4. The Hearing Examiner shall hear the appeal de novo in accordance with the standards and
9 procedures established for Hearing Examiner appeals by Chapter 3.02 of the Seattle Municipal Code.
10 Appeals shall be limited to the issues cited in the notice of appeal. The decision appealed may be
11 reversed or modified only if the Hearing Examiner finds that the Department of Neighborhoods
12 Director's decision was arbitrary and capricious.

13 5. If evidence is presented to the Hearing Examiner that was not presented to the Board, or if the
14 Hearing Examiner determines that additional information is required, then the Hearing Examiner shall
15 remand the decision to the Department of Neighborhoods Director for consideration of the additional
16 information or evidence.

17 6. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of any
18 appeals of related permit decisions is filed provided that, when an appeal of a certificate of approval is
19 consolidated with a predecision hearing, the Hearing Examiner shall issue the decision on the certificate
20 of approval with the recommendation to the City Council on a Type IV Council land use decision, or, if
21 the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided
22 in subsection E, paragraph 3, then not later than ninety (90) days from the filing of that appeal.

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1 Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of
2 approval shall be exempt from the deadlines for review and decision on both the certificate of approval
3 and any related permit applications or approvals.

4 7. The decision of the Hearing Examiner shall be final. Copies of the Hearing Examiner's decision
5 shall be mailed to all parties of record before the Hearing Examiner. Any judicial review must be
6 commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by
7 RCW 36.70C.040.

8 Section 3. Section 25.12.080 of the Seattle Municipal Code, as last amended by Ordinance
9 109125, is further amended as follows:

10 SMC 25.12.080 Certificate of approval.

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

17
18 Section 4. Subsection E of Section 25.12.680 of the Seattle Municipal Code, which Section was
19 last amended by Ordinance 118181, is further amended as follows:

20 SMC 25.12.680 Application for certificate of approval-Filing.

21 E. An applicant may make a written request to submit an application for a certificate of approval for
22 a preliminary design of a project if the applicant waives in writing the deadline for a Board decision on
23 the ~~((final design))~~ subsequent phase or phases of the project, and any deadlines for decisions on related
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1 permit applications under review by the Department of Construction and Lane Use- and the applicant
2 agrees in writing that the Board decision on the preliminary design is immediately appealable by the
3 applicant or any interested person of record. The staff may reject the request if it appears that approval
4 of a preliminary design would not be an efficient use of staff or Board time and resources, or would not
5 further the goals and objectives of this chapter. To be complete, an application for a certificate of
6 approval for a preliminary design must include the information listed above in subsection B,
7 subparagraphs 1 through 8, 9a through 9c, 10, 13 and 14. A certificate of approval that is granted for a
8 preliminary design shall be conditioned upon subsequent submittal of the final design and all of the
9 information listed above in subsection B, and Board approval prior to issuance of permits for work
10 affecting the landmark.

11

12 Section 5. Section 25.12.700 of the Seattle Municipal Code, as last amended by Ordinance
13 118012, is further amended as follows:

14

15 SMC 25.12.700 Application for certificate of approval-Similar changes.

16 An application for a certificate of approval shall not be accepted for filing while another application
17 for the same or similar action is pending before the Board or on appeal- except that an application may
18 be made for a certificate of approval for the preliminary design of a project and a later application made
19 for a certificate of approval for a subsequent design phase or phases of the same project.

20

21 Section 6. Subsection B of Section 25.12.740 of the Seattle Municipal Code, which Section was
22 last amended by Ordinance 118012, is further amended as follows:

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24 SMC 25.12.740 Appeal to Hearing Examiner.

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1 B. When the proposed action that is the subject of the certificate of approval is also the subject of
2 one or more related permit applications under review by the Department of Construction and Land Use,
3 then the appellant must also file notice of the appeal with the Department of Construction and Land Use,
4 and the appeal of the certificate of approval shall not be heard until all of the time periods for filing
5 administrative appeals on the other permits have expired-, except that an appeal of a certificate of
6 approval for the preliminary design or for subsequent design phases may proceed immediately according
7 to 25.12.680 without being consolidated. If one or more appeals are filed regarding the other permits,
8 then the appeal of the certificate of approval shall be consolidated with them and shall be heard
9 according to the same timelines established for the other appeals, except that appeals to the State
10 Shoreline Hearings Board shall proceed independently according to the timelines set by the state for
11 such appeals-, and except that an appeal of a certificate of approval for a preliminary design or for a
12 subsequent design phase may proceed according to 25.12.680 without being consolidated. If the related
13 permit decisions would not be appealable, then the appeal of the certificate of approval decision shall
14 proceed immediately after it is filed.

15
16 Section 7. A new Section 25.16.065 is added to Chapter 25.16 of the Seattle Municipal Code to
17 read as follows:

18 **25.16.065 Certificate of Approval-Definition**

19 "Certificate of Approval" is written authorization that must be issued by the Board before any
20 change may be made to the external appearance of any building or structure in the district or to the external
21 appearance of any other property visible from a public street alley or way in the district or any new
22 building or structure is constructed. The term "certificate of approval" includes written approval of a
23 preliminary design of a project as well as its subsequent design phases as provided for in 25.16.080.
24

1 Section 8. Section 25.16.080, as last amended by Ordinance 118181, is further amended as
2 follows:

3 Section 25.16.080 Certificate of Approval-Application.

4 A. Application.

5 1. All applications for a certificate of approval, and all applications for any permit requiring such a
6 certificate of approval, (hereinafter both included in the words "such application") shall be submitted to the
7 District Board.

8 2. The following information must be provided in order for the application to be complete, unless the
9 Board staff indicate in writing that specific information is not necessary for a particular
10 application:

11 a. Building name and building address;

12 b. Name of the business(es) located at the site of the proposed work;

13 c. Applicant's name and address;

14 d. Building owner's name and address;

15 e. Applicant's telephone number;

16 f. The building owner's signature on the application, or a signed letter from the owner

17 designating the applicant as the owner's representative, if the applicant is not the owner;

18 g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been
19 paid;

20 h. A detailed description of the proposed work; including:

21 (1) Any changes it will make to the building or the site,

22 (2) Any effect that the work would have on the public right-of-way or other public spaces,

23 (3) Any new construction;

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1 i. Four (4) sets of scale drawings, with all dimensions shown, of:

2 (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the
3 proposal includes any work in the public right-of-way, the existing street uses, such as street trees and
4 sidewalk displays, and another site plan showing proposed changes to the existing conditions,

5 (2) A floor plan showing the existing features and a floor plan showing the proposed new features,

6 (3) Elevations and sections of both the proposed new features and the existing features,

7 (4) Construction details,

8 (5) A landscape plan showing existing features and plantings, and another landscape plan showing
9 proposed site features and plantings;

10 j. Photographs of any existing features that would be altered and photographs showing the context of
11 those features, such as the building facade where they are located;

12 k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an
13 elevation drawing or a photograph showing the location of proposed new finishes or paint;

14 l. If the proposal includes new signage, awnings, or exterior lighting;

15 (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall
16 dimensions, material, design graphics, typeface, letter size, and colors,

17 (2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed
18 awning, sign, or lighting,

19 (3) Four (4) copies of details showing the proposed method of attaching the new awning, sign or
20 lighting,

21 (4) The wattage and specifications of the proposed lighting, and a drawing or picture of the
22 lighting fixture,

23 (5) One (1) sample of proposed sign colors or awning material and color;
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m. If the proposal includes demolition of a structure or object:

- (1) A statement of the reason(s) for demolition,
- (2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design of a project if the applicant waives in writing the deadline for the decision on the certificate of approval for ~~((final design))~~ a subsequent design phase or phases of the project ~~((and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use))~~ and the applicant agrees in writing that the Board decision on the preliminary design is

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1 immediately appealable by the applicant or any interested person of record. The staff may reject the
2 request if it appears that approval of a preliminary design would not be an efficient use of staff or District
3 Board time and resources, or would not further the goals and objectives of this Chapter. To be complete,
4 an application for a certificate of approval for a preliminary design must include the information listed
5 above in subsection A.2, subparagraphs a through h, i(1) through i(3), j, m and n. A certificate of approval
6 that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design
7 and all of the information listed above in subsection A.2, and upon obtaining a certificate of approval for
8 final design, prior to issuance of permits for work affecting any building or property in the District.

9 C. If before a certificate of approval is obtained, an application is made to the Department of
10 Construction and Land Use for a permit for which a certificate of approval is required, the Director of
11 Construction and Land Use shall require the applicant to submit an application to the District Board for a
12 certificate of approval. Submission of a complete application for a certificate of approval to the District
13 Board shall be required before the permit application to the Department of Construction and Land Use may
14 be deemed to be complete. The Department of Construction and Land Use shall continue to process such
15 application, but shall not issue any permit until a certificate of approval has been issued pursuant to this
16 Chapter, or the time has expired for filing with the Director of the Department of construction and Land
17 Use the notice of denial of a certificate of approval.

18 D. After the Board has commenced proceedings for the consideration of any application for a
19 certificate of approval for a particular alteration or significant change by giving notice of a meeting
20 pursuant to this section or otherwise, no other application for the same or a similar alteration or significant
21 change may be made until the application has been withdrawn or such proceedings and all appeals
22 therefrom have been concluded, except than an application may be made for a certificate of approval for
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1 the preliminary design of a project and a later application made for a certificate of approval for a
2 subsequent design phase or phases of the same project.

3 Section 9. Subsection A of Section 25.16.110 of the Seattle Municipal Code, which Section was
4 last amended by Ordinance 118012, is further amended as follows:

5 **25.16.110 Certificate of approval-Appeal if denied.**

6 A. The applicant may appeal the final denial of any such application to the Hearing Examiner within
7 fourteen (14) days of the date of notice of the denials. When the proposed action that is the subject
8 of the certificate of approval is also the subject of one or more related permit applications under
9 review by the Department of Construction and Land Use, then the appellant must also file notice of the
10 appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval
11 shall not be heard until all of the time periods for filing administrative appeals on the other permits have
12 expired, except that an appeal of a certificate of approval for the preliminary design or for subsequent
13 design phases may proceed immediately according to 25.16.080 without being consolidated. If one or more
14 appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be
15 consolidated with them and shall be heard according to the same timelines established for the other appeals,
16 except that appeals to the State Shoreline Hearings Board shall proceed independently according to the
17 timelines set by the state for such appeals, and except that an appeal of a certificate of approval for a
18 preliminary design or for a subsequent design phase may proceed according to 25.16.080 without being
19 consolidated. If the related permit decisions would not be appealable, then the appeal of the certificate of
20 approval decision shall proceed immediately after it is filed.

21 Section 10. Subsection D of Section 25.20.010 of the Seattle Municipal Code, which Section was
22 last amended by Ordinance 118012, is further amended as follows:

23 **25.20.010 Definitions.**

24

1 The following terms used in this chapter shall, unless the context clearly demands a different
2 meaning, mean as follows:

3 D. "Certificate of approval" is written authorization which must be issued by the Board before
4 any alteration or ~~((significant))~~ change may be made to the exterior of any building or structure, to the
5 exterior appearance of any other property or right of way visible from a public street, alley, way or other
6 public property, or to painting or signs, or before any new building or structure is constructed ((controlled
7 features of a building or other property))
8 within the District. The term "certificate of approval" includes written approval of a preliminary design of
9 a project as well as its subsequent design phases, as contemplated in Section 25.20.080.

10 Section 11. Subsections B and D of Section 25.20.080, which Section was last amended by
11 Ordinance 118012, is further amended as follows:

12 **25.20.080 Application for certificate of approval:**

13 B. An applicant may make a written request to submit an application for a certificate of approval for a
14 preliminary design of a project if the applicant waives in writing the deadline for a Board decision on the
15 ~~((final design))~~ subsequent design phase or phases of the project and any deadlines for decisions on related
16 permit applications under review by the Department of Construction and Land Use and the applicant agrees
17 in writing that the Board decision on the preliminary design is immediately appealable by the applicant or
18 any interested person of record. The staff may reject the request if it appears that approval of a preliminary
19 design would not be an efficient use of staff or Board time and resources or would not further the goals and
20 objectives of this Chapter. To be complete, an application for a certificate of approval for a preliminary
21 design must include the information listed above in subsection A.2, subparagraphs a through h, i(1) through
22 I(3), j, m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon

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1 subsequent submittal of the final design and all of the information listed above in subsection A.2, and upon
2 Board approval, prior to issuance of permits for work affecting any building or property in the District.
3 complete.

4 D. After the Board has commenced proceedings for the consideration of any application for a certificate
5 of approval for a particular alteration or significant change, by giving notice of a meeting pursuant to this
6 section or otherwise, no other application for the same or a similar alteration or significant change may be
7 made until the application is withdrawn or such proceedings and all appeals therefrom have been
8 concluded, except that an application may be made for a certificate of approval for the preliminary design
9 of a project and a later application made for a certificate of approval for a subsequent design phase or
10 phases of the same project.

11 Section 12. Subsection B of Section 25.20.110, which Section was last amended by Ordinance
12 118012, is further amended as follows:

13 **25.20.110 Appeal to Hearing Examiner.**

14 B. When the proposed action that is the subject of the certificate of approval is also the subject of one
15 or more related permit applications under review by the Department of Construction and Land Use, then
16 the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the
17 appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative
18 appeals on the other permits have expired, except that an appeal of a certificate of approval for the
19 preliminary design or for subsequent design phases may proceed immediately according to 25.20.080
20 without being consolidated. If one or more appeals are filed regarding the other permits then the appeal of
21 the certificate of approval shall be consolidated with them and shall be heard according to the same
22 timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
23 proceed independently according to the timelines set by the state for such appeals, and except that an
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1 appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed
2 according to 25.20.080 without being consolidated. If the related permit decisions would not be appealable,
3 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

4 Section 13. Subsection C of Section 25.22.020, which Section was last amended by Ordinance
5 118012, is further amended as follows:

6 **25.22.020 Definitions.**

7 The following terms used in this chapter shall, unless the context clearly demands a different meaning,
8 mean as follows:

9 C. "Certificate of approval" is written authorization which must be issued by the Board before
10 any demolition or exterior alteration of a structure, any new construction, any addition or removal of major
11 or significant landscape and site elements may be undertaken ~~((change may be made to the controlled~~
12 ~~features of a building or other property))~~ within the District. The term "certificate of approval" includes
13 written approval of a preliminary design of a project as well as its subsequent design phases, as provided
14 for in 25.22.100.

15 Section 14. Subsection B and D. of Section 25.22.100, which Section was last amended by
16 Ordinance 118181, is further amended as follows:

17 **25.22.100 Application for certificate of approval.**

18 B. An applicant may make a written request to submit an application for a certificate of approval for a
19 preliminary design of a project, if the applicant waives in writing the deadline for a Board decision on the
20 ~~((final design))~~ subsequent design phase or phases of the project ~~((and any deadlines for decisions on~~
21 ~~related permit applications under review by the Department of Construction and Land Use))~~ and the
22 applicant agrees in writing that the Board decision on the preliminary design is immediately appealable by
23 the applicant or any interested person of record. The staff may reject the request if it appears that approval
24

1 of a preliminary design would not be an efficient use of staff or Board time and resources, or would not
2 further the goals and objectives of this Chapter. To be complete, an application for a certificate of approval
3 for a preliminary design must include the information listed above in subsection A.2, subparagraphs a
4 through h, i(1) through i(3), j, m and n. A certificate of approval that is granted for a preliminary design
5 shall be conditioned upon subsequent submittal of the final design and all of the information listed above in
6 subsection A.2, and upon Board approval, prior to issuance of permits for work affecting any building or
7 property in the District.

8 D. After the Board has commenced proceedings for the consideration of any application for a certificate
9 of approval for a particular alteration or significant change by giving notice of a meeting pursuant to this
10 section or otherwise, no other application for the same or a similar alteration or significant change at the
11 same site may be made until the application is withdrawn or such proceedings and all appeals therefrom
12 have been concluded, except that an application may be made for a certificate of approval for the
13 preliminary design of a project and a later application may be made for a certificate of approval for a
14 subsequent design phase or phases of the same project.

15 Section 15. Subsection B of Section 25.22.130, which Section was last amended by Ordinance
16 118012, is further amended as follows:

17 25.22.130 Appeal to Hearing Examiner.

18 B. When the proposed action that is the subject of the certificate of approval is also the subject of one
19 or more related permit applications under review by the Department of Construction and Land Use, then
20 the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the
21 appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative
22 appeals on the other permits have expired except that an appeal of a certificate of approval for the
23 preliminary design or for subsequent design phases may proceed immediately according to 25.22.100
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1 without being consolidated. If one or more appeals are filed regarding the other permits, then the appeal of
2 the certificate of approval shall be consolidated with them and shall be heard according to the same
3 timelines established for the other appeals. except that appeals to the State Shoreline Hearings Board shall
4 proceed independently according to the timelines set by the state for such appeals, and except that an
5 appeal of a certificate of approval for a preliminary design or for a subsequent design phase may proceed
6 according to 25.22.100 without being consolidated. If the related permit decisions would not be appealable,
7 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

8 Section 16. A new Section 25.24.055 is added the Seattle Municipal Code to read:

9 25.24.055 Definition.

10 "Certificate of approval" is written authorization which must be issued by the Commission before
11 any change to any building, structure or other visible element may be made. The term includes written
12 approval of a preliminary design as well as of subsequent design phases.

13 Section 17. Section 25.24.060 of the Seattle Municipal Code, last amended by Ordinance 118012,
14 is further amended as follows:

15 25.24.060 Approval of changes to buildings, structures and other visible elements.

16 A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure,
17 lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a
18 certificate of approval authorized by the Commission which shall not be transferable; and no building
19 permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor
20 any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which
21 it is used at the time of the adoption of such regulation or amendment or any existing division of land,
22 except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly
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1 prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries
2 of the Historical District including public places except where areas have been reserved for groups of signs
3 or for signs which identify the Market District as a whole, as determined by the Commission. The fee for
4 certificates of approval shall be according to the SMC Chapter 22.901T Permit Fee Subtitle

5 B. Application.

6 1. Applications for certificates of approval involving structures or sites within the Historical
7 District shall be submitted to the Commission. If an application is made to the Director for a permit for
8 which a certificate of approval is required, the Director of Construction and Land Use shall require the
9 applicant to submit an application to the Commission for a certificate of approval. Submission of the
10 application for a certificate of approval to the Commission shall be required before the permit
11 application to the Department of Construction and Land Use may be determined to be complete.

12 2. The following information must be provided in order for the application to be complete, unless the
13 Commission's staff indicate in writing that specific information is not necessary for a particular
14 application:

- 15 a. Business name and business address;
- 16 b. Name of the building(s) located at the site of the proposed work;
- 17 c. The square footage of the shop where the proposed work would take place;
- 18 d. Applicant's name and address;
- 19 e. Landlord or building owner's name and address;
- 20 f. A written description of the ownership interest and role in the business operation;
- 21 g. Applicant's telephone number;
- 22 h. The building-owner's signature on the application, or a signed letter from the owner designating the
23 applicant as the owner's representative, if the applicant is not the owner;
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- 1 i. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been
2 paid;
- 3 j. A detailed description of the proposed merchandise, service, or work, including:
- 4 (1) Any changes it will make to the building or the site,
5 (2) Any effect that the proposed work or use would have on the public right-of-way or other public
6 spaces,
7 (3) Any new construction;
8 (4) Any proposed use, change of use, or expansion of use,
9 (5) Any change of ownership or location,
10 (6) Any proposed increase in the business area;
- 11 k. Four (4) sets of scale drawings, with all dimensions shown, of:
- 12 (1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the
13 proposal includes any work in the public right-of-way, the existing street uses, such as street trees and
14 sidewalk displays, and another site plan showing proposed changes to the existing conditions,
15 (2) A floor plan showing the existing features and a floor plan showing the proposed new features,
16 (3) Elevations and sections of both the proposed new features and the existing features,
17 (4) Construction details,
18 (5) A landscape plan showing existing features and plantings, and another landscape plan showing
19 proposed site features and plantings;
- 20 l. Photographs of any existing features that would be altered and photographs showing the context of
21 those features, such as the building facade where they are located;
- 22 m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or
23 paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures,
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1 furniture, or paint;

2 n. If the proposal includes new signage, awnings, or exterior lighting:

3 (1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall
4 dimensions, material, design graphics, typeface, letter size, and colors.

5 (2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed
6 awning, sign, or lighting.

7 (3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or
8 lighting.

9 (4) The wattage and specifications of the proposed lighting, and a drawing or picture of the
10 lighting fixture,

11 (5) One (1) sample of proposed sign colors or awning material and color;

12 o. If the proposal includes demolition of a structure or object:

13 (1) A statement of the reason(s) for demolition,

14 (2) A description of the replacement structure or object, and the replacement use;

15 p. If the proposal includes replacement, removal, or demolition of existing features, a survey
16 of the existing conditions of the features that would be replaced, removed, or demolished.

17 3. The staff shall determine whether an application is complete and shall notify the applicant
18 in writing within twenty-eight (28) days of the application being filed whether the application is
19 complete or that the application is incomplete and what additional information is required before the
20 application will be complete. Within fourteen (14) days of receiving the additional information, the staff
21 shall notify the applicant in writing whether the application is now complete or what additional
22 information is necessary. An application shall be deemed to be complete if the staff does not notify the
23 applicant in writing by the deadlines in this section that the application is incomplete. A determination
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1 that the application is complete is not a determination that the application is vested.

2 4. The determination of completeness does not preclude the staff or the Commission from requiring
3 additional information during the review process if more information is needed to evaluate the application
4 according to the criteria in this chapter and in any rules adopted by the Commission, or if the proposed
5 work changes. For example, additional information that may be required could include a shadow study or a
6 traffic study when new construction is proposed.

7 5. After the Commission has given notice of the meeting at which an application for a certificate of
8 approval will be considered, no other application for the same alteration or change of use may be submitted
9 until the application is withdrawn or the Commission has approved or denied the existing application and
10 all appeals have been concluded, except when an application is made for a certificate of approval for the
11 preliminary design of a project, a later application may be made for a certificate of approval for a
12 subsequent design phase or phases of the same project.

13 C. An applicant may make a written request to submit an application for a certificate of approval for a
14 preliminary design of a project if the applicant waives in writing the deadline for a Commission decision
15 on the subsequent design phase or phases of the project, and agrees in writing that the Commission
16 decision on the preliminary design is immediately appealable by the applicant or any interested person of
17 record. The staff may reject the request if it appears that approval of a preliminary design would not be an
18 efficient use of staff or Commission time and resources, or would not further the goals and objectives of
19 this Chapter. To be complete, an application for a certificate of approval for a preliminary design must
20 include the information listed above in subsection B2, subparagraphs a through j, k1, k2, k3, k5, l, o and p.
21 A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent
22 submittal of the final design and all of the information listed above in subsection B2 and Commission
23 approval prior to issuance of permits for work affecting a building, structure or other visible element.
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1 ((C)) D. The Commission shall review and make recommendations regarding appropriateness of each
2 proposed change or addition and a certificate of approval shall be issued by the Commission as provided
3 in this chapter. The Commission, in considering the appropriateness of any alteration, demolition, new
4 construction, reconstruction, restoration, remodeling, or other modification of any building or other
5 structure in the Historic District, including structures to be located in public places, shall refer
6 to the purpose of this chapter and shall consider among other things the historical and architectural value
7 and significance, architectural style, the general design, arrangement, texture, material, occupancy and use,
8 and color of the building or structure in question or its appurtenant fixtures, including signs, the
9 relationship of such features to similar features of the other buildings within the Historical District and the
10 position of such building or structure in relation to the street, public way, or semipublic way and to other
11 buildings and structures. The Commission shall also make no recommendations or requirements except for
12 the purpose of preventing developments inconsistent with the criteria of this chapter. Where modification
13 of the appearance of a structure within the Historical District does not require a building or demolition
14 permit, an application for a certificate of approval shall nonetheless be filed with the Commission.

15 ((D)) E. The Commission shall have sole responsibility for determining the appropriate location, design
16 and use of signs and structures to be located on or above the surface of public places in the Historical
17 District and the sole responsibility for licensing and determining the appropriate locations for performers as
18 defined in Section 17.32.010 H1 of the Seattle Municipal Code, in the Historical District; provided, that
19 property owned by the Pike Place Market Preservation and Development Authority shall not be considered
20 a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of
21 public places in the District by performers, may assess reasonable permit fees, and may utilize the services
22 of the Pike Place Market Preservation and Development Authority (PDA) or should the PDA decline to
23 make its services available, may utilize the services of any other organization appropriate for
24

1 implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit
2 donations by word of mouth, gestures, mechanical devices, second parties. It shall also be unlawful for any
3 performer or other person to use any device for the reproduction or amplification of sound without the
4 express written approval of the Commission secured in advance.

5 Section 18. Subsection B of Section 25.24.080, which Section was last amended by Ordinance
6 118012, is further amended as follows:

7 **25.24.080 Appeal to Hearing Examiner.**

8 B. When the proposed action that is the subject of the certificate of approval is also the subject of one
9 or more related permit applications under review by the Department of Construction and Land Use, then
10 the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the
11 appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative
12 appeals on the other permits have expired except that an appeal of a certificate of approval for the
13 preliminary design or for subsequent design phases may proceed immediately according to 25.24.060
14 without being consolidated. If one or more appeals are filed regarding the other permits, then the appeal of
15 the certificate of approval shall be consolidated with them and shall be heard according to the same
16 timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall
17 proceed independently according to the timelines set by the state for such appeals and except that an appeal
18 of a certificate of approval for a preliminary design or for a subsequent design phase may proceed
19 according to 25.24.060 without being consolidated. If the related permit decisions would not be appealable,
20 then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

21 Section 19. This ordinance shall take effect and be in force thirty (30) days from and after
22 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
23 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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Passed by the City Council the 24 day of August 1998. and signed by me in open session in authentication of its passage this 24th day of August 1998.

[Signature]
President of the City Council

Approved by me this 25th day of August, 1998.
[Signature]
Paul Schell, Mayor

Filed by me this 28 day of August, 1998.
[Signature]
acting City Clerk

(SEAL)

9809251228

27

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF Ordinance 119121

AS THE SAME APPEARS ON FILE, AND IS KEPT IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS 21st day of Sept. 1998
[Signature]
MARGARET CARTER
DEPUTY CLERK

STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF

AS THE SAME APPEARS ON FILE, AND IS KEPT IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE HEREON SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, THIS

JUDITH E. PIPPIN
CITY CLERK

28

JULY CLERK



City of Seattle

Paul Schell, Mayor

Department of Neighborhoods

Jim Diers, Director

July 14, 1998

The Honorable Sue Donaldson, President
Seattle City Council
1100 Municipal Building
600 Fourth Avenue
Seattle, Washington 98104

Re: Relating to land use and historic preservation; amending Chapters 22.901T, 23.66, 25.12, 25.16, 25.20, 25.22 and 25.24 of the Seattle Municipal Code to clarify the process for certificates of approval for preliminary and subsequent design phases for Landmark properties and for properties in the Ballard Avenue Landmark District, the Columbia City Landmark District, the Harvard-Belmont Landmark District, the International Special Review District, and the Pioneer Square Preservation District; and, to add a preliminary Certificate of Approval process for the Pike Place Market Historical District.

Dear Councilmember Donaldson:

Please find enclosed legislation that has been drafted to clarify the procedures for Certificates of Approval for preliminary design. As you recall, the preliminary design procedure was developed as part of changes to our historic preservation ordinances as a mechanism to allow project proponents to receive early feedback and preliminary approval for larger projects for both rehabilitation of historic buildings and new construction in landmark and special review districts.

We believe that this proposal corrects procedural difficulties we encountered in administering the preliminary certificate of approval process. The legislation also extends the preliminary certificate of approval process to the Pike Place Market Historical District.

If you have any questions about the legislation, please contact Karen Gordon at 684-0381.

Sincerely,

Jim Diers

JD:ssb

Enclosures

K:WORDPROC\KAREN\DMKLTR.doc

ee to CM'S

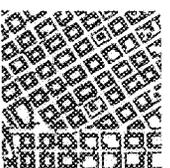
August 10, 1998

RECEIVED BOYLE ♦ WAGONER ARCHITECTS

AUG 11 1998

JAN DRAGO COUNCIL MEMBER

The Maritime Building
911 Western Avenue #300
Seattle, WA 98104
(206) 382-9651
FAX (206) 382-9839



Council Member Jan Drago
600 Fourth Avenue, 11th Floor
Seattle, WA 98104

Dear Council Member Drago;

We have read the information released on the proposed text amendment and a copy of the draft amendment itself. As former members of City Landmark Commissions and professional involved daily in historic preservation and building development we respect your efforts to clarify the process of certificates of approval for designs of landmark properties.

We are fully supportive of this amendment, as it will assist both the various preservation board and owners of historic buildings to clarify communication and expedite the process during design reviews.

Please share our comments with your fellow committee members and enter this letter into the record of August 18, 1998 public hearing on this issue.

Sincerely,

Susan D. Boyle, AIA
Partner
Former Chair,
Seattle Landmarks
Preservation Board

Bob C. Wagoner, AIA
Partner
Former Member,
Pioneer Square Historic
Preservation Board

Rhoda A. R. Lawrence
Associate
Former Member,
Pike Place Market
Historical Commission

cc: Karen Gordon, OUC

SBhg

**NOTICE OF PROPOSED TEXT AMENDMENT
AND
CITY COUNCIL PUBLIC HEARING**

TEXT AMENDMENT

The amendments would amend Chapter 22.901T; 23.66, 25.12, 25.16, 25.20, 25.22 and 25.24 of the Seattle Municipal Code to clarify the process for certificates of approval for preliminary and subsequent design phases for Landmark properties and for properties in the Ballard Avenue Landmark District, the Columbia City Landmark District, the Harvard-Belmont Landmark District, the International Special Review District, the Pike Place Market Historical District and the Pioneer Square Preservation District .

ENVIRONMENTAL DETERMINATION

This action is not subject to environmental review pursuant to SMC 25.05.800 T.

INFORMATION AVAILABLE

Copies of the draft amendment may be obtained from the Master Use Information Center, Second Floor, Dexter Horton Building, 710 Second Avenue. Questions about the proposal should be directed to Karen Gordon, Department of Neighborhoods, 684-0381. Questions about the Council's public hearing should be directed to Dan McGrady of Councilmember Jan Drago's office at 684-8801.

WRITTEN COMMENTS

Written comments will be accepted until August 18, 1998 and should be sent to:

Councilmember Jan Drago
600 Fourth Avenue, 11th Floor
Seattle, WA 98104
e-mail: jan.drago@ci.seattle.wa.us

PUBLIC HEARING

The hearing on the proposed amendments will be held on August 18, 1998 at the Business, Economic and Community Development Committee's regular meeting, which begins at 9:30 a.m. The hearing will be held in the Council Chamber, 11th floor of the Municipal Building, 600 Fourth Avenue. A sign-up sheet for those who wish to testify will be available outside the Chamber 30 minutes before the Committee session.

Accommodations for persons with disabilities will be provided upon request. Call Dan McGrady at 684-8801 upon receipt of this notice to make arrangements.

From: Karen Gordon
To: Sea-Leg.CLERK.MCARTER
Date: 7/15/98 8:49am
Subject: Attached legislation

Margaret,

Joyce Kling suggested I send you the title of the attached legislation so that it can be referred on Monday. The hard copy with transmittal letter and disk should be arriving sometime today.

Please call me at x40381 if you have any questions.

Karen Gordon

CC: SEA-LEG.Council & Central Staff.JKLING

ORDINANCE _____

Title only

AN ORDINANCE relating to land use and historic preservation; amending Chapters 22.901T, 23.66, 25.12, 25.16, 25.20, 25.22 and 25.24 of the Seattle Municipal Code to clarify the process for certificates of approval for preliminary and subsequent design phases for Landmark properties and for properties in the Ballard Avenue Landmark District, the Columbia City Landmark District, the Harvard-Belmont Landmark District, the International Special Review District, and the Pioneer Square Preservation District; and, to add a preliminary Certificate of Approval process for the Pike Place Market Historical District.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 22.901T.010, which Section was adopted by Ordinance 117405, is amended as follows:

22.901T.010 Department of Neighborhood fees assessed in association with Department review.

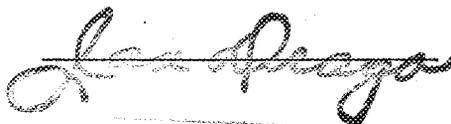
The following fees shall be collected by the Director of the Department of Neighborhoods and shall be deposited in the General Fund.

A. Certificate of Approval Fees. There shall be a charge for a Certificate of Approval as required by all applicable ordinances for the construction or alteration of property in a designated Special Review District, Landmark, Landmark District, or Historic District of Ten Dollars (\$10) for construction costs of One Thousand Five Hundred Dollars (\$1500) or less, plus Ten Dollars (\$10) for each additional Five Thousand Dollars (\$5000) of construction costs up to a maximum fee of One Thousand Dollars (\$1000), except that when an applicant applies for a certificate of approval for the preliminary design of a project and later applies for a certificate of approval for a subsequent phase or phases of the same project, a fee shall only be charged for the first application. There shall be an additional charge of Ten Dollars (\$10) for a Certificate of Approval

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:





FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

97380
City of Seattle, City Clerk

—ss.

No. FULL ORDINAN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119121

was published on

09/15/98

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

R. Patterson

Subscribed and sworn to before me on

09/15/98

McQuinn

Notary Public for the State of Washington,
residing in Seattle

SMC 25.12.740 APPEAL TO HEARIN
EXAMINER
B. When the proposed action that is th
subject of the certificate of approval is th
subject of one or more related permit
applications under review by the Depart
ment of Construction and Land Use, the
applicant must also file notice of th
appeal with the Department of Construc
tion and Land Use, and the appeal of th
certificate of approval shall not be hear
until all of the time periods for filing ad
ministrative appeals on the other permit
have expired, except that an appeal of
certificate of approval for the preliminary
design or for subsequent design phase
may proceed immediately according to
25.12.680 without being consolidated,
one or more appeals are filed regarding th
other permits, then the appeal of the certifi
cate of approval shall be consolidated with
them and shall be heard according to th
same timelines established for the other
appeals, except that appeals to the Stat
Shoreline Hearings Board shall proceed in
dependently according to the timelines set
by the state for such appeals, and except
that an appeal of a certificate of approval
for a preliminary design or for a sub
sequent design phase may proceed accord
ing to 25.12.680 without being con
solidated. If the related permit decision
would not be appealable, then the appeal of
the certificate of approval decision shall
proceed immediately after it is filed.

City of Seattle
ORDINANCE 118121

AN ORDINANCE relating to land use
and historic preservation, amending Chap
ters 22.901T, 23.66, 25.12, 25.16, 25.20,
25.22 and 25.24 of the Seattle Municipal
Code to clarify the process for certificates
of approval for preliminary and subsequent
design phases for Landmark properties and
for properties in the Ballard Avenue Land
mark District, the Columbia City Land
mark District, the Harvard-Belmont Land
mark District, the International Special
Review District, and the Pioneer Square
Preservation District; and, to add a
preliminary Certificate of Approval process
for the Pike Place Market Historical Dis
trict.

BE IT ORDAINED BY THE CITY OF
SEATTLE AS FOLLOWS:

Section 1 Subsection A of Section
22.901T.010, which Section was adopted by
Ordinance 117405, is amended as follows:

22.901T.010 DEPARTMENT OF
NEIGHBORHOOD FEES ASSESSED IN
ASSOCIATION WITH DEPARTMENT
REVIEW

The following fees shall be collected by
the Director of the Department of Neigh
borhoods and shall be deposited in the
General Fund.

- A. Certificate of Approval Fees. There
shall be a charge for a Certificate of Ap
proval as required by all applicable ordi
nances for the construction or alteration
of property in a designated Special Review
District, Landmark, Landmark District, or
Historic District of Ten Dollars (\$10) for
construction costs of One Thousand Five
Hundred Dollars (\$1500) or less, plus Ten
Dollars (\$10) for each additional Five
Thousand Dollars (\$5000) of construction
costs up to a maximum fee of One Thou
sand Dollars (\$1000), except that when an
applicant applies for a certificate of ap
proval for the preliminary design of a pro
ject and later applies for a certificate of ap
proval for a subsequent phase or phases of
the same project, a fee shall only be
charged for the first application. There
shall be an additional charge of Ten Dol
lars (\$10) for a Certificate of Approval in
the Pioneer Square Preservation District,
the Pike Place Market Historical District,
and the International Special Review Dis
trict.

Section 2 Subsections C and E of Section
23.66.030 of the Seattle Municipal Code,
which Section was last amended by Ord
inance 118121, is further amended as fol
lows:

23.66.030 CERTIFICATES OF AP
PROVAL - APPLICATION, REVIEW
AND APPEALS

C. Application.

1. An application for a certificate of ap
proval shall be filed with the Director of
the Department of Neighborhoods. When a
permit application is filed with the Director
or with the Director of Transportation for
work requiring a certificate of approval,
the permit application shall not be
determined to be complete until the ap
plicant has submitted a complete applica
tion for a certificate of approval to the De
partment of Neighborhoods.

2. The following information must be
provided in order for the application to be
complete, unless the Director of the De
partment of Neighborhoods indicates in
writing that specific information is not
necessary for a particular application:

- a. Building name and building address;
- b. Name of the business(es) located at the
site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;
- e. Applicant's telephone number;
- f. The building owner's signature on the
application, or a signed letter from the
owner designating the applicant as the
owner's representative, if the applicant is
not the owner;
- g. Confirmation that the fee required by
SMC Chapter 22.901T of the Permit Fee
Subtitle has been paid;
- h. A detailed description of the proposed
work, including:
 - (1) Any changes it will make to the build
ing or the site;
 - (2) Any effect that the work would have
on the public right-of-way or other public
spaces;
 - (3) Any new construction;
 - (4) Four (4) sets of scale drawings, with all
dimensions shown, of:
 - (a) A site plan of existing conditions,
showing adjacent streets and buildings,
and, if the proposal includes any work in
the public right-of-way, the existing street
uses, such as street trees and sidewalk dis
plays, and another site plan showing pro
posed changes to the existing conditions;
 - (b) A floor plan showing the existing fea
tures and a floor plan showing the pro
posed new features;
 - (c) Elevations and sections of both the
proposed new features and the existing fea
tures;
 - (d) Construction details;

deadlines for decisions on related
permit applications under review by
the Department of Construction and
Land Use; and agrees in writing that the
decision by the Director of the Department
of Neighborhoods on the preliminary de
sign is immediately appealable by the ap
plicant or any interested person. The staff
may reject the request if it appears that ap
proval of a preliminary design would not be
an efficient use of staff or board time and
resources, or would not further the goals
and objectives of this chapter. To be com
plete, an application for a certificate of ap
proval for a preliminary design must in
clude the information listed above in sub
section C2, subparagraphs a through h, (1)
(and) through (3), k, m and n. A certifi
cate of approval that is granted for a
preliminary design shall be conditioned
upon subsequent substantial of the final de
sign and all of the information listed above
in subsection C2, and upon board approval,
prior to issuance of permits for work affect
ing the structure, right-of-way or space.

3. After the special review board has
given notice of the meeting at which an ap
plication for a certificate of approval will
be considered, no other application for the
same alteration or change of use may be
submitted until the application is with
drawn or the Department of Neigh
borhoods Director has approved or denied the
existing application and all appeals have
been concluded, except that an application
may be made for a certificate of approval
for the preliminary design of a project and
a later application made for a certificate of
approval for a subsequent design phase or
phases of the same project.

E. Appeal to Hearing Examiner

1. Any interested person may appeal the
decision of the Department of Neigh
borhoods Director to the Hearing Examiner by
filing a notice of appeal within fourteen
(14) days of the Department of Neigh
borhoods Director's decision. When the pro
posed action that is the subject of the cer
tificate of approval is also the subject of
one or more related permit applications un
der review by the Department of Construc
tion and Land Use, then the applicant
must also file notice of the appeal with the
Director of the Department of Construction
and Land Use, and the appeal of the certifi
cate of approval shall not be heard until all
of the time periods for filing administrative
appeals on the other permits or any en
vironmental determinations have expired,
except that an appeal of a certificate of ap
proval for the preliminary design or for
subsequent design phases may proceed im
mediately without being consolidated. The
appeal of the certificate of approval shall
be consolidated with the predecision hear
ing decision, or if one or more appeals are
filed regarding the other permits or en
vironmental determinations, the appeal of
the certificate of approval shall be con
solidated with them and shall be heard ac
cording to the same timelines established
for the other appeals or predecision hear
ing, except that appeals to the State
Shoreline Hearings Board shall proceed in
dependently according to the timelines set
by the state for such appeals, and except
that an appeal of a certificate of approval
for a preliminary design or for a sub
sequent design phase may proceed without
being consolidated.

2. If the related permit decisions would
not be appealable, and no predecision hear
ing is required, then the appeal of the cer
tificate of approval decision shall proceed
immediately after it is filed.

3. The applicant for the certificate of ap
proval, not involving approval of
preliminary and subsequent design phases
also may elect to have the appeal proceed
immediately rather than be postponed for
consolidation with appeals of related
permit applications or with a predecision
hearing, if the applicant agrees in writing
that the Department of Construction
and Land Use may suspend its review
of the related permits or approvals,
and that their time period for review of
those permits or approvals shall be
suspended until the Hearing Examiner is
able to make a decision on the appeal of the certifi
cate of approval.

4. The Hearing Examiner shall hear the
appeal de novo in accordance with the
standards and procedures established for
Hearing Examiner appeals by Chapter 3.02
of the Seattle Municipal Code.

Section 7 A new Section 25.16.065 is
added to Chapter 25.16 of the Seattle
Municipal Code to read as follows:
25.16.065 CERTIFICATE OF AP
PROVAL - DEFINITION
"Certificate of Approval" is written au
thorization that must be issued by the
Board before any change may be made to
the external appearance of any building or
structure in the district or to the external
appearance of any other property visible
from a public street alley or way in the dis
trict or any new building or structure is
constructed. The term "certificate of ap
proval" includes written approval of a
preliminary design of a project as well as
its subsequent design phases as provided
for in 25.16.080.

Section 8 Section 25.16.080, as last
amended by Ordinance 118121, is further
amended as follows:

SECTION 25.16.080 CERTIFICATE OF
APPROVAL - APPLICATION

A. Application

1. All applications for a certificate of ap
proval, and all applications for any permit
requiring such a certificate of approval,
(hereinafter both included in the words
"such application") shall be submitted to
the District Board.

2. The following information must be
provided in order for the application to be
complete, unless the Board staff indicate in
writing that specific information is not
necessary for a particular application:

- a. Building name and building address;
- b. Name of the business(es) located at the
site of the proposed work;
- c. Applicant's name and address;
- d. Building owner's name and address;
- e. Applicant's telephone number;
- f. The building owner's signature on the
application, or a signed letter from the
owner designating the applicant as the
owner's representative, if the applicant is
not the owner;
- g. Confirmation that the fee required by
SMC Chapter 22.901T of the Permit Fee
Subtitle has been paid;
- h. A detailed description of the proposed
work, including:
 - (1) Any changes it will make to the build
ing or the site;
 - (2) Any effect that the work would have
on the public right-of-way or other public
spaces;
 - (3) Any new construction;
 - (4) Four (4) sets of scale drawings, with all
dimensions shown, of:
 - (a) A site plan of existing conditions,
showing adjacent streets and buildings,
and, if the proposal includes any work in
the public right-of-way, the existing street
uses, such as street trees and sidewalk dis
plays, and another site plan showing pro
posed changes to the existing conditions;
 - (b) A floor plan showing the existing fea
tures and a floor plan showing the pro
posed new features;
 - (c) Elevations and sections of both the
proposed new features and the existing fea
tures;
 - (d) Construction details;