

Ordinance No. 123937

The City of Seattle – Legislative Department

Council Bill No. 117524

Council Bill/Ordinance sponsored by: Richard Conlin

AN ORDINANCE relating to the referral of certain permit applications from the Department of Planning and Development to the Department of Neighborhoods for historic landmark review and amending Sections 25.05.800 and 25.12.370 of the Seattle Municipal Code.

Committee Action:

Date	Recommendation	Vote

Related Legislation File:

Date Introduced and Referred: 7.16.12	To: (committee): Planning, Land Use
Date Re-referred:	To: (committee): + Sustainability
Date Re-referred:	To: (committee): Full Council
Date of Final Action: 7.23.12	Date Presented to Mayor: 8.1.12 7.24.12
Date Signed by Mayor: 7/30/12	Date Returned to City Clerk: 8/1/12
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input 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
7.23.12	Passed	8-0

excused: SC

CITY OF SEATTLE
ORDINANCE 123937
COUNCIL BILL 117524

AN ORDINANCE relating to the referral of certain permit applications from the Department of Planning and Development to the Department of Neighborhoods for historic landmark review and amending Sections 25.05.800 and 25.12.370 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 25.05.800 of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 117430, is amended as follows:

25.05.800 Categorical exemptions.

* * *

B. Other Minor New Construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

1. The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles;
2. The construction and/or installation of commercial on-premises signs, and public signs and signals;
3. The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long



1 as this is not within watersheds controlled for the purpose of drinking water quality in
2 accordance with WAC 248-54-660), temporary traffic controls and detours, correction of
3 substandard curves and intersections within existing rights-of-way, widening of a highway by
4 less than a single lane width where capacity is not significantly increased and no new right-of-
5 way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change,
6 etc), where capacity is not significantly increased and no new right-of-way is required,
7 channelization and elimination of sight restrictions at intersections, street lighting, guard rails
8 and barricade installation, installation of catchbasins and culverts, and reconstruction of existing
9 roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders,
10 addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including
11 additional automobile lanes;

12 4. Grading, excavating, filling, septic tank installations, and landscaping
13 necessary for any building or facility exempted by subsections A and B of this section, as well as
14 fencing and the construction of small structures and minor accessory facilities;

15 5. Additions or modifications to or replacement of any building or facility
16 exempted by subsections A and B of this section when such addition, modification or
17 replacement will not change the character of the building or facility in a way that would remove
18 it from an exempt class; (1)

19 6. The demolition of any structure or facility, the construction of which would be
20 exempted by subsections A and B of this section, except for structures or facilities with
21 recognized historical significance; (1)

22 7. The installation of impervious underground tanks, having a capacity of ten
23 thousand (10,000) gallons or less;

24 8. The vacation of streets or roads;



9. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water;

10. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(1) Footnote for 25.05.800.B. 5 and B.6:

Proposed actions that involve structures that exceed the following thresholds and that appear to meet criteria set forth in Chapter 25.12 for landmark designation are subject to referral to the Department of Neighborhoods pursuant to SMC 25.12.370:

Table A for Footnote (1) for 25.05.800.B.5 and B.6

Zone	Residential Uses
	Permit Applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, Industrial zones	4
LR2	6
LR3	8
MR, HR, SM, Downtown zones	20

Table B for Footnote (1) for 25.05.800.B.5 and B.6

Zone	Non-residential Uses
	Permit Applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:
C1, C2, SCM, Industrial zones	12,000
All other zones	4,000

Section 2. Section 25.12.370 of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:



1 **25.12.370 - Nomination.**

2 A. Any person including the Historic Preservation Officer and any member of the Board
3 may nominate any site, improvement or object for designation as a landmark. Nominations may
4 be made on official nomination forms provided by the Historic Preservation Officer, shall be
5 filed with the Historic Preservation Officer, and shall include all data required by the Board.

6 B. The Department of Planning and Development shall refer improvements, sites, or
7 objects to the Landmarks Board that ~~((are subject to environmental review for a pending permit
8 application))~~ exceed the thresholds in Tables A and B for Footnote (1) for 25.05.800.B.5 and
9 B.6, and that appear to meet criteria set forth in this chapter for landmark designation. The
10 referral shall be in the form of a nomination and shall include the information required by the
11 Board for a nomination. Board consideration of the referred building, site, or object shall proceed
12 in the same manner as a nomination.

13 C. Nominations found by the Historic Preservation Officer to contain adequate
14 information shall be considered by the Board at a public meeting. The Historic Preservation
15 Officer or the Board may amend or complete any nomination. The nominator may withdraw the
16 nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the
17 Department of Planning and Development as part of its environmental review of pending permit
18 applications.

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



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Passed by the City Council the 23rd day of July, 2012, and
signed by me in open session in authentication of its passage this
23rd day of July, 2012.

Sally Bagshaw
President pro tem of the City Council

Approved by me this 30th day of July, 2012.

[Signature]
Michael McGinn, Mayor

Filed by me this 1st day of August, 2012.

[Signature]
Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:

Contact Person/Phone:

CBO Analyst/Phone:

Legislative Planning and Development Neighborhoods	Sara Belz/4-5382 Mike Podowski/6-1988 Karen Gordon/4-0381	NA
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Legislation Title:

AN ORDINANCE relating to the referral of certain permit applications from the Department of Planning and Development to the Department of Neighborhoods for historic landmark review and amending Sections 25.05.800 and 25.12.370 of the Seattle Municipal Code.

Summary of the Legislation:

This legislation would require the Department of Planning and Development (DPD) to refer permit applications to the Department of Neighborhoods (DON) that 1) involve structures that exceed the thresholds listed in the following tables, and 2) appear to meet the criteria for landmark designation that is set forth in Seattle Municipal Code (SMC) Chapter 25.12.

Zone	Residential Uses
	Permit Applications for additions, modifications, demolition, or replacement of structures with more than the following number of dwelling units are referred to DON for landmark review:
SF, RSL, LR1, NC1, NC2, NC3, C1, C2, Industrial zones	4
LR2	6
LR3	8
MR, HR, SM, Downtown zones	20

Zone	Non-residential Uses
	Permit Applications for additions, modifications, demolition, or replacement of structures with more than the following square footage amounts are referred to DON for landmark review:
C1, C2, SCM, Industrial zones	12,000
All other zones	4,000

Under SMC 25.12, an object, site or improvement that is more than 25 years old may be designated as a landmark if it has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, state, or nation, if it has integrity or the ability to convey its significance, and if it falls into one of the following categories:



- A. 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; or
- B. It is associated in a significant way with the life of a person important in the history of the City, state, or nation; or
- C. 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; or
- D. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction; or
- E. It is an outstanding work of a designer or builder; or
- F. 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.

Background:

DPD staff conduct environmental review of proposed development projects pursuant to the State Environmental Policy Act (SEPA). When an element of a proposed project that is subject SEPA review also appears to meet the City's criteria for landmark designation (see above), DPD refers the application to DON's Historic Preservation Program staff for further analysis. This referral practice was established pursuant to the SMC and in an interdepartmental agreement but the practice itself is not codified in the SMC.

The City's existing SEPA thresholds for projects in all zones are consistent with the tables that appear on page 1 of this fiscal note. This legislation would codify those thresholds as thresholds for historic landmark review that are separate from the City's environmental review thresholds under the SEPA. As SEPA thresholds are subject change over time, this legislation will help preserve DON's ability to determine the landmark eligibility of historic resources that could be impacted by future development projects.

This legislation is intended as a companion ordinance to CB 117430, which, in part, would raise SEPA thresholds in multifamily and commercial zones that are located in Urban Centers and Station Area Overlay Districts.

Please check one of the following:

This legislation does not have any financial implications.

This legislation has financial implications.



Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?

No; the purpose of this legislation is to codify an existing City practice that was previously established via an interdepartmental agreement between DPD and DON.

b) What is the financial cost of not implementing the legislation?

It is unlikely the City would bear any direct financial costs as a result of this legislation not being implemented. However, if the ordinance is not passed and DPD and DON's existing practice of reviewing project applications for potential impacts to historic resources is not codified, it is possible that structures eligible for landmark status could be significantly altered or destroyed.

c) Does this legislation affect any departments besides the originating department?

The legislation references DPD and DON; however, it would not implement any new City policies nor create any additional responsibilities for department staff. Staff from both departments assisted with the preparation of this ordinance.

d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?

DPD could continue to operate in accordance with an interdepartmental agreement that articulates when a project should be referred to DON for historic landmark referral. However, as SEPA thresholds and DPD staff change over time, understanding and awareness of such an agreement could erode. Codifying the departments' existing practices of referring and reviewing proposed projects that may impact historic resources would help ensure potential landmarks within the City of Seattle are identified and preserved.

e) Is a public hearing required for this legislation?

No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No publication of a public hearing notice is required.

g) Does this legislation affect a piece of property?

No.

h) Other Issues: None.

List attachments to the fiscal note below: None.



FILED
CITY OF SEATTLE
12 SEP -7 PM 3: 15
CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--SS.

287392
CITY OF SEATTLE, CLERKS OFFICE

No. 123933,934,935,936,937

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: TITLE ONLY ORDINANCE

was published on

08/10/12

The amount of the fee charged for the foregoing publication is the sum of \$ 104.63, which amount has been paid in full.



Affidavit of Publication

James C. C. C. C.

Subscribed and sworn to before me on

08/10/12

[Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on July 23, 2012, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 123933

AN ORDINANCE authorizing, in 2012, acceptance of funding from non-City sources; authorizing the heads of the Seattle Fire Department, Seattle Police Department, Office of Economic Development, Office of Sustainability and Environment, Department of Neighborhoods, Human Services Department, Department of Information Technology, Seattle City Light, Department of Parks and Recreation, Seattle Department of Transportation and Seattle Public Utilities to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123934

AN ORDINANCE relating to a recreational trails agreement with King County; authorizing the Director of Seattle Public Utilities to grant King County permission to develop and operate recreational trails on portions of utility property in the Tolt Right of Way, the Lake Youngs Reservoir area, the West Seattle Right of Way, the Snoqualmie Valley/Rattlesnake Lake area, and the Cedar River Pipeline Drain Right of Way; in partial consideration for which the County will grant the City permission to use King County property in the vicinity of Rattlesnake Lake for recreational trails and an access road; and authorizing the Director to execute the agreement for these property uses.

ORDINANCE NO. 123935

AN ORDINANCE relating to the Seattle Center Department; authorizing execution of a right of entry agreement with Comcast Cable Communications Management, LLC and a license agreement with KCTS Television, to allow for access of conduit and installation of fiber optic cable and related equipment needed to provide various communication services at Seattle Center.

ORDINANCE NO. 123936

AN ORDINANCE relating to the Technology Matching Fund Program; making allocations and authorizing implementation of certain Technology Matching Fund projects in 2012; providing that 2012 appropriations for the Technology Matching Fund from the Cable Television Franchise Subfund and from the Information Technology Fund shall automatically carry forward into the 2013 fiscal year; that any unspent funds from an individual project may be applied to another Technology Matching Fund project; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123937

AN ORDINANCE relating to the referral of certain permit applications from the Department of Planning and Development to the Department of Neighborhoods for historic landmark review and amending Sections

25.05.800 and 25.12.370 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, August 10, 2012.

8/10(287392)