

Ordinance No. 123382

Council Bill No. 116929

AN ORDINANCE relating to historic preservation, imposing controls upon the Fischer Studio Building, 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.

Related Legislation File:

Date Introduced and Referred: <u>July 26, 2010</u>	To: (committee): <u>Built Environment</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>8.16.10</u>	Date Presented to Mayor: <u>8.17.10</u>
Date Signed by Mayor: <u>8.23.10</u>	Date Returned to City Clerk: <u>8.23.10</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <u>X</u>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by:

Committee Action:

Date	Recommendation	Vote
<u>08/11/10</u>	<u>APPROVE</u>	<u>7-0 SC, TB, SB</u>

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

Full Council Action:

Date	Decision	Vote
<u>8.16.10</u>	<u>Passed</u>	<u>8-0</u>
		<u>Excused: 26</u>

Law Department

ORDINANCE 123382

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

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

10 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on July 16,
11 2008, voted to approve the nomination of the improvement (the building) located at 1519
12 Third Avenue in Seattle, which is referred to as the Fischer Studio Building for the
13 purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

14 WHEREAS, after a public meeting on September 3, 2008 the Board voted to approve the
15 designation of the Fischer Studio Building under SMC Chapter 25.12; and

16 WHEREAS, on May 20, 2009, the Board and the owner of the designated landmark agreed to
17 controls and incentives; and

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

20 NOW, THEREFORE,

21 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the
23 Landmarks Preservation Board (the Board) of the improvement (the building) located at 1519
24 Third Avenue in Seattle, which is referred to as the Fischer Studio Building for the purposes of
25 this ordinance, is hereby acknowledged.

26 A. Legal Description. The Fischer Studio Building is located on the property legally
27 described as:



1 Lot 6, Block 23, A.A. Denny's Third Addition to the Town of Seattle, according
2 to the plat recorded in Volume 1 of Plats, page 33, in King County, Washington.

3 Except the northeasterly 12 feet thereof, heretofore condemned in King County
4 Superior Court Cause No. 52280 for widening of Third Avenue as provided in Ordinance
5 No. 13776 of the City of Seattle.

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

7
8 25.12.660.A.2, the following specific features and/or characteristics of the Fischer Studio
9 Building are designated:

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

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

- 15
16 1. It is associated in a significant way with a significant aspect of the cultural,
17 political, or economic heritage of the community, City, state or nation (SMC
18 25.12.350.C).
19
20 2. It embodies the distinctive visible characteristics of an architectural style, or
21 period, or of a method of construction (SMC 25.12.350.D).
22
23 3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

24 Section 2. CONTROLS: The following controls are hereby imposed on the features and
25 characteristics of the Fischer Studio Building that were designated by the Board for preservation:



1 A. Certificate of Approval Process.

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

7 a. The exterior of the improvement (the building), including the storefront, entry
8 and canopy. The City Historic Preservation Officer and Board acknowledge
9 that the storefront, entry and canopy are not original features of the building
10 and any future changes should be compatible with the building's architectural
11 character.

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

- 14 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
15 b. Window and door replacement on the north, west, and the portion of the south
16 façade to the west of the first bay.

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

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

20 a. The owner shall submit to the CHPO a written request for the alterations,
21 including applicable drawings and/or specifications.

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



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

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

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

- 10 a. The addition or elimination of duct conduits, HVAC vents, grilles, fire
11 escapes, pipes, and other similar wiring or mechanical elements necessary for
12 the normal operation of the building.
13 b. The style of any replacement windows on the eastern bay of the south façade.
14 The type of window material does not require review.

15 Section 3. INCENTIVES. The following incentives are hereby granted on the features
16 and characteristics of the Fischer Studio Building that were designated by the Board for
17 preservation:

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

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

24 C. Special tax valuation for historic preservation may be available under Chapter
25 84.26 RCW upon application and compliance with the requirements of that statute.



1 D. Reduction or waiver, under certain conditions, of minimum accessory off-street
2 parking requirements for uses permitted in a designated Landmark structure, may be permitted
3 pursuant to Seattle Municipal Code Title 23.

4 E. The Owner may participate in the City's Landmark TDR Bank after obtaining a
5 determination from the City concerning the quantity of unused development rights for the
6 Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to
7 Seattle Municipal Code Section 23.49.014, Transfer of Development Rights (TDR).

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

10 Section 5. The Fischer Studio Building is hereby added to the Table of Historical
11 Landmarks contained in SMC Chapter 25.32.

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



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

4 Passed by the City Council the 16ⁿ day of August, 2010, and
5 signed by me in open session in authentication of its passage this
6 16th day of August, 2010.

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8
9
10 President _____ of the City Council

11 Approved by me this 23rd day of August, 2010.

12
13
14 Michael McGinn, Mayor

15
16 Filed by me this 23rd day of August, 2010.

17
18
19 City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Neighborhoods	Sarah Sodt/206-615-1786	Amy Williams/206-233-2651

Legislation Title:

AN ORDINANCE relating to historic preservation, imposing controls upon the Fischer Studio Building, 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 Fischer Studio Building as a historic landmark based upon a determination by the Landmarks Preservation Board and adds the building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The Fischer Studio Building was built in 1912, with an additional five stories added in 1915, in downtown Seattle. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the exterior of the building. However, the controls do not apply to the following: the replacement of windows and doors on the north and west façades, the replacement of windows and doors on the section of the south façade located west of the first bay, 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.)

• **List attachments to the fiscal note below:**

Exhibit A – Vicinity Map of the Fischer Studio Building





Exhibit A to the Fiscal Note – Vicinity Map of the Fischer Studio Building



City of Seattle
Office of the Mayor

July 13, 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 Fischer Studio Building located at 1519 Third Avenue as a historic landmark and adds it 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 controls in the agreement apply to the exterior of the building. However, the controls do not apply to the following: the replacement of windows and doors on the north and west façades, the replacement of windows and doors on the section of the south façade located west of the first bay, 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 Sarah Sodr, Department of Neighborhoods at 206-615-1786.

Sincerely,



Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

259850
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.

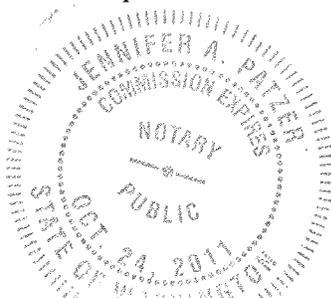
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123382 ORDINANCE

was published on

09/01/10

The amount of the fee charged for the foregoing publication is the sum of \$ 300.30, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

09/01/10

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 123382

AN ORDINANCE relating to historic preservation, imposing controls upon the Fischer Studio Building, 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 16, 2008, voted to approve the nomination of the improvement (the building) located at 1519 Third Avenue in Seattle, which is referred to as the Fischer Studio Building for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on September 3, 2008 the Board voted to approve the designation of the Fischer Studio Building under SMC Chapter 25.12; and

WHEREAS, on May 20, 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 improvement (the building) located at 1519 Third Avenue in Seattle, which is referred to as the Fischer Studio Building for the purposes of this ordinance, is hereby acknowledged.

A. Legal Description. The Fischer Studio Building is located on the property legally described as:

Lot 6, Block 23, A.A. Denny's Third Addition to the Town of Seattle, according to the plat recorded in Volume 10f Plats, page 33, in King County, Washington.

Except the northeasterly 12 feet thereof, heretofore condemned in King County Superior Court Cause No. 52280 for widening of Third Avenue as provided in Ordinance No. 13776 of the City of Seattle.

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

The exterior of the improvement (the building).

C. Basis of Designation. The designation was made because the Fischer Studio Building 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 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, or period, or of a method of construction (SMC 25.12.350.D).

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

Section 2. **CONTROLS:** The following controls are hereby imposed on the features and characteristics of the Fischer Studio Building 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), including the storefront, entry and canopy. The City Historic Preservation Officer and Board acknowledge that the storefront, entry and canopy are not original features of the building and any future changes should be compatible with the building's architectural character.

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. Window and door replacement on the north, west, and the portion of the south façade to the west of the first bay.

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 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. The style of any replacement windows on the eastern bay of the south façade. The type of window material does not require review.

Section 3. **INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the Fischer Studio Building 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.

County

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.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to Seattle Municipal Code Title 23.

E. The Owner may participate in the City's Landmark TDR Bank after obtaining a determination from the City concerning the quantity of unused development rights for the Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to Seattle Municipal Code Section 23.49.014, Transfer of Development Rights (TDR).

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

Section 5. The Fischer Studio Building 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 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 16th day of August, 2010, and signed by me in open session in authentication of its passage this 16th day of August, 2010.

Richard Conlin

President of the City Council

Approved by me this 23rd day of August, 2010.

Michael McGinn, Mayor

Filed by me this 23rd day of August, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, September 1, 2010.

9/1(259850)