



Legislation Text

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Asian Art Museum, 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 May 17, 1989, voted to approve the nomination of the improvements located at 1400 East Prospect Street and a portion of the site on which the improvements are located (which collectively are referred to as “Seattle Asian Art Museum” for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on June 21, 1989, the Board voted to approve the designation of the Seattle Asian Art Museum under SMC Chapter 25.12; and

WHEREAS, on July 5, 2017, 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 a portion of the site on which the improvements are located (which collectively are referred to as “Seattle Asian Art Museum” for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. Seattle Asian Art Museum is located on the property legally described as:

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 the Seattle Asian Art Museum:

1. The entire exterior of the building, including the roof.
2. The following features of the interior: the entire main floor; and the public areas of the ground floor, including the corridors, the auditorium, the classic gallery, the former Board of Trustees Room, and the library.

3. The portion of the landscape/site that is in accordance with the Hoggson Plan of 1933 (as illustrated in the nomination).

C. Basis of Designation. The designation was made because the Seattle Asian Art Museum 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 the life of a person important in the history of the City, state, or nation (SMC 25.12.350.B);

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 the Seattle Asian Art Museum 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 Seattle Asian Art Museum 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 Seattle Asian Art Museum 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. Pruning of trees and shrubs consistent with maintaining their health.
  - d. Installation, removal, or alteration (including repair) of underground irrigation and underground utilities, provided that the site is restored.
  - e. Installation, removal, or alteration of the following site furnishings: benches, trash receptacles, and bike racks.
  - f. Installation and removal of the following temporary, outdoor installations not attached to buildings, structures, or landscape features: special event tents; tables; chairs; games; and art exhibits.
  - g. Restriping of existing asphalt paving.
  - h. Installation, removal, or alteration of signage for accessibility compliance or other signage as required by City code.
  - i. Installation, removal, or alteration of temporary banners or signs for exhibitions, programs, or events, in locations previously approved by the Landmarks Preservation Board and utilizing the approved method of attachment.
  - j. Installation, removal, or alterations of components associated with temporary interior exhibits, programs, or events (i.e., lighting, display cases, trade fixtures, casework, screens/temporary partitions, artifacts, artworks, and other electronic and audio-visual equipment) that are not mechanically attached or adhered to the designated portions of the site and building listed in subsection 1.B of this ordinance. However, if attachment to a designated feature is required, no review is necessary if the following guidelines

are used for repair:

- i. Flooring finishes consisting of carpet tile or Masonite tile are individually replaced with in-kind tile units to match the size, material, color, pattern, and any other attribute. No patching is allowed.
- ii. Gypsum plaster and gypsum wall board are repaired in kind to match the adjacent surface material, color, and texture. Scagliola is NOT exempt from review (see City Historic Preservation Officer Approval Process, subsection 2.B).

k. Installation, removal, or alteration of furniture, fixtures, and equipment associated with gallery seating (i.e., moveable benches), ticketing, and the museum store, except that such installations shall be subject to the same criteria for method of attachment outlined under subsection 2.A.2.j of this ordinance.

- l. Alterations to the interior of the projection room.
- m. Alterations to the loading dock platform and appurtenances.
- n. Removal or conservation of the following artworks:
  - i. Bactrian Camel replicas (west side of Museum).
  - ii. Any permanent art installation previously approved by the Board.
- o. Removal of the Samuel Yellin Garden Court Gates if the Seattle Art Museum

vacates the building.

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 Seattle Asian Art Museum 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 non-exhibit related exterior and interior light fixtures.

c. Installation, removal, or alterations of electronic and audio-visual equipment not associated with a temporary exhibit, program, or event.

d. Installation of new trees that comply with master plans approved by the Landmarks Preservation Board.

e. Installation or alteration of plantings or landscaping that comply with master plans approved by the Landmarks Preservation Board.

f. Removal of trees identified as a hazard by an International Society of Arboriculture (ISA) Certified Arborist.

g. Signage other than signage excluded in subsections 2.A.2.h and 2.A.2.i of this ordinance.

h. Installation of improvements for accessibility compliance.

i. Installation of fire and life safety equipment at the building interior.

j. Installation, removal, or alterations of components associated with temporary interior exhibits, programs, or events (i.e., lighting, display cases, trade fixtures, casework, screens/temporary partitions, artifacts, artworks, and other electronic and audio-visual equipment) physically attached to the following materials:

- i. Metal storefront, metal doors, metal gates, and other metal surfaces or elements.
- ii. Scagliola wall surfaces and other Scagliola architectural features.
- iii. Wood paneling and wood doors.
- iv. Stone flooring, stone trim, and other stone architectural features.
- v. Terrazzo flooring and terrazzo base.
- vi. Materials not specifically identified here, that have not been otherwise excluded from review in subsection 2.A.2 of this ordinance.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of the Seattle Asian Art Museum 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 chapter.

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 Seattle Asian Art Museum 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 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 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 \_\_\_\_\_, 2017, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



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Tim Burgess, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Monica Martinez Simmons, City Clerk

(Seal)