

Ordinance No. 121240

Council Bill No. 114629

The City of Seattle Council Bill/Ordinance

AN ORDINANCE relating to historic preservation, imposing controls upon the Seattle Monorail, 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.

Pass Yes: h
No: 1
Abstain:

CF No. _____

Date Introduced:	JUL 14 2003	
Date 1st Referred:	To: (committee)	Neighborhoods, Arts & Char Rights Committee
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	7-2
Date Presented to Mayor:	Date Approved:	8/13/03
Date Returned to City Clerk:	Date Published:	4/10/03
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

8-4-03 Passed

This file is complete and ready

KE

Law Department

Law Dept. Review

Council Bill/Ordinance sponsored by: _____

Licata

Councilmember

Committee Action:

Pass Yes: Licata, Conlin, Willis, Drago, Compton (5)

No: Pageler (1)

Abstain: Steinbrueck, Nicastro (2)

8-4-03 Passed 7-2 (No: McIver, Pageler)

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

(initials)

Law Department

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Council Bill 2*

Law Dept. Review

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City Clerk
Review

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- A. It is the location of, or associated in a significant way with, a historic event with a significant effect upon the community, City, state or nation;
- D. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction;
- E. It is an outstanding work of a designer or builder;
- 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;

is hereby acknowledged.

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Seattle Monorail and its site:

CERTIFICATE OF APPROVAL PROCESS

1. A Certificate of Approval, issued by the City of Seattle's Landmarks Preservation Board pursuant to Seattle Municipal Code, 25.12, must be obtained, or the time for denying a Certificate of Approval application must have expired, before the owner may make alterations or significant changes to:

a. The exterior form, materials, or color of the Monorail cars and the configuration of the car interiors as of the date of this agreement.

2. A Certificate of Approval is not required for the following:

- a. The original concrete guideways/beams and pylons, and the 1962 elements of the Seattle Center station site; and
- b. The Westlake Station, the concrete guideways/beams and pylons built in



1 conjunction with the Westlake Station alterations in 1988; the skybridge to the Center House, the
2 Seattle Center Administrative Offices/Alweg Building (exterior and interior), 1988 and later
3 renovations including the paving, ramp, and stairs on the exterior of the Seattle Center Station;
4 the electrical vault building, and the two ticket booths; and

5
6 c. Any in-kind maintenance or repairs of the features listed in Section A. 1 and
7 any maintenance, repair, or replacement of parts of the train mechanical and electrical systems
8 including traction motors; gearboxes; bogey assemblies; controls; suspension; bearings;
9 compressors; drive and cam shafts; pneumatic rubber tires; braking and safety systems; high and
10 low voltage systems; and other integrated elements of the mechanical, electrical, and safety
11 systems of the monorail.
12

13 Section 3. INCENTIVES

14 A. Seattle Municipal Code Title 23 provides for authorization of uses in a designated
15 Landmark that are not normally permitted in a particular zoning classification by
16 means of an administrative conditional use.
17

18 B. The Building and Energy Codes provide for exceptions on an application basis.

19 C. Historic Preservation Special Tax Valuation (Chapter 84.26 RCW) is available to all
20 Seattle landmarks subject to controls imposed by designation ordinance, upon application.

21 Section 4. Enforcement of this Ordinance and penalties for its violation shall be as
22 provided in SMC 25.12.910.
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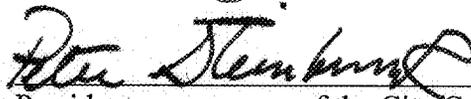
24 Section 5. The Seattle Monorail, and the site, are hereby added to the Table of Historical
25 Landmarks contained in SMC Chapter 25.32.
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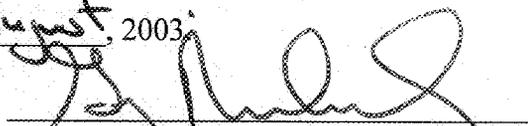
1 Section 6. The City Clerk is directed to record this Ordinance with the King County
2 Director of Records and Elections, deliver two copies to the City Historic Preservation Officer,
3 and deliver one copy to the Director of the Department of Design, Construction and Land Use.

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

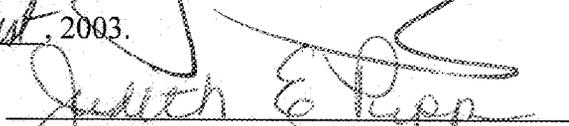
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8 Passed by the City Council the 4th day of August, 2003, and signed by me in open
9 session in authentication of its passage this 4th day of August, 2003.

10
11 
12 President _____ of the City Council

13 Approved by me this 13 day of August, 2003.

14 
15 Gregory J. Nickels, Mayor

16 Filed by me this 13th day of August, 2003.

17 
18 City Clerk

19
20 (Seal)



Council Bill 114629
Divided Report of the Neighborhoods, Arts, and Civil Rights Committee
July 28, 2003

On April 16, 2003 the current Seattle Center monorail cars, the guideway, columns and stations, with the exception of post 1962 improvements, were designated a historic landmark by the Landmarks Preservation Board. On June 4, 2003 the Landmarks Preservation Board approved the signed controls and incentives agreement, which imposed controls on all of the features designated historic by the Board.

On June 27th the Mayor transmitted to the Council a designating ordinance, which would impose controls on the elements of the Seattle Center monorail system identified as historically significant by the Landmarks Preservation Board, and would require a Certificate of Approval for the modification of any of the 1962 elements of the system, including the Seattle Center station, the guideway and columns. The Mayor stated in the transmittal letter that he does not agree with the Landmarks Preservation Board's decision to designate the guideway, columns, and the Seattle Center station, but is required to convey the ordinance to the Council with controls on these elements as a matter of law. The Mayor encouraged the Council, in the transmittal letter, to "use its authority within the City Code to modify the controls determined by the Landmarks Preservation Board."

On July 9th the Neighborhoods, Arts and Civil Rights committee held a public hearing. Twenty-nine people testified at the hearing, with 14 opposed to designating the columns and guideways; 8 supported designating the columns and guideways; 3 favored imposing conditions on demolition of the current system; 2 spoke to issues associated with the 2002 monorail campaign; and 1 presented a proposal for a park below the current monorail.

On July 14th Councilmember Licata introduced C.B. 114629, which would impose controls on the Alweg monorail cars. By limiting the controls only to the monorail cars, and not imposing controls on the guideway, columns and stations, the Council Bill would make it possible for the SMP to demolish all of the system, with the exception of the cars, without seeking a COA. This approach is consistent with the Mayor's transmittal letter and the wishes of the SMP, and provides the SMP with greater certainty regarding design of the system on Fifth Avenue.

On July 22nd, the Neighborhoods, Arts and Civil Rights Committee took up C.B. 114629. During the discussion of the Council Bill, Councilmembers Pageler and Steinbrueck both spoke in favor of the Landmarks Preservation Board's decision, and the importance of respecting the process for designating and preserving landmarks. Councilmember Steinbrueck pointed out that designation does not necessarily equal preservation, and that the Certificate of Approval process is intended to allow for the demolition of designated structures.

Councilmember Pageler stated out that the Council last year debated whether to exempt the City's reservoirs from landmark review because of the cost and schedule impacts of going through the designation process. However, the Council deemed the landmarks designation process of sufficient importance that they elected not to waive that requirement for the City. Councilmember Pageler added that the SMP is seeking this legislation to avoid cost and schedule impacts, and that they should be held to the same standard as the City and private developers.

Councilmembers Compton pointed out that the SMP is concerned about the impact that going through the COA process would have on their design effort and the project cost and schedule. Councilmember Drago added that the Council has adopted resolutions that articulate the City's intent to provide expedited permitting.

Councilmember Conlin stated that he has a great deal of respect for the Landmarks Preservation Board, but that the Council is empowered by the City Charter to make the final decision on designating ordinances. He added that having two monorails on Fifth Avenue is not a realistic option, and that there are significant urban design benefits associated with replacing the existing monorail structure with a higher guideway and smaller columns. He also pointed out that the Seattle Center chose to transmit this ordinance directly to the Council, without negotiating more favorable terms in the controls and incentives agreement, anticipating that the Council would impose controls only on the monorail cars.

Councilmember Licata pointed out that the citizens of Seattle had voted for a new line of Fifth Avenue, and added that the businesses along Fifth Avenue have stated their desire that the Monorail be replaced. Councilmember Wills elaborated on this point, showing her colleagues a full page add from a weekly newspaper, paid for by 50 Fifth Avenue businesses, stating that they want the current monorail replaced. Councilmember Wills expressed concern that the construction of a second monorail along Fifth Avenue could be exceedingly disruptive to the businesses along this alignment, particularly Seattle Glass Blowing Studio, perhaps even affecting their economic viability. Councilmember Licata then called for a vote on the Council Bill, which passed with five votes for, one vote against, and two abstentions.

Majority (Compton, Conlin, Drago, Licata, Wills): When the citizens of Seattle voted in favor of constructing a city-wide monorail system, they did so in the belief that the line along Fifth Avenue would be demolished and replaced with a new, higher guideway with narrower columns. Businesses along Fifth Avenue feel strongly that the old monorail should be replaced. While the majority respects the recommendation of the Landmarks Preservation Board, the Council has the final authority to determine the controls imposed on landmark-designated structures. Because the City has an interest in insuring that the SMP can move forward with design and construction of their system, without the uncertainty that a Certificate of Approval appeals process would generate, the Council favors passage of Council Bill 114629.

Minority: (Pageler): The imposition of controls on the existing monorail does not foreclose the possibility that the monorail could be demolished. Adhering to the recommendation of the Landmarks Preservation Board merely requires the SMP to go through the same process that is required of private developers and the City when they seek to modify or demolish a historic structure. The Council should respect the recommendation of the Landmarks Preservation Board and the landmark designation process, and should require the SMP to go through the Certificate of Approval process.

Abstentions: (Steinbrueck, Nicastro)

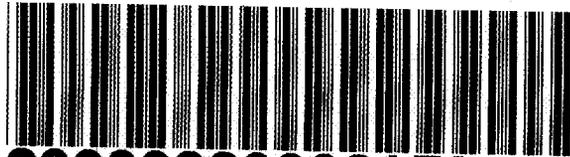
If you have questions, please feel free to contact John Taylor, 684-8178.

Return Address:

Seattle City Clerk's Office

600 4th Avenue, Room 104

Seattle, WA 98104



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KING COUNTY, WA

Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

<p>Document Title(s) (or transaction contained therein): (all areas applicable to your document must be filled in.)</p> <p>1. ORDINANCE #121240</p>	<p>FILED CITY OF SEATTLE OCT 14 PM 1:5 CITY CLERK</p>
<p>Re - _____ of document.</p> <p>AN ORDINANCE relating to historic preservation, imposing controls upon the Seattle Monorail, 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.</p>	
<p>Grantor(s) (Last name first, then first name and initials) 1. City of Seattle <input type="checkbox"/> Additional names on page--- -of document.</p>	
<p>Grantee(s) (Last name first, then first name and initials) 1.N/A 2.</p>	
<p>Legal description (abbreviated: i.e. lot, block, plat or section, township, range) <input type="checkbox"/> Additional reference #s on page -----of document N/A</p>	
<p>Assessor's Property Tax Parcel/Account Number/ N/A</p> <p><input type="checkbox"/> Assessor Tax # not yet assigned.</p>	

ORDINANCE 121240

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4 Monorail, a Landmark designated by the Landmarks Preservation Board under
5 Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of
6 Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

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

10 WHEREAS, the Landmarks Preservation Board, after a public meeting on March 5, 2003, voted
11 to approve the nomination of the Seattle Monorail located in downtown Seattle as a
12 Landmark under SMC Chapter 25.12; and

13 WHEREAS, after a public meeting on April 16, 2003, the Board voted to approve the
14 designation of the Seattle Monorail and the site as a Landmark under SMC Chapter
15 25.12; and

16 WHEREAS, on June 4, 2003, the Board and the owners of the designated property agreed to
17 controls and incentives; and

18 WHEREAS, the Board recommends to the City Council approval of controls and incentives;
19 NOW, THEREFORE,

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

21 Section 1. DESIGNATION: The designation by the Landmarks Preservation Board of
22 the Seattle Monorail, and the site, described as:

23 D. T. Denny's Third Addition, Block 21, Lot 5; and

24 D. T. Denny's Park Addition, Block 56, Lots 5, 6, and 8, and Block 57, Lot 1; and

25 D. T. Denny's Third Addition, Block 51, a portion of the South 20 feet of Lot 4, Lot 5, the North
26 5 of the portion of the West 10 Feet of Lot 6, the North 20 Feet of Lot 7, Lot 8, and the South 1
27 Feet of Lot 9, all in Block 51

28 as a Landmark based upon satisfaction of the following standards of SMC Section 25.12.350:



- 1 A. It is the location of, or associated in a significant way with, a historic event with a
2 significant effect upon the community, City, state or nation;
- 3 D. It embodies the distinctive visible characteristics of an architectural style, or period, or
4 of a method of construction;
- 5 E. It is an outstanding work of a designer or builder;
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Section 6. The City Clerk is directed to record this Ordinance with the King County Director of Records and Elections, deliver two copies to the City Historic Preservation Officer, and deliver one copy to the Director of the Department of Design, Construction and Land Use.

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 4th day of August, 2003, and signed by me in open session in authentication of its passage this 4th day of August, 2003.

Pete Steinkamp
President _____ of the City Council

Approved by me this 13 day of August, 2003.
Gregory J. Nickels
Gregory J. Nickels, Mayor

Filed by me this 13th day of August, 2003.
Judith E. Papp
City Clerk

(Seal)

STATE OF WASHINGTON }
COUNTY OF KING } SS
CITY OF SEATTLE

I, JUDITH E. PAPP, CITY CLERK OF THE CITY OF SEATTLE, DO HEREBY CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT COPY OF Ordinance 121240

AS THE SAME APPEARS ON FILE, AND ON RECORD IN THIS DEPARTMENT.

IN WITNESS WHEREOF, I HAVE ~~HEREBY~~ SET MY HAND AND AFFIXED THE SEAL TO THE CITY OF SEATTLE, the 20th day of August, 2003
JUDITH E. PAPP
CITY CLERK

BY: Margaret Carter
DEPUTY CLERK



STATE OF WASHINGTON – KING COUNTY

--SS.

162146
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

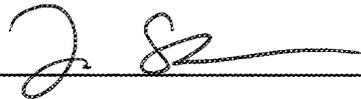
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121240 ORD IN FULL

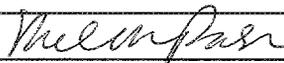
was published on

8/18/2003

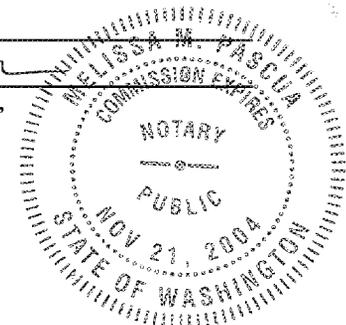


Subscribed and sworn to before me on

8/18/2003



Notary public for the State of Washington,
residing in Seattle



Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121240

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WHEREAS, after a public meeting on April 18, 2003, the Board voted to approve the designation of the Seattle Monorail and the site as a Landmark under SMC Chapter 25.12; and

WHEREAS, on June 4, 2003, the Board and the owners of the designated property agreed to controls and incentives; and

WHEREAS, the Board recommends to the City Council approval of controls and incentives; NOW, THEREFORE,

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