



## Legislation Details (With Text)

<b>File #:</b>	CB 119627	<b>Version:</b>	1	<b>Name:</b>	CB 119627
<b>Type:</b>	Ordinance (Ord)	<b>Status:</b>	Passed	<b>In control:</b>	City Clerk
<b>On agenda:</b>	12/9/2019				
<b>Final Action:</b>	12/13/2019	<b>Ord. No.</b>	Ord 126016		
<b>Title:</b>	AN ORDINANCE relating to historic preservation; imposing controls upon the Highland Apartments, 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.				
<b>Sponsors:</b>	Sally Bagshaw				
<b>Indexes:</b>					
<b>Attachments:</b>	1. Summary and Fiscal Note, 2. Summary Ex A – Vicinity Map of Highland Apartments, 3. Landmarks Preservation Board Report, 4. Photos, 5. Presentation, 6. Affidavit of Publication, 7. Signed Ordinance 126016, 8. Affidavit of Publication				

Date	Ver.	Action By	Action	Result
12/13/2019	1	City Clerk	attested by City Clerk	
12/13/2019	1	Mayor	returned	
12/13/2019	1	Mayor	Signed	
12/13/2019	1	City Clerk	submitted for Mayor's signature	
12/9/2019	1	City Council	passed	Pass
12/5/2019	1	Finance and Neighborhoods Committee	pass	Pass
9/9/2019	1	City Council	referred	
9/3/2019	1	Council President's Office	sent for review	
9/3/2019	1	Mayor	Mayor's leg transmitted to Council	
9/3/2019	1	City Clerk	sent for review	

## CITY OF SEATTLE

## ORDINANCE \_\_\_\_\_

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

AN ORDINANCE relating to historic preservation; imposing controls upon the Highland Apartments, 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 June 20, 2018, voted to approve the nomination of the improvement located at 931 11<sup>th</sup> Avenue East and the site on which the improvement is located (which are collectively referred to as the “Highland Apartments”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on August 15, 2018, the Board voted to approve the designation of the Highland Apartments under SMC Chapter 25.12; and

WHEREAS, on June 5, 2019, the Board and the Highland Apartments’ 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 931 11<sup>th</sup> Avenue East and the site on which the improvement is located (which are collectively referred to as the “Highland Apartments”) is acknowledged.

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

All units, Highland Condominium, a condominium, according to the condominium declaration recorded November 24, 1980 under recording number 8011240778, and amendments hereto, if any, and in Volume 49 of Condominiums, Pages 47 and 48 inclusive in King County, Washington. Property located on Lots 22-24, Block 3 of Furth’s Addition.

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

1. The site.
2. The exterior of the apartment building.

C. Basis of Designation. The designation was made because the Highland Apartments 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).
2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

Section 2. Controls. The following controls are imposed on the features or characteristics of the Highland Apartments 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 Highland Apartments 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 Highland Apartments that were designated by the Board for preservation.
- b. Removal of trees less than 8 inches in diameter measured 4 1/2 feet above ground.
- c. Removal and replacement of shrubs, perennials, and annuals.
- d. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored in kind.
- e. Installation, removal, or alteration of the following site furnishings: benches; movable planters; trash/recycling receptacles; and bike racks.

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

g. Removal or alteration of the detached garage building.

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

1. The City Historic Preservation Officer 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 Highland Apartments 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. Removal of trees more than 8 inches in diameter measured 4 1/2 feet above ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.
- d. Installation, removal, or alteration of exterior building and site signage.
- e. Installation of improvements for security, safety, or accessibility compliance.
- f. Installation, removal, or alteration of fire and life safety equipment.
- g. Changes to exterior paint colors when painting a previously painted material.
- h. Replacement of non-original windows and doors when located in original openings.

Section 3. Incentives. The following incentives are granted on the features or characteristics of the Highland Apartments 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, adopted by SMC Chapter 22.100, and the Seattle Energy Code, adopted by SMC Chapter 22.700, 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 Highland Apartments is 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 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 Highland Apartments' 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 \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

(Seal)