



Legislation Details (With Text)

**File #:** CB 118860    **Version:** 1    **Name:** CB 118860  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 11/28/2016

**Final Action:** 12/8/2016    **Ord. No.** Ord 125215

**Title:** AN ORDINANCE relating to historic preservation; imposing controls upon Volunteer Park, 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:** Tim Burgess

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Summary Ex A – Vicinity Map of Volunteer Park, 3. Landmarks Preservation Board Report, 4. Photos, 5. Presentation, 6. Signed Ordinance 125215, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/8/2016	1	City Clerk	attested by City Clerk	
12/8/2016	1	Mayor	Signed	
12/8/2016	1	Mayor	returned	
11/29/2016	1	City Clerk	submitted for Mayor's signature	
11/28/2016	1	City Council	passed	Pass
11/22/2016	1	Affordable Housing, Neighborhoods, and Finance Committee	pass	Pass
11/14/2016	1	City Council	referred	
9/26/2016	1	Council President's Office	sent for review	
9/20/2016	1	City Clerk	sent for review	
9/19/2016	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to historic preservation; imposing controls upon Volunteer Park, 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 September 21, 2011, voted to approve the nomination of the improvements located at 1400 East Prospect Street and the site on which the improvements are located (which collectively are referred to as “Volunteer Park” for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on November 2, 2011, the Board voted to approve the designation of Volunteer Park under SMC Chapter 25.12; and

WHEREAS, on May 18, 2016, the Board and the owner of the designated landmark agreed to controls and incentives; 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: Pursuant to Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board (“Board”) of the improvements located at 1400 East Prospect Street and the site on which the improvements are located (which collectively are referred to as “Volunteer Park” for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. Volunteer Park is located on the property legally described as:

Legal Description: The northeast quarter of the northeast quarter (NE 1/4 NE 1/4) of Section Twenty-nine (29) in Township Twenty-five (25) north (N) of Range Four (4) east (E), Willamette Meridian, also beginning at the northeast (NE) corner of the northeast quarter (NE 1/4) of Section Twenty-nine (29) in Township Twenty-five (25) north (N) of Range Four (4) east (E), Willamette Meridian, thence south one degree thirty-six minutes forty-eight seconds (1°36'48") west a distance of fourteen hundred thirty-three and fifty-two one-hundredths (1433.52) feet along the east line of Section 29 in Township 25 north Range 4 east, thence north (N) eighty-eight degrees eighteen minutes twenty-seven seconds (88°18'27") west a distance of four hundred eighty-two and ten one-hundredths (482.10) feet, thence north (N) eighty-eight degrees eighteen minutes thirty-one seconds (88°18'31") west a distance of two hundred seventy-two and five one-hundredths (272.05) feet, thence north (N) eighty-eight degrees eighteen minutes thirty-eight seconds (88°18'38") west a distance of two hundred seventy-two and four one-hundredths (272.04) feet, thence north (N) eighty-eight degrees eighteen minutes twenty-nine seconds (88°

18'29") west a distance of three hundred eleven and seven one-hundredths (311.07) feet to a point on the west line of the northwest (NW) quarter of the northeast (NE) quarter of the northeast (NE) quarter of Section 29 in Township 25 north Range 4 east, thence north (N) one degree eighteen minutes twenty seconds (1°18'20") east, more or less, a distance of fourteen hundred five and sixty-nine one-hundredths (1405.69) feet, more or less, to a point on the north line of Section 29 in Township 25 north Range 4 east, thence south (S) eighty-nine degrees thirty minutes and five seconds (89°30'05") east a distance of one thousand three hundred forty-five (1345) feet, more or less, along the north line of Section 29 in Township 25 north Range 4 east to the point of beginning. Also the east one-half (E 1/2) of blocks E and F of Phinney's Addition to the City of Seattle as recorded in Vol. 1, Page 175 of King County Plats. Also the portion of Eleventh (11th) Avenue North in the City of Seattle from the north line of Furth's Addition to the City of Seattle and the north line of Phinney's Addition to the City of Seattle as vacated by ordinance 26793.

B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of Volunteer Park:

1. The site, excluding the children's play equipment.
2. The exteriors of the buildings and structures, excluding the following:
  - a. The Reservoir guard station, the pump station grating, and the following accessory appurtenances within the reservoir bowl: the 42" vertical pipe; the chlorine detention chamber; the washout piping; the penstock cap; the outlet piping; the standpipe overflow and drain discharge; and the overflow weir box and grate.
  - b. The 1990 production greenhouse and the following accessory structures associated with the Conservatory and maintenance functions: the tool shed; the small equipment shed; the cold frames; the cold house; the shade house; the small garage west of the cottage; the storage building west of the cold frames; the crew quarters building; and the soil shed.

C. Basis of Designation. The designation was made because Volunteer Park 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 from SMC 25.12.350:

1. It is the location of, or is associated in a significant way with, a historic event with a significant effect upon the community, City, state, or nation (SMC 25.12.350.A);
2. 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);
3. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D);
4. It is an outstanding work of a designer or builder (SMC 25.12.350.E); and
5. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features or characteristics of Volunteer Park 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 pursuant 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 Volunteer Park 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 Volunteer Park that were designated by the Board for preservation.
  - b. Removal of the following landscape elements: trees less than 8 inches in diameter measured 4 1/2 feet above ground; shrubs; perennials; and annuals.
  - c. Installation and removal of the following temporary installations not attached to buildings, structures or landscape features: special event tents, tables, chairs, games, and art exhibits.

- d. Pruning of trees and shrubs consistent with maintaining their health, and removal of tree branches overhanging the reservoir fence.
- e. Management of tree roots causing structural damage to the reservoir, if prior to the start of work a Certified Arborist's report is submitted to the City Historic Preservation Officer documenting that the health of the trees will not be negatively impacted. If negative impacts are anticipated by the report, Administrative Review is available.
- f. Installation, removal, or alteration of the following site furnishings: benches, trash receptacles, and bike racks.
- g. Installation, removal, or alteration of temporary signage, temporary banners, signage for accessibility compliance, park name signage, and other signage as required by City code.
- h. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, providing that the site is restored in kind.
- i. Removal of existing security fencing.
- j. Alterations to water levels and associated water operations in the reservoir.
- k. Removal or conservation of the following public artworks, by and in the collection managed by Office of Arts & Culture:
  - i. Seward Monument (1909);
  - ii. Burke Monument (1930);
  - iii. Black Sun (1969);
  - iv. Untitled Bird Bath by Lee Kelly (1975); or
  - v. Homage in Green by Richard Spaulding, in the Volunteer Park Conservatory (1982).
- l. Removal or conservation of the following public artworks, by and in the collection managed by Seattle Parks and Recreation:

- i. Memorial Tree Plaque - Rotary International (1932);
- ii. Volunteer Memorial (1952);
- iii. Playform (1962);
- iv. Schwagerl Rock;
- v. Bacterian Camels (west side of Museum); or
- vi. L.B. Youngs Memorial Plaque (1930).

B. City Historic Preservation Officer Approval Process.

1. The City Historic Preservation Officer (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 Volunteer Park that were designated by the Board for preservation is available for the following:

- a. For the specified features and characteristics of the buildings and structures, the addition or elimination of ducts, conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or

mechanical elements necessary for the normal operation of the buildings and structures.

- b. Installation, removal, or alterations of exterior light fixtures, including exterior security lighting, and security system equipment.
- c. Installation of new trees that comply with master plans approved by the Landmarks Preservation Board.
- d. Installation or alteration of plantings/landscaping that comply with master plans approved by the Landmarks Preservation Board.
- e. Removal of trees identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.
- f. Removal of trees undermining the structural integrity of the reservoir, as identified by a Seattle Public Utilities (SPU) Dam Safety Engineer who is a licensed professional engineer in the State of Washington. This review will be done in consultation with Seattle Parks and Recreation.
- g. Removal or alterations to the existing decorative metal fencing.
- h. Signage other than signage excluded in subsection 2.A.2.g of this ordinance.
- i. Emergency repairs or measures to address hazardous conditions with adverse impacts to the site, utility operations, buildings, and structures related to a seismic event, or other unforeseen events. In such an emergency Seattle Public Utilities, and Seattle Parks and Recreation, may take immediate action to secure the area, install a temporary generator, and employ stabilization methods to protect the public's safety, health, and welfare. In addition, Seattle Public Utilities' Emergency Response Team, and Seattle Parks and Recreation, will immediately notify the City Historic Preservation Officer, and document the conditions and actions taken. If temporary structural supports are necessary, all efforts will be made to prevent further damage to historic resources. All historic building materials must not leave the site, as part of the emergency response. A long-term plan to address the damage will include consultation with the City Historic Preservation Officer and staff to find an appropriate solution.

j. Installation of new permanent security fencing or alterations to the existing.

k. Management of tree roots causing structural damage to the reservoir, if prior to the start of work a Certified Arborist's report is undertaken and determines that the health of the trees may be negatively impacted.

l. Installation of improvements for accessibility compliance.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of Volunteer Park 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 pursuant to SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, SMC Chapter 22.100, and the Seattle Energy Code, SMC Chapter 22.700, may be authorized pursuant to the applicable provisions thereof.

C. Special tax valuation for historic preservation may be available under RCW Chapter 84.26 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 pursuant to SMC Title 23.

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

Section 5. Volunteer Park is hereby added alphabetically to Section IX, Miscellaneous, 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 Director of Records and Elections, 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 owner of the landmark.

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 \_\_\_\_\_, 2016, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

(Seal)