**ORDINANCE** 123296

AN ORDINANCE relating to historic preservation, imposing controls upon the (former) Sixth Church of Christ, Scientist 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 1, 2009, voted to approve the nomination of the improvement (the building) and the parcel of property on which the improvement is located at 2656 42nd Avenue SW in Seattle for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on August 5, 2009, the Board voted to approve the designation of the (former) Sixth Church of Christ, Scientist under SMC Chapter 25.12; and

WHEREAS, on November 4, 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 both the improvement (the building) and the parcel of property located at 2656 42nd Avenue SW in Seattle, which improvement and property are

collectively referred to as the (former) Sixth Church of Christ, Scientist for the purposes of this ordinance, is hereby acknowledged.

A. Legal Description. The (former) Sixth Church of Christ, Scientist is located on the property legally described as:

Lots 22, 23 and 24, Block 7, Plat of West Seattle by U.R. Niesz & Ada B. Niesz, according to the Plat thereof, recorded in Volume 9 of Plats, page 10, records of King County, Washington.

B. Specific Features and/or Characteristics Designated. Pursuant to SMC 25.12.660.A.2, the following specific features and/or characteristics of the (former) Sixth Church of Christ, Scientist are designated:

1. The exterior of the building.
2. The interior of the first floor foyer of the building, including the ramps.
3. The site.

C. Basis of Designation. The designation was made because the (former) Sixth Church of Christ, Scientist 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 embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction (SMC 25.12.350.D).
2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

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 (former) Sixth Church of Christ, Scientist that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 and Section 2.B 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).

   b. The interior of the first floor foyer of the building, including the ramps.

   c. The site.

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. Installation, removal, or alteration of the following landscape elements: trees less than eight inches (8 inches) in diameter measured four and one half feet (4 ½ feet) above ground, shrubs, perennials, and annuals.

c. Installation, removal, or alteration of temporary site furnishings, including benches, movable planter boxes, and movable water features.

d. Installation, removal, or alteration of floor coverings that do not damage the existing floor in the foyer.

e. Installation, removal, or alteration of temporary interior window coverings.

f. Removal or alteration of non-original light fixtures in the foyer.

g. Alterations to paint color for the painted wall surfaces in the foyer.

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 2.A.1 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 more than eight inches (8 inches) in diameter measured four and one half feet (4 ½ feet) above ground.
   c. Installation, removal, or alterations of exterior light fixtures, including exterior security lighting, and security system equipment.
   d. Installation, removal, or alterations of non-illuminated exterior signage less than six square feet in area.
   e. Installation, removal, or alterations of City code-required doors on the north and east elevations of the building.
   f. Installation, removal, or alterations of exterior door hardware.
   g. Installation, removal, or alterations of railings, decking, planters and garden equipment on the roof.
   h. Alterations to the existing metal fencing, gates, and handrails on the site.

Section 3. INCENTIVES: The following incentives are hereby granted on the features and characteristics of the (former) Sixth Church of Christ, Scientist 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 (former) Sixth Church of Christ, Scientist 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 10th day of May, 2010, and signed by me in open session in authentication of its passage this 10th day of May, 2010.

President _____ of the City Council

Approved by me this 13th day of May, 2010.

Michael McGinn, Mayor

Filed by me this 14th day of May, 2010.

State of Washington,
County of King

I, Janet Polata certify that this is a true and correct copy of Ordinance No. 123296, on file in the records of the City of S[illegible] [illegible]ce of the City Clerk

City Clerk

(Seal)

Signed by:
Signature [signature]
Title: Information Specialist
Date: May 19, 2010