



The City of Seattle

Landmarks Preservation Board

Mailing Address: PO Box 94649, Seattle WA 98124-4649

Street Address: 600 4th Avenue, 4th Floor

LPB 02/22

CONTROLS AND INCENTIVES AGREEMENT

The Fairfax

1508 10th Avenue E

I. RECOMMENDED CONTROLS

To assure the preservation of the specified features and characteristics of the landmark, the owner (Owner) of The Fairfax at 1508 10th Avenue E, a landmark designated by the City of Seattle Landmarks Preservation Board, and the City of Seattle Historic Preservation Officer on behalf of the City of Seattle Landmarks Preservation Board, agree that the following controls shall be imposed:

A. CERTIFICATE OF APPROVAL PROCESS

1. A Certificate of Approval, issued by the City of Seattle's Landmarks Preservation Board pursuant to Seattle Municipal Code ("SMC"), Ch. 25.12, must be obtained, or the time for denying a Certificate of Approval application must have expired, before the Owner may make alterations or significant changes to:
 - a. The site.
 - b. The exterior of the building.
 - c. The main interior stairway.
2. A Certificate of Approval is not required for the following:
 - a. Any in-kind maintenance or repairs of the features or characteristics of The Fairfax that were designated by the Board for preservation.

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The Seattle Department of Neighborhoods**

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- b. Removal of trees that are not included in any of the following categories:
 - 1) Significant to the property's history or design, as outlined in the nomination application.
 - 2) A designated Heritage Tree on the City of Seattle / Plant Amnesty list.
 - 3) An Exceptional Tree per City of Seattle regulations.
- c. Planting of new trees in locations that will never obscure the view of designated features of the landmark, or physically undermine a built feature of the landmark.
- d. Planting or removal of shrubs, perennials, or annuals, in locations that will never obscure the view of designated features of the landmark, or physically undermine a built feature of the landmark.
- e. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.
- f. Installation, removal, or alteration of the following site furnishings: benches, chairs, tables, swings, movable planters, and trash/recycling receptacles.
- g. Installation or removal of interior, temporary window shading devices that are operable and do not obscure the glazing when in the open position.
- h. Removal or alteration of rear fire escape.

B. ADMINISTRATIVE REVIEW

1. Administrative review and approval is available for the following items listed in Section 1.B.3. according to the following procedures. The Owner shall submit to the City Historic Preservation Officer (CHPO) a written request for these alterations, including applicable drawings and/or specifications. If the CHPO, upon examination of submitted plans and specifications, determines that such alterations are consistent with the purposes of SMC 25.12 the alterations shall be approved without the need for any further action by the Board. If the CHPO disapproves such alterations, the Owner may submit revised materials to the CHPO, or submit in accordance with the Certificate of Approval process set forth in SMC 25.12.
2. The CHPO shall transmit his or her written decision on the Owner's submittal to the Owner. Failure of the CHPO to approve or disapprove the request

within fourteen (14) business days shall constitute approval of the request.

3. Administrative review is available for the following:

- a. For the specified features and characteristics of the landmark, the addition or elimination of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, and other similar mechanical, electrical, and telecommunication elements necessary for the normal operation of the building or site.
- b. Removal of trees more than 6 inches in diameter measured 4-1/2 feet above ground, when identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist, and not already excluded from review in subsection I.A.2.b.
- c. Installation, removal, or alteration of exterior non-historic light fixtures, exterior security lighting, and security system equipment. If proposed equipment is similar in size and location to existing, staff may be able to determine it to be in-kind maintenance, provided the fixture or equipment does not obscure designated features and is attached to a material that is easily repairable.
- d. Installation, removal, or alteration of exterior building and site signage.
- e. Installation of improvements for safety or accessibility compliance.
- f. Installation, removal, or alteration of fire and life safety equipment.
- g. Changes to exterior paint colors when painting a previously painted material. If the proposed color is similar to the existing, staff may be able to determine it to be in-kind maintenance.
- h. Replacement of non-original windows and doors when located in original openings.
- i. Replacement of original basement windows for improved security, provided the appearance of the replacement windows are compatible with the designated features of the building exterior.
- j. Alterations to the designated interior features.

- k. New fences in rear or side yards that are installed east of the front facade of the building; and no review required if fence is determined to be located on adjacent property.
- l. Removal or alteration of the roof stair penthouse and non-historic rooftop recreational deck, guardrails, skylights, and sauna. If changes are not substantial the staff may determine them to be in-kind maintenance.
- m. Installation of photovoltaic panels on the main roof.
- n. Installation of new skylights on the main roof.
- o. Installation, removal, or alteration of minor landscape features.
- p. Emergency repairs or measures (including immediate action to secure the area, install temporary equipment, and employ stabilization methods as necessary to protect the public's safety, health, and welfare) to address hazardous conditions with adverse impacts to the building or site as related to a seismic or other unforeseen event. Following such an emergency, the owner shall adhere to the following:
 - 1) The owner shall immediately notify the City Historic Preservation Officer and document the conditions and actions the owner took.
 - 2) If temporary structural supports are necessary, the owner shall make all reasonable efforts to prevent further damage to historic resources.
 - 3) The owner shall not remove historic building materials from the site as part of the emergency response.
 - 4) In consultation with the City Historic Preservation Officer and staff, the owner shall adopt and implement a long-term plan to address any damage through appropriate solutions.

II. RECOMMENDED INCENTIVES

The following economic incentives may be available to the owner.

- 1. Seattle Municipal Code Title 23 provides for authorization of uses in a designated Landmark that are not normally permitted in a particular zoning classification by means of an administrative conditional use approval.

2. Certain exceptions to or exemptions from regulations in Title 23 Seattle Municipal Code may be available, either by virtue of the zoning designation applicable to the Landmark or its status as a Landmark.
3. Building and Energy Code exceptions on an application basis.
4. Historic Preservation Special Tax Valuation (Chapter 84.26 RCW) on an application basis.



Jevon Barlas
HOA Board President
The Fairfax Homeowners Association
Owner

01/12/2022

Date



Sarah Sodt
City Historic Preservation Officer

01/12/2022

Date