

COOPER HOUSE
Ordinance No. 123022

Council Bill No. 116548

AN ORDINANCE relating to historic preservation, imposing controls upon the Cooper House, a landmark designated by the Landmark Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Related Legislation File:

Date Introduced and Referred: <u>6-8-09</u>	To: (committee): Parks & Seattle Center (PSC)
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6-29-09</u>	Date Presented to Mayor: <u>6-30-09</u>
Date Signed by Mayor: 6-30 <u>7-8-09</u>	Date Returned to City Clerk: <u>7-8-09</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/> <u>6p</u>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Tom Roemer

Committee Action:

Date	Recommendation	Vote
<u>6-23-09</u>	<u>pass</u>	<u>1-0 TR</u>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<u>6-29-09</u>	<u>Pass</u>	<u>9-0</u>

Law Department

ORDINANCE 123022

1
2 AN ORDINANCE relating to historic preservation, imposing controls upon the Cooper House, a
3 landmark designated by the Landmark Preservation Board under Chapter 25.12 of the
4 Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in
Chapter 25.32 of the Seattle Municipal Code.

5 WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),
6 establishes a procedure for the designation and preservation of sites, improvements and
7 objects having historical, cultural, architectural, engineering or geographic significance;
and

8 WHEREAS, the Landmarks Preservation Board ("the Board"), after a public meeting on
9 September 21, 2005, voted to approve the nomination of both the improvement (the
10 building) and the parcel of property located at 225 and 227 14th Avenue East in Seattle,
11 which improvement and property are collectively referred to as the "Cooper House" for
the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12;
and

12 WHEREAS, after a public meeting on November 2, 2005, the Board voted to approve the
13 designation of the Cooper House under SMC Chapter 25.12; and

14 WHEREAS, on February 6, 2008, the Board and the owner of the designated landmark agreed to
15 controls and incentives; and

16 WHEREAS, the Board recommends that the City Council enact a designating ordinance
17 approving the controls and incentives;

18 NOW, THEREFORE,

19
20 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

21 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the
22 Landmarks Preservation Board ("the Board") of both the improvement (the building) and the
23 parcel of property located at 225 and 227 14th Avenue East in Seattle, which improvement and
24 property are collectively referred to as the "Cooper House" for the purposes of this ordinance, is
25 hereby acknowledged.
26



1 A. Legal Description. The Cooper House site is legally described as:

2 Lot 8, Block 55, John H. Nagle's Second Addition to the City of Seattle,
3 according to the Plat thereof recorded in Volume 5 of Plats, page 67, records of King
4 County, Washington.

5
6 B. Specific Features and /or Characteristics Designated. Pursuant to SMT
7
8 25.12.660A2, the following specific features and/or characteristics of the Cooper House are
9 designated:

- 10
11 1. The exterior of the improvement (the building).
12
13 2. The parcel of property legally described above, located at 225 and 227 14th
14 Avenue East in Seattle, on which the improvement is located.

15 C. Basis of Designation. The designation was made because the Cooper House has
16 significant character, interest or value as a part of the development, heritage or cultural
17 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,
18 and because it satisfies the following from Section 25.12.350:

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21 1. It embodies the distinctive visible characteristics of an architectural style, period,
22 or of a method of construction (SMC 25.12.350D).
23
24 2. It is an outstanding work of a designer or builder (SMC 25.12.350E).



- 1 3. Because of its prominence of spatial location, contrasts of siting, age or scale, it is
2 an easily identifiable visual feature of its neighborhood or the City and contributes
3 to the distinctive quality or identity of such neighborhood or the City (SMC
4 25.12.350F).

5 Section 2. CONTROLS: The following controls are hereby imposed on the features and
6 characteristics of the Cooper House that were designated by the Board for preservation:
7

8 A. Certificate of Approval Process.

- 9 1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a
10 Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or
11 the time for denying a Certificate of Approval must have expired, before the
12 owner may make alterations or significant changes to the following specific
13 features or characteristics:
14

- 15 a. The exterior of the improvement (the building).
16 b. The parcel of property legally described above, located at 225 and 227 14th
17 Avenue East in Seattle, on which the improvement is located.
18

- 19 2. No Certificate of Approval or approval by the City Historic Preservation Officer
20 (CHPO) is required for the following:

- 21 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
22 b. The removal or addition of shrubs, perennials and annuals.
23

24 B. City Historic Preservation Office (CHPO) Approval Process.

- 25 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
26 Ordinance according to the following procedure:
27



1 a. The owner shall submit to the City Historic Preservation Officer (CHPO) a
2 written request for the alterations, including applicable drawings and/or
3 specifications.

4 b. If the CHPO, upon examination of submitted plans and specifications,
5 determines that the alterations are consistent with the purposes of SMC
6 Chapter 25.12, the alterations shall be approved without further action by the
7 Board.

8 c. If the CHPO does not approve the alterations, the owner may submit revised
9 materials to the CHPO, or apply to the Board for a Certificate of Approval
10 under SMC Chapter 25.12, as provided in Section 2.A.
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12
13 2. The CHPO shall transmit a written decision on the owner's request to the owner
14 within 14 days of receipt of the request. Failure of the CHPO to approve or
15 disapprove the request shall constitute approval of the request.

16 3. CHPO approval for changes or alterations to the designated features or
17 characteristics of the landmark described in Section 1.B of this Ordinance is
18 available for the following:
19

20 a. The addition or elimination of duct conduits, HVAC vents, grilles, fire
21 escapes, pipes, and other similar wiring or mechanical elements necessary for
22 the normal operation of the building and site.
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24 b. Alterations to the rear (west) façade, including changes to the guard rails,
25 windows and doors.
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27



1 c. The following revisions and additions as required by building code for the
2 change in land use:

- 3 1. A garbage enclosure located at the east end of the driveway; and
4 2. The installation of an accessible knox-box entry system at the
5 entrance per the Fire Department's request.
6

7 Section 3. INCENTIVES: The following incentives are hereby granted on the features
8 and characteristics of the Cooper House that were designated by the Board for preservation:

9 A. Uses not otherwise permitted in a zone may be authorized in a designated
10 Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal
11 Code Title 23.

12 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC
13 Chapter 22.100 and the Energy Code of the City, SMC Chapter 22.700 may be authorized
14 pursuant to the applicable provisions thereof.
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16 C. Special tax valuation for historic preservation may be available under Chapter
17 84.26 RCW upon application and compliance with the requirements of that statute.
18

19 Section 4. Enforcement of this ordinance and penalties for its violation are as provided in
20 SMC 25.12.910.

21 Section 5. The Cooper House is hereby added to the Table of Historical Landmarks
22 contained in SMC Chapter 25.32.
23

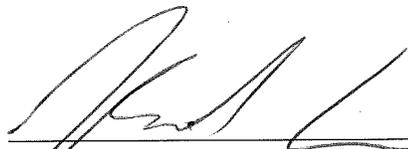
24 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
25 King County Director of Records and Elections, deliver two certified copies to the City Historic
26 Preservation Officer, and deliver one copy to the Director of the Department of Planning and
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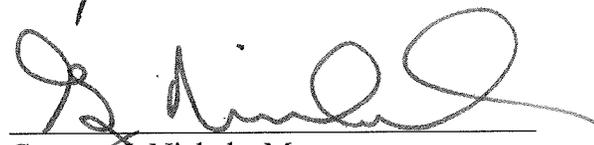
1 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of
2 the landmark.

3 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

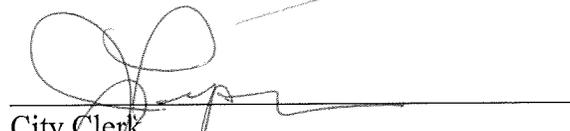
6 Passed by the City Council the 29 day of June, 2009, and
7 signed by me in open session in authentication of its passage this
8 29 day of June, 2009.

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11 
12 _____
13 President _____ of the City Council

14 Approved by me this 8th day of July, 2009.

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17 _____
18 Gregory J. Nickels, Mayor

19 Filed by me this 8th day of July, 2009.

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22 _____
23 City Clerk

24 (Seal)

Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



20090715000977

SEATTLE CITY C ORD 49.00
PAGE-001 OF 008
07/15/2009 14:18
KING COUNTY, WA

FILED
CITY OF SEATTLE
09 OCT 23 11:01:23
CITY CLERK

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) and corresponding number (or transaction contained therein)

- 1. Ordinance No. 123022
- 2.

Reference Number(s) of Documents assigned or released:

- 1.
Additional reference #'s on page ____ of document

Grantor(s)

- 1. City of Seattle
- Additional names on page ____ of document.

Grantee(s) Public (Last name first, then first name and initials)

- 1.
- 2. Additional names on page ____ of document

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page ____ of document

Assessor's Property Tax Parcel/Account Number

- Assessor Tax # not yet assigned.

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

Elizabeth Chavez/Jom
DON, Cooper House Landmark ORD
May 7, 2009
Version #3a

ORDINANCE 123022

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AN ORDINANCE relating to historic preservation, imposing controls upon the Cooper House, a landmark designated by the Landmark Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements and objects having historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board ("the Board"), after a public meeting on September 21, 2005, voted to approve the nomination of both the improvement (the building) and the parcel of property located at 225 and 227 14th Avenue East in Seattle, which improvement and property are collectively referred to as the "Cooper House" for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on November 2, 2005, the Board voted to approve the designation of the Cooper House under SMC Chapter 25.12; and

WHEREAS, on February 6, 2008, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board ("the Board") of both the improvement (the building) and the parcel of property located at 225 and 227 14th Avenue East in Seattle, which improvement and property are collectively referred to as the "Cooper House" for the purposes of this ordinance, is hereby acknowledged.



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A. Legal Description. The Cooper House site is legally described as:

Lot 8, Block 55, John H. Nagle's Second Addition to the City of Seattle,
according to the Plat thereof recorded in Volume 5 of Plats, page 67, records of King
County, Washington.

B. Specific Features and /or Characteristics Designated. Pursuant to SMT
25.12.660A2, the following specific features and/or characteristics of the Cooper House are
designated:

1. The exterior of the improvement (the building).
2. The parcel of property legally described above, located at 225 and 227 14th
Avenue East in Seattle, on which the improvement is located.

C. Basis of Designation. The designation was made because the Cooper House has
significant character, interest or value as a part of the development, heritage or cultural
characteristics of the City, state or nation, it has integrity or the ability to convey its significance,
and because it satisfies the following from Section 25.12.350:

1. It embodies the distinctive visible characteristics of an architectural style, period,
or of a method of construction (SMC 25.12.350D).
2. It is an outstanding work of a designer or builder (SMC 25.12.350E).



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3. Because of its prominence of spatial location, contrasts of siting, age or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350F).

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

A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

- a. The exterior of the improvement (the building).
- b. The parcel of property legally described above, located at 225 and 227 14th Avenue East in Seattle, on which the improvement is located.

2. No Certificate of Approval or approval by the City Historic Preservation Officer (CHPO) is required for the following:

- a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
- b. The removal or addition of shrubs, perennials and annuals.

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

1. The CHPO may review and approve the items listed in Section 2.B.3 of this Ordinance according to the following procedure:



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- a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.
 - b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC Chapter 25.12, the alterations shall be approved without further action by the Board.
 - c. If the CHPO does not approve the alterations, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12, as provided in Section 2.A.
2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the request shall constitute approval of the request.
3. CHPO approval for changes or alterations to the designated features or characteristics of the landmark described in Section 1.B of this Ordinance is available for the following:
- a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building and site.
 - b. Alterations to the rear (west) façade, including changes to the guard rails, windows and doors.



1 c. The following revisions and additions as required by building code for the
2 change in land use:

- 3 1. A garbage enclosure located at the east end of the driveway; and
4 2. The installation of an accessible knox-box entry system at the
5 entrance per the Fire Department's request.
6

7 Section 3. INCENTIVES: The following incentives are hereby granted on the features
8 and characteristics of the Cooper House that were designated by the Board for preservation:

9 A. Uses not otherwise permitted in a zone may be authorized in a designated
10 Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal
11 Code Title 23.

12 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC
13 Chapter 22.100 and the Energy Code of the City, SMC Chapter 22.700 may be authorized
14 pursuant to the applicable provisions thereof.
15

16 C. Special tax valuation for historic preservation may be available under Chapter
17 84.26 RCW upon application and compliance with the requirements of that statute.
18

19 Section 4. Enforcement of this ordinance and penalties for its violation are as provided in
20 SMC 25.12.910.

21 Section 5. The Cooper House is hereby added to the Table of Historical Landmarks
22 contained in SMC Chapter 25.32.
23

24 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
25 King County Director of Records and Elections, deliver two certified copies to the City Historic
26 Preservation Officer, and deliver one copy to the Director of the Department of Planning and
27



Elizabeth Chavez/jom
DON, Cooper House Landmark ORD
May 7, 2009
Version #3a

1 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of
2 the landmark.

3 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after
4 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
5 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

6 Passed by the City Council the 29 day of June, 2009, and
7 signed by me in open session in authentication of its passage this
8 29 day of June, 2009.

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10
11
12 
13 President _____ of the City Council

14 Approved by me this 8th day of July, 2009.

15
16 
17 Gregory J. Nickels, Mayor

18
19 Filed by me this 8th day of July, 2009.

20
21 
22 City Clerk _____

23 (Seal)



STATE OF WASHINGTON
COUNTY OF KING
CITY OF SEATTLE

} SS

I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE DO HEREBY
CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT
COPY OF

Ordinance No. 123022

AS THE SAME APPEARS ON FILE AND OF RECORD IN THIS DEPARTMENT

IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND AFFIXED
THE SEAL TO THE CITY OF SEATTLE, THIS *15th of July 2009*

JUDITH E. PIPPIN
CITY CLERK

BY *J. Pippin*
DEPUTY CLERK

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Neighborhoods	Elizabeth Chave/206-684-0380	Amy Williams/206-233-2651

Legislation Title:

AN ORDINANCE relating to historic preservation, imposing controls upon the Cooper House, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

• **Summary of the Legislation:**

The attached legislation acknowledges the designation of the Cooper House (both the improvement and the site on which it is located) as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Cooper House to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The Cooper House was built in 1902 and is located in the Capitol Hill neighborhood. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. The exterior of the building and the site are subject to the controls included in the Controls and Incentives Agreement. Excluded from the controls are the interior of the building, any in-kind maintenance or repairs of the exterior of the building or the site, as well as the removal/ addition of the following landscape elements: shrubs, perennials and annuals.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

This legislation has financial implications. *(Please complete all relevant sections that follow.)*

Attachments:

Exhibit A – Vicinity Map of the Cooper House





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

May 19, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

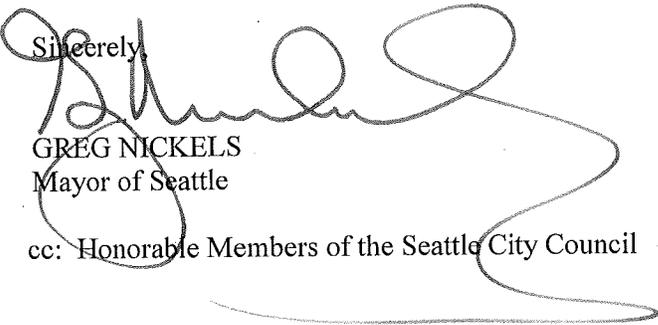
Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that designates the Cooper House at 225-227 14th Avenue East as a historic landmark, imposes controls, grants incentives and adds the Cooper House to the Table of Historical Landmarks in the Seattle Municipal Code.

A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The Agreement includes landmark controls for the exterior of the building and the site; however, any in-kind maintenance or repairs to the exterior of the building, and the removal or addition of shrubs, perennials and annuals are excluded from the controls.

Thank you for your consideration of this legislation. Should you have questions, please contact Elizabeth Chave, Department of Neighborhoods at 206-684-0380.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



STATE OF WASHINGTON – KING COUNTY

--SS.

241762
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

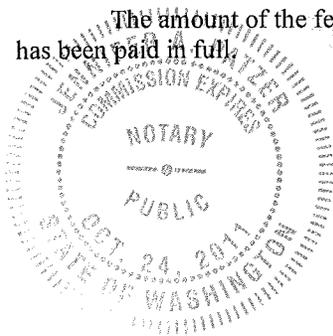
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123022 ORDINANCE

was published on

07/15/09

The amount of the fee charged for the foregoing publication is the sum of \$ 311.30, which amount has been paid in full.



[Signature]

Subscribed and sworn to before me on
07/15/09
[Signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

City of Seattle

ORDINANCE 123022

AN ORDINANCE relating to historic preservation, imposing controls upon the Cooper House, a landmark designated by the Landmark Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements and objects having historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board ("the Board"), after a public meeting on September 21, 2005, voted to approve the nomination of both the improvement (the building) and the parcel of property located at 225 and 227 14th Avenue East in Seattle, which improvement and property are collectively referred to as the "Cooper House" for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on November 2, 2005, the Board voted to approve the designation of the Cooper House under SMC Chapter 25.12; and

WHEREAS, on February 6, 2008, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board ("the Board") of both the improvement (the building) and the parcel of property located at 225 and 227 14th Avenue East in Seattle, which improvement and property are collectively referred to as the "Cooper House" for the purposes of this ordinance, is hereby acknowledged.

A. Legal Description. The Cooper House site is legally described as:

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1. The exterior of the improvement (the building).

2. The parcel of property legally described above, located at 225 and 227 14th Avenue East in Seattle, on which the improvement is located.

C. Basis of Designation. The designation was made because the Cooper House has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to convey its significance, and because it satisfies the following from Section 25.12.350:

1. It embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction (SMC 25.12.350D).

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

3. Because of its prominence of spatial location, contrasts of siting, age or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350F).

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

A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

a. The exterior of the improvement (the building).

b. The parcel of property legally described above, located at 225 and 227 14th Avenue East in Seattle, on which the improvement is located.

2. No Certificate of Approval or approval by the City Historic Preservation Officer (CHPO) is required for the following:

a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

b. The removal or addition of shrubs, perennials and annuals.

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

1. The CHPO may review and approve the items listed in Section 2.B.3 of this Ordinance according to the following procedure:

a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC Chapter 25.12, the alterations shall be approved without further action by the Board.

c. If the CHPO does not approve the alterations, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12, as provided in Section 2.A.

2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the request shall constitute approval of the request.

3. CHPO approval for changes or alterations to the designated features or characteristics of the landmark described in Section 1.B of this Ordinance is available for the following:

a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building and site.

b. Alterations to the rear (west) façade, including changes to the guard rails, windows and doors.

c. The following revisions and additions as required by building code for the change in land use:

1. A garbage enclosure located at the east end of the driveway; and

2. The installation of an accessible knob-box entry system at the entrance per the Fire Department's request.

Section 3. INCENTIVES: The following incentives are hereby granted on the features and characteristics of the Cooper House that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, SMC Chapter 22.100 and the Energy Code of the City, SMC Chapter 22.700 may be authorized pursuant to the applicable provisions thereof.

C. Special tax valuation for historic preservation may be available under Chapter 84.26 RCW upon application and compliance with the requirements of that statute.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. The Cooper House is hereby added to the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections, deliver two certified copies to the City Historic Preservation Officer, and deliver one copy to the Director of the Department of Planning and Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of the landmark.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

King County

Passed by the City Council the 29th day of June, 2009, and signed by me in open session in authentication of its passage this 29th day of June, 2009.

Richard Conlin

President of the City Council

Approved by me this 8th day of July, 2009.

Gregory J. Nickels, Mayor

Filed by me this 8th day of July, 2009.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, July 15, 2009.

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affidavit