

Seattle Permits

Historic Preservation and SEPA Review

March 2, 2009

The City of Seattle has one of the oldest and strongest historic preservation programs in the United States. Seattle is home to seven historic districts and more than 350 individually designated landmarks.

There are extra steps when applying for a permit to do a project that:

- is located in a landmark or special review district
- involves a designated City landmark
- includes property that may be eligible for landmark designation

The purpose of this Client Assistance Memo (CAM) is to guide the applicant through the Department of Planning and Development (DPD) and landmark processes. In certain circumstances, projects that are subject to the State Environmental Policy Act (SEPA) will have an impact on historic resources. All projects that involve changes to the features of historic buildings, sites or landmarks require a Certificate of Approval, however, even if they are not subject to SEPA.

All projects involving properties located in special review or landmark districts or City of Seattle landmarks must submit an application for a Certificate of Approval before they can submit their Master Use Permit (MUP) application or Construction Permit application. A Certificate of Approval is required prior to issuance of the MUP.

Contact the appropriate Department of Neighborhood (DON) staff member to begin the Certificate of Approval process. You can find staff phone and email information on the Historic Preservation website at <http://www.seattle.gov/neighborhoods/preservation/contact.htm>.

SEPA REVIEW

The SEPA review process impacts the sequencing of permit issuance. The SEPA ordinance establishes thresholds for SEPA review based on the square feet and/or number of dwelling units by each zoning category. Demolition of a structure may also be subject to SEPA. See **DPD Director's Rule (DR) 17-2008** and CAM 208, When Environmental Review is Required in Seattle, for more information about SEPA review.

The SEPA ordinance indicates that if an existing building that is proposed for demolition or modifications or additions may meet criteria for landmark designation in SMC 25.12, it will have a lower set of thresholds for SEPA review. SEPA review will be required when a proposal is for more than 4 dwelling units or 4,000 square feet of non-residential

Table 1
SEPA Environmental Review Categorical Exemptions
(Threshold Levels) for Historic and Non-Historic Residential Uses

Zone	RESIDENTIAL USES		
	Number of Exempt Dwelling Units		
	Outside of Urban Centers	Within Urban Centers and SAOD	For additions, modifications, demolitions, or replacement of non-landmarks that may meet landmark criteria in SMC 25.12
SF, RSL	4	4	4
LDT	4	6*	4
L1	4	30*	4
L2	6	30*	4
L3, L4	8	30	4
NC1, NC2, NC3	4	30	4
C1, C2	4	30	4
MR, HR, SM	20	30	4
Downtown zones	N/A	80	4
Industrial zones	4	4	4

Zone	NON-RESIDENTIAL USES		
	Exempt Area of Use (sq feet of gross floor area)		
	Outside of Urban Centers	Within Urban Centers and SAOD	For additions, modifications, demolitions, or replacement of non-landmarks that may meet landmark criteria in SMC 25.12
SF, RSL, LDT, L1, L2, L3, L4	4,000	4,000	4,000
MR, HR, NC1, NC2, NC3	4,000	12,000	4,000
C1, C2, SM, Industrial zones	12,000	12,000	4,000
Downtown zones	N/A	12,000	4,000

Notes: SAOD = Station Area Overlay Districts. Urban centers and urban villages are identified in the Seattle Comprehensive Plan. Properties zoned LDT, L1 or L2 in an Urban Center or SAOD, which abut or are across a sub-standard width alley or street to a Single Family (SF) or "Residential Small Lot" (RSL) zoned lot, will be subject to the lower SEPA thresholds for those zones, as shown in this table. See minimum street width rules in SMC 23.53.015A.

uses. In most zones within Urban Centers and Station Area Overlay Districts, if the proposal does not affect a landmark, the SEPA review thresholds are higher, at 30 dwelling units and 12,000 square feet of non-residential uses. See Table 1.

For an applicant who may be affected by the difference in these SEPA review thresholds and whose building or site is more than 50 years old, it is to the advantage of the applicant to get a formal determination as to whether the building or site appears to meet the designation criteria. Applicants may provide information to DON that includes the information described in Appendix A of the DPD/DON Interdepartmental Agreement (**on page 6 of this CAM**) prior to applying for a Master Use Permit with DPD. If the result of the review indicates a building or site does not meet designation criteria and the applicant has documentation of this finding from DON, the proposal should be subject to the higher SEPA threshold. If either DON staff or the Landmarks Preservation Board determine that the building or site does meet designation criteria, the proposal is subject to the lower SEPA threshold. In making a determination about eligibility, DON will evaluate the information submitted by the applicant and recommend whether a landmark nomination application should be prepared and submitted to the Landmarks Preservation Board for consideration.

The relationship to SEPA thresholds is determined at the time of the Master Use Permit (MUP) or Construction Permit application intake appointment with DPD. Due to higher SEPA thresholds within Urban Centers and Station Area Overlay Districts, this advice is most relevant to buildings and development proposals within these areas (also see footnotes to Table 1 in this CAM). To see if your property is located within one of these areas, see DPD's website at http://www.seattle.gov/dpd/Research/Zoning_Maps.

If a project is subject to SEPA review, the threshold determination for SEPA must be made before the appropriate historic preservation board or commission can issue a Certificate of Approval. To determine if your project is subject to environmental review, see **DPD Director's Rule 17-2008**.

DEVELOPMENT PERMITTING PROCESS FOR LANDMARKS AND PROJECTS AFFECTED BY HISTORIC PRESERVATION RULES AND LAWS

First, determine if your property is listed as a City landmark, or is located in a special review or landmark district. This information is available through the DON Historic Preservation Program at (206) 684-0228, or you can check the website at <http://www.seattle.gov/neighborhoods/preservation>. If you discover your project is located in an area governed by historic preservation rules/laws or involves a landmark:

1. Discuss your proposal with the appropriate Historic Preservation Program staff.
2. If your project is located in a special review or landmark district, obtain copies of the district ordinance and rules/design guidelines for the district. If your project affects a designated City of Seattle landmark, obtain copies of the Landmarks Preservation Board ordinance, the designating ordinance for the Landmark, and the Secretary of the Interior's Standards for Rehabilitation and any relevant district guidelines.
3. Obtain an Application for Certificate of Approval. This information is available online on the Historic Preservation website. The website also lists staff members for each district and individual landmarks: www.seattle.gov/neighborhoods/preservation.
4. Schedule a pre-submittal conference with DPD. Ask DPD staff to invite the appropriate Historic Preservation Program staff member to the pre-submittal conference. Including Historic Preservation Program staff in DPD's pre-submittal conference

will help facilitate coordinated review between DPD and DON. Historic Preservation Program staff may also identify issues to be resolved related to historic preservation early in the design review and permitting processes.

5. Schedule a Preliminary Project Review session with the Architectural/Design Review Committee of the Landmarks Preservation Board or appropriate Special Review or Landmark District Board to get early feedback and guidance on the project design.
6. Complete an Application for Certificate of Approval for Use and Preliminary Design.
7. Schedule a Master Use Permit (MUP) application intake appointment with DPD.
8. Before attending your MUP intake appointment, schedule an appointment with the appropriate Historic Preservation Program staff to submit your Application for Certificate of Approval for Use and/or Preliminary Design. Historic Preservation Program staff will date-stamp your application form received, then make a copy for you to submit to DPD along with your MUP application. DPD will not take in your MUP application if you have not already submitted an Application for Certificate of Approval for Use and/or Preliminary Design to DON.

Pursuant to SMC 25.05.070, the Landmarks Preservation Board or Special Review or Landmark District Board cannot take action on your Application for Use and Preliminary Design until DPD issues the SEPA determination for the project. Historic Preservation Program staff will review your Application for Certificate of Approval for Use and Preliminary Design within 28 days of its receipt, and let you know if the application is complete or if it is missing any required information/documentation. Be sure to submit all required information and documentation so that your application can be scheduled for Board action as soon as DPD issues the environmental (SEPA) determination. Incomplete applications cannot be scheduled for board action.

During DPD's MUP review period, continue to schedule preliminary project review sessions with the appropriate Architectural Review Committee as your design progresses, as needed. You may also request to brief the appropriate full board on the project. After DPD concludes the SEPA review and publishes the threshold determination together with the MUP decision, your complete Application for Certificate of Approval for Use and Preliminary Design will be scheduled for action on the first available meeting agenda of the appropriate board for action. If your Application for Certificate of Approval for Use and Preliminary Design

is approved by the appropriate board, it will contain a condition that you receive a Certificate of Approval for Final Design before any other related permits can be issued, including but not limited to a building permit.

Downtown Historic Properties

In 2006-2007, 387 properties in the downtown Seattle that were built before 1966 were surveyed and inventoried and the historic significance of those properties was evaluated. Of those 387 properties, 176 were identified as being so altered that they would not qualify as Seattle landmarks. No landmark nomination will be required during SEPA review for any application involving those buildings. The complete list of Category 4 buildings is available at http://www.seattle.gov/neighborhoods/preservation/survey_and_inventory_07_results.htm#cat4. If your property is listed in Categories 1, 2 or 3, please contact the Historic Preservation Program about the status of your property.

DPD AND DON REFERRAL PROCESS FOR DETERMINING LANDMARK ELIGIBILITY

In order to appropriately assess potential impacts to historic resources during SEPA review, DON has an interdepartmental agreement with DPD to review properties that are proposed for development actions but that may be eligible for landmark designation. As noted under "SEPA Review" earlier in this CAM, a property owner may find it advantageous to determine eligibility for landmark designation in advance of submitting development proposals. If an applicant submits documentation from DON that a property (or a building or other object on it) is not eligible for landmark designation, he/she may be subject to higher SEPA review thresholds.

If the building is not currently a landmark and landmark eligibility has not been previously determined or documented, the DPD land use planner will ask the project applicant to prepare information that will assist the DON Historic Preservation staff and DPD in making a determination about the building's significance. The determination to refer a project to the Historic Preservation staff will be based on the following:

- whether the building is over 50 years old
- whether public comment suggests that the building has historic significance
- the historic building survey or inventory identifies the building

Once a determination has been made by the land use

planner that the building exhibits one of the attributes mentioned above, he/she will ask the project applicant to submit the following information for referral to the Historic Preservation Officer:

- photos of all elevations and vicinity
- photocopy of Land Use map page
- copies of relevant comment letters
- information regarding the actual or estimated age of any on-site structures, as well as technical information in response to the items in Appendix A of the Interdepartmental Agreement attached to this CAM (a 2- to 3-page response, often prepared by a historic building researcher or preservationist).

APPLICABLE SEPA POLICIES

SEPA review includes evaluation of impacts to historic buildings, districts, or sites of archaeological significance. SMC 25.05.675H establishes both policies and review criteria when new development that is subject to environmental review includes a proposal to demolish or substantially modify a building that is more than 50 years old. In addition, if a proposal that is subject to SEPA is across the street or adjacent to a designated City of Seattle Landmark, historic review is required.

The following is the code section from the City's SEPA policy pertaining to Historic Preservation (SMC 25.05.675H):

Historic Preservation

1. Policy Background

- a. Historic buildings, special historic districts, and sites of archaeological significance are found within Seattle. The preservation of these buildings, districts and sites is important to the retention of a living sense and appreciation of the past.
- b. Historic sites, structures, districts and archaeological sites may be directly or indirectly threatened by development or redevelopment projects.
- c. Historic buildings are protected by the Landmarks Preservation Ordinance, as administered by the Landmarks Preservation Board. However, not all sites and structures meeting the criteria for historic landmark status have been designated yet.
- d. Special districts have been established to protect certain areas, which are unique in their historical and cultural significance, including, for example, Pike Place Market, Pioneer Square, and the International District.

These areas are subject to development controls and project review by special district review boards.

- e. Archaeologically significant sites present a unique problem, because protection of their integrity may, in some cases, eliminate any economic opportunity on the site.

2. Policies

- a. It is the City's policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites.
- b. For projects involving structures or sites, which have been designated as historic landmarks, compliance with the Landmarks Preservation Ordinance shall constitute compliance with the policy set forth in subsection H2a above.
- c. For projects involving structures or sites which are not yet designated as historical landmarks but which appear to meet the criteria for designation, the decision maker or any interested person may refer the site or structure to the Landmarks Preservation Board for consideration. If the Board approves the site or structure for nomination as an historic landmark, consideration of the site or structure for designation as an historic landmark and application of controls and incentives shall proceed as provided by the Landmarks Preservation Ordinance. If the project is rejected for nomination, the project shall not be conditioned or denied for historical preservation purposes, except pursuant to paragraphs d or e of this subsection.
- d. When a project is proposed adjacent to or across the street from a designated site or structure, the decision-maker shall refer the proposal to the City's Historic Preservation Officer for an assessment of any adverse impacts on the designated landmark and for comments on possible mitigating measures. Mitigation may be required to insure the compatibility of the proposed project with the color, material and architectural character of the designated landmark and to reduce impacts on the character of the landmark's site. Subject to the Overview Policy set forth in SMC Section 25.05.665, mitigating measures may be required and are limited to the following:
 - Sympathetic facade treatment.
 - Sympathetic street treatment.

- Sympathetic design treatment.
 - Reconfiguration of the project and/or relocation of the project on the project site; provided, that mitigating measures shall not include reductions in a project's gross floor area.
- e. On sites with potential archaeological significance, the decision-maker may require an assessment of the archaeological potential of the site. Subject to the criteria of the overview policy set forth in SMC Section 25.05.665, mitigating measures which may be required to mitigate adverse impacts to an archaeological site include, but are not limited to:
- Relocation of the project on the site.
 - Providing markers, plaques, or recognition of discovery.
 - Imposing a delay of as much as 90 days (or more than 90 days for extraordinary circumstances) to allow archaeological artifacts and information to be analyzed.
 - Excavation and recovery of artifacts.

Access to Information

Links to electronic versions of DPD **Client Assistance Memos (CAMs)** and **Director's Rules** are available on the "Publications" page of our website at www.seattle.gov/dpd/publications. Paper copies of these documents, as well as additional regulations mentioned in this CAM, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.

Historic Bldgs & SEPA
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APPENDIX A

ADDITIONAL INFORMATION TO DETERMINE WHETHER A STRUCTURE APPEARS TO MEET ANY OF THE CRITERIA FOR LANDMARK DESIGNATION (2- TO 3-PAGE RESPONSE ANTICIPATED):

Physical Description: Provide a physical description of both the interior and exterior of the structure(s).

Architect or Builder: Provide information about the architect/builder; i.e., regarding education, career, other works in Seattle. If other structures were built in Seattle, indicate whether they remain and their location.

Statement of Significance: Current and past uses and owners of the structure(s). The role these uses and/or owners played in the community, city, state or nation.

Photographs: Clear exterior photos of all elevations of the building; interior photos of major or significant spaces; available historic photos; neighborhood context photos.

Bibliography of sources