Legislation Details (With Text)

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Type:	Ordinance (Ord)	**Status:**	Passed
		In control:	City Clerk
On agenda:	8/8/2016		
Final Action:	8/17/2016	**Ord. No.**	Ord 125105
Title:	AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, 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 The Theodora, 3. Landmarks Preservation Board Report, 4. Photos, 5. Presentation, 6. Signed Ordinance 125105, 7. Affidavit of Publication		

Date	Ver.	Action By	Action	Result
8/17/2016	1	City Clerk	attested by City Clerk	
8/17/2016	1	Mayor	returned	
8/16/2016	1	Mayor	Signed	
8/12/2016	1	City Clerk	submitted for Mayor's signature	
8/8/2016	1	City Council	passed	Pass
8/3/2016	1	Affordable Housing, Neighborhoods, and Finance Committee	pass	Pass
7/18/2016	1	City Council	referred	
7/8/2016	1	Council President's Office	sent for review	
7/5/2016	1	City Clerk	sent for review	
7/5/2016	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, 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 August 20, 2014, voted to approve the nomination of the improvement located at 6559 35th Avenue NE and the site on which the improvement is located (which collectively are referred to as "The Theodora" for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 1, 2014, the Board voted to approve the designation of The Theodora under SMC Chapter 25.12; and

WHEREAS, on December 2, 2015, 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 improvement located at 6559 35th Avenue NE and the site on which the improvement is located (which collectively are referred to as "The Theodora" for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. The Theodora is located on the property legally described as:

That portion of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 4, Township 25 North, Range 4 East, w.m., in King County, Washington, described as follows:

Beginning at the intersection of the South line of East 68th Street and West line of 35th Avenue Northeast as shown on the plat of Roosevelt Heights Second Addition, according to the plat recorded in Volume 33 of plats, Page 37, in King County, Washington, thence South along the West line of 35th Avenue Northeast, 234 feet to the North line of Block 5 of said Addition; thence West along the North line of said Block, 273.54 feet to the East line of 34th Avenue Northeast; thence North along said East line 234 feet to the South line of East 68th Street; thence East along said South line to the point of beginning.

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

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1. The site;

2. The exterior of the building; and

3. The first floor interior court, library, dining room, lounge, and fireplace.

C. Basis of Designation. The designation was made because The Theodora 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 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); and

3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

Section 2. CONTROLS: The following controls are hereby imposed on the features or characteristics of The Theodora 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 The Theodora 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 Theodora that were designated by the Board for preservation.

b. ADA signage.

c. A text change to any previously approved sign, provided that there are no design

changes to font, letter size, color, material, or any other aspect of the sign's design or installation.

d. Removal of the following landscape elements: trees less than 8 inches in diameter measured 4 1/2 feet above ground; shrubs; perennials; and annuals.

e. Installation, removal, or alteration of temporary site furnishings, including benches, movable planters, and trash receptacles.

f. Installation or repair of underground utilities and irrigation, provided that the site is restored in kind.

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 The Theodora that were designated by the Board for preservation is available for the following:

a. For the specified features and characteristics of the building, 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 building.

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

c. Signage other than signage excluded in subsections 2.A.2.b or 2.A.2.c of this ordinance.

d. Removal of hazardous trees more than 8 inches in diameter measured 4 1/2 feet above ground.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of The Theodora 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. The Theodora is hereby added alphabetically to Section II, Buildings, 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

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