

**Reference #:** 3033991-LU

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### Appeal Details

**Address:** 2224 2nd Ave  
**Decision Elements:** SEPA;

**Interest:** Friends of Historic Belltown (FHB) is a neighborhood-based, non-profit organization dedicated to preserving and enhancing our neighborhood's distinctive character, identity, and sense of place. Our interests include Belltown's unique mix of people, history, arts, businesses, architecture, and streetscapes. Our mission is to preserve and enhance these and other elements of Belltown's distinctive urban environment in the common and best interests of the entire Belltown community. As stated in the City's policies for historic preservation (SMC 25.12.020), historic properties such as the Wayne Apartments have tremendous public value and protecting them is clearly in the public interest: "The City's legislative authority finds that the protection, enhancement, perpetuation and use of sites, improvements and objects of historical, cultural, architectural, engineering or geographic significance, located within the City, are required in the interest of the prosperity, civic pride and general welfare of the people; and further finds that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the heritage of the City and by allowing the unnecessary destruction or defacement of such cultural assets." The Director's decision (Exhibit 1) will harm FHB as well as the Belltown community and the public interest at large by destroying one of the oldest historic landmarks in the Pacific Northwest and associated public values without any form of compensatory mitigation, which is counter to the letter and spirit of our State's SEPA statute. Further, this decision, if upheld, will result in the future destruction of historic landmarks within the City without any mitigation for the significant loss of public values.

**Objections:** The central question raised by our objection before the Examiner is whether the Director's reliance on the Seattle Landmark Preservation Ordinance (LPO, SMC 25.12) to "sufficiently" mitigate destruction of a City landmark is clearly erroneous. FHB asserts that Director has committed an obvious mistake by concluding that, "per the Overview policies in SMC 25.05.665.D, the existing City Codes and regulations to mitigate impacts to historic resources are presumed to be sufficient, and no conditioning is warranted per SMC 25.05.675.H." FHB holds that the LPO provides no mitigation for the destruction of the Wayne Apartments (other than potentially a pre-demolition documentation), and that claiming that no mitigation is presumed to be "sufficient" to mitigate the significant adverse impact of the destruction of a landmark is clearly erroneous. FHB informed SDCI of all of these concerns in formal SEPA scoping comments submitted in January and June of 2020 (Exhibits 2 and 3). FHB grants that the Wayne Apartments did go through the LPO review process, which found that the building met the standards for landmark designation under the LPO. However, the LPO, which was prepared before the City's SEPA ordinance, does not provide any mitigation for the destruction of landmarks, where unavoidable under the LPO. FHB's evidence for the inability of the LPO to mitigate the destruction of such buildings includes the destruction of the Ballard Denny's, the Sullivan House (Exhibit 4), and the Galbraith House, all of which are, like the Wayne, buildings where impacts cannot be "mitigated" through "facadism," where the façade is retained and a new tower is constructed above. Under the LPO and its "reasonable return" exemption (SMC 25.12.580), such landmarks are doomed to destruction without any mitigation to compensate for the significant public values that are lost when a landmark is destroyed. The fact that the Wayne Apartment Building is a significant element of the environment should not be disputed. The Landmarks Board determined that the building is significant and warrants designation as a landmark because "it is a significant remnant of the pre-Denny regrade and has visible architectural characteristics of that era, and it is a unique feature of the neighborhood." Yet the LPO is authorizing its destruction without any consideration of compensatory mitigation, leaving the impact unmitigated, while SEPA clearly includes compensatory mitigation as a way agencies can mitigate significant adverse impacts (WAC 197-11-768). In short, FHB holds that destroying a landmark without consideration of any compensatory mitigation is a significant adverse impact that is not sufficiently mitigated by the LPO, as defined under the State's SEPA statute, and therefore, we hold that the Director's determination that the destruction of the Wayne Apartments is "sufficiently" mitigated by the LPO to be clearly erroneous.

**Desired Relief:** While an EIS and consideration of alternatives to the destruction of the Wayne Apartments would provide relief to the harms outlined in answer to Question 1, FHB is not requesting the Examiner for such relief due to the unreasonable delay it would cause - at this late point in the SDCI planning process - to the otherwise legal housing and commercial development project. Rather, FHB requests the Examiner find that SDCI did not consider mitigation in a manner sufficient to amount to prima facie compliance with the procedural requirements of SEPA because the Director relies on "mitigation" that does not include any actual mitigation, and that therefore, the MDNS is clearly erroneous and must be reversed. Further, we request the Examiner instruct SDCI to prepare a new MDNS that provides compensatory mitigation for the significant adverse impact of the destruction of a city landmark. Reasonable compensatory mitigation available to SDCI may include: 1. Under the direction of the Historic Preservation Office of the Department of

Neighborhoods, fund, initiate, and complete a survey of Belltown's historic and cultural properties and prepare a plan that identifies preservation priorities and actions. The plan could help compensate for the loss of the Wayne by providing substitute preservation through a professionally-prepared survey and preservation plan. 2. Consider if any parts of the building can be salvaged for potential reuse in the public interest. One or more of the three iconic gables of the Wayne Apartments appear to be easily retainable and could be used in Belltown as public art or other installation. This could help convey the history and significance of the Wayne Apartments to the Belltown neighborhood and city and further help to mitigate the destruction of the building itself. 3. Programmatically reevaluate the City's reliance on the LPO to mitigate the destruction of city landmarks for compliance with SEPA.

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## Contacts

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## Uploaded Material

1. **EXHIBIT 1. SDCI SEPA FEB 2021 3033991-LU.pdf**  
**Upload Date:** Feb 25, 2021 2:09 PM  
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  2. **EXHIBIT 2. FHB JAN 2020 SEPA Comments Project 3033991-LU.pdf**  
**Upload Date:** Feb 25, 2021 2:15 PM  
**Submit Date:** Feb 25, 2021 2:35 PM
  3. **EXHIBIT 3. FHB JUNE 2020 SEPA Comments Project 3033991-LU.pdf**  
**Upload Date:** Feb 25, 2021 2:15 PM  
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  4. **EXHIBIT 4. Death of a Landmark.pdf**  
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