

HISTORIC DISTRICTS

Title 28

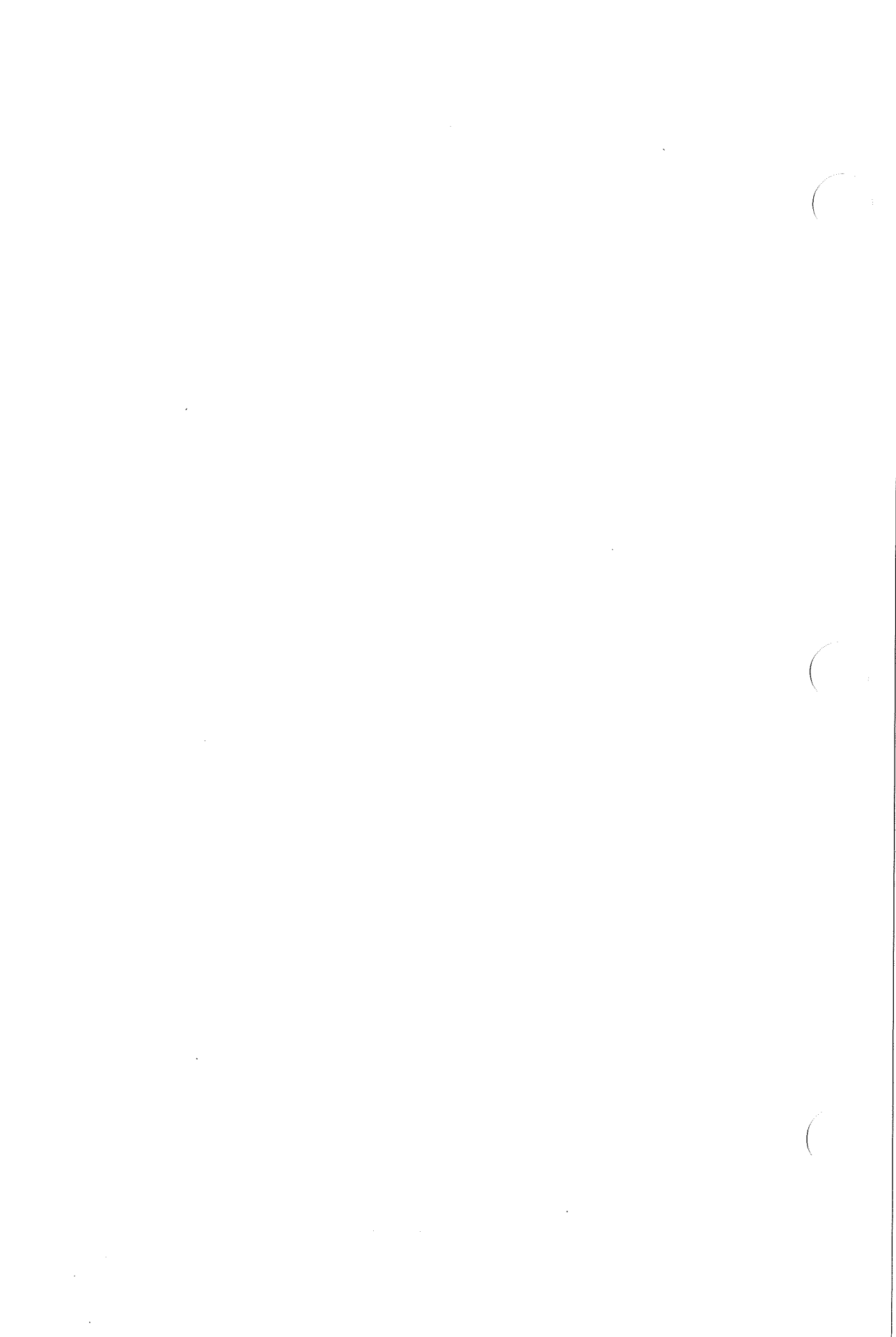
HISTORIC DISTRICTS

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Chapter 28.04
PIONEER SQUARE

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28.04.010 Purpose. In order that the Pioneer Square area and buildings within that area may not be injuriously affected; to promote the public welfare, and to provide for the enhancement of this area and its structures, thereby contributing to the social, cultural and economic welfare of the citizens of Seattle by developing an awareness of its historic heritage, returning unproductive structures to useful purposes and attracting visitors to the city; and in order that a reasonable degree of control may be exercised over the site development and architecture of the private and public buildings erected therein, there is created a Pioneer Square Historic District (hereafter called "historic district"). (Ord. 98852 § 1; May 1, 1970).

28.04.020 Responsible agency. The city planning commission (hereafter called "commission") is designated as the official body to make recommendations to the director of the department of community development (hereafter called "director") on matters concerning preservation of the historic district and of the buildings and structures within its bounds, except as to "minor work" as provided in Section 28.04.060. The mayor shall, subject to council confirmation, appoint an historic preservation board (hereafter call "board"), which is established, consisting of a representative of the local historical society; an owner of property in the historic district; an architect; and two city residents at large; which board shall review and act upon all architectural and historic preservation matters within the historic district with the assistance of the department of community development and make recommendations to the commission or to the director as provided in Section 28.04.060. (Ord. 98852 § 2 as amended by Ord. 99846 § 1; April 21, 1971).

28.04.030 Description. The physical boundaries of the historic district

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are illustrated on a map designated Exhibit "A"* which is hereby made a part of this chapter. (Ord. 98852 § 3; May 1, 1970).

28.04.040 General criteria for determination of historic districts—National trusts for historic preservation. The following criteria as proposed by the national trust for historic preservation for determination of historic districts are hereby adopted as general guidelines for the historic district.

District, sites, buildings, structures, and objects of national, state, and local importance are of historic significance if they possess integrity of location, design, setting, materials, workmanship, feeling and association, and;

a. That are associated with events that have made a significant contribution to the broad patterns of our history; or

b. That are associated with the lives of persons significant in history; or

c. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

d. That have yielded, or may be likely to yield, information important in prehistory or history. (Ord. 98852 § 4; May 1, 1970).

28.04.050 Criteria evaluation for the historic district. a. The historic district has played a significant role in the development of Seattle, the Puget Sound Region and the state of Washington as the place of the beginning of Seattle; the place of the first industry, business and homes; the focus of commerce and transportation for more than half a century; the area that was rebuilt after the fire of 1889.

b. The historic district is associated with the lives of many of the Seattle pioneers through property, business and commercial activities that were concentrated in that area.

c. Most of the buildings within the historic district embody the distinctive characteristics of the Late Victorian style and many are the work of one architect, Elmer H. Fisher. For these and other reasons, the buildings combine to create an outstanding example of an area in Seattle which is significant and distinguishable in style, form, character, and construction, representative of its era. The historic district possesses integrity of location, original construction, and of feeling and association.

d. The restoration and preservation of the historic district will yield information of educational significance regarding the way of life and the architecture of the late Nineteenth Century as well as adding interest and color to the city. Restoration of the historic district will preserve the environment which was characteristic of an important era of Seattle's his-

* On file in the office of the city clerk.

tory and will be considerably more meaningful and significant educationally than if done for individual buildings. (Ord. 98852 § 5; May 1, 1970).

28.04.060 Approval of changes to buildings, structures and other visible elements within the historic district. No person shall alter, demolish, construct, reconstruct, restore, or remodel or make any material change in the exterior appearance of any existing structure or construct any new structures in the historic district and no permit for same shall be issued except pursuant to a certificate of approval issued by the director. All applications for building or demolition permits involving structures or sites within the historic district shall be forwarded immediately by the superintendent of buildings to the board. Where modifications of the exterior appearance of a structure within the historic district does not require a building or demolition permit, notice of such intention shall nonetheless be filed with the superintendent of buildings and referred by him to the board.

The board shall review and make recommendations to the commission regarding appropriateness of each proposed change or addition, provided that the board's recommendations as to "minor work" shall be made to the director, and such applications shall not be considered by the commission. "Minor work" is any work resulting in a modification of the exterior appearance of a building, including painting, where such work may lawfully be done without a building or demolition permit. The commission shall hold a public hearing on all applications referred to it, and the recommendations of the commission and of the board shall be forwarded to the director not later than thirty days after receipt of the application by the board.

The board and commission in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of exterior appearance of any building shall keep in mind the purpose of this chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of other buildings within the historic district, and the position of such building or structure in relation to the street or public way and to other buildings and structures. The board and commission shall make no recommendations or requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the historic district.

If after considering the foregoing recommendations the director determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 28.04.050, he shall issue the certificate of approval. In the event of a determination to deny a certificate of approval, the director shall request the commission or board to consult with the owner within a period of sixty days for the purpose of considering means of preservation that will be in keeping with the criteria. If additional time is necessary, the commission or board may, before the sixty

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days have expired, request the director to extend the time not to exceed an additional thirty days. If, at the end of this time, an acceptable solution has not been achieved, the certificate of approval shall finally be denied and the applicant shall be so notified by letter, providing the applicant may appeal to the city council within seventeen days of the date of the letter denying the application, and the city council may, with or without a public hearing, reverse or modify the decision of the director only if it finds that:

(1) Every reasonable effort has been made by the applicant to agree to the recommendations of the director; and

(2) Owing to special conditions pertaining to his specific piece of property, the full application of the recommended requirements will cause undue and unnecessary hardship, in which case the certificate of approval shall be issued notwithstanding such prior determination. (Ord. 98852 § 6 as amended by Ord. 99846 § 2; April 21, 1971).

28.04.070 Meeting procedures, records. The board or commission shall meet for purposes of historic preservation at such times as it may determine, or upon call of the chairman. In addition, the board or commission may establish such standards and procedures as it may deem necessary to further the purposes of this chapter. All plans, elevations, specifications, and sketches or other information necessary for the review by the board or commission of architectural details, colors, building materials, signs, or other features subject to public view shall be made available to the board or commission by the applicant or appropriate departments of the city of Seattle, along with a copy of the application for building, modification, or a demolition permit.

The board or commission may recommend that the city council make appropriate provision for preservation or repair of such historic structures as may be endangered by neglect. The board and commission shall also consider and make recommendations on all modifications or additions to public areas, including street furniture, lighting fixtures and paving materials. (Ord. 98852 § 7 as amended by Ord. 99846 § 3; April 21, 1971).

28.04.080 Enforcement. The provisions of this chapter shall be enforced by the superintendent of buildings. (Ord. 98852 § 8; May 1, 1970).

28.04.090 Penalty. Anyone violating or failing to comply with the provisions of this chapter shall, upon conviction thereof, be fined in a sum not exceeding five hundred dollars or imprisoned in the city jail for a term not exceeding six months, or may be both so fined and imprisoned, and each day's violation or failure to comply shall constitute a separate offense. (Ord. 98852 § 9; May 1, 1970).

28.04.100 Severability. In the event that any section, paragraph or part of this chapter is for any reason declared invalid or held unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect. (Ord. 98852 § 10; May 1, 1970).

Chapter 28.08
PIKE PLACE MARKET

Sections:

- 28.08.010 Purpose.
- 28.08.020 Historical district.
- 28.08.030 Responsible agency.
- 28.08.040 Criteria.
- 28.08.050 Commission procedure.
- 28.08.060 Approval of changes to buildings, structures and other visible elements within the historical district.
- 28.08.070 Enforcement.
- 28.08.080 Penalty for violations.
- 28.08.090 Severability.

28.08.010 Purpose. In order to promote the educational, cultural, farming, marketing, other economic resources, and the general welfare; and to assure the harmonious, orderly, and efficient growth and development of the municipality, it is deemed essential by the people of the city of Seattle that the cultural, economic, and historical qualities relating to the Pike Place Markets and the surrounding area, and an harmonious outward appearance and market uses which preserve property values and attract residents and tourists be preserved and encouraged; some of the qualities being: The continued existence and preservation of historical areas and buildings; continued construction and use of buildings for market activities, especially on street levels; and a general harmony as to style, form, color, proportion, texture, material, occupancy and use between existing buildings and new construction. (Ord. 100475 § 1; November 2, 1971).

28.08.020 Historical district. There is created a Pike Place Market Historical District (hereafter called historical district) whose physical boundaries are illustrated on a map on file in the office of the city clerk referred to as Exhibit "A" which is hereby made a part of this chapter. (Ord. 100475 § 2; November 2, 1971).

28.08.030 Responsible agency. There is created a market historical commission (hereafter called "commission") appointed by the mayor with the consent of a majority of the city council and to be composed of two representatives each from the Friends of the Market, Inc., Allied Arts of Seattle, Inc., and the Seattle Chapter of the American Institute of Architects; and two owners of property within the historical district, two merchants of the markets, and two residents of the historical district. The mayor shall make his appointments of the representatives of Friends of the Market, Allied Arts, and the Seattle Chapter of the American Institute

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of Architects, from a list of four nominees submitted by each of the said organizations. The members shall serve three year terms with the terms of the first commission to be staggered. The commission shall have for its purpose the preservation, restoration, and improvement of such buildings and continuance of uses in the historical district, as in the opinion of the commission shall be deemed to have architectural, cultural, economic, and historical value as described in Section 28.08.040, and which buildings should be preserved for the benefit of the people of Seattle. The commission shall also make rules, regulations, and guidelines according to the criteria as contained in this chapter for the guidance of property owners within the historical district. The commission shall also develop plans for the acquisition and perpetuation of the Pike Place Markets and of market activities through either public ownership or other means and shall make recommendations to the city council from time to time concerning their progress. Staff assistance and other services shall be provided by the department of community development to the commission as requested. (Ord. 100475 § 3; November 2, 1971).

28.08.040 Criteria. In carrying out its function, the commission shall consider the purposes of this chapter as outlined in this chapter and the nature, function, and history of the district as described herein:

(A) The historical district has played and continues to play a significant role in the development of Seattle and the Puget Sound Region since the inception of the public market in 1907. It has served as the center of local farm marketing, and other marketing businesses through varied economic times. It is significant in the culture of the region drawing together a broad spectrum of people from all ethnic, national, economic, and social backgrounds as a prototype of truly cosmopolitan urban life. It promotes local farming while making available local produce to shoppers and others. The district provides considerable housing for a community of low-income residents who are part of the life and color of the market. It has achieved world-wide fame as an uniquely American market and serves as the source of inspiration for markets elsewhere;

(B) The historical district is associated with the lives of many Seattle and Puget Sound region families and persons as farmers, merchants, and shoppers through marketing activities. It is an outstanding example of small independent businesses operating in the best tradition of American enterprise;

(C) The buildings with their marketing activities and residential uses combine to form a distinctive area focusing on the central market buildings which although humble and anonymous in character are an example of intriguing, dramatic architectural space servicing and adjusting to the varied and varying characteristic marketing activities. The central building spaces are particularly unique in form and character having grown to the present form through years of anonymous and functional creation to

conform to the changing market activities always serving low-income consumers along with other special needs of the public. The district possesses integrity of location, original construction, use, and of feeling and association;

(D) The preservation of the historical district will yield information of educational significance regarding our culture and our ecology as well as retaining its color, attraction, and interest for the city. Preservation of the district will retain a characteristic environment of a period of Seattle's history while continuing a vital cultural and economic aspect of the city. (Ord. 100475 § 4; November 2, 1971).

28.08.050 Commission procedure. The commission shall adopt rules and regulations for its own government, not inconsistent with the provisions of this chapter or any other ordinance of the city of Seattle. Meetings of the commission shall be open to the public and shall be held at the call of the chairman and at such other times as the commission may determine. All official meetings of the commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of its proceedings and other official actions taken by it, all of which shall be immediately filed in the office of community development and shall be a public record. All actions of the commission shall be by resolution which shall include the reasons for each decision. A majority vote shall be necessary to decide in favor of an applicant on any matter upon which it is required to render a decision under this chapter. (Ord. 100475 § 5; November 2, 1971).

28.08.060 Approval of changes to buildings, structures and other visible elements within the historical district. No structure or part thereof shall be erected, altered, extended, or reconstructed; no structure or lot shall be used or occupied except pursuant to a certificate of approval authorized by the commission. However, no regulation nor any amendment thereof shall apply to existing buildings or structure, or of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate non-use or a nonconforming use so as not to unduly prolong the life thereof. Applications for permits involving structures or sites within the historical district shall be forwarded immediately by the superintendent of buildings to the commission for review. The commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the commission as hereinafter provided. The commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building shall refer to the purpose of this chapter and shall consider among other things the historical and architectural value and significance, architectural

style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the historical district and the position of such building or structure in relation to the street, public way, or semipublic way and to other buildings and structures. The commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this chapter. Where modification of the appearance of a structure within the historical district does not require a building or demolition permit, notice of such intention shall nonetheless be filed with the superintendent of buildings, who shall notify the commission.

The commission shall consider and approve or disapprove applications for a certificate of approval as contemplated herein not later than thirty days after receipt of any such application, and a public hearing shall be held on each such application. If after such hearing and upon review of the commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 28.08.040, the commission shall issue the certificate of approval at this time and after such a decision, the superintendent of buildings is then authorized to issue a permit. In the event of a determination to deny a certificate of approval the owner may request a hearing from the city council within a period of twenty days for the purpose of appealing the commission's decision. The council shall then hold a public hearing to determine the appropriateness of the commission's decision taking into consideration the criteria of Section 28.08.040. At the end of this time, the council shall deny the appeal unless it finds that owing to special conditions pertaining to the owner's specific piece of property, the full denial will cause undue and unnecessary hardship, in which case the certificate of approval shall be issued notwithstanding such prior determination. (Ord. 100475 § 6; November 2, 1971).

28.08.070 Enforcement. The provisions of this chapter shall be enforced by the superintendent of buildings. (Ord. 100475 § 7; November 2, 1971).

28.08.080 Penalty for violations. Anyone failing to comply with any provisions of this chapter shall upon conviction thereof be subject to the penalties as provided by the laws of the city of Seattle for failure to obtain a use permit from the superintendent of buildings. (Ord. 100475 § 8; November 2, 1971).

28.08.090 Severability. If any section, paragraph, subdivision, clause, phrase or provision of this chapter shall be adjudged to be invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part of provision thereof other than the part so decided to be invalid or unconstitutional. (Ord. 100475 § 9; November 2, 1971).

Chapter 28.12

LANDMARKS PRESERVATION

Sections:

- 28.12.010 Short title.
- 28.12.020 Purpose and declaration of policy.
- 28.12.030 Landmarks preservation board.
- 28.12.040 Director—Duties.
- 28.12.050 Designation of landmarks and landmark districts.
- 28.12.060 Standards for designation of structures and districts for preservation.
- 28.12.070 Designation procedure.
- 28.12.080 Procedure to authorize erection, construction, reconstruction, alterations to, or demolition of structures designated for preservation or located in districts designated for preservation.
- 28.12.090 Property owned by public agencies.
- 28.12.100 Meeting—Procedures—Records.
- 28.12.110 Advice and guidance to property owners.
- 28.12.120 Enforcement and penalties.

28.12.010 Short title. This chapter may be cited as the “Landmarks Preservation Ordinance.” (Ord. 102229 § 1; June 8, 1973).

28.12.020 Purpose and declaration of policy. The city’s legislative authority finds that the protection, enhancement, perpetuation and use of structures, districts and elements of historical, cultural, architectural, engineering or geographic significance, located within the city of Seattle, are required in the interest of the prosperity, civic pride and general welfare of the people; and further finds that the economic, cultural and aesthetic standing of this city cannot be maintained or enhanced by disregarding the heritage of the city and by allowing the destruction or defacement of such cultural assets.

The purposes of this chapter are: (1) To designate, preserve, protect, enhance and perpetuate those structures and districts which reflect significant elements of the city’s cultural, artistic, social, economic, political, architectural, engineering, historic or other heritage;

(2) To foster civic pride in the beauty and accomplishments of the past;

(3) To stabilize or improve the aesthetic and economic vitality and values of such structures and districts;

(4) To protect and enhance the city’s attraction to tourists and visitors;

(5) To promote the use of outstanding structures or districts for the education, stimulation and welfare of the people of the city; and

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(6) To promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be attained under such a policy. (Ord. 102229 § 2; June 8, 1973).

28.12.030 Landmarks preservation board. There is created the landmarks preservation board (hereinafter called the "board") which shall consist of twelve members, nine members to be appointed by the mayor, subject to confirmation by the city council (hereinafter called the "council"). Initially, three members shall be appointed for a one-year term, three members shall be appointed for a two-year term, and three members shall be appointed for a three-year term. Thereafter, all appointments shall be for a three-year term. The appointed membership of the board shall include at least two architects, one city planner or landscape architect, one historian, one structural engineer, and one representative from the field of commerce and industry. The remaining appointed members may be selected without limitation. The chairman of the city planning commission (hereinafter called the "commission"), the chairman of the Pioneer Square historic district preservation board, and the chairman of the Pike Place Market historical commission shall each designate one member of their respective commissions or board to serve, ex officio, as voting members of the board. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold for the unexpired term.

The board shall elect a chairman from among its members, and shall establish rules and regulations for its organization and procedure. No official business of the board shall be conducted unless a quorum of not less than six members is present. The concurring vote of at least five members of the board is necessary to constitute an official act of the board. Members of the board shall serve without compensation. (Ord. 102229 § 3; June 8, 1973).

28.12.040 Director—Duties. The director of the department of community development (hereinafter called the "director") shall assign a member of his staff to act as executive secretary to the board, who shall be the custodian of its records, shall conduct official correspondence and generally supervise the clerical and technical work of the board as required to administer this chapter. In addition, the director shall:

(1) Carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, sites and areas worthy of preservation;

(2) Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historical preservation;

(3) Inspect and investigate structures, sites and areas which are believed worthy of preservation;

(4) Submit to the council for public hearing and approval, and subsequently maintain (and resubmit as required) a list of structures and other features deemed deserving of official recognition although not designated as landmarks or landmark districts, and take appropriate measures of recognition, and maintain a documentary inventory;

(5) Disseminate information to the public concerning those structures, sites and areas deemed worthy of preservation, and encourage and advise property owners in the protection, enhancement, perpetuation and use of landmarks and property of historical interest;

(6) Consider methods other than those provided for in this ordinance for encouraging and achieving historical preservation, and make appropriate recommendations to the city council and to other bodies and agencies, both public and private; and

(7) Establish such policies, rules and regulations as are deemed necessary to carry out the purposes of this chapter. (Ord. 102229 § 4; June 8, 1973).

28.12.050 Designation of landmarks and landmark districts. Pursuant to the procedures set forth herein, the council may, by ordinance, designate as a "landmark" an individual structure, or an integrated group of structures on a single lot or site, or a site having a special character or special historical, cultural, architectural, engineering or geographic interest or value; or it may designate as a "landmark district" an area containing a number of structures having a special character or special historical, cultural, architectural, engineering, or geographic interest or value, and constituting a distinct section of the city. Each such designating ordinance shall include a description of the characteristics of the landmark or landmark district which justifies its designation and a description of the particular features that should be preserved, and shall include the legal description of the landmark site or landmark district. All property designated as landmarks or in a landmark district shall be subject to the controls, standards and procedures set forth herein.

The council may by ordinance amend or rescind the designation of a landmark or landmark district at any time, pursuant to the same procedures set forth in this chapter for original designation. (Ord. 102229 § 5; June 8, 1973).

28.12.060 Standards for designation of structures and districts for preservation. A structure, group of structures, site or district may be designated for preservation as a landmark or landmark district if it:

Historical, Cultural Importance

(1) Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation; or is associated with the life of a person significant in the past; or

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(2) Is the site of an historic event with a significant effect upon society; or

(3) Exemplifies the cultural, political, economic, social or historic heritage of the community; or

Architectural, Engineering Importance

(4) Portrays the environment in an era of history characterized by a distinctive architectural style; or

(5) Embodies those distinguishing characteristics of an architectural-type or engineering specimen; or

(6) Is the work of a designer whose individual work has significantly influenced the development of Seattle; or

(7) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

Geographic Importance

(8) By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or

(9) Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or city; or

Archeological Importance

(10) Has yielded, or may be likely to yield, information important in prehistory or history. (Ord. 102229 § 6; June 8, 1973).

28.12.070 Designation procedure. (a) Designation may be proposed by the council, the commission, the board, or on the application of the owners or authorized agents of the individual property to be designated or of thirty percent of the property in a proposed district, measured by the assessed valuation of such property. Any such proposal shall be filed with the director upon forms prescribed by him and shall include all data required by the board and the commission.

(b) The board shall recommend approval, disapproval or modification of the proposal. In the instance of a proposal for the designation of a landmark, the board shall report its recommendation directly to the council. In the instance of a proposal for designation of a landmark district, the board shall report its recommendation to the commission for its consideration.

(c) Each proposal shall be considered by the board or the commission following a public hearing. A record of pertinent information presented at the hearing shall be made and maintained as a permanent public record. The board or commission shall reach a decision within sixty days after holding the required hearing. Notice of the time, place and purpose of such hearing shall be given by the director in the city official newspaper not less than sixty days prior to the date of hearing and by mail to the owners

of all property included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the real property tax records of the county department of finance. Failure to send notice by mail to any such property owner where the address of such owner is not so recorded shall not invalidate any proceedings in connection with the proposed designation. The director may also give such other notice as he may deem desirable and practicable.

(d) In making a recommendation to the council, the board or commission shall consider the conformance or lack of conformance of the proposed designation with the comprehensive plan of Seattle and with the purposes and standards of this chapter. The board or commission may approve, disapprove or modify the proposal and shall promptly notify the applicant of the action taken.

(e) If the board or commission approves or recommends modification of the proposed designation in whole or in part, it shall transmit the proposal, together with a copy of its report to the council. If the commission disapproves the proposed designation, such action shall be final, provided the owners or authorized agents of at least thirty percent of the property proposed to be designated, measured by assessed valuation of said property, or the board may appeal such disapproval to the council within thirty days. If the proposal was initiated by the council the matter shall be transmitted to the council for consideration as a recommendation without the necessity of an appeal.

(f) The council shall hold a public hearing on any proposal or appeal transmitted to it, after notice as provided in (c) of this section, and such other notice as the council may deem necessary. The council may by ordinance approve or modify the designation, or it may disapprove the same, and shall reach a decision within sixty days after holding the required hearing.

(g) If a proposal initiated by application has been finally disapproved by the commission or council, no subsequent application which is the same or substantially the same shall be submitted or considered for at least one year from the date of final action on the previous proposal.

(h) Within ten days after approval of the ordinance designating property as a landmark or landmark district, the secretary of the board shall send to the owner of record of each property so designated or each property within the designated district, by registered or certified mail, and to the superintendent a copy of the ordinance and a letter outlining the basis for such designation and the obligations and restrictions which result from such designation. (Ord. 102229 § 7; June 8, 1973).

28.12.080 Procedure to authorize erection, construction, reconstruction, alterations to, or demolition of structures designated for preservation or located in districts designated for preservation. (a) No person shall carry out or cause to be carried out on a landmark or in a landmark district, any

alteration, demolition, construction, reconstruction, restoration, or remodeling, nor shall any person make any material change in the appearance on any existing landmark or in a landmark district without a permit issued by the superintendent of buildings (hereinafter called the "superintendent").

All applications to the superintendent for a permit involving landmarks or landmark districts shall be forwarded immediately by the superintendent to the board. Notwithstanding any other provision of law, the superintendent shall not permit any alteration, demolition, construction, reconstruction, restoration, remodeling, or any material change in appearance to be carried out on a landmark or in a landmark district except pursuant to a certificate of approval issued by the board.

(b) The board shall hold a public hearing on all applications for certificate of approval referred to it after notice given in the same manner as for hearings before the board of adjustment in Section 26.50.060. A report of the action taken or determination made shall be forwarded to the superintendent not later than forty-five days after receipt of the application by the board.

(c) The board in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification of any building shall consider, among other things, the purposes of this chapter, the historical and architectural value and significance of the landmark or landmark district, the texture, material and color of the building or structure in question or its appurtenant fixtures, including signs; and the relationship of such features to similar features of other buildings within a landmark district, and the position of such building or structure in relation to the street or public way and to other buildings and structures.

(d) If after considering the foregoing the board determines that the proposed changes are consistent with the criteria for historic preservation established by this chapter, the board shall issue the certificate of approval. In the event of a determination to deny a certificate of approval, the board shall request consultation with the owner for a period not to exceed ninety days for the purpose of considering means of preservation in keeping with the criteria. If at the end of that time an acceptable solution has not been achieved, the certificate of approval shall finally be denied and the applicant so notified by letter; provided, the applicant may appeal to the council within twenty days of the date of the letter finally denying the application, and the council may, after a public hearing, reverse or modify the decision of the board, but only if it finds that:

- (1) Every reasonable effort has been made by the applicant to agree to the requirements of the board; and
- (2) Owing to special conditions pertaining to the specific piece of prop-

erty, denial of the certificate of approval will cause undue and unnecessary hardship. (Ord. 102229 § 8; June 8, 1973).

28.12.090 Property owned by public agencies. The director shall take appropriate steps to notify all public agencies which own or may acquire property in the city of the existence and character of designated landmarks and landmark districts; and the director shall encourage each such public agency to maintain a current record of such landmarks and districts. In the case of any publicly-owned landmark or landmark district, the agency owning the property shall be encouraged to seek the advice of the board prior to initiation of any planning for any construction, alteration or demolition thereon and shall not carry out any such construction, alteration or demolition except as authorized by certificate of approval pursuant to Section 28.12.080. If review by any city board or agency of a public project involving construction, alteration or demolition on a landmark site or in a landmark district is required under any other law or under the City Charter, the city board or agency shall not act until a recommendation is received from the board. All officers, boards, commissions and departments of the city shall cooperate with the board in carrying out the spirit and intent of this chapter.

All visible modifications or additions to public areas in landmark districts, including street furniture, lighting fixtures and paving materials shall be subject to approval by the board. (Ord. 102229 § 9; June 8, 1973).

28.12.100 Meeting—Procedures—Records. The board shall meet at such times as it may determine, or upon call of the chairman. In addition, the board may establish such standards and procedures not inconsistent with this chapter as it may deem necessary to further the purposes of this chapter. All plans, elevations, specifications, and sketches or other information necessary for the review by the board, or colors, building materials, signs, or other features subject to public view, shall be made available to the board by the applicant or appropriate departments of the city, along with a copy of the application for the building or demolition permit. (Ord. 102229 § 10; June 8, 1973).

28.12.110 Advice and guidance to property owners. The board may, upon request of the property owner, render advice and guidance with respect to any proposed work on a landmark or in a landmark district. (Ord. 102229 § 11; June 8, 1973).

28.12.120 Enforcement and penalties. The superintendent shall enforce this chapter, and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in a sum not exceeding five hundred dollars or imprisonment in the city jail for a term not exceeding six months, or may be both so fined and imprisoned, and each day's violation or failure to comply shall constitute a separate offense. (Ord. 102229 § 12; June 8, 1973).

