



Legislation Text

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to historic preservation; imposing controls upon the Original Van Asselt 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 March 20, 2019, voted to approve the nomination of the improvement located at 7201 Beacon Avenue S and the site on which the improvement is located (which are collectively referred to as the “Original Van Asselt School”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on May 1, 2019, the Board voted to approve the designation of the Original Van Asselt School under SMC Chapter 25.12; and

WHEREAS, on May 5, 2021, the Board and the Original Van Asselt 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 7201 Beacon Avenue S and the site on which the improvement is located (which are collectively referred to as the “Original Van Asselt School”) is acknowledged.

A. Legal Description. The Original Van Asselt School is located on the property legally described as:

THAT PORTION OF LOT 43, PLAT OF SOMERVILLE FILED ON JANUARY 24TH, 1887 IN VOLUME 2, PAGE 63 OF PLATS, RECORDS OF KING COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE INTERSECTION OF THE SOUTHEAST MARGIN OF BEACON AVENUE, SAID MARGIN BEING 63' SOUTHWEST AND PARALLEL WITH IT'S CENTERLINE ACCORDING TO THE CITY OF SEATTLE ORDINANCE NUMBER 30071, AND THE CENTERLINE OF VACATED SHAFFER AVENUE SOUTH ACCORDING TO SURVEY FILED UNDER RECORDER'S NUMBER 20030814900008, RECORDS OF KING COUNTY, WASHINGTON. THENCE SOUTH 0°33'57" WEST ALONG SAID CENTERLINE, A DISTANCE OF 196.70 FEET TO THE NORTH LINE OF THE PLAT OF DUWAMISH HEIGHTS AS RECORDED IN VOLUME 15 OF PLATS, PAGE 96, RECORDS OF KING COUNTY, WASHINGTON, THENCE NORTH 87°30'12" WEST ALONG SAID NORTH LINE, A DISTANCE 530.53 FEET TO A POINT ON EAST MARGIN OF VACATED PERKINS AVENUE; THENCE NORTH 0°39'12" EAST ALONG SAID EAST MARGIN, 289.63 FEET TO IT'S INTERSECTION WITH THE SOUTH MARGIN OF VACATED SOUTH ORCHARD STREET; THENCE SOUTH 87°24'16" EAST ALONG SAID SOUTH MARGIN, 419.37 FEET TO SAID SOUTHEAST MARGIN OF BEACON AVENUE, THENCE SOUTH 44°30'17" EAST ALONG SAID SOUTHEAST MARGIN, A DISTANCE OF 135.15 FEET TO THE POINT OF BEGINNING. SITUATED IN KING COUNTY, WASHINGTON.

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

1. The site as illustrated in Attachment A to this ordinance.
2. The exterior of the 1909 building (excluding the 1940 and 2002 rear additions).
3. The interior of the 1909 building (excluding the 1940 and 2002 rear additions).

C. Basis of Designation. The designation was made because the Original Van Asselt 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 is associated in a significant way with a significant aspect of the cultural, political, or

economic heritage of the community, City, state, or nation (SMC 25.12.350.C).

2. 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 the Original Van Asselt 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 the Original Van Asselt 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 the Original Van Asselt 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, and 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 play equipment in existing outdoor play areas.

j. 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.”

k. 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.

l. Removal of portable classroom buildings.

m. Installation of new single-story portable classrooms or a storage shed, when located within the area illustrated in Attachment B to this ordinance.

n. Installation or removal of interior, temporary window shading devices that are

operable and do not obscure the glazing when in the open position.

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

p. Installation or removal of artwork located at the building interior, when fastened to gypsum wallboard surfaces.

q. Installation, removal, or alteration of the playfield surface, track materials, field lights, field drainage, ground source wells, and other track/field equipment.

r. Demolition of the 1950 building.

s. Alterations or changes to the portion of the 1950s building located on the designated site, provided they do not increase the footprint or height of the building.

t. Alterations or changes to the site beyond the designated portion of the site, as illustrated in Attachment B to 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 the

Original Van Asselt 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, 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 new single-story portable classrooms or a storage shed, when located on the designated site, outside of the area approved in subsection 2.A.2.m of this ordinance.

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.j and 2.A.2.k 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, other than those excluded in subsection 2.A.2.p of this ordinance.

j. Installation, removal, or alteration of new learning gardens or play areas, including expansions of their existing areas.

k. Installation, removal, or alteration of garden logs and boulders for outdoor seating, and other landscape features or accessories.

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

m. Installation of photovoltaic panels.

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

o. 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*.

p. Alterations or changes to the portion of the 1950s building located on the designated site, when the footprint or height of the building is proposed to be increased, and the project does not qualify for review by the Landmarks staff under the State Environmental Policy Act (SEPA).

q. 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 the

Original Van Asselt 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. The Original Van Asselt 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 the Original Van Asselt 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.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment A - Original Van Asselt School Overall Site Plan - Existing

Attachment B - Original Van Asselt School Designated Site Plan - Existing