



Legislation Details (With Text)

**File #:** CB 120563    **Version:** 1    **Name:** CB 120563  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 5/23/2023

**Final Action:** 6/1/2023    **Ord. No.** Ord 126828

**Title:** AN ORDINANCE relating to historic preservation; imposing controls upon Madison Middle School, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

**Sponsors:** Tammy J. Morales

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Summary Ex A - Vicinity Map of Madison MS, 3. Landmarks Preservation Board Report, 4. Photos, 5. Signed Ordinance 126828, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
6/1/2023	1	City Clerk	attested by City Clerk	
6/1/2023	1	Mayor	returned	
6/1/2023	1	Mayor	Signed	
5/25/2023	1	City Clerk	submitted for Mayor's signature	
5/23/2023	1	City Council	passed	Pass
5/12/2023	1	Neighborhoods, Education, Civil Rights, and Culture Committee	pass	Pass
5/9/2023	1	City Council	referred	
12/1/2022	1	Council President's Office	sent for review	
11/30/2022	1	Department of Neighborhoods	sent for review	
11/30/2022	1	City Clerk	sent for review	

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to historic preservation; imposing controls upon Madison Middle School, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Preservation Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements, and objects having

historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (“Board”), after a public meeting on December 5, 2001, voted to approve the nomination of the improvement located at 3429 45<sup>th</sup> Avenue SW and the site on which the improvement is located (which are collectively referred to as “Madison Middle School”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on January 16, 2002, the Board voted to approve the designation of Madison Middle School under SMC Chapter 25.12; and

WHEREAS, on February 16, 2022, the Board and Madison Middle School’s owner agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives; NOW, THEREFORE,

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

Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board (“Board”) of the improvement located at 3429 45<sup>th</sup> Avenue SW and the site on which the improvement is located (which are collectively referred to as “Madison Middle School”) is acknowledged.

A. Legal Description. Madison Middle School is located on the property legally described as:

Tracts 148 & 149, West Seattle 5 acre tracts No. 5 as recorded in Volume 2, page 79, records of King County, Washington. Together with vacated 46th Ave. SW and vacated alley between 45th Ave. SW and 46th Ave. SW in Tract 148 Ordinance 53977 except streets.

B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of Madison Middle School:

1. The site, excluding the 1971 gymnasium building and the portables.

2. The exterior of the building.

3. The main entrance hall and lobby with coved ceiling and cast plaster ornament.

C. Basis of Designation. The designation was made because Madison Middle School is more than 25 years old; has significant character, interest, or value as a part of the development, heritage, or cultural characteristics of the City, state, or nation; has integrity or the ability to convey its significance; and satisfies the following SMC 25.12.350 provisions:

1. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).

Section 2. Controls. The following controls are imposed on the features or characteristics of Madison Middle School that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the features or characteristics of Madison Middle School that were designated by the Board for preservation.

2. No Certificate of Approval is required for the following:

a. Any in-kind maintenance or repairs of the features or characteristics of Madison Middle School that were designated by the Board for preservation.

b. Removal of trees less than 6 inches in diameter measured 4-1/2 feet above ground.

c. Removal of mature 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.

d. 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.

e. 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.

f. Installation, removal, or alteration of the following site furnishings: benches, chairs, tables, swings, movable planters, trash/recycling receptacles, and bike racks.

g. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.

h. Repaving and restriping of existing asphalt paved areas.

i. Installation, removal, or alteration of signage for accessibility compliance, school safety, and other signage as required by City code or Seattle Public Schools safety signage for playgrounds; e.g., “No Guns” or “No Trespassing.”

j. Installation, removal, or alteration of a building identification sign defined by the following criteria:

1) The sign shall be freestanding on the site.

2) The sign shall not be attached to built historic features.

3) The sign location shall not obscure the view of designated features of the buildings or site.

4) The sign’s content may include the building name, street address, and logo associated with the school’s identity.

5) The sign shall not be internally illuminated.

6) The sign shall be no more than 30 square feet in area, and the top of the sign shall not exceed 4 feet above grade.

k. Removal of portable classroom buildings.

l. Installation or removal of interior, temporary window shading devices that are operable and do not obscure the glazing when in the open position.

m. Installation, removal, or alteration of curbs, bollards, or wheelstops in parking areas.

n. Installation, removal, or alteration of the existing playfield surface, track materials, field lights, field drainage, ground source wells, goal posts, and other track/field related sports equipment on the west side of the property.

o. Demolition of non-historic building additions, provided associated alterations or changes to the Landmark are addressed per subsection 2.B.3.o of this ordinance.

p. Minor alterations or changes to non-historic building additions, provided they do not increase the footprint or height of that portion of the building. Art installations shall be addressed per subsection 2.B.3.i of this ordinance.

#### B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 of this ordinance according to the following procedure:

a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.

2. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics of Madison Middle School that were designated by the Board for preservation is available for the following:

a. The installation, removal, or alteration of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, and/or other similar mechanical, electrical, and telecommunication elements necessary for the normal operation of the building or site.

b. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

c. Installation of a new single-story equipment storage building associated with the track and playfield on the west half of the property.

d. 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 2.A.2.c of this ordinance.

e. Installation, removal, or alterations to fences, gates, and barriers.

f. Signage other than signage excluded in subsections 2.A.2.i and 2.A.2.j of this ordinance.

g. Installation, removal, or alteration of improvements for safety or accessibility compliance.

h. Installation, removal, or alteration of fire and life safety equipment.

i. Installation, removal, or alteration of painted murals and other art installations located on features or characteristics of the landmark that were designated by the Board for preservation.

j. Installation, removal, or alteration of minor landscape features.

k. Alterations or changes to interior features or characteristics of the landmark that were designated by the Board for preservation.

l. Installation of photovoltaic panels on a building rooftop.

m. Changes to paint colors for any of the features or characteristics of the landmark that were designated by the Board for preservation.

n. Replacement of non-historic doors and windows within original openings, when the staff determines that the design intent is consistent with the *Secretary of the Interior's Standards for Rehabilitation*.

o. Alterations or changes to designated features of the landmark when associated with demolition of adjacent non-historic building additions.

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 buildings 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.

Section 3. Incentives. The following incentives are granted on the features or characteristics of Madison Middle School that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued under SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code and the Seattle Energy Code, adopted by SMC Chapter 22.101, may be authorized according to the applicable provisions.

C. Special tax valuation for historic preservation may be available under chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated landmark structure may be permitted under SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. Madison Middle School is added alphabetically to Section IV, Schools, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed to provide a certified copy of this ordinance to Madison Middle School's owner.

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

(Seal)

Attachments: