

Ordinance No. 102229

AN ORDINANCE creating the Landmarks Preservation Board, establishing a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance, providing for enforcement and imposing penalties for violations.

4-11-73 Pass as amended

5-23-73 Pass

COMPTROLLER
FILE NUMBER 273925

C. R. ~~UN~~CROSSED
Council Bill No. 93738

INTRODUCED: APR 2 1973	BY: Planning & Urban Dev.
REFERRED: APR 2 1973	TO: Planning & Urban Dev.
REFERRED: APR 16 1973	Planning & Urban Dev.
REFERRED:	
REPORTED: MAY 29 1973	SECOND READING: MAY 29 1973
THIRD READING: MAY 29 1973	SIGNED: MAY 29 1973
PRESENTED TO MAYOR: MAY 30 1973	APPROVED: JUN 8 1973
RETD. TO CITY CLERK: JUN 8 1973	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

RSS

STATE OF WASHINGTON)
COUNTY OF KING) SS
CITY OF SEATTLE)

I, C.G. ERLANDSON, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this Department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this

JUN 8 1973

Comptroller and City Clerk

C.G. ERLANDSON

BY:

~~Chief Deputy~~



CERTIFIED COPY

THIS IS ORIGINAL - PLEASE HANDLE CAREFULLY

RESTAPLE FROM OTHER SIDE

Unanimous Vote	
YES.....	NO.....

93 JUN 11 AM 9:20

7

NOTARIAL PUBLIC

STATE OF TEXAS

COUNTY OF DALLAS

I, the undersigned, a Notary Public in and for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

Witness my hand and seal this _____ day of _____, 19____.

Notary Public in and for the State of Texas

My commission expires _____

My office is located at _____

My residence is located at _____

My telephone number is _____

My e-mail address is _____

My fax number is _____

My business hours are _____

My commission was issued on _____

My commission was issued by _____

My commission was issued for _____



ORDINANCE 102229

AN ORDINANCE creating the Landmarks Preservation Board, establishing a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance, providing for enforcement and imposing penalties for violations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Short Title. This ordinance may be cited as the "Landmarks Preservation Ordinance."

Section 2. 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 ordinance 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 (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.

Section 3. Landmarks Preservation Board.

Creation. There is hereby 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.

Section 4. 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 ordinance. 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 ordinance.

Section 5. 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 ordinance for original designation.

Section 6. 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

(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 pre-history or history.

Section 7. 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 30% 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 60 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 60 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 ordinance. 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 30% 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 30 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 Section 7(c) of this ordinance, 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 60 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.

Section 8. 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 26.34 of the Zoning Ordinance (86300). A report of the action taken or determination made shall be forwarded to the Superintendent not later than 45 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 ordinance, 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 ordinance, 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 90 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 20 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 property, denial of the Certificate of Approval will cause undue and unnecessary hardship.

Section 9. 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 8 of this ordinance. 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 ordinance.

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.

Section 10. 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 ordinance as it may deem necessary to further the purposes of this ordinance. 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.

Section 11. 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.

Section 12. Enforcement and Penalties. The Superintendent shall enforce this ordinance, 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.

(To be used for all Ordinances except Emergency.)

Section 13. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 29 day of May, 1973, and signed by me in open session in authentication of its passage this 29 day of May, 1973

Wm E. Cusi
President of the City Council.

Approved by me this 8 day of June, 1973

Wm Uhlman
Mayor.

Filed by me this 8 day of June, 1973

A. J. Grandson
Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *J. P. Panton*
Deputy Clerk.

- BP 6
- D.C.P. 3

FUB
BLDg. (20)
ENG.
X A. O. X
S. H.
C. G.
LIGHT

**Addition to
Ordinance 102229**

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~~MM 10~~ CB. 93738

Ordinance No. _____

AN ORDINANCE creating the Landmarks Preservation Board, establishing a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance, providing for enforcement and imposing penalties for violations.

4-11-73 Pass as amended
5-23-73 Indef. Postpone

CB No. (original)
CONTROLLER
FILE NUMBER 273925

Council Bill No. 93738

INTRODUCED: APR 2 1973	BY: PLANNING & URBAN DEV.
REFERRED: APR 2 1973	TO: PLANNING & URBAN DEV.
REPORTED: APR 16 1973	PLANNING & URBAN DEV.
REPORTED:	SECOND READING:
THIRD READING:	PASSED:
REFERRED TO BOARD:	APPROVED:
SENT TO CITY CLERK:	PUBLISHED:
VERGED BY BOARD:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

255

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The City of Seattle - Legislative Department

4/25/55 Original Draft
10 2-20

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on PLANNING AND URBAN DEVELOPMENT COMMITTEE

to which was referred C.B. 93738

(Ord. 152229)

AN ORDINANCE creating the Landmarks Preservation Board, establishing a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance, providing for enforcement and imposing penalties and violations.

RECOMMENDS THAT THE SAME BE AMENDED AS FOLLOWS:

1. That all references to "transfer of development rights" be deleted, i.e.:
 - A. Page 6, line 7 beginning with the words "The Board shall", through and including line 16, ending with the words "building or buildings".
 - B. Page 6, line 22, beginning with the words, "if the Board", through and including Page 7, line 6 ending with the words "their existing condition".
 - C. Page 11, line 20, remove the entire section 10 titled "Transfer of Development Rights".

2. That a new section 10 be added and re-titled "Council Task Force", and that the following be inserted:

"The City Council Planning and Urban Development Committee shall appoint a task force of public and private representatives to investigate and evaluate all possible partial and indirect methods of compensating owners whose properties are designated historic landmarks pursuant to this ordinance. The task force shall report back to the City Council within six months of their appointment with the results of their investigation and evaluation. Such report shall include draft legislation for any method of indirect or partial compensation that they believe meritorious."

AND WHEN SO AMENDED, THAT THE SAME DO PASS.

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_____ Chairman

_____ Committee

 _____ Chairman

John R. Miller

_____ Committee

ORDINANCE

AN ORDINANCE creating the Landmarks Preservation Board, establishing a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance, providing for enforcement and imposing penalties for violations.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Short Title. This ordinance may be cited as the "Landmarks Preservation Ordinance."

Section 2. 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 ordinance 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 (6) to promote and encourage continued private ownership and utilization of such buildings and other structures

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now so owned and used, to the extent that the objectives listed above can be attained under such a policy.

Section 3. Landmarks Preservation Board.

Creation. There is hereby 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.

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Section 4. 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 ordinance. 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, property of historical interest;
6. Consider methods other than those provided for in this ordinance for encouraging and achieving historical

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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 ordinance.

Section 5. 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 ordinance for original designation.

Section 6. 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:

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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

(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 pre-history or history.

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Section 7. 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 30% 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. The Board shall obtain a written evaluation, from such sources as are available to it, of the following:

1. The effect of landmark designation upon the fair market value of the property.
2. Structural defects and unique restoration, rehabilitation or maintenance problems or conditions which would be affected by landmark designation.
3. A calculation of the total permitted floor area for the site and the amount of such floor area actually contained in the proposed landmark building or buildings.

(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. If the Board recommends approval of the proposal, it may also recommend that the owner of the proposed landmark site be authorized to transfer up to one hundred percent of the unused allowable floor area permitted under applicable provisions of the Zoning Ordinance (86300) to another site in the immediate vicinity, subject to specific approval by the

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Director of the proposed transfer of development rights in accordance with the requirements provided in Section 10 of this ordinance. Such transfer may also be authorized by the Director after designation of a site as a landmark or landmark district if he finds that the designated landmark buildings are unable to produce a reasonable economic return in their existing condition.

(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 60 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 60 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 ordinance. The Board or Commission may approve, disapprove or modify the proposal and shall promptly notify the applicant of the action taken.

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(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 30% 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 30 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 Section 7(c) of this ordinance, 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 60 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 of 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.

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Section 8. 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 26.34 of the Zoning Ordinance (86300). A report of the action taken or determination made shall be forwarded to the Superintendent not later than 45 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 ordinance, the historical and architectural value and significance of the landmark or landmark

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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 ordinance, 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 90 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 20 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 property, denial of the Certificate of Approval will cause undue and unnecessary hardship.

Section 9. 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

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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 8 of this ordinance. 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 ordinance.

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.

Section 10. Transfer of Development Rights.

1. Owners of landmarks or of property in landmark districts who are authorized to transfer allowable floor area as provided in Section 7(b) of this ordinance may apply to the Director for approval of such transfer at any time after such authorization, and shall submit the following:

- (a) A copy of the proposed agreement of transfer, if between separate owners.
- (b) Site plans for the transferor and transferee site, showing proposed development on the transferee site.

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(c) A statement of a plan proposed to maintain, enhance or use the landmark, together with a description of any deeds, easements, covenants and restrictions, proposed to implement the proposed plan.

Within 30 days after receipt of the application, the Director shall approve the transfer of allowable floor area to the transferee site in an amount not exceeding five percent of the maximum floor area allowable on the transferee lot, excluding bonuses for plazas, arcades, voluntary building setback areas or the like, if he finds:

- (a) That the floor area transferred does not exceed the unused allowable floor area permitted on the transferor lot; and
- (b) That the transferee site is in the immediate vicinity of the transferor lot; and
- (c) That the plan proposed to maintain, enhance or use the landmark will be reasonably effective to further the purposes of this ordinance.

"Immediate vicinity" as used herein shall mean that area which the Director determines would be directly influenced in matters of light, air, access, municipal services, amenities and the like if the development proposed for the transferee lot were to be constructed on the transferor lot, and within which a development in excess of the bulk otherwise allowed can fairly said to be compensated for by bulk limitations of the transferor lot. The Director may impose such conditions upon the transfer as he deems necessary to carry out the purposes of this provision.

2. Within 45 days after receipt of the application, the Director shall approve the transfer of allowable floor area to the transferee site in an amount not exceeding twenty percent of the

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maximum floor area allowable on the transferee lot, excluding bonuses for plazas, arcades, voluntary building setback areas or the like, if he finds in addition that:

(a) The increased bulk of the proposed development on the transferee lot will not result in an undue concentration of bulk in relation to other existing or expected buildings in the vicinity, or impose excessive demands upon municipal services, and

(b) The materials, design, scale and location of the development on the transferee lot are reasonably harmonious with the landmark.

3. Transfer of allowable floor area shall reduce the allowable floor area permitted on the transferor lot, provided that the Board of Adjustment may, upon application and hearing in the manner provided in Section 26.34 of the Zoning Ordinance, authorize minor exceptions from this provision if it finds:

(a) All of the excess allowable floor area has been transferred from the landmark site; and

(b) The landmark has been demolished by fire, natural catastrophe or has been or will soon be demolished pursuant to a Certificate of Approval from the Director as a result of irreversible physical deterioration; and

(c) The use to which the landmark site will be devoted will serve open space needs of the immediate vicinity and is consistent with other ordinances of the City.

4. There is hereby created in the City Treasury the Development Rights Bank Fund, into which shall be paid the cash proceeds of the sale of any development rights donated to the City

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and conveyed to transferees in accordance with the requirements of this ordinance, and such other funds as may be appropriated thereto by ordinance. All disbursements from said fund shall be by ordinance for purposes of historic preservation of landmarks and landmark districts as defined in this ordinance.

5. All deeds, easements, covenants and restrictions executed and delivered pursuant to an approved transfer of allowable floor area shall be recorded with the King County Department of Records and Elections prior to issuance of any building permit on the transferee lot. In addition, the Superintendent shall keep on file in form readily available for inspection by the public the following:

- (a) Identification of lots from which and to which a transfer of allowable floor area has been effected;
- (b) The allowable floor area of the landmark site and the extent to which the same has been reduced by an approved transfer;
- (c) A summary of the conditions or limitations, if any, imposed by the Director on approval of a transfer;
- (d) A summary of the landmark owner's plan to maintain, enhance and use the landmark site;
- (e) A summary of any action of the Board of Adjustment permitting minor exceptions from the bulk requirements on a landmark site authorized by Section 10(3) of this ordinance; and
- (f) Such other information as the Director shall deem appropriate for public information relating to the transfer of allowable floor area from landmark sites.

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Section 11. 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 ordinance as it may deem necessary to further the purposes of this ordinance. 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.

Section 12. 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.

Section 13. Enforcement and Penalties. The Superintendent shall enforce this ordinance, 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.

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(To be used for all Ordinances except Emergency.)

Section 14. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the _____ day of _____, 19 __,
and signed by me in open session in authentication of its passage this _____ day of _____, 19 __.

President _____ of the City Council.

Approved by me this _____ day of _____, 19 __.

Mayor.

Filed by me this _____ day of _____, 19 __.

Attest: _____
City Comptroller and City Clerk.

(SEAL)

Published _____

By _____
Deputy Clerk.

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CITY COUNCIL TRANSMITTAL

C. F. # 273324

TO: Corporation Council
City of Seattle

'73 MAR 23 PM 2:42

Date Sent:
February 8, 1973

Reply Requested By:

Subject:
Recommendation of Mayor for Council consideration
of Proposed Historic Landmarks Preservation
Ordinance.

FROM: John R. Miller, Chairman
Planning and Urban Development Committee

**ACTION
Required**

	Review and Return File With Your Answer to Sender
	Review and Answer Petitioner, Return File and Copy of Answer to Sender
	Review and Make Recommendations, Return File and Recommendations to Sender () In Duplicate
X	Prepare Legislation and Return File to Sender in accordance with Committee recommendations

Additional Information:

John R. Miller
Signature