

CITY OF SEATTLE
ORDINANCE 126568
COUNCIL BILL 120296

AN ORDINANCE relating to historic preservation; imposing controls upon El Monterey, 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 3, 2021, voted to approve the nomination of the improvement located at 4204 11th Avenue NE and the site on which the improvement is located (which are collectively referred to as “El Monterey”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on April 7, 2021, the Board voted to approve the designation of El Monterey under SMC Chapter 25.12; and

WHEREAS, on September 1, 2021, the Board and El Monterey’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 4204 11th

1 Avenue NE and the site on which the improvement is located (which are collectively referred to
2 as “El Monterey”) is acknowledged.

3 A. Legal Description. El Monterey is located on the property legally described as:

4 El Monterey, a Condominium, according to the Declaration recorded under Recording
5 Nos. 8412280592 and 8412310267 (which supersedes 7806211052 and 7901220162),
6 and any Amendments thereto, and Survey Map and Plans in Vol. 20 of Condominium
7 Plats, pages 74 through 78, inclusive, and any Amendments thereto, records of King
8 County, Washington. Situate in County of King, State of Washington.

9 B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board
10 designated the following specific features or characteristics of El Monterey:

- 11 1. The site.
- 12 2. The exterior of the residential building.
- 13 3. The exterior of the garage building.
- 14 4. The interior of the six main stair towers.

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

- 19 1. It embodies the distinctive visible characteristics of an architectural style, or
20 period, or of a method of construction (SMC 25.12.350.D).
- 21 2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
- 22 3. Because of its prominence of spatial location, contrasts of siting, age, or scale,
23 it is an easily identifiable visual feature of its neighborhood or the City and contributes to the
24 distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

25 Section 2. Controls. The following controls are imposed on the features or characteristics
26 of El Monterey that were designated by the Board for preservation:

1 A. Certificate of Approval Process.

2 1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the
3 owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter
4 25.12, or the time for denying a Certificate of Approval must have expired, before the owner
5 may make alterations or significant changes to the features or characteristics of El Monterey that
6 were designated by the Board for preservation.

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

8 a. Any in-kind maintenance or repairs of the features or characteristics of
9 El Monterey that were designated by the Board for preservation.

10 b. Removal of trees that are not included in any of the following
11 categories:

12 1) Significant to the property's history or design, as outlined in the
13 nomination application.

14 2) A designated Heritage Tree on the City of Seattle/Plant
15 Amnesty list.

16 3) An Exceptional Tree per City of Seattle regulations.

17 c. Planting of new trees in locations that will never obscure the view of
18 designated features of the landmark, or physically undermine a built feature of the landmark.

19 d. Planting or removal of shrubs, perennials, or annuals, in locations that
20 will never obscure the view of designated features of the landmark, or physically undermine a
21 built feature of the landmark.

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

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

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

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

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

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

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

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

20 3. CHPO approval of alterations or significant changes to the features or
21 characteristics of El Monterey that were designated by the Board for preservation is available for
22 the following:

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

5 b. Removal of trees more than 6 inches in diameter measured 4-1/2 feet
6 above ground, when identified as a hazard by an International Society of Arboriculture (ISA)
7 Certified Arborist, and not already excluded from review in subsection 2.A.2.b of this ordinance.

8 c. Installation, removal, or alteration of exterior non-historic light fixtures,
9 exterior security lighting, and security system equipment. If proposed equipment is similar in
10 size and location to existing, staff may determine it to be in-kind maintenance, provided the
11 fixture or equipment does not obscure designated features and is attached to a material that is
12 easily repairable.

13 d. Installation, removal, or alteration of exterior building and site signage.

14 e. Installation of improvements for safety or accessibility compliance.

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

16 g. Changes to exterior paint colors when painting a previously painted
17 material. If the proposed color is similar to the existing, staff may determine it to be in-kind
18 maintenance.

19 h. Replacement of non-original windows and doors when located in
20 original openings.

21 i. Alterations to the designated interior features.

22 j. Installation, or alteration of exterior cloth awnings and shades.

1 k. Emergency repairs or measures (including immediate action to secure
2 the area, install temporary equipment, and employ stabilization methods as necessary to protect
3 the public’s safety, health, and welfare) to address hazardous conditions with adverse impacts to
4 the buildings or site as related to a seismic or other unforeseen event. Following such an
5 emergency, the owner shall adhere to the following:

6 1) The owner shall immediately notify the City Historic
7 Preservation Officer and document the conditions and actions the owner took.

8 2) If temporary structural supports are necessary, the owner shall
9 make all reasonable efforts to prevent further damage to historic resources.

10 3) The owner shall not remove historic building materials from the
11 site as part of the emergency response.

12 4) In consultation with the City Historic Preservation Officer and
13 staff, the owner shall adopt and implement a long-term plan to address any damage through
14 appropriate solutions.

15 Section 3. Incentives. The following incentives are granted on the features or
16 characteristics of El Monterey that were designated by the Board for preservation:

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

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

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

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

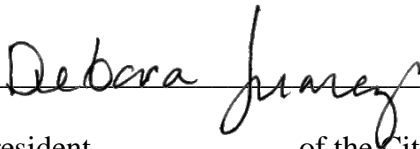
4 Section 4. Enforcement of this ordinance and penalties for its violation are as provided in
5 SMC 25.12.910.

6 Section 5. El Monterey is added alphabetically to Section II, Buildings, of the Table of
7 Historical Landmarks contained in SMC Chapter 25.32.


8 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
9 King County Recorder’s Office, deliver two certified copies to the CHPO, and deliver one copy
10 to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed
11 to provide a certified copy of this ordinance to El Monterey’s owner.

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


4 Passed by the City Council the 19th day of April, 2022,
5 and signed by me in open session in authentication of its passage this 19th day of
6 April, 2022.

7 
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this 2nd day of May, 2022.

10 
11 Bruce A. Harrell, Mayor

12 Filed by me this 2nd day of May, 2022.

13 
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments: