

Ordinance No. 123344

VOLUNTEER PARK CONSERVATORY

The City of Seattle - Legislative Department

Council Bill No. 116833

Council Bill/Ordinance sponsored by: *Samy L...*

AN ORDINANCE relating to historic preservation, imposing controls upon the Volunteer Park Conservatory, 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
<i>07-08-10</i>	<i>APPROVE</i>	<i>3-0 SC, TB, SB</i>

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: 7.12.10	Date Presented to Mayor: 7.13.10
Date Signed by Mayor: July 16, 2010	Date Returned to City Clerk: July 16, 2010
Published by Title Only _____	Date Vetted by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

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

Full Council Action:

Date	Decision	Vote
<i>7.12.10</i>	<i>Passed</i>	<i>9-0</i>

Law Department

ORDINANCE 123344

AN ORDINANCE relating to historic preservation, imposing controls upon the Volunteer Park Conservatory, 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 February 20, 2002, voted to approve the nomination of the improvements (the buildings) and a portion of the parcel of property on which the improvements are located at 1400 East Galer Street in Seattle for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on April 3, 2002, the Board voted to approve the designation of the Volunteer Park Conservatory under SMC Chapter 25.12; and

WHEREAS, on August 5, 2009, 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 improvements (the buildings) and a portion of the parcel of property on which the improvements are located, collectively referred to as the Volunteer Park Conservatory for the purposes of this ordinance, and physically located at 1400 East Galer Street in Seattle, is hereby acknowledged.



1 A. Legal Description.

- 2 1. The Volunteer Park Conservatory is located on a portion of the parcel legally
3 described as:

4 The NE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M.;
5 TOGETHER WITH a tract of land along the entire length of the north boundary
6 of the SE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M.,
7 commencing at the northeast corner of SE¼ of the NE¼ of Section 29, Township
8 25 North, Range 4 East, W.M., thence south along the east boundary of said tract
9 a distance of 107.77 feet, thence westerly perpendicular to the centerline of 14th
10 Avenue East, being at an angle to the northwest with the first line above, of 89°55'
11 a distance of 1342.79 feet, more or less, to the west marginal line of said tract,
12 thence north along said west marginal line a distance of 86.87 feet, more or less,
13 to the northwest corner of said tract, thence easterly along the north line of said
14 tract a distance of 1343.15 feet more or less to the place of beginning;

15 TOGETHER WITH the E½ of Blocks E and F of Phinney Addition to the City of
16 Seattle according to the plat thereof recorded in Volume 1, page 175 records of
17 King County Washington;

18 TOGETHER WITH that portion of 11th Avenue East (formerly 11th Avenue
19 North), platted as Mountain Street in Phinney Addition to the City of Seattle, as
20 vacated by Ordinance 26793, from the north line of Furth's Addition to the north
21 line of Phinney Addition;



1 TOGETHER WITH Lot 2, Block A, Furth's Addition, according to the plat
2 thereof recorded in Volume 16, page 73 records of King County Washington.

- 3 2. The portion of the parcel to be designated as a Landmark is as follows:

4 That portion of the NE¼ of the NE¼ of Section 29, Township 25 North, Range 4
5 East, W.M. in King County Washington, described as follows:

6 Commencing at the NE corner of said Section 29, Township 25 North, Range 4
7 East, W.M. thence N 89°30'03" W along the north line of said section, being the
8 north line of Volunteer Park, a distance of 656 feet to the True Point of
9 Beginning;

10 Thence continuing N 89°30'03" W along the north line of said section a distance
11 of 244 feet;

12 Thence S 0°29'57" W a distance of 154 feet;

13 Thence S 89°30'03" E a distance of 244 feet;

14 Thence N 0°29'57" E a distance of 154 feet to the north line of said section and
15 the True Point of Beginning.
16

17 B. Specific Features and/or Characteristics Designated. Pursuant to SMC

18 25.12.660.A.2, the following specific features and/or characteristics of the Volunteer Park
19 Conservatory are designated:

- 20 1. The exterior of the Conservatory Building.
21 2. The interior of the Conservatory Building.
22 3. The exterior of the Potting Shed/Upper Greenhouse.
23 4. The parcel of property legally described above in Section 1.A.2, located at 1400
24 East Galer Street in Seattle.
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1 C. Basis of Designation. The designation was made because the Volunteer Park
2 Conservatory has significant character, interest or value as a part of the development, heritage or
3 cultural characteristics of the City, state or nation, it has integrity or the ability to convey its
4 significance, and because it satisfies the following from SMC 25.12.350:

- 5 1. It is associated in a significant way with a significant aspect of the cultural,
6 political, or economic heritage of the community, City, state or nation (SMC
7 25.12.350.C).
- 8 2. It embodies the distinctive visible characteristics of an architectural style, period,
9 or of a method of construction (SMC 25.12.350.D).
- 10 3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is
11 an easily identifiable visual feature of its neighborhood or the City and contributes
12 to the distinctive quality or identity of such neighborhood or the City (SMC
13 25.12.350.F).

14 Section 2. CONTROLS: The following controls are hereby imposed on the features and
15 characteristics of the Volunteer Park Conservatory that were designated by the Board for
16 preservation:
17

18 A. Certificate of Approval Process.

- 19 1. Except as provided in Section 2.A.2 of this ordinance, the owner must obtain a
20 Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or
21 the time for denying a Certificate of Approval must have expired, before the
22



1 owner may make alterations or significant changes to the following specific
2 features or characteristics:

- 3 a. The exterior of the Conservatory Building,
- 4 b. The interior of the Conservatory Building,
- 5 c. The exterior of the Potting Shed/Upper Greenhouse, and
- 6 d. The portion of the parcel of property legally described in Section 1.A.2,
7 located at 1400 East Galer Street in Seattle.

8
9 2. No Certificate of Approval is required for the following:

- 10 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1,
- 11 b. Alterations to the interiors of the office, gift shop and restroom behind the
12 Palm House of the Conservatory Building,
- 13 c. Alterations to the plant benches, furniture, trellises and display equipment
14 throughout the interior of the Conservatory Building,
- 15 d. Alterations to the rockery and waterfall in the Fern House of the Conservatory
16 Building,
- 17 e. Alterations to and/or replacement of the plant collection in the interior of the
18 Conservatory Building,
- 19 f. Exterior security lighting, video cameras, and security system equipment,
- 20 g. Floor finishes and floor coverings,
- 21 h. Temporary window coverings and white washing treatment of all of the
22 buildings,
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- 1 i. Temporary signage and ADA signage,
- 2 j. Alterations to the north storage shed that is west of the Conservatory offices
- 3 and gift shop,
- 4 k. Alterations to or removal of the cold frames,
- 5 l. Alterations to the metal chimney of the Potting Shed/Upper Greenhouse,
- 6 m. Alterations to non-original light fixtures,
- 7 n. Alterations to the service road between the Conservatory Building and the
- 8 Potting Shed/Upper Greenhouse,
- 9 o. Alterations to the Park road and parking south of the Conservatory Building,
- 10 p. Temporary park furnishings, including benches and trash receptacles,
- 11 q. The removal/addition of the following landscape elements of the site: trees
- 12 less than 8 inches in diameter measured 4½ feet above ground, shrubs,
- 13 perennials, and annuals, and
- 14 r. Installation or repair of underground irrigation providing that the site is
- 15 restored in-kind.
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19 B. City Historic Preservation Officer (CHPO) Approval Process.

- 20 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
- 21 Ordinance according to the following procedure:
- 22 a. The owner shall submit to the City Historic Preservation Officer (CHPO) a
- 23 written request for the alterations, including applicable drawings and/or
- 24 specifications.
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1 b. If the CHPO, upon examination of submitted plans and specifications,
2 determines that the alterations are consistent with the purposes of SMC
3 Chapter 25.12, the alterations shall be approved without further action by the
4 Board.

5 c. If the CHPO does not approve the alterations, the owner may submit revised
6 materials to the CHPO, or apply to the Board for a Certificate of Approval
7 under SMC Chapter 25.12, as provided in Section 2.A.
8

9 2. The CHPO shall transmit a written decision on the owner's request to the owner
10 within 14 days of receipt of the request. Failure of the CHPO to approve or
11 disapprove the request shall constitute approval of the request.
12

13 3. CHPO approval for changes or alterations to the designated features or
14 characteristics of the landmark described in Section 1.B of this Ordinance, is
15 available for the following:
16

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

20 b. Removal of hazardous trees over 8 inches in diameter measured 4½ feet
21 above ground, and
22

23 c. Signage other than signage excluded in Section 2.A.2.i.
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1 Section 3. INCENTIVES: The following incentives are hereby granted on the features
2 and characteristics of the Volunteer Park Conservatory that were designated by the Board for
3 preservation:

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

7
8 B. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter
9 22.100, and the Energy Code of the City, SMC Chapter 22.700, may be authorized pursuant to
10 the applicable provisions thereof.

11
12 C. Special tax valuation for historic preservation may be available under Chapter
13 84.26 RCW upon application and compliance with the requirements of that statute.

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

16
17 Section 5. The Volunteer Park Conservatory is hereby added to the Table of Historical
18 Landmarks contained in SMC Chapter 25.32.


19 Section 6. The City Clerk is directed to record a certified copy of the ordinance with the
20 King County Director of Records and Elections, deliver two certified copies to the City Historic
21 Preservation Officer (CHPO), and deliver one copy to the Director of the Department of Planning
22 and Development. The CHPO is directed to provide a certified copy of the ordinance to the
23 owner of the landmark.
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1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 12th day of July, 2010, and
5 signed by me in open session in authentication of its passage this

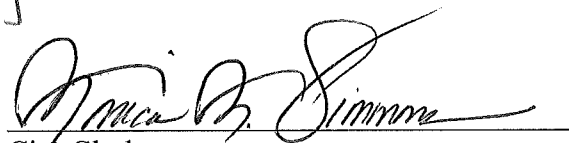
6 12th day of July, 2010.
7

8
9
10 
11 President _____ of the City Council

12 Approved by me this 16 day of July, 2010.

13
14 
15 Michael McGinn, Mayor

16 Filed by me this 16th day of July, 2010.

17
18 
19 City Clerk

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

• **Background:**

The Volunteer Park Conservatory was built in 1912 and is located in Volunteer Park in the Capitol Hill 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 exterior of the Conservatory Building, the interior of the Conservatory Building, the exterior of the Potting Shed/Upper Greenhouse, and the site, but do not apply to the following: alterations to non-original features of the interior, alterations to various landscape elements on the site, and any in-kind maintenance or repairs of the designated features.

• *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.)*

Attachments:

Exhibit A – Vicinity Map of the Volunteer Park Conservatory







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 Volunteer Park Conservatory at 1400 East Galer Street as a historic landmark, imposes controls, grants incentives and adds the Volunteer Park Conservatory 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 Conservatory Building, the interior of the Conservatory Building, the exterior of the Potting Shed/Upper Greenhouse, and the site. The following are excluded from the controls: alterations to non-original features of the interior, alterations to various landscape elements on the site, 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 cursive script, appearing to read "Mike", followed by a horizontal line.

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



20100728000005

SEATTLE CITY C ORD 71.00
PAGE-001 OF 010
07/28/2010 08:52
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. Ordinance 123344

FILED
CITY OF SEATTLE
2010 AUG 17 AM 9:47
CITY CLERK

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.

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

Additional reference #'s on page ___ of document

- N/A

Assessor's Property Tax Parcel/Account Number

#

- Assessor Tax # not yet assigned.
- N/A

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 123344

AN ORDINANCE relating to historic preservation, imposing controls upon the Volunteer Park Conservatory, 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 February 20, 2002, voted to approve the nomination of the improvements (the buildings) and a portion of the parcel of property on which the improvements are located at 1400 East Galer Street in Seattle for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on April 3, 2002, the Board voted to approve the designation of the Volunteer Park Conservatory under SMC Chapter 25.12; and

WHEREAS, on August 5, 2009, 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 improvements (the buildings) and a portion of the parcel of property on which the improvements are located, collectively referred to as the Volunteer Park Conservatory for the purposes of this ordinance, and physically located at 1400 East Galer Street in Seattle, is hereby acknowledged.



1 A. Legal Description.

2 1. The Volunteer Park Conservatory is located on a portion of the parcel legally
3 described as:

4 The NE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M.;
5 TOGETHER WITH a tract of land along the entire length of the north boundary
6 of the SE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M.,
7 commencing at the northeast corner of SE¼ of the NE¼ of Section 29, Township
8 25 North, Range 4 East, W.M., thence south along the east boundary of said tract
9 a distance of 107.77 feet, thence westerly perpendicular to the centerline of 14th
10 Avenue East, being at an angle to the northwest with the first line above, of 89°55'
11 a distance of 1342.79 feet, more or less, to the west marginal line of said tract,
12 thence north along said west marginal line a distance of 86.87 feet, more or less,
13 to the northwest corner of said tract, thence easterly along the north line of said
14 tract a distance of 1343.15 feet more or less to the place of beginning;

15 TOGETHER WITH the E½ of Blocks E and F of Phinney Addition to the City of
16 Seattle according to the plat thereof recorded in Volume 1, page 175 records of
17 King County Washington;

18 TOGETHER WITH that portion of 11th Avenue East (formerly 11th Avenue
19 North), platted as Mountain Street in Phinney Addition to the City of Seattle, as
20 vacated by Ordinance 26793, from the north line of Furth's Addition to the north
21 line of Phinney Addition;



1 TOGETHER WITH Lot 2, Block A, Furth's Addition, according to the plat
2 thereof recorded in Volume 16, page 73 records of King County Washington.

- 3 2. The portion of the parcel to be designated as a Landmark is as follows:

4 That portion of the NE¼ of the NE¼ of Section 29, Township 25 North, Range 4
5 East, W.M. in King County Washington, described as follows:

6 Commencing at the NE corner of said Section 29, Township 25 North, Range 4
7 East, W.M. thence N 89°30'03" W along the north line of said section, being the
8 north line of Volunteer Park, a distance of 656 feet to the True Point of
9 Beginning;

10 Thence continuing N 89°30'03" W along the north line of said section a distance
11 of 244 feet;

12 Thence S 0°29'57" W a distance of 154 feet;

13 Thence S 89°30'03" E a distance of 244 feet;

14 Thence N 0°29'57" E a distance of 154 feet to the north line of said section and
15 the True Point of Beginning.

16
17 B. Specific Features and/or Characteristics Designated. Pursuant to SMC

18 25.12.660.A.2, the following specific features and/or characteristics of the Volunteer Park
19 Conservatory are designated:

- 20 1. The exterior of the Conservatory Building.
21 2. The interior of the Conservatory Building.
22 3. The exterior of the Potting Shed/Upper Greenhouse.
23 4. The parcel of property legally described above in Section 1.A.2, located at 1400
24 East Galer Street in Seattle.
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1 C. Basis of Designation. The designation was made because the Volunteer Park
2 Conservatory has significant character, interest or value as a part of the development, heritage or
3 cultural characteristics of the City, state or nation, it has integrity or the ability to convey its
4 significance, and because it satisfies the following from SMC 25.12.350:

- 5
- 6 1. It is associated in a significant way with a significant aspect of the cultural,
7 political, or economic heritage of the community, City, state or nation (SMC
8 25.12.350.C).
 - 9 2. It embodies the distinctive visible characteristics of an architectural style, period,
10 or of a method of construction (SMC 25.12.350.D).
 - 11 3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is
12 an easily identifiable visual feature of its neighborhood or the City and contributes
13 to the distinctive quality or identity of such neighborhood or the City (SMC
14 25.12.350.F).
- 15

16 Section 2. CONTROLS: The following controls are hereby imposed on the features and
17 characteristics of the Volunteer Park Conservatory that were designated by the Board for
18 preservation:
19

20 A. Certificate of Approval Process.

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

- 3 a. The exterior of the Conservatory Building,
- 4 b. The interior of the Conservatory Building,
- 5 c. The exterior of the Potting Shed/Upper Greenhouse, and
- 6 d. The portion of the parcel of property legally described in Section 1.A.2,
7 located at 1400 East Galer Street in Seattle.

8
9 2. No Certificate of Approval is required for the following:

- 10 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1,
- 11 b. Alterations to the interiors of the office, gift shop and restroom behind the
12 Palm House of the Conservatory Building,
- 13 c. Alterations to the plant benches, furniture, trellises and display equipment
14 throughout the interior of the Conservatory Building,
- 15 d. Alterations to the rockery and waterfall in the Fern House of the Conservatory
16 Building,
- 17 e. Alterations to and/or replacement of the plant collection in the interior of the
18 Conservatory Building,
- 19 f. Exterior security lighting, video cameras, and security system equipment,
- 20 g. Floor finishes and floor coverings,
- 21 h. Temporary window coverings and white washing treatment of all of the
22 buildings,
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- i. Temporary signage and ADA signage,
- j. Alterations to the north storage shed that is west of the Conservatory offices and gift shop,
- k. Alterations to or removal of the cold frames,
- l. Alterations to the metal chimney of the Potting Shed/Upper Greenhouse,
- m. Alterations to non-original light fixtures,
- n. Alterations to the service road between the Conservatory Building and the Potting Shed/Upper Greenhouse,
- o. Alterations to the Park road and parking south of the Conservatory Building,
- p. Temporary park furnishings, including benches and trash receptacles,
- q. The removal/addition of the following landscape elements of the site: trees less than 8 inches in diameter measured 4½ feet above ground, shrubs, perennials, and annuals, and
- r. Installation or repair of underground irrigation providing that the site is restored in-kind.

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.



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

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

8
9 2. The CHPO shall transmit a written decision on the owner's request to the owner
10 within 14 days of receipt of the request. Failure of the CHPO to approve or
11 disapprove the request shall constitute approval of the request.

12
13 3. CHPO approval for changes or alterations to the designated features or
14 characteristics of the landmark described in Section 1.B of this Ordinance, is
15 available for the following:

16 a. The addition or elimination of duct conduits, HVAC vents, grilles, fire
17 escapes, pipes, and other similar wiring or mechanical elements necessary for
18 the normal operation of the building,
19

20 b. Removal of hazardous trees over 8 inches in diameter measured 4½ feet
21 above ground, and

22 c. Signage other than signage excluded in Section 2.A.2.i.
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1 Section 3. INCENTIVES: The following incentives are hereby granted on the features
2 and characteristics of the Volunteer Park Conservatory that were designated by the Board for
3 preservation:

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

7
8 B. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter
9 22.100, and the Energy Code of the City, SMC Chapter 22.700, may be authorized pursuant to
10 the applicable provisions thereof.

11
12 C. Special tax valuation for historic preservation may be available under Chapter
13 84.26 RCW upon application and compliance with the requirements of that statute.

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

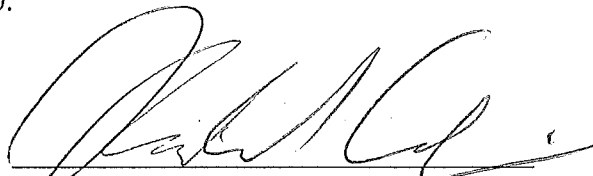
16
17 Section 5. The Volunteer Park Conservatory is hereby added to the Table of Historical
18 Landmarks contained in SMC Chapter 25.32.

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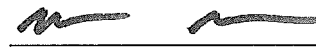


1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 12th day of July, 2010, and
5 signed by me in open session in authentication of its passage this
6 12th day of July, 2010.

7
8 
9
10 President _____ of the City Council

11 Approved by me this 16 day of July, 2010.

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13 
14
15 Michael McGinn, Mayor

16 Filed by me this 16th day of July, 2010.

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18 
19
20 City Clerk

21 (Seal) State of Washington,
County of King

22 I, Janet Polaty certify that this is a true and correct
23 copy of Ordinance No. 123344, on file in the records
24 of the City of Seattle, Office of the City Clerk



25 Signed by: _____
26 Signature: J Polaty
27 Title: Information Specialist
28 Date: July 27, 2010



STATE OF WASHINGTON – KING COUNTY

--SS.

258151
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.

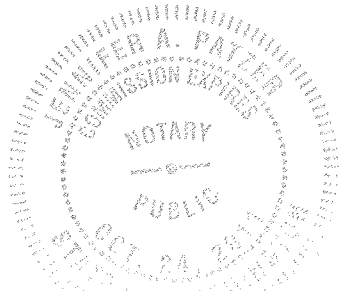
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123344 ORDINANCE

was published on

07/28/10

The amount of the fee charged for the foregoing publication is the sum of \$ 436.80, which amount has been paid in full.



Affidavit of Publication

A handwritten signature in black ink, appearing to be "Jennifer A. Patzer", written over a horizontal line.

Subscribed and sworn to before me on

07/28/10

A large, stylized handwritten signature in black ink, written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 123344

AN ORDINANCE relating to historic preservation, imposing controls upon the Volunteer Park Conservatory, 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 February 20, 2002, voted to approve the nomination of the improvements (the buildings) and a portion of the parcel of property on which the improvements are located at 1400 East Galer Street in Seattle for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on April 3, 2002, the Board voted to approve the designation of the Volunteer Park Conservatory under SMC Chapter 25.12; and

WHEREAS, on August 5, 2009, 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 improvements (the buildings) and a portion of the parcel of property on which the improvements are located, collectively referred to as the Volunteer Park Conservatory for the purposes of this ordinance, and physically located at 1400 East Galer Street in Seattle, is hereby acknowledged.

A. Legal Description.

1. The Volunteer Park Conservatory is located on a portion of the parcel legally described as:

The NE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M.;

TOGETHER WITH a tract of land along the entire length of the north boundary of the SE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M., commencing at the northeast corner of SE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M., thence south along the east boundary of said tract a distance of 107.77 feet, thence westerly perpendicular to the centerline of 14th Avenue East, being at an angle to the northwest with the first line above, of 89°55' a distance of 1342.79 feet, more or less, to the west marginal line of said tract, thence north along said west marginal line a distance of 86.87 feet, more or less, to the northwest corner of said tract, thence easterly along the north line of said tract a distance of 1343.15 feet more or less to the place of beginning;

TOGETHER WITH the E¼ of Blocks E and F of Phinney Addition to the City of Seattle according to the plat thereof recorded in Volume 1, page 175 records of King County Washington;

TOGETHER WITH that portion of 11th Avenue East (formerly 11th Avenue North), platted as Mountain Street in Phinney Addition to the City of Seattle, as vacated by Ordinance 26793, from the north line of Furth's Addition to the north line of Phinney Addition;

TOGETHER WITH Lot 2, Block A, Furth's Addition, according to the plat thereof recorded in Volume 16, page 73 records of King County Washington.

2. The portion of the parcel to be designated as a Landmark is as follows:

That portion of the NE¼ of the NE¼ of Section 29, Township 25 North, Range 4 East, W.M. in King County Washington, described as follows:

Commencing at the NE corner of said Section 29, Township 25 North, Range 4 East, W.M. thence N 89°30'03" W along the north line of said section, being the north line of Volunteer Park, a distance of 656 feet to the True Point of Beginning;

Thence continuing N 89°30'03" W along the north line of said section a distance of 244 feet;

Thence S 0°29'57" W a distance of 154 feet;

Thence S 89°30'03" E a distance of 244 feet;

Thence N 0°29'57" E a distance of 154 feet to the north line of said section and the True Point of Beginning.

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

1. The exterior of the Conservatory Building.
2. The interior of the Conservatory Building.
3. The exterior of the Potting Shed/Upper Greenhouse.
4. The parcel of property legally described above in Section 1.A.2, located at 1400 East Galer Street in Seattle.

Basis of Designation. The designation was made because the Volunteer Park Conservatory 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 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).
2. It embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction (SMC 25.12.350.D).
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 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Volunteer Park Conservatory 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 Conservatory Building,
 - b. The interior of the Conservatory Building,
 - c. The exterior of the Potting Shed/Upper Greenhouse, and
 - d. The portion of the parcel of property legally described in Section 1.A.2, located at 1400 East Galer Street in Seattle.
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 interiors of the office, gift shop and restroom behind the Palm House of the Conservatory Building,
 - c. Alterations to the plant benches, furniture, trellises and display equipment throughout the interior of the Conservatory Building,
 - d. Alterations to the rockery and waterfall in the Fern House of the Conservatory Building,
 - e. Alterations to and/or replacement of the plant collection in the interior of the Conservatory Building,
 - f. Exterior security lighting, video cameras, and security system equipment,

g. Floor finishes and floor coverings,

h. Temporary window coverings and white washing treatment of all of the buildings,

i. Temporary signage and ADA signage,

j. Alterations to the north storage shed that is west of the Conservatory offices and gift shop,

k. Alterations to or removal of the cold frames,

l. Alterations to the metal chimney of the Potting Shed/Upper Greenhouse,

m. Alterations to non-original light fixtures,

n. Alterations to the service road between the Conservatory Building and the Potting Shed/Upper Greenhouse,

o. Alterations to the Park road and parking south of the Conservatory Building,

p. Temporary park furnishings, including benches and trash receptacles,

q. The removal/addition of the following landscape elements of the site: trees less than 8 inches in diameter measured 4½ feet above ground, shrubs, perennials, and annuals, and

r. Installation or repair of underground irrigation providing that the site is restored in-kind.

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.

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,

b. Removal of hazardous trees over 8 inches in diameter measured 4½ feet above ground, and

c. Signage other than signage excluded in Section 2.A.2.i.

Section 3. INCENTIVES: The following incentives are hereby granted on the features and characteristics of the Volunteer Park Conservatory 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 Volunteer Park Conservatory 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 12th day of July, 2010, and signed by me in open session in authentication of its passage this 12th day of July, 2010.

Richard Conlin
President of the City Council
Approved by me this 16th day of July, 2010.

Michael McGinn, Mayor
Filed by me this 16th day of, 2010.
Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, July 28, 2010.
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