

Ordinance No. 123292

HORIUCHI MURAL

The City of Seattle – Legislative Department

Council Bill No. 116832

Council Bill/Ordinance sponsored by: [Signature]

AN ORDINANCE relating to historic preservation, imposing controls upon the Horiuchi Mural, 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.

Committee Action:

Date	Recommendation	Vote
042910	APPROVES	2-0 SC, SB

Related Legislation File: _____

Date Introduced and Referred: 4.12.10	To: (committee): Built Environment
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 5.10.10	Date Presented to Mayor: 5.11.10
Date Signed by Mayor: May 13, 2010	Date Returned to City Clerk: May 14, 2010
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

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

Full Council Action:

Date	Decision	Vote
5.10.10	Passed	7-0 Excused TB, TR

1 A. Legal Description. The Horiuchi Mural is located on the property legally
2 described as:

3 The Northerly 27.41 Feet of Lots 5 and 8 and All of Lots 9 through 12, Block 40,
4 AND Northerly 27.41 Feet of Lots 5 and 8, and All of Lots 1 through 4 and 9
5 through 12, Block 47, AND Portion of Lots 1 and 2 and 8 through 12, Block 49,
6 Lying Northwesterly of Broad Street AND Lots 1 and 4 through 12, block 50, all
7 in D. T. Denny's 3rd Addition to North Seattle, AND Lots 1 and 2 and 8 through
8 12, Block 57 in Denny's Park Addition to North Seattle, Together With Portions
9 of Vacated Alleys and Streets Adjoining.
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11 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
12 25.12.660.A.2, the following specific features and/or characteristics of the Horiuchi Mural are
13 designated:
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- 15 1. The entire mural and its substructure.
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17 C. Basis of Designation. The designation was made because the Horiuchi Mural has
18 significant character, interest or value as a part of the development, heritage or cultural
19 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,
20 and because it satisfies the following from SMC 25.12.350:
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- 22 1. It is the location of, or is associated in a significant way with, an historic event
23 with a significant effect upon the community, City, state or nation (SMC
24 25.12.350.A).
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2. It is associated in a significant way with the life of a person important in the history of the community, City, state or nation (SMC 25.12.350.B).
3. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation (SMC 25.12.350.C).
4. It embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction (SMC 25.12.350.D).
5. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
6. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Horiuchi Mural 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 entire mural and its substructure.



1 2. No Certificate of Approval is required for the following:

- 2 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
3 b. Alterations to the stage.

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

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

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

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

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

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

20 3. CHPO approval for changes or alterations to the designated features or
21 characteristics of the landmark described in Section 1.B of this ordinance, is
22



1 available for the following: the addition or elimination of duct conduits, HVAC
2 vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements
3 necessary for the normal operation of the building.

4 Section 3. INCENTIVES: The following incentives are hereby granted on the features
5 and characteristics of the Horiuchi Mural that were designated by the Board for preservation:
6

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

10 B. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter
11 22.100, and the Energy Code of the City, SMC Chapter 22.700, may be authorized pursuant to
12 the applicable provisions thereof.

13 C. Special tax valuation for historic preservation may be available under Chapter
14 84.26 RCW upon application and compliance with the requirements of that statute.
15

16 Section 4. Enforcement of this ordinance and penalties for its violation are as provided in
17 SMC 25.12.910.
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19 Section 5. The Horiuchi Mural is hereby added to the Table of Historical Landmarks
20 contained in SMC Chapter 25.32.

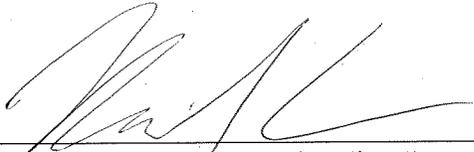
21 Section 6. The City Clerk is directed to record a certified copy of the ordinance with the
22 King County Director of Records and Elections, deliver two certified copies to the City Historic
23 Preservation Officer (CHPO), and deliver one copy to the Director of the Department of Planning
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1 and Development. The CHPO is directed to provide a certified copy of the ordinance to the
2 owner of 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
7 Passed by the City Council the 10th day of May, 2010, and
8 signed by me in open session in authentication of its passage this
9 10th day of May, 2010.

10
11 
12 _____
13 President _____ of the City Council

14 Approved by me this 13th day of May, 2010.

15
16 
17 _____
18 Michael McGinn, Mayor

19 Filed by me this 14th day of May, 2010.

20
21 
22 _____
23 City Clerk

24 (Seal)



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 Horiuchi Mural, 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 Horiuchi Mural as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Horiuchi Mural to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The Horiuchi Mural was built in 1962 and is located in on the Seattle Center campus in the lower Queen Anne neighborhood. A Controls and Incentives Agreement (Agreement) has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the Agreement apply to the entire mural and its substructure but do not apply to the following: alterations to the stage, and any in-kind maintenance or repairs of the designated features.

• *Please check one of the following:*

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

Attachments:

Exhibit A – Vicinity Map of the Horiuchi Mural







City of Seattle

Michael McGinn, Mayor

Office of the Mayor

March 30, 2010

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 Horiuchi Mural as a historic landmark, imposes controls, grants incentives and adds the Horiuchi Mural 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 entire mural and its substructure. The following are excluded from the controls: alterations to the stage, and any in-kind maintenance or repairs of the designated features.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



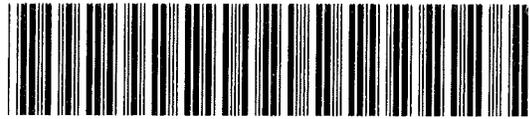
Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



20100525001153

SEATTLE CITY C ORD 68.00
PAGE-001 OF 007
05/25/2010 15:29
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

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

1. Ordinance 123292

2.

FILED
CITY OF SEATTLE
10 JUN 22 AM 10:24
CITY CLERK

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) (Last name first, then first name and initials)

1. Public

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

ORDINANCE 123292

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

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

11 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on July 21,
12 2004, voted to approve the nomination of the improvement (the structure known as the
13 Horiuchi Mural) located at 305 Harrison Street in Seattle for designation as a landmark
14 under SMC Chapter 25.12; and

15 WHEREAS, after a public meeting on September 15, 2004, the Board voted to approve the
16 designation of the Horiuchi Mural under SMC Chapter 25.12; and

17 WHEREAS, on July 18, 2007, the Board and the owner of the designated landmark agreed to
18 controls and incentives; and

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

21 NOW, THEREFORE,

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

23 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the
24 Landmarks Preservation Board (the Board) of the improvement (the structure) located at 305
25 Harrison Street in Seattle, which is referred to as the "Horiuchi Mural" for the purposes of this
26 ordinance, is hereby acknowledged.



1 A. Legal Description. The Horiuchi Mural is located on the property legally
2 described as:

3 The Northerly 27.41 Feet of Lots 5 and 8 and All of Lots 9 through 12, Block 40,
4 AND Northerly 27.41 Feet of Lots 5 and 8, and All of Lots 1 through 4 and 9
5 through 12, Block 47, AND Portion of Lots 1 and 2 and 8 through 12, Block 49,
6 Lying Northwesterly of Broad Street AND Lots 1 and 4 through 12, block 50, all
7 in D. T. Denny's 3rd Addition to North Seattle, AND Lots 1 and 2 and 8 through
8 12, Block 57 in Denny's Park Addition to North Seattle, Together With Portions
9 of Vacated Alleys and Streets Adjoining.
10

11
12 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
13 25.12.660.A.2, the following specific features and/or characteristics of the Horiuchi Mural are
14 designated:

- 15 1. The entire mural and its substructure.
16

17 C. Basis of Designation. The designation was made because the Horiuchi Mural has
18 significant character, interest or value as a part of the development, heritage or cultural
19 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,
20 and because it satisfies the following from SMC 25.12.350:
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- 22 1. It is the location of, or is associated in a significant way with, an historic event
23 with a significant effect upon the community, City, state or nation (SMC
24 25.12.350.A).
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2. It is associated in a significant way with the life of a person important in the history of the community, City, state or nation (SMC 25.12.350.B).
3. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation (SMC 25.12.350.C).
4. It embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction (SMC 25.12.350.D).
5. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
6. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Horiuchi Mural 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 entire mural and its substructure.



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2. No Certificate of Approval is required for the following:

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

B. City Historic Preservation Officer (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 of this ordinance.

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



1 available for the following: the addition or elimination of duct conduits, HVAC
2 vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements
3 necessary for the normal operation of the building.

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

6 A. Uses not otherwise permitted in a zone may be authorized in a designated
7
8 Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal
9 Code Title 23.

10 B. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter
11 22.100, and the Energy Code of the City, SMC Chapter 22.700, may be authorized pursuant to
12 the applicable provisions thereof.

13 C. Special tax valuation for historic preservation may be available under Chapter
14 84.26 RCW upon application and compliance with the requirements of that statute.

15 Section 4. Enforcement of this ordinance and penalties for its violation are as provided in
16
17 SMC 25.12.910.

18 Section 5. The Horiuchi Mural is hereby added to the Table of Historical Landmarks
19
20 contained in SMC Chapter 25.32.

21 Section 6. The City Clerk is directed to record a certified copy of the ordinance with the
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23 King County Director of Records and Elections, deliver two certified copies to the City Historic
24 Preservation Officer (CHPO), and deliver one copy to the Director of the Department of Planning

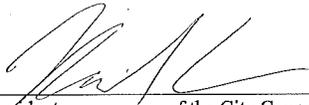


Elizabeth Chavez/jom
DON Horiuchi Mural Landmark Designation ORD
February 24, 2010
Version #2

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

7 Passed by the City Council the 10th day of May, 2010, and
8 signed by me in open session in authentication of its passage this
9 10th day of May, 2010.

10
11 
12 President _____ of the City Council

13
14 Approved by me this 13th day of May, 2010.

15
16 
17 Michael McGinn, Mayor

18
19 State of Washington, Filed by the this 14th day of May, 2010.
20 County of King

21 I, Janet Polata certify that this is a true and correct
22 copy of _____ Ordinance No. _____ City Clerk _____
23 (Seal) _____ 123292 on file in the records
24 of the City of _____ of the City Clerk



25
26 Signed by: _____
27 Signature Janet Polata
28 Title: Information Specialist
Date: May 19, 2010



STATE OF WASHINGTON – KING COUNTY

--SS.

254989
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.

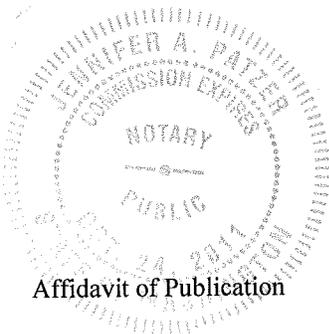
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123292 ORDINANCE

was published on

05/20/10

The amount of the fee charged for the foregoing publication is the sum of \$ 286.65, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

05/20/10

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122292

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

WHEREAS, the Landmarks 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 July 21, 2004, voted to approve the nomination of the improvement (the structure known as the Horiuchi Mural) located at 305 Harrison Street in Seattle for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on September 15, 2004, the Board voted to approve the designation of the Horiuchi Mural under SMC Chapter 25.12; and

WHEREAS, on July 18, 2007, 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 the improvement (the structure) located at 305 Harrison Street in Seattle, which is referred to as the "Horiuchi Mural" for the purposes of this ordinance, is hereby acknowledged.

A. **Legal Description.** The Horiuchi Mural is located on the property legally described as:

The Northerly 27.41 Feet of Lots 5 and 8 and All of Lots 9 through 12, Block 40, AND Northerly 27.41 Feet of Lots 5 and 8, and All of Lots 1 through 4 and 9 through 12, Block 47, AND Portion of Lots 1 and 2 and 8 through 12, Block 49, Lying Northwesterly of Broad Street AND Lots 1 and 4 through 12, block 50, all in D. T. Denny's 3rd Addition to North Seattle, AND Lots 1 and 2 and 8 through 12, Block 67 in Denny's Park Addition to North Seattle, Together With Portions of Vacated Alleys and Streets Adjoining.

B. **Specific Features and/or Characteristics Designated.** Pursuant to SMC 25.12.660.A.2, the following specific features and/or characteristics of the Horiuchi Mural are designated:

1. The entire mural and its substructure.

C. **Basis of Designation.** The designation was made because the Horiuchi Mural 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 SMC 25.12.350:

1. It is the location of, or is associated in a significant way with, an historic event with a significant effect upon the community, City, state or nation (SMC 25.12.350.A).

2. It is associated in a significant way with the life of a person important in the history of the community, City, state or nation (SMC 25.12.350.B).

3. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state or nation (SMC 25.12.350.C).

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

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

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

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

of Washington, King County

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 entire mural and its substructure.

2. No Certificate of Approval is required for the following:

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

b. Alterations to the stage.

B. **City Historic Preservation Officer (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 of this ordinance.

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: 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.

Section 3. **INCENTIVES:** The following incentives are hereby granted on the features and characteristics of the Horiuchi Mural 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 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 Horiuchi Mural 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 the ordinance with the King County Director of Records and Elections, deliver two certified copies to the City Historic Preservation Officer (CHPO), 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.

Passed by the City Council the 10th day of May, 2010, and signed by me in open session in authentication of its passage this 10th day of May, 2010.

Richard Conlin

President of the City Council

Approved by me this 13th day of May, 2010.

Michael McGinn, Mayor

Filed by me this 14th day of May, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, May 20, 2010.

5/20(254989)