

December 1, 2022

MEMORANDUM

To: Neighborhoods, Education, Civil Rights, and Culture Committee
From: Lish Whitson, Analyst
Subject: Council Bill 120456: Historic Resource Administrative Review

On December 9, 2022, the Neighborhoods, Education, Civil Rights, and Culture Committee (Committee) will hold a public hearing and discuss Council Bill (CB) [120456](#), which would amend various chapters of the Seattle Municipal Code (SMC) to allow for administrative review of specified categories of changes to historic resources. The bill would make permanent some changes that were implemented on a temporary basis during the COVID-19 emergency under Ordinance [126072](#) and extended under Ordinance [126188](#). Prior to the COVID emergency, these categories of changes were reviewed by the City's various historic preservation boards and commissions.

In addition to amendments to the Landmarks Preservation Code (SMC [Chapter 25.12](#)), the bill would amend the regulations for the following districts, which are shown on Attachment 1:

- Special Review Districts (Pioneer Square and International Special Review District) (SMC [Chapter 23.66](#))
- Ballard Avenue Landmark District (SMC [Chapter 25.16](#))
- Columbia City Landmark District (SMC [Chapter 25.20](#))
- Fort Lawton Landmark District (SMC [Chapter 25.21](#))
- Harvard-Belmont Landmark District (SMC [Chapter 25.22](#))
- Pike Place Market Historical District (SMC [Chapter 25.24](#))
- Sand Point Naval Air Station Landmark District (SMC [Chapter 25.30](#))

The categories of applications to be reviewed administratively would be specific to each district.

This memorandum describes the current approach to reviewing changes to historic resources, CB 120456, and next steps.

Review of Changes to Historic Resources

The City of Seattle has 480 designated historic landmarks¹ and eight historic districts.² When an owner proposes a change that would affect the designated features of a landmark or historic district, they are required to receive a "certificate of approval" (C of A) from either the

¹ Designated landmarks include buildings, sites, street clocks, vehicles, and vessels. "Landmark" is used in this memo as a generic term for any of these.

² The City currently has two "special review districts," one "historic district," and five "landmark districts." This memo uses "historic district" as a generic term to encompass all of these districts.

Landmarks Preservation Board (LPB), the Market Historical Commission (MHC), or the Director of the Department of Neighborhoods (DON) (Director) alongside any building or land use permits that may be required.

The specific categories of changes that require a C of A are laid out in the designating ordinances for each landmark and the SMC for resources within historic districts. Some exterior changes to a landmark, for example a change in paint color, may require a C of A, even if a land use or building permit is not required. Similarly, interior changes to a landmark that require a land use or building permit but do not affect designated features of the landmark would not require a C of A.

Many changes to landmarks require a C of A from the LPB. However, administrative review has been used for some changes to individual landmarks since the 1980s and is included in individual designating ordinances. The LPB is also the decision-maker for changes within the Columbia City Landmark District, Fort Lawton Historic District, Harvard-Belmont Landmark District, and Sand Point Naval Air Station Landmark District. For those districts, a local Application Review Committee makes a recommendation to the LPB on the application, but the LPB is the decision-making body. The Market Historical Commission reviews changes within the Pike Place Market and decides whether to grant a C of A. For changes in the City's other historic districts (Ballard Avenue, International Special Review District, and Pioneer Square), the Director is the decision-maker after receiving a recommendation from the relevant board.

The City's regulations require that the LPB, MHC, or Director issue a written decision granting, granting with conditions, or denying a C of A within 45 days of the filing of a complete application for a C of A. A decision on a C of A may be appealed to the Seattle Hearing Examiner.

Ordinance 126188 – Emergency Regulations

During the COVID-19 emergency, the Council adopted regulations that shifted approval for some C of As to the City Historic Preservation Officer (CHPO), a staff position in DON. This was intended to allow for faster review of smaller or less significant changes to historic resources, allowing the relevant review bodies to focus their attention on changes most likely to have a significant impact. Under the provisions of Ordinance 126188, the following types of changes to a landmark are subject to this administrative review through December 30, 2022:

1. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical or telecommunication elements necessary for the normal operation of the site, building, or structure.
2. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.
3. Installation, removal, or alteration of exterior or interior signage.

4. Installation, removal, or alteration of awnings or canopies.
5. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.
6. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.
7. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.
8. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.
9. Rights-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.
10. Installation of improvements for accessibility compliance.
11. Installation, removal, or alteration of fire and life safety equipment.
12. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.
13. The alteration of existing doors and windows, including changing a door to a window or a window to a door, as long as the proposed alterations are sympathetic to and do not destroy historic building materials.
14. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.
15. Approval of a final certificate of approval when the LPB previously granted a preliminary design certificate of approval and when the proposed final design does not deviate from what was submitted and approved in the preliminary design certificate of approval.

Similar provisions in Ordinance 126188 have allowed for administrative review of applications for minor changes within the City's historic districts.

Council Bill 120456

Based on experience with administrative review over the last two years and outreach to the City's historic district boards and stakeholders, the Executive is proposing permanent regulations that would allow for administrative review of specified changes to landmarks or historic districts. Under CB 120456, the following types of changes to landmarks or within all historic districts would be reviewed administratively:

- The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels (including photovoltaic panels), weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, or

telecommunication elements necessary for the normal operation of the site, building, or structure.

- Installation of improvements for accessibility compliance.
- Installation, removal, or alteration of fire and life safety equipment.
- Alterations or changes to accommodate seismic improvements.³

CB 120456 is tailored to the conditions and needs of each district and feedback received during DON's outreach and engagement. Attachment 2 shows the different approaches for the various historic districts. For example:

- For special review districts, which include authority to review changes of use, the CHPO would be granted authority to issue a C of A when a use would be changed to a use that is preferred in the district. Other use changes would still go to the Pioneer Square Preservation Board or the International Special Review District Board, as appropriate.
- Based on community feedback, the Pike Place Market and Ballard Avenue districts would have the smallest number of changes that would be reviewed administratively. These boards would continue to review most changes, including signage, awnings, paint, alterations to the right-of-way, and replacement of non-original doors and windows.
- In the Sand Point Naval Air Station district, which was the most recently designated district, many of the features that are required to receive a C of A in other districts, such as planting of shrubs and other low-lying plants, are already allowed without any review or already can be administratively reviewed. Consequently, administrative review of those types of changes within the Sand Point Naval Air Station is not included in CB 120456.

For categories of changes that are subject to administrative review, approval is generally provided when DON staff determines that the application is complete and consistent with the District's adopted guidelines. For categories of changes reviewed by a board, that initiates the board's review period. The SMC typically provides 45 days for a board to review a change and for the Director, LPB or MHC to grant approval. Review typically applies concurrently with any review by the Seattle Department of Construction and Inspections. Because there is not the need to convene a board meeting to deliberate on an application, the amount of time required to review an application administratively is reduced. In addition, using administrative review for minor changes to historic resources would allow the volunteer historic review boards to spend their time reviewing those changes that are most likely to have a major impact on the historic resources under their purview.

³ Administrative review of seismic improvements is added as a new category of change subject to administrative under CB 120456.

Next Steps

The Committee will hold a public hearing on CB 120456 at its Friday, December 9 meeting. Unless the Committee votes to waive the Council rules and act on the bill on December 9, the bill could be considered for a vote at the next Committee meeting on January 13, and at the City Council meeting on January 24.

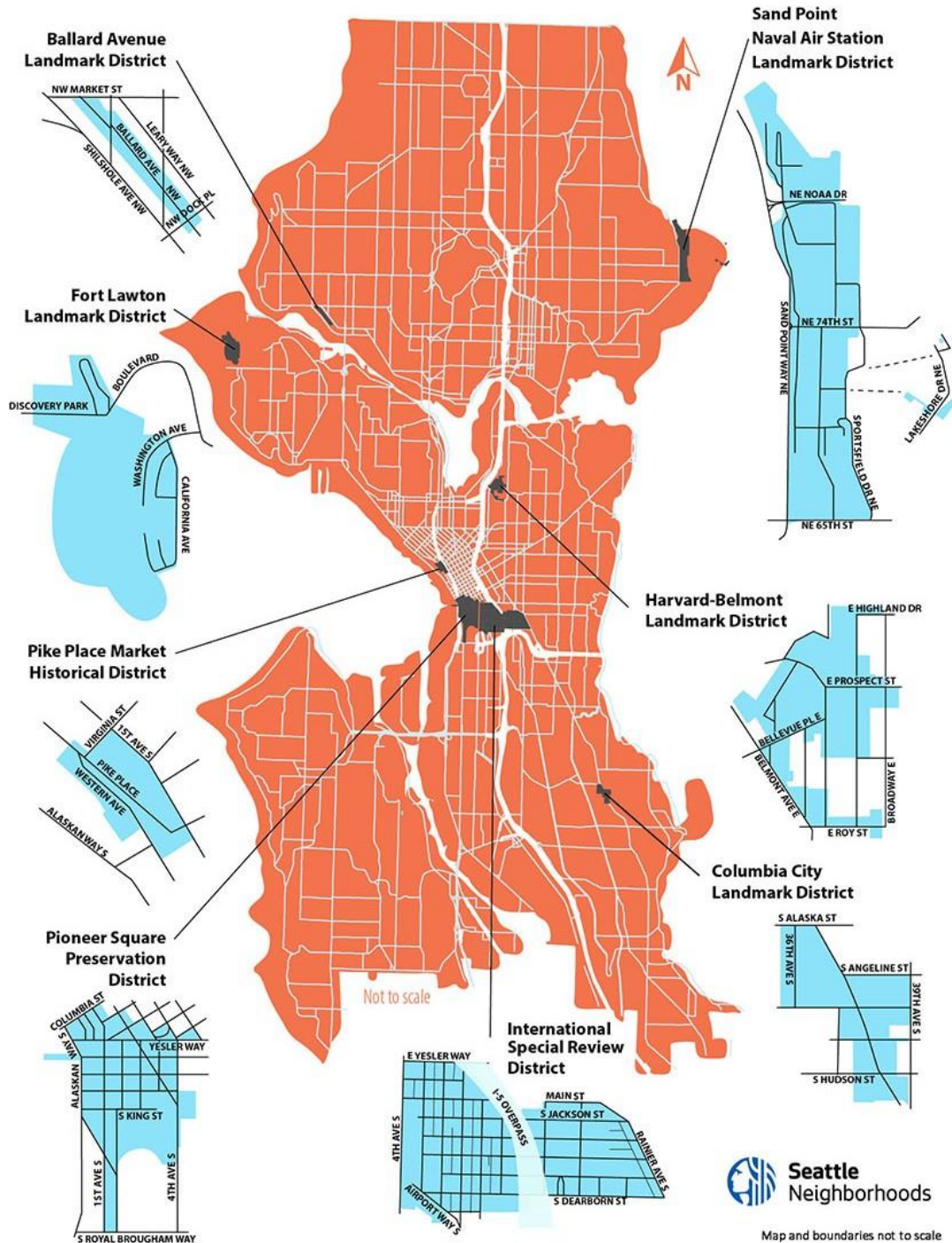
Attachments:

1. Map of Seattle's Historic Districts
2. Changes to historic resources that would be subject to administrative review and approval by the City Historic Preservation Officer under CB 120456

cc: Esther Handy, Director
Aly Pennucci, Deputy Director
Yolanda Ho, Lead Analyst

City of Seattle

Historic Districts



Attachment 2: Changes to historic resources that would be subject to administrative review and approval by the City Historic Preservation Officer under Council Bill 120456

Bill Section	Section of the Seattle Municipal Code (SMC) amended	Historic Resources affected	Categories of Change																												
			Mechanical, Electrical or Telecomm elements ¹	Minor communication utility equipment	Exterior light fixtures, exterior security lighting, and security system equipment	Exterior or interior signage	Awnings or canopies	Window treatments	Storefront systems	Paint	Interior alterations	Art	Shrubs and other low-lying plantings	Removal of hazardous trees	Site furnishings ²	Fences, gates and barriers	Minor grading, soil retention, drainage, or paving	ROW alterations	Repaving and restriping paved areas	Curbs, bollards, or wheel stops in off-street parking areas	Accessibility features	Fire and life-safety equipment	Temporary emergency alterations	Change of use to a preferred use	Replacing non-original doors and windows	Small ancillary structures	Revisions sympathetic to previous approvals	Portables at public schools	Learning gardens, play areas, play equipment or outdoor play areas at public schools	Seismic improvements	
1	23.66.030	Special Review Districts (Pioneer Square and International Special Review District)	Y	Y	Y	Y	Y	Y	Y	Y	N/A		Y		Y	Y		Y	Y		Y	Y	Y	Y	Y	Y		Y			Y
2&3 ³	25.12.720	Landmarks Preservation Board	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N/A	Y	Y	Y	Y	Y	Y	Y
4	25.12.100	Ballard Avenue	Y	Y							N/A		Y								Y	Y	Y	N/A			Y			Y	
5	25.20.090	Columbia City	Y	Y	Y	Y	Y		Y	Y	N/A	Y	Y		Y			Y			Y	Y	Y	N/A	Y		Y			Y	
6	25.21.110	Fort Lawton	Y	Y	Y	Y	Y		Y	Y	N/A	Y	Y		Y			Y			Y	Y	Y	N/A	Y		Y			Y	
7	25.22.110	Harvard-Belmont	Y		Y	Y	Y		Y	Y	N/A		Y					Y			Y	Y	Y	N/A	Y		Y			Y	
8	25.24.070	Pike Place Market	Y																		Y	Y		N/A						Y	
9	25.30.090	Sand Point Naval Air Station	Y	Y	Y	Y		N/A	Y	N/A	N/A	Y	N/A	N/A	Y	*	*	Y	N/A	*	N/A	Y	Y	N/A	Y		Y	N/A	N/A	Y	

Notes: for some districts, the list of permitted alterations listed in this table may not include all features. For a specific category of change consult Council Bill (CB) [120456](#).

Y = the category of change would be reviewed administratively under CB 120456. N/A = the category of change is not required to receive a Certificate of Approval. * = the category of change is already reviewed administratively. Blank cells = the category of change would continue to be reviewed by the relevant board.

¹ Installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels (including PV panels), weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, or telecommunication elements

² Installation, removal, or alteration of the following site furnishings: benches, movable tables and seating, movable planters, movable water features, trash/recycling receptables, and bike racks

³ Section 2 provides authority to the City Historic Preservation Officer to grant administrative approval as provided for in other sections of SMC 25.12. Section 3 provides for administrative review of listed changes to historic resources.