



SEATTLE CITY COUNCIL

Legislative Summary

CB 118731

Record No.: CB 118731

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125105

In Control: City Clerk

File Created: 06/02/2016

Final Action: 08/17/2016

Title: AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, 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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Burgess

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: erin.doherty@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	07/05/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk						
	Notes:						
1	City Clerk	07/05/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	07/08/2016	sent for review	Affordable Housing, Neighborhoods, and Finance Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Affordable Housing, Neighborhoods, and Finance Committee						
	Notes:						

- 1 Full Council 07/18/2016 referred Affordable Housing, Neighborhoods, and Finance Committee
- Action Text: The Council Bill (CB) was referred. to the Affordable Housing, Neighborhoods, and Finance Committee
- Notes:
- 1 Affordable Housing, Neighborhoods, and Finance Committee 08/03/2016 pass Pass
- Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
- In Favor: 2 Chair Burgess, Member Johnson
- Opposed: 0
- 1 Full Council 08/08/2016 passed Pass
- Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
- Notes:
- In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien
- Opposed: 0
- 1 City Clerk 08/12/2016 submitted for Mayor's signature Mayor
- 1 Mayor 08/16/2016 Signed
- Action Text: The Council Bill (CB) was Signed.
- Notes:
- 1 Mayor 08/17/2016 returned City Clerk
- 1 City Clerk 08/17/2016 attested by City Clerk
- Action Text: The Ordinance (Ord) was attested by City Clerk.
- Notes:
-

CITY OF SEATTLE

ORDINANCE

125105

COUNCIL BILL

118731

AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, 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 Preservation 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 ("Board"), after a public meeting on August 20, 2014, voted to approve the nomination of the improvement located at 6559 35th Avenue NE and the site on which the improvement is located (which collectively are referred to as "The Theodora" for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 1, 2014, the Board voted to approve the designation of The Theodora under SMC Chapter 25.12; and

WHEREAS, on December 2, 2015, 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 Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board ("Board") of the improvement located at 6559

35th Avenue NE and the site on which the improvement is located (which collectively are referred to as “The Theodora” for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. The Theodora is located on the property legally described as:

That portion of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 4, Township 25 North, Range 4 East, w.m., in King County, Washington, described as follows:

Beginning at the intersection of the South line of East 68th Street and West line of 35th Avenue Northeast as shown on the plat of Roosevelt Heights Second Addition, according to the plat recorded in Volume 33 of plats, Page 37, in King County, Washington, thence South along the West line of 35th Avenue Northeast, 234 feet to the North line of Block 5 of said Addition; thence West along the North line of said Block, 273.54 feet to the East line of 34th Avenue Northeast; thence North along said East line 234 feet to the South line of East 68th Street; thence East along said South line to the point of beginning.

B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of The Theodora:

1. The site;
2. The exterior of the building; and
3. The first floor interior court, library, dining room, lounge, and fireplace.

C. Basis of Designation. The designation was made because The Theodora is more than 25 years old, has significant character, interest, or value as a part of the development, heritage, or cultural characteristics of the City, state, or nation, has integrity or the ability to convey its significance, and 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, or period, or of a method of construction (SMC 25.12.350.D); and
3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

1 Section 2. CONTROLS: The following controls are hereby imposed on the features or
2 characteristics of The Theodora that were designated by the Board for preservation:

3 A. Certificate of Approval Process.

4 1. Except as provided in subsection 2.A.2 or subsection 2.B of this
5 ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC
6 Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the
7 owner may make alterations or significant changes to the features or characteristics of The
8 Theodora that were designated by the Board for preservation.

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

10 a. Any in-kind maintenance or repairs of the features or
11 characteristics of The Theodora that were designated by the Board for preservation.

12 b. ADA signage.

13 c. A text change to any previously approved sign, provided that there
14 are no design changes to font, letter size, color, material, or any other aspect of the sign's design
15 or installation.

16 d. Removal of the following landscape elements: trees less than 8
17 inches in diameter measured 4 1/2 feet above ground; shrubs; perennials; and annuals.

18 e. Installation, removal, or alteration of temporary site furnishings,
19 including benches, movable planters, and trash receptacles.

20 f. Installation or repair of underground utilities and irrigation,
21 provided that the site is restored in kind.

B. City Historic Preservation Officer Approval Process.

1. The City Historic Preservation Officer (CHPO) may review and approve alterations or significant changes to the features or characteristics listed in subsection 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 or significant changes, including applicable drawings or specifications.

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

2. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12. 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 timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics of The Theodora that were designated by the Board for preservation is available for the following:

a. For the specified features and characteristics of the building, the addition or elimination of ducts, conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.

b. Installation, removal, or alterations of exterior light fixtures, including exterior security lighting, and security system equipment.

c. Signage other than signage excluded in subsections 2.A.2.b or 2.A.2.c of this ordinance.

d. Removal of hazardous trees more than 8 inches in diameter measured 4 1/2 feet above ground.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of The Theodora 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 permit issued pursuant to SMC Title 23.

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

C. Special tax valuation for historic preservation may be available under RCW Chapter 84.26 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 SMC Title 23.

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

Section 5. The Theodora is hereby added alphabetically to Section II, Buildings, of 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 CHPO, and

- 1 deliver one copy to the Director of the Seattle Department of Construction and Inspections. The
- 2 CHPO is directed to provide a certified copy of this ordinance to the owner of the landmark.


Section 7. This ordinance shall take effect and be in force 30 days 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 8th day of August, 2016,
and signed by me in open session in authentication of its passage this 8th day of
August, 2016.



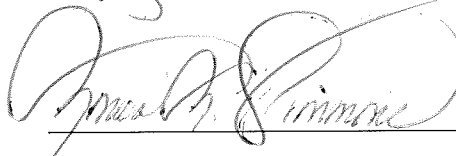
President _____ of the City Council

Approved by me this 16th day of August, 2016.



Edward B. Murray, Mayor

Filed by me this 17th day of August, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



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SEATTLE CITY C ORD
PAGE-001 OF 008
09/14/2016 14:31
KING COUNTY, WA

80.00

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 125105

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 legal on page _2_ of document

☐ N/A

Section 4, Township 25, Range 4 East

Assessor's Property Tax Parcel/Account Number

042504-9047

☐ 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

CITY OF SEATTLE

ORDINANCE

125105

COUNCIL BILL

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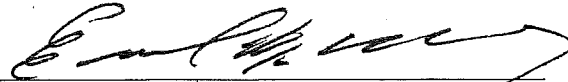
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Passed by the City Council the 8th day of August, 2016,
and signed by me in open session in authentication of its passage this 8th day of
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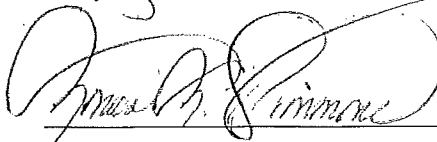
President _____ of the City Council

Approved by me this 16th day of August, 2016.



Edward B. Murray, Mayor

Filed by me this 17th day of August, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

State of Washington,
County of King

I, Rita Moore, certify that this is a true and correct
copy of Ordinance 125105, on file in the records
of the City of Seattle, Office of the City Clerk



Signed by: Rita Moore
Signature
Title: Legislative Info. Specialist
Date: 9/13/2016

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
Neighborhoods	Erin Doherty/206-684-0380	Waslala Miranda/206-233-5044

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, 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 and background of the Legislation: The attached legislation acknowledges the designation of The Theodora as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds The Theodora to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

The Theodora was built in 1965 and is located in the Ravenna neighborhood. 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 site, the exterior of the building, and the first floor interior court, library, dining room, lounge and fireplace, but do not apply to any in-kind maintenance or repairs of the designated features.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

☒ This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?
No.
- b) Is there financial cost or other impacts of not implementing the legislation?
No.
- c) Does this legislation affect any departments besides the originating department?
No.

d) Is a public hearing required for this legislation?

No.

e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

Yes, the legislation directs the City Clerk to record a certified copy of the ordinance with the King County Director of Records and Elections and the City Historic Preservation Officer is directed to provide a certified copy to the owner of the landmark.

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

No.

g) Does this legislation affect a piece of property?

Yes, see attached map.

h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

No new initiative or programmatic expansion.

j) Other Issues:

None

List attachments/exhibits below:

Exhibit A – Vicinity Map of The Theodora

Erin Doherty
Summary Ex A – Vicinity Map of The Theodora
V1



Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

STATE OF WASHINGTON -- KING COUNTY

--SS.

341046

No. TITLE ONLY

CITY OF SEATTLE, CLERKS OFFICE

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.

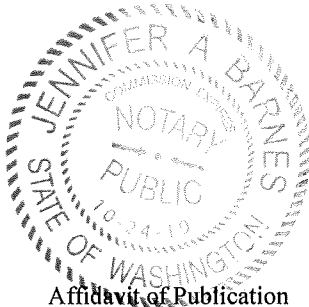
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125103-07,109,114-115

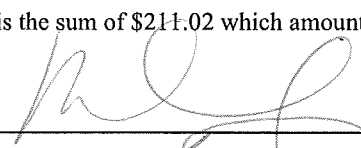
was published on

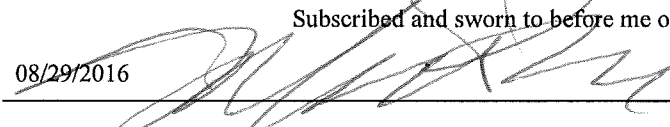
08/29/16

The amount of the fee charged for the foregoing publication is the sum of \$211.02 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

08/29/2016


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on August, 8, 2016 and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125103

Council Bill 118675

AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map (Chapter 23.32) to rezone land within the Lake City Urban Village and along Lake City Way; amending subsection 23.47A.005.C of the Seattle Municipal Code to remove certain restrictions on street-level street-facing residential uses; and amending Section 23.47A.009 to adopt development standards for certain properties along Lake City Way.

Ordinance 125104

Council Bill 118725

AN ORDINANCE relating to the Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to execute for and on behalf of the City an amendment to the existing Seacrest Boathouse Concession Agreement with Marination LLC, originally authorized by Ordinance 124112; authorizing the Superintendent to execute future amendments relating to concession fees as the Superintendent determines to be in the best interest of the City; and ratifying and confirming certain prior acts.

Ordinance 125105

Council Bill 118731

AN ORDINANCE relating to historic preservation; imposing controls upon The Theodora, 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.

Ordinance 125106

Council Bill 118732

AN ORDINANCE relating to City streets; changing the name of Broad Street between 9th Avenue N and Westlake Avenue N to Roy Street, of Warren Place between Warren Avenue N and its east terminus to Warren Place N, of S Della Street between 27th Avenue S and Martin Luther King Jr. Way S to S Walden Street, of Cloverdale Place S between Rainier Avenue S and Seward Avenue S to S Cloverdale Place, of NW 35th Street between 1st Avenue NW and NW Canal Street to NW Canal Street, of 1st Avenue NW between the south margin of N Canal Street and N 35th Street to N Canal Street, of a lower roadway at the east of the present existing bridge on Eastlake Avenue NE between its south terminus at the shoreline and the south margin of NE Pacific Street to Eastlake Place NE, of a lower roadway at the east of the present existing bridge on Eastlake Avenue NE between the north margin of NE Pacific Street and the south margin of NE 40th Street to Eastlake Place NE; correcting and confirming the name and location of NW 114th Street between NW Carkeek Park Road and NW 116th Street as NW 114th Street; naming the alley in Blocks 2, 3, and 4, Seaboard Addition to the City of Seattle, as 30th Avenue SW; naming the alley in Block 19, Denny-Fuhrman Addition to the City of Seattle, as Yale Terrace E; and superseding Ordinance 102981 to the extent inconsistent.

Ordinance 125107

Council Bill 118733

AN ORDINANCE relating to the Central Puget Sound Regional Transit Authority ("Sound Transit"); authorizing execution of the "Lynnwood Link Supplement to the Memorandum of Agreement for

Intergovernmental Cooperation (April 20, 1998) between Central Puget Sound Regional Transit Authority (Sound Transit) and the City of Seattle for the Central Link Light Rail Project"; and ratifying and confirming certain prior acts.

Ordinance 125109

Council Bill 118737

AN ORDINANCE relating to the Seattle City Employees' Retirement System; creating a separate retirement plan for City employees whose membership in the Retirement System begins on or after January 1, 2017; clarifying certain provisions and making technical corrections; and adding new Sections 4.36.005, 4.36.607, and 4.36.608 to, and amending Sections 4.36.010, 4.36.020, 4.36.030, 4.36.040, 4.36.050, 4.36.060, 4.36.070, 4.36.080, 4.36.090, 4.36.500, 4.36.505, 4.36.510, 4.36.515, 4.36.520, 4.36.525, 4.36.530, 4.36.540, 4.36.545, 4.36.550, 4.36.555, 4.36.560, 4.36.565, 4.36.567, 4.36.570, 4.36.575, 4.36.580, 4.36.585, 4.36.590, 4.36.595, 4.36.600, 4.36.605, 4.36.610, 4.36.615, 4.36.620, 4.36.625, 4.36.630, 4.36.635, 4.36.640, 4.36.645, 4.36.650, 4.36.655, 4.36.660, 4.36.665, 4.36.670, 4.36.675, 4.36.680, 4.36.690, 4.36.695, 4.36.705, 4.36.710, 4.36.715, 4.36.720, and 4.36.900 of, the Seattle Municipal Code.

Ordinance 125114

Council Bill 118755

AN ORDINANCE relating to the Open Housing Ordinance; adding antidiscrimination protections based on a renters' use of a subsidy or verifiable alternative source of income; adding a first-in-time policy; prohibiting preferred employer programs; adding Section 14.08.050 to, and amending Sections 14.08.015, 14.08.020, 14.08.040, 14.08.045, 14.08.060, 14.08.070 and 14.08.190 of, the Seattle Municipal Code.

Ordinance 125115

Council Bill 118757

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

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