

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Closed-Record Appeal of Certificate of Appropriateness issued for Ronald School
DEPARTMENT:	City Attorney
PRESENTED BY:	Ian Sievers, City Attorney

BACKGROUND AND PROCEDURAL HISTORY:

This is a closed-record appeal of a Certificate of Appropriateness issued by the City of Shoreline Landmarks Commission for the Ronald School located at 749 N. 175th Street, Shoreline Washington. The Commission is established under SMC 15.20.020 and an interlocal agreement with King County to provide historic landmark designation and protection. The Commission is guided by the Rules and Procedures of the City of Shoreline Landmarks Commission (Exhibit 11¹) and the Rules of Procedure For Cosed Record Hearings Before an Appeal Authority of the City of Shoreline (**Attachment F**).

If the City receives an application for a development proposal which affects a city of Shoreline Landmark it will not be considered a complete application unless accompanied by a Certificate of Appropriateness. SMC 15.20.036. The Shoreline School District filed an application for a Conditional Use Permit for its redevelopment of Shorewood High School including restoration, integration, and upgrade of the original Ronald School. High School construction requires a Conditional Use Permit in low-density residential zones such as the zoning for Shorewood High School.

The Ronald School was designated a City of Shoreline landmark in October, 2008 because it is a rare surviving example of a semi-rural school building constructed during an era of early suburban expansion in the area, and embodies distinctive characteristics of early 20th century school design. The designation controls alteration of the significant features consisting of all exterior portions of the building and the land surrounding the building within 15 feet on the east, west and south and to the 175th right of way on the north without a Certificate of Appropriateness (Exhibit 1). The high school reconstruction will be located in the NE quadrant of the site and attached to the existing Ronald School from its south side.

An application was submitted for a Type II Certificate of Appropriateness by the Shoreline School District on September 2, 2010 (Exhibit 2A-D). A Hearing was held by the Shoreline Landmarks Commission on November 17, 2010 (Transcript, Ex. 95). The Commission's Findings of Fact and Decision approving the Certificate of Appropriateness was issued on December 3, 2010 (Exhibit 1; **Attachment A** hereto).

¹ Exhibits refer to the Record before the Shoreline Landmark Commission. Copies are available at the Clerk's Office and City Council Office and a CD has been provided to councilmembers.

This appeal was timely filed on January 7, 2011 by Shoreline Preservation Society (Appeal; **Attachment B** hereto).

HEARING:

Under the Commission Rules and Procedures the Type II Certificate of Appropriateness may be appealed to the City Council based on the record before the Commission. Rule IX (1); KCC 20.62.110 adopted by SMC 15.20.025 G. The Council is familiar with the closed record hearing format for quasi-judicial land use actions where an open record pre-decisional hearing has been held by the Planning Commission. The difference here is that the decision by the Council is a ruling on an appealed approval rather than an original action on the land use application based on a recommendation.

The City Attorney will be representing the City Council for advice on procedural questions during the hearing and to assist in drafting the Council's written findings and decision.

The adopted appeal procedure under the Landmark Commission Rules allows the Council to request additional information of the parties or the Commission at the public hearing. The Commission's staff report is attached hereto as **Attachment C** (Ex 88). A Commission staff representative will be available to answer any questions from the Council. Both parties, the School District and the Appellant Shoreline Preservation Society, will be allowed 15 minutes of argument exclusive of questions from the Council and responses. Under Shoreline rules of procedure for closed record appeals, the burden of proof is on the appellant Shoreline Preservation Society to establish that the decision of the Shoreline Landmarks Commission is not supported by the preponderance of the evidence. The Council will deliberate in an executive session after the hearing. The Open Public Hearings Act creates an exception for the Council meeting devoted to discussion of quasi-judicial matters between named parties².

The action alternatives include:

1. Remand the proceeding to the Commission for reconsideration if an error of fact may exist in the record.
2. Modify or reverse the decision of the Commission if the decision is based on an error in judgment or conclusion.
3. Deny the appeal and sustain the decision of the Commission.

The Council enters findings of fact from the record and conclusions in support of its appeal decision and may adopt all or portions of the Commissions' findings and conclusions.

APPLICABLE LAW:

² RCW 42.30.130: "...Provided that this chapter shall not apply to:

...
(2) That portion of a **meeting** of a **quasi-judicial** body which relates to a **quasi-judicial** matter between named parties as distinguished from a matter having general effect on the **public** or on a class or group; "

Under Rules and Procedures VI 6 the criteria shall be:

- A. The extent to which the proposed alteration or significant change would adversely affect the specific features or characteristics specified in the latest of the preliminary determination of significance, if any, or the designation report;
- B. The reasonableness or lack thereof of the proposed alteration of significant changes in light of other alternatives available to achieve the objectives of the owner and the applicant.
- C. The extent to which the proposed alteration or significant change may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance;
- D. The extent to which the proposed alteration or significant change is necessary or appropriate to achieving for the owner or applicant a reasonable return on the site, improvement or object, taking into consideration factors specified in KCC.20.62.100, as adopted by reference in SMC 15.20.025, and Part VII of these Rules and Procedures and the economic consequences of denial.

KCC.20.62.100 and Part VII of the Rules and Procedures are attached hereto for convenience (**Attachment D and E** respectively).

FINANCIAL IMPACT: None.

RECOMMENDATION

Conduct the closed-record hearing and deliberate in executive session. Council should pass an Ordinance adopting findings, conclusions and a decision at a subsequent meeting tentatively set for March 7, 2011 to accept, reject or modify the decision of the Shoreline Landmarks Commission.

Approved By: City Manager  City Attorney _____

Attachments-

- A. Commission's Findings of Fact and Decision approving the Certificate of Appropriateness
- B. Appeal Statement
- C. Landmarks Commission Staff Report for Certificate of Appropriateness
- D. KCC 20.62.100
- E. Part VII of the Shoreline Landmarks Commission Rules and Procedures
- F. Rules of Procedure For closed Record Hearings Before an Appeal Authority of the City of Shoreline

- G. Opening Brief of Appellant – Shoreline Preservation Society
- H. Shoreline School District Response Memorandum
- I. Response to Shoreline Preservation Society Appellant Brief



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CITY OF SHORELINE LANDMARKS COMMISSION FINDINGS OF FACT AND DECISION Ronald School Certificate of Appropriateness No. 1021

PROPERTY: Ronald School
PROPERTY ADDRESS: 749 N. 175th Street, Shoreline, WA
OWNER: Shoreline School District
APPLICANT: Nancy Callery, Bassetti Architects

SUMMARY

The Shoreline Landmarks Commission (Commission) approves a certificate of appropriateness (COA) to construct a new school building and restore elements of Ronald School, a City of Shoreline landmark, located at 749 N. 175th Street in Shoreline, Washington.

Public Hearing: The Commission held a public hearing on a COA application for the Ronald School on November 17, 2010 at the Richmond Masonic Center, 753 N 185th Street, Shoreline, Washington. Staff submitted the certificate of appropriateness application, supporting documentation, including the Design Review Committee recommendation, and staff recommendation to commissioners prior to the meeting. Vicki Stiles, the City's special member to the Commission, recused herself from the hearing due to conflict of interest because she is the Executive Director of the Shoreline Historical Museum (current tenant of the subject building). Commissioner Brian Rich recused himself from the hearing because he is employed by Bassetti Architects, the Applicant for this COA.

At the hearing, staff provided a brief summary of the proposal, followed by a presentation by the Applicant, Nancy Callery of Bassetti Architects, and a statement by Sue Walker, Superintendent of Shoreline School District. Ms. Callery said the project was necessary in order to meet the requirements of the school bond recently approved and to provide a replacement for Shorewood High School. She also provided details on the design of the proposed new building, its attachment to Ronald School, and the restoration of certain elements of the landmark building. She further described the alternatives which the School District considered prior to submitting the current proposal. Ms. Walker read a statement asking the Commission to approve the application.

Thirty-three people offered oral testimony. Of these, 17 spoke against approving the application and 16 spoke in favor of approving it. Nine of those who spoke against approval and one who

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spoke in favor also submitted written statements at the hearing. One additional person submitted written testimony at the hearing in favor of approval. Prior to the hearing, written testimony was received from 29 people: fifteen opposed the project or said that more information was needed before a decision could be made (seven of these people also testified at the hearing); twelve were in favor of the project (five of them also testified at the hearing). In addition, one person commented on the SEPA process conducted by the school district and one commented on the conditional use permit for the school currently being considered by the City of Shoreline. Neither of these issues are admissible under the Commission's rules and regulations. Other exhibits were submitted prior to the hearing a list of which is contained in *Attachment A – List of Exhibits*.

The Commission's decision to approve the COA application was based on it meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically Standards 1, 2, 5, 6, 7, 9 and 10; Shoreline Municipal Code 15.20; and Criteria VI.6.A-D of the Rules and Regulations of the Shoreline Landmarks Commission. See Design Review Committee Report (Exhibit No. 41) for discussion of applicable standards.

FINDINGS

The Commission found that the proposed project is in compliance with the above-noted standards and criteria. In making its decision, the Commission adopted the following specific findings:

1. Ronald School is significant under Criterion A1 for its association with the broad theme of education and under Criterion A3 as an excellent example of early 20th century school design, executed in a modest Classical Revival style. The period of significance is 1912-1951.
2. The features of significance include all exterior portions of the building; and all of the land area within the boundaries of the designated area. The boundaries extend to the parcel limits on the north and to a line 15 feet from the building on the east, south, and west sides.
3. The building was constructed as a schoolhouse, with classrooms and offices. For many years the building has housed the Shoreline Historical Museum. The proposed new use will again be education, but as part of a larger school complex, and with high school students being the primary focus.
4. School districts utilize building guidelines that recommend specific facilities and sizes for modern school campuses. The subject site is smaller than is recommended for contemporary high school facilities, and is two-thirds the size of the other high school in the district (Shorecrest).
5. Various site restrictions, including poor soils for construction, traffic levels in adjacent residential neighborhoods, and the need to continue using the adjacent high school buildings

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while the new one is being constructed, necessitated siting the proposed new building at the north and east side of the site, in proximity to the landmark.

6. In addition to other locations on the site, additional alternatives were considered including the demolition of the landmark and the relocation of the landmark to another parcel.
7. The proposed new building has a rhythmic pattern of fenestration that complements but does not replicate the rhythm of windows in the landmark.
8. The proposed new building has a vocabulary of building base, body and cornice that complements but does not replicate the same vocabulary on the landmark.
9. The proposed new building is composed of several components, with the components closest to the landmark consisting of more translucent elements, creating a subtle effect of separation between the new and old buildings. These components are also compatible in massing to the massing of the landmark but do not replicate the massing.
10. Ronald School is located closer to the street than the proposed new building to the east. It is set back slightly from the front plane of the landmark and approximately 35 feet from the east (side) elevation to visually accentuate the landmark.
11. A new building could be constructed to within 15 feet of the landmark on the east, south or west without having to obtain a COA.
12. Non-historic driveways located on either side of Ronald School will be removed and replaced with landscaping and sidewalks, more in keeping with the original site.
13. The proposed new building on the rear of Ronald School is two stories high, one story shorter than the landmark, creating a subtle effect of separation from it and emphasizing visual preference of the landmark.
14. No historic materials that are designated features of significance will be removed. There will be a minor alteration of features on the rear of the building, where the proposed new building will be attached. This alteration will include the removal of non-historic windows and the infilling of the window openings as required by building code for adequate fire separation.
15. There will be minimal impact on spatial relationships, as the primary elevations of the building will be maintained, with only the addition of a new building at the rear. Currently the building is surrounded by a parking lot and driveways, both non-historic elements, and these will be removed.
16. All distinctive materials, features, finishes and construction techniques (features of significance) will be preserved. Some brickwork will be repointed to match the existing

mortar joints. Where the proposed new building is attached on the rear of the building, the existing exterior brickwork will be maintained and will be preserved within the envelope of the proposed new building.

17. Deteriorated woodwork and brickwork will be repaired. In cases where woodwork is too deteriorated to repair, replacement will match the historic woodwork based on physical and photographic evidence.
18. The existing windows are replacement windows and are approximately 40 years old. The proposed new replacements will replicate the original windows using historic photographs and physical evidence as guidance. They will match the originals in design, texture, visual qualities, and dimensions, and if budget allows, material. The windows will contain insulated glass panels, and will have a low-E coating, but this should not alter the visual quality.
19. Exterior brickwork will be cleaned using a low-pressure wash and mild detergent. These are common and acceptable methods for cleaning historic brick.
20. Only that portion of the proposed new building that is within the designated boundaries of the landmark can be reviewed by the Commission; thus review authority is limited to a 15 foot area extending from the landmark's south, east, and west elevations. However, for discussion purposes, the entire north portion of the proposed new building (that closest to the historic building) was considered in the evaluation.
21. The proposed new building does not destroy any historic features or spatial relationships. The windows at the rear of the landmark will be removed and infilled, but the windows themselves are not original. The west portion of the rear elevation has been re-sided with new material, and an elevator was added. These will be removed for attachment of the proposed new building. The spatial relationship at the front of the building, consisting of the setback from the street and the prominence at the end of Linden Avenue will not change. The spatial relationship to the east, historically consisting of open space but now containing a driveway, will be improved with the removal of the drive and an open courtyard between the historic building and the proposed new building. The spatial relationship to the west, now consisting of a driveway and open space, will also be improved by the removal of the driveway immediately adjacent to the historic building. This elevation would become more prominent, as it faces the entry for the new school.
22. The proposed new building is compatible with the existing because it has a base, body, and cornice arrangement much like the historic building, but with new materials. Final material selection has not been made, but will be reviewed with staff before construction begins. The proposed new building also has a symmetrical rhythm of window openings, but doesn't duplicate the landmark. The portions of the proposed new building immediately adjacent to the landmark are primarily glass, resulting in a visual separation of the proposed new building from the old and creating a focal point that visually emphasizes the landmark.

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23. Floor heights for the proposed new building will match those of the old, thereby reinforcing the compatibility of window openings and cornice lines.
24. Massing and size of the proposed new building is compatible as well, with the new sections closest to the landmark being comparable in height and volume. The larger volumes of the proposed new building are set further back on the site to minimize visual competition with the landmark.
25. The proposed new building, as designed, has minimal impact on the visual and physical integrity of the landmark. If it were removed in the future, existing historic brick would remain intact and unimpaired. Where there was originally wood siding, new wood siding could be reinstalled. Existing window openings would also be intact and could be restored with new sashes.

MINUTES AND EXHIBITS

The minutes of the Shoreline Landmarks Commission public hearing of November 17, 2010 are on file in the King County Historic Preservation Program office, 400 Yesler Way, Suite 510, Seattle, Washington.

The following exhibits were entered into the record: See *Attachment A - List of Exhibits*.

DECISION

At its November 17, 2010 meeting the Commission unanimously approved a certificate of appropriateness as recommended by the Design Review Committee and staff, including the conditions described in the DRC Report (see Exhibit No. 41), to construct a new school building and restore historic elements of Ronald School.

SHORELINE LANDMARKS COMMISSION


Lauren McCroskey, Chair

12-3-10
Date

TRANSMITTED this 3rd day of December, 2010 to the following parties and interested persons:

Nancy Callery, Bassetti Architects
Loine McConachie, Bassetti Architects
Sue Walker, Shoreline School District

Paul Cohen, City of Shoreline
Bob Ferguson, King County Councilmember
Travis Alley, King County Council Staff

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Jennifer Altona
Dean L. Barth
Kate Bauman, GG Architects
John Behrens
Boni Biery
Wes Brandon
Beth Burkell
Kathy Carrow, Shorewood PTSA
Raymond S. Collins
Loren Day
Amy Daybert, Enterprise News
Linda Delgado
Wendy DiPese
Bill Dunbar
Debi Ehrlichman
Ann Erickson
Alfred Frates, Jr.
Tanya Frates
Karen Frazier
Suzanne Gillette
Julio and June Gomalez
Jeff Greene, GG Architects
Judy Griegel
Suzanne Gugger
Kathy Hall
Marcia Harris, Shoreline School District
Lois Harrison
Diane Hettrick, Shoreline Area News
Michelle Hickman
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Lisa Hirohata
Leanne S. Hofford
Julie Houff
Ken Howe
Jocelyn Hudson
Mike Jacobs
Carole Johanneson
Steve Kellett
Sue Kienast, Bothell Historical Society
Kate Krafft, Krafft & Krafft Architects
Sharon Leitner
Flo Lentz, 4Culture

Sarah Lovejoy
Dale Lydin
Zelma McCart
David S. Mann
Lisa Mannery
Afia Christine Menke
Aaron Miller
Geneva F. Norton
Maren Norton
Patti Par Norwood
Angela Nouwens
Margie Olson
Helen M. Oltman
Virginia M. Paulsen
Suzanne Pardee
Blaine Phelps
Richard Potter
Teri Potter
Christie Quigley
Robert L. Ransom
Henry Reed, Shoreline Historical Museum
Connie Samson
Garry Schalliol
Keith Scully
Shoreline Historical Museum, c/o Vicki Sales
Shoreline Preservation Society, c/o Janet Way
Roger Smith
Linda Stein
Amy Stensrud
Dave and Marianne Stephens
Jan Stewart
Sigrid Strom
Lisa Surowiec
Les Tonkin, Tonkin/Hoyne/Lokan Architects
Neal Vonada
Janet Way
Vicki Westberg
David Wilson
Linda Wilson
Ken Winnick
Sarah Ann and Vance Woodfield
Jean Wren

NOTICE OF RIGHT TO APPEAL OR RECONSIDER

Appeal. Any person aggrieved by a decision of the Shoreline Landmarks Commission issuing or denying in whole or in part, a Type II or III Certificate of Appropriateness may, within 35 calendar days of mailing of notice of the action, appeal the decision to the Shoreline City Council. Written notice of appeal shall be filed with the Historic Preservation officer and the City Clerk and shall be accompanied by a statement setting forth the grounds of the appeal, supporting documents and argument. (KCC 20.62.110 A, as adopted by reference in SMC 15.20.025.)

Reconsideration. Any person aggrieved by a decision of the Shoreline Landmarks Commission issuing or denying in whole or in part, a Certificate of Appropriateness may, within 20 calendar days of mailing of notice of the decision, petition the Commission for reconsideration on the grounds the decision was based on 1) error or omissions of fact; or, 2) that new information bearing on the decision, and not reasonably available to the Commission at the time of the decision, is available. The written petition shall be filed with the Historic Preservation Officer and shall be accompanied by 1) a statement setting forth the grounds for the petition; and, 2)

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any supporting documents. Within 70 calendar days of a petition for reconsideration, the Commission shall review the record, and may, at its discretion, render a revised decision. The Commission may, at its discretion, hold another public hearing on the matter.

GENDLER & MANN, LLP

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January 7, 2011

Scott Passey
Shoreline City Clerk
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King County Preservation Officer
Historic Preservation Program
701 Fifth Ave, Suite 2000
Seattle, WA 98104

Re: Appeal of Ronald School Certificate of Appropriateness No. 1021

Dear Ms Koler and Mr Passey:

Pursuant to Part IX (I) of the Rules of Procedure of the City of Shoreline Landmarks Commission, the Shoreline Preservation Society ("SPS") appeals the Ronald School Certificate of Appropriateness No. 1021 issued December 3, 2010. The Shoreline Preservation Society is a local, Washington State non-profit organization with a stated mission to "foster the preservation of historical heritage, cultural and environmental assets throughout the Shoreline Area." The Shoreline Preservation Society is a party of record with legal standing in the Certificate of Appropriateness Decision on the Ronald School by the City of Shoreline Landmarks Commission. Members of its board of directors live in the Shoreline area, and are impacted by any alterations to the Ronald School. We incorporate by reference, the entire file on the Certificate of Appropriateness Decision (including all comment letters, documents, power points and transcript of the hearing), SPS Conditional Use Permit comment letter related files and all related SEPA documents.

The Ronald School is the oldest public building in Shoreline, built in 1912 and as such, is of inestimable value to the Shoreline community. The Ronald School was Landmarked in 2008 with a nomination by the Shoreline Historical Museum to the Shoreline (KC) Landmarks Commission. The Shoreline School District, in its effort to rebuild the Shorewood HS has unfortunately chosen to forever alter this historic landmark, when many other alternatives might have been chosen that would not have affected it significantly.

We believe the Historic Preservation Officer for King County HP and the Shoreline Landmarks Commission issued the COA (Certificate of Appropriateness) Decision in error, because the

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design plans will significantly alter the Landmarked building. It is particularly egregious, that the "Shoreline" Landmarks Commission (which actually had no representation from Shoreline), has made a decision that detrimentally affects a nearly 100-year old, landmarked building that is at the very heart of our City's Town Center, and which has great significance to Shoreline culturally and economically.

A. Introduction -- History of the Decision

In order to understand how our community got to this point, it is important to establish a short history of the Ronald School and its significance. The 1912 building was nominated and Landmarked in 2008 by the Shoreline Historical Museum, which has been housed in the building since 1975. The Museum owned the building until this fall, and Shoreline School District owns the property in a longstanding partnership. The Museum had received numerous grants (State, County and Non-profit) and raised significant funding to make many improvements on the building, including retrofitting for earthquake concerns, an elevator for handicapped access, and restoration of many historic features. And, of course the Museum provided stewardship and countless educational programs over the last 35 years for the communities, hosting over 10,000 visitors per year. The Museum highlighted the history of both the community and school district.

The Shoreline Landmarks Commission held a public hearing on the nomination on October 23, 2008. The Shoreline School District did not support this effort.

There were two major criteria for Landmarking the Ronald School. Criterion A-1, for "its association with the theme of education" was noted. And Criterion A-3 was also noted in the Landmarks Commission Findings of Fact, because "it embodies the distinctive characteristics of the early 20th Century school design and because it is a rare example of the type." The Features of Significance include: *All exterior portions of the building, and the land area within the nominated boundaries.*

The Ronald School property was donated by Judge J.T. Ronald, a pioneer and former Mayor of Seattle, who owned a large section of property in what is now central Shoreline. The original school was a one-room style schoolhouse but, in 1912 the community constructed a two-story brick masonry style school building with a daylight basement level. In 1926, the school was expanded to its current size. The Shoreline School District had done remodeling of the building several times, including installation of the current windows. The building was left in disrepair and abandoned by the Shoreline School District in 1971.

In January 2010 the Shoreline School District placed a \$150 million Bond on the ballot for rebuilding two High Schools, with no clear description to the voters of what was to be voted on, especially with regard to the fate of the Ronald School. In fact, the District neglected to send out a voters' pamphlet to explain to voters and taxpayers what was proposed. Just prior to the election, an "Agreement in Principle" was inked at the eleventh hour, which would have moved

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the building to a nearby lot, but with neither actual certainty that the proposed property was available nor any legally binding contract. The proponents touted this as a "solution" in order to garner support from loyal Museum supporters who were reluctant to vote against a school measure. The voters approved the bond believing the Museum and Ronald School would be saved. But, in the end, the School District would not help acquire that property and the deal fell through, being based upon no substance.

B. Statement of Grounds for Appeal

1. The Commission Erred in the fundamental protection of the landmark and carrying out the "intent of the law".

The Commission made the following errors in carrying out the "intent" of the Shoreline Landmarks Preservation code:

a. The decision is in direct violation of the intent of the Shoreline Municipal Code, Chapter 15.20, Landmarks Preservation. The statute states in 15.20.010 B:

Such cultural and historic resources are a significant part of the heritage, education and economic base of the city of Shoreline, and the economic, cultural and aesthetic well being of the city cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources

The decision will cause "*unnecessary destruction and defacement of such resources*" in violation of this statute and the Secretary of Interior Standards and the Landmarks Commission's Rules of Procedures and Criteria for COA (below). The proposed design changes to the rear of the building will alter and deface the existing building in a location that is a part of the original structure, built in 1912. The proposal will "encase" the rear wall, and attach it to the new huge structure so that it's "stand alone character" is lost. Also, the surrounding property out to 15' is Landmarked and this proposal will destroy that spatial relationship and the space surrounding the building.

b. The decision violates the intent of the Goals and Policies of the Shoreline Comprehensive Plan. Specifically, we think it violates and undermines:

Goal 1: Encourage historic preservation to provide context and perspective to the community."

Community Design Policies – Historic Preservation Policies:

- CD 54: Preserve, enhance and interpret Shoreline's historical and archeological

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identity.

- CD 58: Review proposed changes to historic landmark sites and structures to ensure that these resources continue to be a part of the community.
- CD 60: Encourage stewardship of historic sites and structures.
- CD 61: Work cooperatively with other jurisdictions, agencies, organizations and property owners to preserve historic resources.

All FOUR sides of the exterior building of Ronald School were designated as landmarks by this Commission in 2008 as well as the grounds out to 15 feet. This decision violates the very integrity of the landmarking process. As stated in the Shoreline Preservation Society's November 17, 2007 letter to the Commission, "Building an attractive and successful new HS is not dependent on impacting this historic building. There was never any effort to design around the building. There was always and still is plenty of room to design around this building and let it teach history. Unlike what you've been told by the SSD and Bassetti, defacing and irreparably harming this 100-year-old Landmarked building is NOT necessary to achieve educational goals." (attached as Exhibit 1).

2. The Decision fails to follow Secretary of Interior Standards

As recognized by the Commission, prior to issuance of a Certificate of Appropriateness, the school district was required to demonstrate that the proposal would comply with the Secretary of Interior's Standards for the Treatment of Historic Properties. The Commission's decision fails to comply with these standards.

a. We incorporate by reference the arguments concerning standards 1, 2, 4, 5, 9 and 10 in the Shoreline Preservation Society's October 13, 2010 comment letter. (Attached as Exhibit 2).

b. The Shoreline Preservation Society is not alone in its assertions that the proposal does not meet the Secretary of Interior's standards. Noted historical expert Kate Krafft, the original author of *City of Shoreline Landmark Registration Form* for the Ronald School, provided her written comments. (attached as Exhibit 3). Ms. Krafft noted first that after reviewing the DRC report to the Landmarks Commission, she believed that "substantive factual information was not provided to the Design Review Committee (DRC) nor included in this report to the full commission". Ms. Krafft goes on to state her opinions that neither standard 2 (maintenance of historical character) nor standard 9 (new additions) are met. Standard 2 is not met because the "historic architectural character of extant exterior features of the original 1912 schoolhouse shall not be retained and preserved." Ms. Krafft disagrees strongly with the DRC Report's characterization of the alteration as "minor." Ms. Krafft concludes that Standard 9 is not met because the new addition will "in fact—destroy historic spatial relationships and the

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historic form of the original 1912 schoolhouse, contrary to how the addition is characterized in the DRC report. Ms. Krafft concludes that "[t]his adverse impact *is not necessary and can be avoided*; in order to meet *Standard 9* and protect the integrity of this historic property the design for the modern school facility should be revised so that it is located *further to the east and southeast* of Ronald School and is *only* directly connected to the west side of the current south elevation."

KCHP Staff had suggested that the Commission should consider Ms. Krafft's suggestions seriously, but the Commissioners and Bassetti dismissed her ideas giving them only a few minutes of cursory consideration at the hearing, even though she is an expert on the Landmarked Building having written the original landmark nomination report. But, her proposal offers a better compromise solution that honors the intent of the original design.

c. Similarly, Flo Lentz, another noted expert from 4Culture attended the hearing and spoke. The gist of some her comments is included in an opinion that the proposal DOES NOT meet the Criteria, and that some key questions and observations about the impacts and precedents that would be set by this decision potentially affecting ALL King County Landmarks. She asked the Commissioners to consider some concepts that might impact Ronald School if the proposed plan was completed. And she asked whether the RSB would still be eligible as a "landmark" if it were merely a small portion of a much larger building, and what kind of precedent would that set? These are serious questions, which were never properly addressed by the panel.

3. The Decision Fails to Meet Rules of Procedure Criteria 6B

Again, as recognized by the Commission, a proposal for Certificate of Appropriateness must also meet Criteria VI.6.A-D of the Rules of Procedure. The decision fails to comply with Criteria 6B. Criteria 6B requires you to consider:

The reasonableness or lack thereof of the proposed alteration of significant changes in light of other alternatives available to achieve the objectives of the owner and the applicant.

Despite repeated requests by the public, including members of the Shoreline Preservation Society, for an alternative that left the Ronald School both intact and isolated sufficiently so that it stands out, we find no record that alternatives were considered by the Shoreline School District as required. This is a fundamental failure. Without a documented review of alternatives, the Landmarks Commission cannot make a decision on this application.

The place for preparing and reviewing alternatives is through the SEPA environmental review process. Because the School District failed to address alternatives during its SEPA review, however, the SEPA documentation is insufficient for the Landmarks Commission's reliance. Indeed, the failure to address alternatives, and particularly in the situation where the underlying substantive law requires a review of alternatives, results in a SEPA checklist and threshold

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determination that was obtained through a lack of material disclosure. SEPA threshold determinations obtained through the lack of material disclosure must be withdrawn. WAC 197-11-340(3)(a)(iii).

At the Hearing the applicant, Bassetti presented alternatives that were supposedly reviewed by Design Review Committee, however the minutes of that meeting do not show any evidence these alternatives were actually discussed. So the Commissioners assertion that they did so, at the hearing appears to be an error. (Bassetti claimed during this presentation that "soils" were the primary reason for not selecting these alternatives; but no evidence has ever been presented to explain the technical basis for this decision and why that meant that the Ronald School could not be left intact.) It is a serious question, why SSD and Bassetti did not submit these alternatives to the record before Design Review, and why weren't these alternatives made available to SPS with its repeated records requests? Also these alternatives were never presented to the public during the SSD design process. An exhaustive search of the SSD records on this matter and FOIA's by SPS never produced these supposed alternatives.

4. The Commission Failed to Follow Procedures

The decision is in error because it violates SMC 15.20 and Shoreline Landmarks Commission "Rules of Procedure" pursuant to SMC 15.20.

The original COA hearing date, planned for October 14th was postponed with only 24 hrs notice against stated policies. AND it was postponed for several conflicting reasons, including a claimed "Appearance of Fairness" because of a need to have more commissioners present (this was requested by Shoreline School District). (SLC Rules of Procedure: "A. Notice of the cancellation or rescheduling of a meeting shall be published not less than six days before the scheduled meeting and not less than six days before the changed meeting date.") In the end, the Hearing was attended by only four commissioners (the same number which had been intended for the original hearing date); and with one having to recuse himself because he works for Bassetti. So, there ended up being only three commissioners (out of the supposed nine member commission by statute) to decide this matter as the Shoreline Landmarks Commission, with NO ONE from Shoreline represented on the commission, on the fate of the oldest public building in the City.

Since the postponement was not required for the stated reason - to allow more Commissioners to participate - we question whether there was any legitimate reason to grant the delay. We suggest that it was desired by the applicants to allow them time to amend the record regarding "alternatives" (see above under "Failure to comply with Rules of Procedure and SEPA (Lack of proper consideration of other Alternatives), and that the hearing itself was therefore improperly rescheduled. At the hearing new versions of proposed alternatives, which had not been seen in the record before, "appeared" in a power point, despite SPS's repeated requests to obtain these records. These "alternatives" were not shown in relation to SEPA nor were they shown to the public throughout the last two years as far as we can determine. And they were not mentioned in

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the Design Review minutes.

The City Council should determine that:

- (a) the applicants had failed to include alternatives in their record in time for the originally-scheduled Landmark Commission hearing, October 14th; and
- (b) the applicants requested a delay in the hearing *only* after having had the opportunity to read the documents submitted prior to that date by the appellants, which noted the absence of alternatives in the applicants' record; and
- (c) the "appearance of fairness" was not actually an issue since exactly the same individual Commissioners who were available on the original hearing date were all there and only the Commissioners who were present at the rescheduled date a month later, with no objection by the applicants;

It is reasonable to conclude that the reason the applicants asked for a delay was to allow them time to alter their record by creating new documents to counter the record submitted by the appellants. This must be seen as abuse of the process.

There are also many errors and flaws in the current function of the Landmarks Commission that undermine its fundamental integrity and effectiveness.

- Ex-parte communications by Commissioners declared at the time of deliberations, but which clearly influenced their decision. Commissioner Stephen Day declared that he and the Chair had been conversing about the case before the hearing. This appears to violate:

- SMC 15.20 Pt 1.2C: C. No Commissioner shall communicate with or attempt to influence any other Commissioner concerning any matter before the Commission, or which may reasonably be expected to come before the Commission, in which such Commissioner has a conflict of interest or a perceived conflict of interest.

- SMC 15.20 Pt 1.3: Commissioners must decide any quasi-judicial matters brought before the Commission only based on the public record and such things that they may properly take judicial notice. Commissioners should avoid all *ex parte* communications concerning any quasi-judicial proceeding.

- When the final motion was made, there was **NO SECOND**. This is a fundamental parliamentary procedure that should have been followed and shows recklessness on the part of the Commission and Chair in carrying out their duties and carelessness about the weight and impact of their actions.

- The lack of a Shoreline Member required by SMC 15.20 and KCC 20.62 and Interlocal

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Agreement to vote on all matters pertaining to landmarked properties within Shoreline is of major concern (see inter-local agreement). SMC 15.20.020 B: "...special member representing the City of Shoreline. The special member shall attend all meetings, and participate in and vote on all matters pertaining to the designation and protection of landmarks, design review, and special valuation applicable to properties within the city.

As a result of this appeal action, a vote might finally be made on this important matter by a body with actual Shoreline representation, the City Council. The only local participation from the Shoreline area so far is the School District representation, instead of the City itself. That just isn't proper.

- It was poor judgement for the Commission to allow a "good faith" request by Bassetti, to provide necessary design details, even though they state *"The project is currently in the Schematic Design, so many of the proposed design and construction details have not yet been fully developed"*. This shows a serious disregard for the impact to Ronald School, when the District has never demonstrated "good faith" to this landmarked building community in this entire matter. (see attached letter from Jan Stewart)

- At least two Landmarks Commissioner terms are currently expired, including the Shoreline member.

- The Design Review Committee was made up of 3 members. One of the members was a Bassetti employee Brian Rich, who had to recuse himself from the decision process. So the recommendation of this committee came from only 2 members, and which formed the basis for the signing of the COA "Agreement" to proceed on September 9th, before the Commission was able to vote.

- Three positions are vacant on the current commission.

- Delays and difficulty obtaining records – Even though it is stated in the KC Statute that tape recordings of hearings are a requirement, King County Historic Preservation office, took over one month to provide SPS a taped copy of the hearing. SPS did not receive a copy of this tape until New Years Eve day, which was originally requested the night of the COA hearing, 1/17/10. This was a hardship for the group, because of the short amount of time left before the appeal deadline. To add insult to injury, the public comment section of the tape is unintelligible. As of 1/11, SPS has still not received any *final* minutes or transcript of the hearing. "Draft" minutes have been circulated, which are incorrect and incomplete. The Draft minutes indicate commissioners being present who were absent and reports on actions taken at the end of the meeting that were not. The Draft minutes assert that Commissioner Vicki Stiles was present and she was not there *and* that there was business conducted with Commissioner Brian Rich present after the Ronald School COA Hearing, which was also incorrect.

In addition to the problem with King County records, SPS has detailed and documented in the

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record, the frustrating difficulties of obtaining records from Shoreline School District. As mentioned above, we never did receive proper responses to our requests for all documents showing any alternatives that left the Ronald School intact, which were requested during this summer.

SPS asserts that these delays and lack of provision of crucial records represents a failure to comply with the Open Records Act and we reserve the right to amend our appeal when and if these additional records are obtained.

C. Relief Requested

SPS requests that the Shoreline City Council DENY the Certificate of Appropriateness on the Ronald School and GRANT our Appeal for the reasons detailed above and REMAND this decision back to the Shoreline Landmarks Commission.

Given the errors and omissions in the record relevant to the Design Review Committee Meeting on September 9, 2010, SPS asserts that the COA Agreement signed at that meeting between the owner, applicant and the two commission representatives be revoked. Further, we believe all ongoing substantive decisions affecting design & restoration of RSB go back to the Landmarks Commission for review, and be not dealt with merely by the applicant consulting with KC Historic Preservation Staff as requested by the applicant and stated in the current COA Agreement dated September 9, 2010.

In addition, with or without a DENIAL, SPS suggests that further conditions need to be placed on this Certificate to properly meet the Secretary of Interior Standards for Rehabilitation, the COA Criteria and Rules of Procedure, the Shoreline Municipal Code and Comprehensive Plan. For example, Council can require the Applicants to revise the plan to comply with the proposal put forward by Ms Kate Krafft in her letter in the record. There are many possibilities that could be formulated to truly preserve the integrity of the Ronald School with thoughtful application of logic, and the full intent to carry out the Shoreline Landmarks Preservation Code.

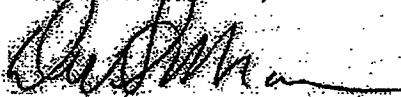
SPS urges the Council to take action on this matter to better protect the Ronald School. If what has befallen the Ronald School, is the outcome available to all Shoreline Landmarks, then no historical property is safe and the City's Landmarks Preservation code is not worth much. The intent of the Landmarks Preservation code is good, but it is up to this council to actually uphold the intent of the law. We realize this is a grave responsibility, and we appreciate that the Council will take it seriously. Shoreline can make a statement that shows it is really serious about preserving history and implementing a "heritage tourism" model. But that will only happen if Shoreline actually upholds it's own preservation laws.

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Please do not hesitate to contact me if you have any questions.

Very truly yours,

GENDLER & MANN, LLP



David S. Mann

Enclosures

Enclosure

Enclosure

Enclosure

Enclosure

CITY OF SHORELINE LANDMARKS COMMISSION

CERTIFICATE OF APPROPRIATENESS: RONALD SCHOOL

STAFF REPORT

November 17, 2010

PROPERTY NAME: Ronald School

PROPERTY ADDRESS: 749 N. 175th Street

OWNER: Shoreline School District No. 412

APPLICANT: Nancy Callery, Bassetti Architects

PROPOSAL: Construct an addition at the rear of the building and restore certain exterior features.

BACKGROUND

Significance: Ronald School is significant under Criterion A1 for its association with the broad theme of education. Used as a school building for nearly 60 years, it is an uncommon example of a semi-rural school building constructed during an important era of early suburban expansion in north King County. The period of significance is 1912-1951. The school is also significant under Criterion A3 as an excellent example of early 20th century school design, executed in a modest Classical Revival style.

Features of Significance: All exterior portions of the building; and all of the land area within the boundaries of the designated area. The boundaries extend to the parcel limits on the north and to a line 15 feet from the building on the east, south, and west sides.

Certificate of appropriateness (COA): The initial COA application was received on September 2, 2010 and reviewed by the Design Review Committee (DRC) on September 9. The special commissioner for Shoreline was invited, but recused herself prior to the meeting because of her position as the Executive Director of the Shoreline Historical Museum. At the meeting a presentation was made by the applicant and colleagues from Bassetti Architects and Greene Gassaway Architects. Additional attendees included Paul Cohen, City of Shoreline and Rich Hill, legal counsel for the school district, of the law firm McCullough Hill. DRC unanimously recommended approval to the full Commission with the conditions that the applicant submit additional substantial changes for review by staff and that photos be submitted upon completion of the project. An agreement was signed waiving a public hearing, but subsequent discussions with interested parties in Shoreline resulted in a decision to hold a hearing, based on public concern about preservation of the building. At this hearing the Commission can make a final decision to approve, approve with conditions, or deny the application. The Commission's decision is subject to appeal to the Shoreline City Council pursuant to Shoreline Municipal Code 15.20.

RECOMMENDATION: Approve COA No. 1021 as recommended by the DRC at its September 9th meeting, if the Commission feels adequate alternatives have been considered. The following facts support this recommendation:

- The project returns Ronald School to its original use as an educational facility.
- School districts utilize building guidelines that recommend specific facilities and sizes for those modern school campuses. The subject site is smaller than is recommended for modern high school facilities, and is 2/3 the size of the other high school in the district (Shorecrest).
- Various site restrictions, including poor soils for construction, traffic levels in adjacent residential neighborhoods, and the need to continue using the adjacent high school buildings while the new one is being constructed, necessitated concentrating the proposed facility at the north and east side of the site, in proximity to the landmark.
- In addition to other locations on the site, additional alternatives were considered including the demolition of the landmark and the relocation of the landmark to another parcel.
- The proposed facility has a rhythmic pattern of fenestration that complements but does not replicate the rhythm of windows in the landmark.
- The new school building has a vocabulary of building base, body and cornice that complements but does not replicate the same vocabulary on the landmark.
- The new school building is composed of several components, with the components closest to the landmark consisting of more translucent elements, creating a subtle effect of separation between the new and old buildings. These components are also compatible in massing to the massing of the landmark but do not replicate the massing.
- Ronald School is located closer to the street than the proposed new addition on the east. The addition is set back slightly from the front plane of the landmark and approximately 35 feet from the east elevation to visually emphasize the landmark.
- A new building could be constructed to within 15 feet of the landmark on the east, south or west without having to obtain a COA.
- Non-historic driveways located on either side of Ronald School will be removed and replaced with landscaping and sidewalks, more in keeping with the original site.
- The addition on the rear of the building is two stories high, one story shorter than the landmark, creating a subtle effect of separation from it and a visual emphasis on the volume of space of the landmark.
- Existing non-historic windows will be replaced with new windows that replicate the historic windows.
- The attached *DRC Report* provides additional information to support the findings stated above and also references applicable standards for this review, including those from the *Secretary of the Interior's Standards for Rehabilitation*.

TESTIMONY RECEIVED: Twenty-three letters have been received as of the date of this report and are submitted for the record. Of these letters only three significantly detailed a response to the criteria used for reviewing COAs. They are more thoroughly discussed below. Eleven letters support approval of the COA, nine are in opposition to the proposal, one discusses the issue but doesn't offer a recommendation, one recommends delay of the application until community members are satisfied with the design, and one discusses a recent SEPA review of the project. Some additional information has been provided including a newspaper article relating to design of the new school and minutes from a school board meeting.

Issues regarding submitted testimony and applicable criteria:

- Boni Biery said that a recent SEPA review done by the school district used incorrect information. The SEPA process is a separate process from the COA review and this comment is inadmissible.
- Sue Kienast asked what criteria allow the gutting of Ronald School. The criteria are the same adopted criteria used by the Commission to decide all certificates of appropriateness, *Secretary of the Interior's Standards* and Part VI of the *Rules and Regulations of the King County Landmarks Commission*. The interior of Ronald School is not a designated feature of significance, so a certificate of appropriateness is not required for interior modification or demolition.
- Helen Oltman commented that "The ENTIRE Ronald School building was historically landmarked..." It was not. Only the exterior of the building and the land around the building was designated as a City of Shoreline landmark.
- Janet Way (president of Shoreline Preservation Society) submitted comments to the City of Shoreline related to the conditional use permit for the new building. Much of her letter contains information that is not pertinent to the certificate of appropriateness application, including mention of the "flawed" SEPA process noted above, and therefore is not admissible in this proceeding. She also suggests that "Shoreline School District shall nominate the exterior of the King County Landmarked Ronald School Building for Landmark status through the National Register of Historic Places." Ronald School is a City of Shoreline landmark, not a King County landmark. Listing on the NRHP does not afford any additional protections. The landmark designation is the only legal mechanism that provides authority for review of changes to the building.
- Three letters specifically address the criteria for reviewing certificates of appropriateness:

1. Janet Way indicates that the new building does not meet any of the *Secretary's Standards*, but the most pertinent are:

Standard 2 (historic character will be retained and preserved) where she indicates that Ronald School was historically a "stand-alone" structure and attaching a very large building to it will significantly alter that. STAFF RESPONSE: The building will no longer be "stand-alone", but the new building to which it is attached is sufficiently broken up into components as to give the appearance of several buildings, and the attachment will occur at the rear, leaving three full facades that allow Ronald School to read as a singular historic building.

Standard 4 (changes that have acquired historic significance will be preserved) where she indicates that the Shoreline Historic Museum's stewardship of the landmark for the last 35 years is significant. STAFF RESPONSE: The museum did not implement any significant physical changes other than the addition of an elevator and that does not meet the minimum criteria of 40 years for historic significance.

Standard 9 (new additions shall be differentiated yet compatible) where she indicates that the overall massing of the new structure is incompatible with the landmark, and that the new height and materials too closely match the original. STAFF RESPONSE: The new building is sufficiently broken into components as to minimize the overall massing and bring

it down to a size that is compatible with the landmark. The height is intended to approximate the landmark height but new details such as a modified cornice and contemporary materials sufficiently differentiate it from the landmark while maintaining adequate compatibility.

2. David Mann and others indicate that the applicant did not consider other alternatives available (per Part VI.6.B of *Rules*) and that if these were considered, their review is not documented. STAFF RESPONSE: While this was not part of the COA application, staff and the Design Review Committee were made aware of other alternatives considered, including other locations on the school site and the potential to demolish or relocate the landmark. **The Commission may want to clarify other alternatives with the applicant and why they were not selected.**

3. Kate Krafft indicates that *Secretary's Standards 2 and 9* are not met, but there are alternatives to the proposal that would meet these criteria and avoid the impacts to the easternmost portion of the south elevation. Her suggestion is to move the new school building further east and southeast, yet still attach it to the landmark, but only to the westernmost half of the south elevation. STAFF RESPONSE: This would potentially preserve the windowed east half of the south elevation, depending on building code requirements for fire separation. It is possible that these windows would still need to be enclosed even if the building is not attached. However, staff feels this proposal is a good solution and would meet the criteria for approval of the COA, as does the current proposal. **The Commission may want to discuss this option in more detail with the applicant.**

the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994; Ord. 10474 § 7, 1992; Ord. 4828 § 8, 1980).

20.62.100 Evaluation of economic impact.

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

a. The current level of economic return on the landmark as considered in relation to the following:

(1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

(2) The annual gross and net income, if any, from the landmark for the previous five (5) years; itemized operating and maintenance expenses for the previous five (5) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five (5) years;

(4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;

(5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

(6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

(7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;

(8) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:

(1) Any real estate broker or firm engaged to sell or lease the landmark;

(2) Reasonableness of the price or lease sought by the owner;

(3) Any advertisements placed for the sale or lease of the landmark.

c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or

rehabilitation;

(2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(5) The unfeasibility of new construction around, above, or below the historic resource.

d. Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 10474 § 8, 1992; Ord. 4828 § 10, 1980).

20.62.110 Appeal procedure.

A. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within thirty-five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

B. If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that:

2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.

C. The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.

D. The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and conclusions.

E. The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken. (Ord. 10474 § 9, 1992; Ord. 4828 § 11, 1980).

20.62.120 Funding.

A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

writing to a stipulated certificate approving the requested alterations or changes or modifications thereof. If the Commission orders a Certificate of Appropriateness, such certificate shall be issued forthwith and the Historic Preservation Officer shall promptly file a copy of such certificate with the Shoreline Planning Director.

12. If the Commission denies the application for a Certificate of Appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application, the Shoreline Planning Director, and interested persons of record setting forth the reasons why approval of the application is not warranted.
13. Any interested person of record may appeal the approval or denial of a Certificate of Appropriateness as provided in KCC 20.62.110, as adopted by reference in SMC 15.20.025.
14. At the public hearing on any application for a Certificate of Appropriateness the Commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the object, improvement, or site, and there is no available alternative which has less impact on the features of significance or characteristics specified in the preliminary determination of significance or the designation report.

PART VII: EVALUATION OF ECONOMIC IMPACT

1. At the public hearing on any application for a Certificate of Appropriateness the Commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark, and there is no viable and reasonable alternative which would have less impact on the features of significance or characteristics specified in the preliminary determination of significance or the designation report. (K.C.C. 20.62.100 A as adopted by reference in SMC 15.20.025)
2. In considering what constitutes an unreasonable economic return, the Commission will consider the property owners reasonable expectations of economic return on the property, including the following:
 - A. The owner's knowledge of the preliminary determination of significance or the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition. Owners are presumed to have constructive notice of preliminary determinations and designations of landmarks filed with the Division of Records and Elections and of zoning codes affecting the property and indicating its historic significance.
 - B. Whether the landmark property was purchased for use or for investment.

1. If the landmark property was purchased for use (e.g. as a residence or for business use), does the landmark designation interfere with the property's intended use?
2. If the property was purchased as an investment (e.g. rental income) does the landmark designation adversely affect the return on the investment considering alternatives and incentives available to the owner?
3. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the Commission must find both of the following: (KCC 20.62.100 B, as adopted by reference in SMC 15.20.025)
 - a. That the landmark is incapable of earning a reasonable economic return without making the alterations or significant changes proposed. This finding shall be made by considering the record and the applicant shall submit to the Commission evidence establishing each of the following factors: (KCC 20.62.100 B.1, as adopted by reference in SMC 15.20.025)
 - (1) The current level of economic return on the property as considered in relation to the following:
 - (a) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 - (b) The annual gross and net income, if any, from the landmark for the previous five years; itemized operating and maintenance expenses for the previous five years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 - (c) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five years.
 - (d) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the same period.
 - (e) Real estate taxes for the previous four years and assessed value of the landmark according to the two most recent assessed valuations.
 - (f) All appraisals obtained within the previous three years by the owner in connection with the purchase, financing or ownership of the landmark and all other applicable appraisals to the extent available.
 - (g) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark at the time the Certificate of Appropriateness application is filed.

- (h) The form of ownership or operation of the landmark whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both.
 - (i) Any state or federal income tax returns on or relating to the landmark for the past two years. (KCC 20.62.100 B.1.a, as adopted by reference in SMC 15.20.025)
- (2) That the landmark is not marketable or able to be sold or leased when listed. The sales price or rent asked and offers received, if any, sale or rent, price asked, and offers received if any within the previous two years, including testimony and relevant documents shall be submitted by the property owner. The following shall also be considered:
- (a) Any real estate broker or firm engaged to sell or lease the landmark.
 - (b) The reasonableness of the price or rent sought by the owner.
 - (c) Any advertisements placed for the sale or lease of the landmark. (KCC 20.62.100 B.1.b as adopted by reference in SMC 15.20.025)
- (3) The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:
- (a) A report from a licensed engineer or architect with experience in rehabilitation/restoration as to the structural soundness of the landmark and its suitability for rehabilitation/restoration.
 - (b) Estimates of the cost of the proposed alteration or significant change and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the Commission concerning the appropriateness of the proposed alteration or significant change.
 - (c) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use.
 - (d) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation/restoration of historic buildings or reuse of the landmark.
 - (e) The unfeasibility of new construction around, above, or below the existing landmark. (KCC 20.62.100 B.1.c, as adopted by reference in SMC 15.20.025)

- (4) The potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs. (KCC 20.62.100 B.1.d, as adopted by reference in SMC 15.20.025)
- b. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence, to complete the alteration or significant change. (KCC 20.62.100 B.2, as adopted by reference in SMC 15.20.025) In the case of demolition or removal of the landmark, the owner has the present intent and secured financial ability, demonstrated by appropriate documentary evidence to complete the building or structure proposed to replace the landmark.
- c. Upon reasonable notice to the owner, the Commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the property, the availability of incentives and the economic impacts of approval, denial or partial denial of a Certificate of Appropriateness. (KCC 20.62.100 D, as adopted by reference in SMC 15.20.025)
- d. Any economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a Certificate of Appropriateness.

PART VIII: SPECIAL VALUATION FOR HISTORIC PROPERTY

This Part incorporates by reference the King County Administrative Policies and Procedures entitled "Procedures for Historic Preservation Special Tax Valuation."

PART IX: APPEALS AND RECONSIDERATION

1. **Appeal.** Any person aggrieved by a decision of the Commission (i) designating or rejecting, in whole or in part, a nomination for designation of a landmark or (ii) issuing or denying, in whole or in part, a Type II or III Certificate of Appropriateness may, within 35 calendar days of mailing of notice of any such action, appeal such decision to the City Council. Written notice of appeal shall be filed with the Historic Preservation Officer and the City Clerk and shall be accompanied by a statement setting forth the grounds of the appeal, supporting documents and argument. (KCC 20.62.110 A, as adopted by reference in SMC 15.20.025)
2. **Reconsideration by the Commission.** Any person aggrieved by a decision of the Commission (i) designating or rejecting, in whole or in part, a nomination for designation of a landmark or (ii) issuing or denying, in whole or in part, a Certificate of Appropriateness may, within 20 calendar days of mailing of notice of any decision, petition the Commission for reconsideration on the ground the decision was based on (i) errors or omissions of fact or (ii) that new information bearing on the decision, and not reasonably available to the petitioner at the time of the decision, is available.

RULES OF PROCEDURE FOR CLOSED RECORD HEARINGS BEFORE AN APPEAL AUTHORITY OF THE CITY OF SHORELINE, WASHINGTON

**CHAPTER II:
RULES OF APPEAL
FOR LAND USE APPLICATION
RECOMMENDATIONS AND DECISIONS,
AND OTHER DESIGNATED MATTERS**

Application of these Rules

These Rules apply to closed record appeals of recommendations and decisions that approve, deny, or condition a land use application and any other matters designated by the City Council. A closed record appeal is one where no additional evidence or information is allowed to be submitted and only appeal argument is allowed.

SECTION 1: DEFINITIONS

The definitions contained in Chapter I, "Open Record Hearings on Land Use Applications And Appeals And Other Designated Matters," shall apply to this Chapter.

SECTION 2: FILING AN APPEAL

2.1 Compliance with Rules

All appeals must comply with these Rules and any supplementary requirements established in the applicable City of Shoreline ordinance(s) under which the appeal is filed.

2.2 Timeliness

To be considered timely filed, an appeal must be received no later than 5 p.m. on the last day of the appeal period.

2.3 Fee

Any filing fee as required by City resolution or ordinance shall accompany the appeal.

2.4 Contents

An appeal must be in writing and contain the following:

- a. A brief statement as to how the appellant is specifically affected by or interested in the matter appealed;
- b. A brief statement of the appellant's issues on appeal, noting appellant's specific exceptions and objections to the decision or action being appealed;
- c. The relief requested, such as reversal or modification;
- d. Signature, address, and day phone number of the appellant, and name and address of appellant's designated representative, if any.

SECTION 3: DISMISSAL

3.1 An appeal may be dismissed without a hearing if the Appeal Authority determines that it fails to state a claim for which the Appeal Authority has jurisdiction to grant relief, or it is without merit on its face, frivolous, or brought merely to secure delay.

3.2 Any party may request dismissal of all or part of an appeal at any time with notice to all parties. The Appeal Authority may make a ruling on a motion to dismiss based upon written arguments or may call for oral arguments.

SECTION 4: EX PARTE COMMUNICATION

4.1 a. No person, nor his or her agent, employee, or representative, who is interested in a particular appeal or application currently pending before the Appeal Authority shall communicate ex parte, directly or indirectly, with any member of the Appeal Authority concerning the merits of that or a factually related appeal or application. All procedural questions should be directed to the Director, City Clerk or City Attorney.

b. No member of the Appeal Authority shall communicate ex parte directly or indirectly with any person, nor his or her agent, employee or representative, interested in a particular appeal or application that is pending before the Appeal Authority with regard to the merits of that, or a factually related appeal or application.

c. If a prohibited ex parte communication is made to or by any member of the Appeal Authority, such communication shall be publicly disclosed and proper discretion shall be exercised by that person on whether to disqualify himself or herself from the Appeal Authority for that particular matter.

SECTION 5: WITHDRAWAL

- 5.1 An appeal may be withdrawn only by the appellant.
- 5.2 Where an appeal is made by several persons, a group, organization, corporation, or other entity, withdrawal shall be made by the person who had been designated as the party representative.
- 5.3 An appellant's request to withdraw shall be granted as a matter of right and the appeal dismissed.

SECTION 6: PARTIES REPRESENTATIVE REQUIRED

- 6.1 When a party consists of more than one individual, or is a group, organization, corporation, or other entity, the party shall designate an individual to be its representative and inform the Appeal Authority of the name, address and telephone number of that designated representative. The rights of such an appellant shall be exercised by the person designated as the party representative. Notice or other communication to the party representative is considered to be notice or communication to party.

SECTION 7: NOTICE OF HEARING

7.1 **Contents**

The notice of hearing shall be mailed to the applicant, appellant, and respondent, and shall include:

- a. The time, place, and nature of the hearing;
- b. The file number, address, or other identifying information for the underlying decision or action being appealed;
- c. A brief statement as to the issue(s) to be considered;
- d. The name and phone number of the Department official responsible for the appeal.
- e. The deadline for submitting any written argument to the Appeal Authority.

7.2 **Time**

Notice of the hearing shall be given within the time required by applicable ordinance(s). If the time for notice of hearing is not specified by the applicable ordinance(s), or applicable ordinances conflict, minimum notice shall be 10 calendar days.

7.3 **Responsibility for Mailing**

The City Clerk shall be responsible for mailing the notice of a closed record appeal hearing.

7.4 Certificate of Notice

An affidavit or declaration attesting to the notice given of the hearing, including dates and places of publication and a list of those mailed to, shall be made part of each official case record.

SECTION 8: PARTIES' RIGHTS AND RESPONSIBILITIES

- 8.1 Parties have the right to be represented by an attorney. Representation by an attorney is not required.
- 8.2 Where a party has designated a representative, the representative shall exercise the rights of the party.
- 8.3 All parties and others participating in and observing hearings shall conduct themselves with civility and deal courteously with all persons involved in the proceedings.

SECTION 9: DEFAULT

- 9.1 The Appeal Authority may dismiss an appeal by an order of default where the appellant, without good cause, fails to appear or is unprepared to proceed at a scheduled and properly noticed hearing.

SECTION 10: HEARING FORMAT

- 10.1 Appeal hearings, although generally informal in nature, shall have a structured format and shall be conducted in a manner deemed by the Appeal Authority to make the relevant evidence most readily and efficiently available to the Appeal Authority and to provide the parties a fair opportunity for hearing. The Appeal Authority may impose reasonable limitations on the length of argument.
- 10.2 The order of hearing will generally be as follows:
 - a. Presiding Officer's introductory statement;
 - b. Background presentation by Department;
 - c. Appellant's argument;

d. Respondent's argument;

e. Appellant's rebuttal argument;

10.3 Notwithstanding the provisions of the Shoreline City Code, the order of hearing may be modified or a different order established as the Appeal Authority deems necessary for a clear and fair presentation. The order of the hearing may also be modified as agreed upon by the parties, with the Appeal Authority's approval.

10.4 The order of presentation at hearing shall not alter or shift any burden(s) or presumption(s) established by applicable law(s).

SECTION 11: BURDEN OF PROOF

11.1 The appellant shall have the burden of establishing that the recommendation or decision is not supported by the preponderance of the evidence.

SECTION 12: RECORD

12.1 The record on an appeal shall include:

a. Land use application decision or action being appealed;

b. Appeal statement;

c. Record of open record hearing proceedings including the tape recording of open record hearing;

d. Transcript of open record hearing. The reasonable costs of preparing the transcript shall be paid by the appellant;

e. Written arguments submitted by parties (optional).

SECTION 13: DECISION

- 13.1 A decision of the Appeal Authority on the appeal shall include, but not be limited to, a statement regarding the following:
- a. **Background.** The nature and background of the proceeding, including identification of party representatives participating in the hearing, prehearing determinations, and other similar information.
 - b. **Findings.** The individual facts that the Appeal Authority finds relevant, credible, and requisite to the decision, based on the record of proceedings.
 - c. **Conclusions.** Conclusions based upon the evidence and specific provisions of law.
 - d. **Decision.** The Appeal Authority's decision as to outcome of the appeal to grant, deny or remand based upon a consideration of the whole record.

SECTION 14: RECONSIDERATION

- 14.1 Any party of record may file with the Appeal Authority a written request for reconsideration or clarification. The request must be filed within five (5) working days of the date of the issuance of the Appeal Authority's written decision. The request shall specifically set forth alleged errors of fact, law or procedure as addressed in the Appeal Authority's decision. The request may also include direction to a specific issue that was inadvertently omitted from the Appeal Authority's decision.
- 14.2 The Appeal Authority shall act upon the request at its next regular meeting by either denying or approving the request.
- 14.3 If the Appeal Authority approves the request, the original decision shall be corrected, clarified or amended, or, the Appeal Authority can reopen the hearing to consider correcting or clarifying the record or any deficiencies of the decision. If the hearing is reopened, the notice of said hearing shall be mailed to all parties of record not less than five (5) working days from the issuance of the order of the Appeal Authority reopening the hearing.

SECTION 15: JUDICIAL APPEALS

- 15.1 The final decision of the Appeal Authority may be appealed to the Superior Court as provided by RCW 36.70C.

SECTION 16: CONFLICTS

16.1 These rules of procedure are adopted to supplement the requirements set forth in the City ordinances. Any conflicts between these rules and the provisions of City ordinance will be decided consistent with the provisions of the ordinance.

RECEIVED

FEB 11 2011

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SHORELINE CITY ATTORNEY

BEFORE THE CITY OF SHORELINE CITY COUNCIL

RECEIVED

APPEAL OF RONALD SCHOOL
CERTIFICATE OF APROPRIATENESS

COA No. 10.21

FEB 18 2011

CITY CLERK
CITY OF SHORELINE
OPENING BRIEF OF APPELLANT
SHORELINE PRESERVATION
SOCIETY

I. INTRODUCTION

Appellant Shoreline Preservation Society ("SPS") offers the following pre-hearing brief in support of its appeal of the Certificate of Appropriateness for the Shoreline School District's proposal to significantly alter the landmarked Ronald School.

The Shoreline Preservation Society is a local, Washington State non-profit organization with a stated mission to "foster the preservation of historical heritage, cultural and environmental assets throughout the Shoreline Area." The Shoreline Preservation Society is a party of record with legal standing in the Certificate of Appropriateness Decision on the Ronald School by the City of Shoreline Landmarks Commission. Members of its board of directors live in the Shoreline area, and are impacted by any alterations to the Ronald School.¹

The Ronald School is the oldest public building in Shoreline, built in 1912 and as such, is of inestimable value to the Shoreline community. The Ronald School was Landmarked in 2008 with a nomination by the Shoreline Historical Museum by the Shoreline (KC) Landmarks Commission. The Shoreline School District, in its effort to

¹ See Exhibits 22 and 27.

OPENING BRIEF OF APPELLANT
SHORELINE PRESERVATION SOCIETY - 1

GENDLER & MANN, LLP
1424 Fourth Avenue, Suite 715
Seattle, WA 98101
Phone: (206) 821-8868
Fax: (206) 621-0512

1 rebuild the Shorewood High School has unfortunately chosen to forever alter this historic
2 landmark, when many other alternatives might have been chosen that would not have
3 affected it significantly.

4 As discussed below, the Historic Preservation Officer for King County HP and the
5 Shoreline Landmarks Commission issued the COA (Certificate of Appropriateness)
6 Decision in error, because the design plans will significantly alter the Landmarked building
7 The "Shoreline" Landmarks Commission (which actually had no representation from
8 Shoreline), has made a decision that detrimentally affects a nearly 100 year old,
9 landmarked building that is at the very heart of our Town Center, and which has great
10 significance to Shoreline culturally and economically. SPS respectfully requests the City
11 Council reverse the Certificate of Appropriateness and remand this action for consideration
12 of alternatives that protect the historic nature of the Ronald School and comply with the
13 required criteria for approval of a Certificate of Appropriateness.

16 II. HISTORY AND BACKGROUND

17 In order to understand how our community got to this point, it is important to
18 establish a short history of the Ronald School and its significance.

19 The Ronald School property was donated by Judge J.T. Ronald who was a pioneer
20 and former Mayor of Seattle, who owned a large section of property in what is now central
21 Shoreline. The original school was a one-room style school house. In 1912 the
22 community constructed the current two-story brick masonry building with a full concrete
23 foundation and daylight basement level. It was initially constructed as a four room
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1 schoolhouse in 1912 and subsequently expanded to the current eight classroom
2 configuration in 1926.² By 1971 the building had fallen into significant disrepair.

3 In 1976 the Shoreline Historical Museum took over residence and use of the
4 building.³ Efforts to restore and reconstruct missing historic features began in 1976. The
5 ornate balustrade and portico were restored in 1998 based on historic photography and
6 physical evidence. Major heating and electrical upgrades were undertaken in the late 1980s
7 and early 1990s. A new elevator and lobby construction was completed in 2000. This
8 included construction of a wheelchair accessible entryway and a new elevator shaft at the
9 South elevation. All floors of the museum were made accessible by the installation of a
10 modern elevator and the construction of elevator vestibules. Phase II of the restoration
11 plan was completed in 2006 involving the installation of a new roof, parapet structural
12 reinforcement, reconstruction and restoration of the parapet walls and cornice elements
13 based on historic photography and physical evidence.⁴

14
15
16 In 1989 the School District deeded the Ronald School to the Shoreline Historical
17 Museum for the community to use as a museum.⁵ The Ronald School achieved King
18 County Community Landmark Status in 1989 and was designated as an official Shoreline
19 Landmark in 2008.⁶ According to the Shoreline Landmarks Commission, the Ronald
20 School met landmark designation criteria AI for its association with the theme of
21 education, noting "It is a rare example of semi-rural school building constructed during an
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24
25 ² Exhibit 64 (City of Shoreline Landmark Preservation Reservation), p. 1 of 12; Exhibit 53
(Shoreline Resolution No. 286).

26 ³ *Id.*

27 ⁴ Exhibit 64.

28 ⁵ Exhibit 53; Exhibit 59 (Quit Claim Deed).

⁶ Exhibit 53, Exhibit 1 (Designation)

1 important era of early suburban expansion in north King County." The School also met
2 landmark designation criteria A3 because "it embodies the distinctive characterization of
3 early 20th century school design, and because it is a rare example of the type."⁷ All
4 exterior portions of the building, and the land area within the nominated boundaries were
5 identified as the landmarked "Features of Significance."⁸
6

7 By 2009 the Shoreline Historical Museum had been explored by more than 25,000
8 school children and visited and used as a community meeting place by 10,000 people per
9 year.⁹

10 On January 25, 2010, the School District and Shoreline Historical Museum Board
11 reached an "Agreement In Principal" where the Museum would purchase property adjacent
12 to the School property and the School District would relocate the Ronald School to the
13 newly acquired adjacent property.¹⁰ As part of that Agreement, the Historical District
14 agreed not to oppose the School District's construction plans and to support both the
15 District's CUP application and the Certificate of Appropriateness.¹¹ On May 3, 2010, the
16 Shoreline School District issued itself a "Determination of Non-Significance" under the
17 State Environmental Policy Act ("SEPA"). According to the District's DNS, the district
18 was proposing:
19
20

21 The redevelopment of an existing high school site. One
22 new structure will be built to the east of the existing school
23 buildings. The new facility will include one new building
24 and the relocation of an existing building and relocation
and reuse of the portables. The Main Building will include

25 ⁷ Exhibit 1.

26 ⁸ *Id.*

27 ⁹ Exhibit 53.

28 ¹⁰ Exhibit 60A.

¹¹ Exhibit 60B.

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Academic, Performing Arts and Athletic functions totalling approx. 220,000sf of new space including:

Main Building: The Main building is 55FT, +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (to be moved off-site): A three story building with approx. 15,000 SF total. The existing Ronald School Building will be moved to an off-site location.

May 3, 2010, DNS(**bold emphasis added**).¹²

On September 2, 2010 the District applied to the King County Landmarks Commission for a Certificate of Appropriateness for its plans to construct the new Shorewood High School at a location connected to, and almost completely engulfing and encapsulating the Ronald School. Contrary to the SEPA DNS, the School District was no longer planning to move the Ronald School.¹³

III. ARGUMENT

Pursuant to the Rules and Procedures for the City of Shoreline Landmarks Commission, a Type II Certificate of Appropriateness is required for any alternations in appearance, new construction or addition to a designated landmark.¹⁴ In order to approve a Type II Certificate of Appropriateness, the Landmark's Commission is required to find that the proposed alteration meets the Secretary of the Interior's Standards for Treatment of

¹² A copy of the DNS is attached as Exhibit A. Neither the SEPA environmental checklist nor DNS are included in the record before the City Council and apparently were not reviewed by the Landmarks Commission which is entirely inappropriate. SEPA mandates that decisionmakers be informed of the impacts of a proposal *prior* to making a decision. *Infra* 15-17.

¹³ Exhibit 2.

¹⁴ Exhibit 11, Part VI(2).

1 Historic Properties; the specific Type II Procedural Criteria, as well as City Code. For at
2 least the following reasons, the Certificate of Appropriateness for the Ronald School fails.

3 **A. The Decision fails to follow Secretary of Interior Standards**

4 As recognized by the Commission, prior to issuance of a Certificate of
5 Appropriateness, the school district was required to demonstrate that the proposal would
6 comply with the Secretary of Interior's Standards for the Treatment of Historic Properties.

7
8 ¹⁵ The Commission's decision fails to comply with these standards.

9 **Standard 1** indicates that a "property be used as it was historically or be given a
10 new use that requires minimal change to its distinctive materials, features, spaces, and
11 spatial relationships."

12
13 Attaching and incorporating a modest classic revival 15,000 sq ft building to a huge
14 modern 227,000 sq ft building cannot reasonably be in compliance with this standard.¹⁶
15 The proposal is far more than a "minimal change" to the distinctive materials, features,
16 spaces and spatial relationships of the existing historic building. The Ronald School will
17 be merely a façade, consumed and engrossed as part of the enormous new High School
18 building. As of now, the Ronald School is a "stand-alone" structure that can be viewed
19 and appreciated from all four sides. After this "engrossment" only the front will be left
20 relatively intact. The back will be obliterated and encased in the new building. The West
21 side will be "significantly altered" according to the Bassetti's own documents to the
22 Landmarks Commission.
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27 ¹⁵ Exhibit 54, p. 2.

¹⁶ See Exhibit 2C, Figures 72.0, 81.0, and 82.0.

1 There will be major changes made and the Ronald School will be forever changed
2 from an old fashioned, authentic schoolhouse, to merely a front porch of a new building. It
3 will be completely diminished by a much more modern structure and no longer prominent
4 as an historical asset.

5 Standard 2 indicates that “the historic character of property will be preserved. The
6 removal of distinctive materials or alteration of features, spaces, and *spatial relationships*
7 *that characterize a property will be avoided.*” (emphasis added.)

8 The Commission’s “finding” that there would be only “minimal” changes to the
9 building’s features and spatial relationships is not supported. As noted architectural
10 historian Kate Kraft¹⁷ explained to the Commission, Standard 2 was not met:

11 The proposed project does not meet this standard as the
12 historic and architectural character of the extant *exterior*
13 features of the original 1912 schoolhouse shall not be
14 retained and preserved. The proposed project anticipates
15 alteration of a significant exterior feature – the original
16 south elevation of the original 1912 four-room
17 schoolhouse. This is not a *minor* alteration as characterized
18 in the DRC Report. The east side of the current south
19 elevation is intact and in combination with the east and
20 north elevations serves to convey the historic form of the
21 original 1912 schoolhouse. The west side of the current
22 south elevation was part of the 1926 addition and was
23 designed to accommodate a further addition at that location.
24 The east side of the current south elevation is intact; the
25 building form and the complete exterior exposure of this
26 feature should be retained and preserved.

27 The proposed project will basically encapsulate this feature,
28 convert it to interior space and significantly change the
building form. Encapsulation of this feature is *not*
necessary and can be avoided,¹⁸

¹⁷ Ms. Kraft’s Resume is included at Exhibit 73B. Ms. Kraft was the original author of the City of
Shoreline Landmark Registration Form for the Ronald School. Exhibit 64.

¹⁸ Exhibit 73A.

1 Standard 3 states, "each property shall be recognized as a physical record of its
2 time, place, and use. Changes that create a false sense of historical development such as,
3 adding conjectural features or architectural elements from other buildings *shall not be*
4 *undertaken.*" Neither the application nor Commission addressed this standard.

5
6 The SSD/Bassetti Plan for a "hallway" along the south side of the building - an
7 "internal corridor . . . planned to run along the length of the rehabilitated south elevation",
8 and the entire south elevation, which encases the original wall, is clearly a violation of this
9 standard. Even the windows on the south side will be "infilled" and encased in a glass
10 covering. The plans for the south elevation are tentative and conjectural at best using
11 language such as "if possible" and "may be". The south elevation, though denigrated by
12 the plan as insignificant and tertiary, is actually historically important. When students used
13 to attend the Ronald School, they accessed the building from the rear. They lined up to
14 wait for the bell. They played games and had recess there. They had their class pictures
15 taken there as shown in the application, Fig.3.0 of Bassetti Application.¹⁹ This is further
16 evidence that the boundaries in the 2008 designation are now shown to be tragically
17 inadequate.
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20 **Standard 4** states that "most properties change over time; those changes that have
21 acquired historic significance in their own right shall be retained and preserved."
22

23 It's important to note that Bassetti and SSD chose to omit this standard, and 35
24 years of this building's history, which coincided with the stewardship by the Shoreline
25 Historical Museum. See "brief history" above. The Shoreline Historical Museum
26

27 ¹⁹ Exhibit 2C.

1 preserved the building as a complete stand-alone structure and example of a semi-rural
2 school of its period, maintained virtually intact. And they used the building as an
3 educational asset for the entire community and region highlighting its value and
4 uniqueness. The use as a Museum and access (including ADA) for the public is a change
5 that our community valued, as well as the restorations that were implemented. The very use
6 of this facility represents a change that has historical significance and is important since
7 Shoreline became a city, even being used as a meeting place for official functions such as
8 the Shoreline Planning Commission.

10 **Standard 9** states that "New additions, exterior alterations, or related new
11 construction shall not destroy historic materials that characterize the property. The new
12 work shall be differentiated from the old and shall be compatible with the massing, size,
13 scale and architectural features to protect the historic integrity off the property and it's
14 environment."

16 As with Standard 2, Standard 9 is simply not met by encapsulating the historic
17 Ronald School by the new massive school. Again, as explained by Kate Krafft:

19 The proposed project does not meet this standard as the
20 proposed new "addition" will—in fact—destroy historic
21 spatial relationships and the historic form of the original
22 1912 schoolhouse, contrary to how the addition is
23 characterized in the DRC Report. As stated above, the
24 proposed new work is incompatible with a significant
25 exterior feature – th east side of the current south elevation,
26 which is intact and in combination with the east and north
27 elevations serves to convey the historic form of the original
28 1912 schoolhouse. Due to its size and proximity to the east
and south the proposed new work is also incompatible with
the size, scale and proportion, and massing of Ronald
School and will adversely impact the historic and
architectural character of Ronald School and its

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environment. This adverse impact is not necessary and can be avoided; in order to meet *Standard 9* and protect the integrity of this historic property the design for the modern school facility should be revised so that it is located *farther to the east and southeast* of Ronald School and is *only* directly connected to the west side of the current south elevation.²⁰

Ms. Krafft's opinion that Standard 9 (and 2) were not met was shared also by Flo Lentz, the program director for historic preservation with King County's 4Culture. While the hearing transcript unfortunately failed to capture Ms. Lentz' testimony, her speaking notes are attached to her declaration which is attached as Exhibit B. Ms. Lentz also opined that there was "no way" that the addition would not impact the size, scale, proportion and massing of Ronald School and that further, the project would not qualify if it had come forward as a private project for either investment tax credit or Landmark designation. Ms. Lentz was very concerned that approval of the Certificate of Appropriateness for the Ronald School would set a "precedent for massive large additions, that future applicants will cite and future commissions will be bound by."

B. The Decision Fails to Meet Rules of Procedure Criteria 6B

Again, as recognized by the Commission, a proposal for Certificate of Appropriateness must also meet Criteria VI.6.A-D of the Rules of Procedure. The decision fails to comply with Criteria 6B. Criteria 6.B requires you to consider:

[t]he reasonableness or lack thereof of the proposed alteration of significant changes in light of other alternatives available to achieve the objectives of the owner and the applicant.

²⁰ Exhibit 73A.

1 Despite repeated requests by the public, including members of the Shoreline
2 Preservation Society, for an alternative that left the Ronald School both intact and isolated
3 sufficiently so that it stands out, we find no record that alternatives were considered by the
4 City or DRC. This is a fundamental failure. Without a documented review of alternatives,
5 the City cannot properly make a decision on this application.²¹
6

7 At the Hearing the applicant, Bassetti presented a power point presentation that
8 included three alternatives that were supposedly reviewed by Design Review Committee.²²
9 However there is no evidence in the record to support that the DRC reviewed alternatives.
10 The Staff report to the DRC is indeed silent on alternatives.²³ The DRC report to the
11 Landmarks Commission is similarly silent on alternatives.²⁴ Finally, the minutes of the
12 DRC meeting do not show any evidence these alternatives were actually considered or
13 discussed.²⁵
14

15 This Council should seriously question why SSD and Bassetti did not submit these
16 alternatives to the record before Design Review. The record simply does not support an
17 conclusion that alternatives were considered as required by the procedural criteria.
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22 ²¹ The place for preparing and reviewing alternatives is through the SEPA environmental review
23 process. Because the School District failed to address alternatives during its SEPA review, however, the
24 SEPA documentation is insufficient for the Council's reliance. Indeed, the failure to address alternatives, and
25 particularly in the situation where the underlying substantive law requires a review of alternatives, results in a
SEPA checklist and threshold determination that was obtained through a lack of material disclosure. SEPA
threshold determinations obtained through the lack of material disclosure must be withdrawn. WAC 197-11-
340(3)(a)(iii). *Infra* at 15-17.

26 ²² Exhibit 93.

27 ²³ Exhibit 3.

28 ²⁴ Exhibits 8 and 41.

²⁵ Exhibit 89. Exhibit 40.

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C. The Commission Erred in the fundamental protection of the landmark and carrying out the "intent of the law".

In addition to failing to meet the procedural criteria and Secretary of Interior Standards, the Commission's decision also conflict with the letter and spirit of the City's Landmarks Preservation code and Comprehensive Plan.

The decision is in direct violation of the intent of the Shoreline Municipal Code, Chapter 15. 20, Landmarks Preservation. The statute states in 15.20.010 B:

Such cultural and historic resources are a significant part of the heritage, education and economic base of the city of Shoreline, and the economic, cultural and aesthetic well being of the city cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources (emphasis added).

The decision will cause "unnecessary destruction and defacement of such resources", in violation of this statute and the Secretary of Interior Standards and the Landmarks Commission's Rules of Procedures and Criteria for COA (below). The proposed design changes to the rear of the building will alter and deface the existing building in a location that is a part of the original structure, built in 1912. The proposal will "encase" the rear wall, and attach it to the new huge structure so that it's "stand alone character" is lost. Also, the surrounding property out to 15' is Landmarked and this proposal will destroy that spatial relationship and space surrounding the building.

The decision also violates the intent of the Goals and Policies of the Shoreline Comprehensive Plan. Specifically:

Goal CD IV: Encourage historic preservation to provide context and perspective to the community."

1 **Community Design Policies – Historic Preservation Policies:**

- 2 • CD 54: Preserve, enhance and interpret Shoreline’s
3 historical and archeological identity.
- 4 • CD 58: Review proposed changes to historic landmark
5 sites and structures to ensure that these resources continue
6 to be a part of the community.
- 7 • CD 60: Encourage stewardship of historic sites and
8 structures
- 9 • CD 61: Work cooperatively with other jurisdictions,
 agencies, organizations and property owners to preserve
 historic resources.

10 All FOUR sides of the exterior building of Ronald School were designated as
11 landmarks by this Commission in 2008 as well as the grounds out to 15 feet. This
12 decision violates the very integrity of the landmark process. As stated in the Shoreline
13 Preservation Society’s November 17, 2007 letter to the Commission, “Building an
14 attractive and successful new HS is not dependent on impacting this historic building.
15 There was never any effort to design around the building. There was always and still is
16 plenty of room to design around this building and let it teach history. Unlike what you’ve
17 been told by the SSD and Bassetti, defacing and irreparably harming this 100-year-old
18 landmarked building is NOT necessary to achieve educational goals.”²⁶

21 **D. The Commission Failed to Follow Procedures**

22 In addition to the numerous substantive deficiencies, the process followed by the
23 Landmarks Commission was fraught with procedural irregularities. These numerous
24 issues, when taken together, should seriously call into question the decision.

27 ²⁶ Exhibit 74.

1 1. The decision is in error because it violates SMC 15.20 and Shoreline
2 Landmarks Commission "Rules of Procedure" pursuant to SMC 15.20.

3 According to the Landmarks Board Rules of Procedure: "A notice of the
4 cancellation or rescheduling of a meeting shall be published not less than six days before
5 the scheduled meeting and not less than six days before the changed meeting date." In this
6 case, the original COA hearing date, planned for October 14th was postponed with only 24
7 hours notice.²⁷ The hearing was purportedly postponed for several conflicting reasons,
8 including a claimed "Appearance of Fairness" because of a need to have more
9 commissioners present (this was requested by Shoreline School District). In the end,
10 however, the Hearing was attended by only four commissioners (the same number who had
11 been intended for the original hearing date), and one had to recuse himself because he
12 works for Bassetti. So, there ended up being only three commissioners (out of the supposed
13 nine member commission by statute) to decide this matter as the Shoreline Landmarks
14 Commission, with NO ONE from Shoreline represented on the commission, to address the
15 fate of the oldest public building in the City.
16
17
18

19 Since the postponement was not required for the stated reason - to allow more
20 Commissioners to participate - the record is void of a legitimate reason. We suggest that it
21 was desired by the applicants to allow time to incorporate the purported "alternatives" into
22 the applicant's power point presentation. As discussed above, these alternatives were not
23 included in the District's SEPA review nor mentioned in the DRC minutes.
24

25 2. During the hearing, Commissioner Stephen Day declared that he and the
26 Chair had been conversing about the case before the hearing. This appears to violate:

27 ²⁷ Exhibit 30.

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- SMC 15.20 Pt 1.2C: C. No Commissioner shall communicate with or attempt to influence any other Commissioner concerning any matter before the Commission, or which may reasonably be expected to come before the Commission, in which such Commissioner has a conflict of interest or a perceived conflict of interest.
- SMC 15.20 Pt 1.3: Commissioners must decide any quasi-judicial matters brought before the Commission only based on the public record and such things that they may properly take judicial notice. Commissioners should avoid all *ex parte* communications concerning any quasi-judicial proceeding.

3. SMC 15.20.020B sets out that there should be a "...special member representing the City of Shoreline. The special member shall attend all meetings, and participate in and vote on all matters pertaining to the designation and protection of landmarks, design review, and special valuation applicable to properties within the city." This provision was not followed. The lack of a member from the City of Shoreline, as required by SMC 15.20 and KCC 20.62 and the Interlocal Agreement to vote on all matters pertaining to landmarked properties within Shoreline is of major concern (see inter-local agreement). This is compounded by the fact that two Landmarks Commissioner terms are currently expired, including the Shoreline member. Further, two positions are vacant on the current commission.

E. The Landmarks' Commission Violated SEPA

As discussed above, the Shoreline School District acted as its own SEPA environmental lead agency, prepared an environmental checklist and issued itself a "Determination of Nonsignificance" or "DNS" on May 3, 2010 (Attached as Exhibit A). According to the District's DNS: "the existing Ronald School will be moved to an off-site

1 location.” Thus, the District’s environmental review did not look at the impacts to the
2 human or built environment by leaving the School in place but instead encapsulating it
3 within the new school. The checklist and DNS are no longer accurate. This creates a
4 significant void in the SEPA environmental review.

5
6 More importantly, the record before the Landmarks Commission and before the
7 City Council now is absolutely void of *any* environmental review – even inaccurate one
8 prepared by the District. The record does not contain either the SEPA checklist or the
9 SEPA DNS decision. SEPA review did not end with the District’s issuance of its DNS.
10 SEPA lives through the entire City review process.

11 As one SEPA commentator has noted:

12
13 SEPA ultimately strives to avoid environmental
14 degradation, to preserve and even enhance environmental
15 quality by requiring the actions of state and local
16 government agencies to be based on sufficient
17 environmental information and to be in accord with
18 SEPA’s substantive policies.

19 Settle, Richard; *The Washington State Environmental Policy Act*, § 14.01, p. 14-2 to 14-3
20 (Release 15, 2003) *citing* RCW 43.21C.010, .020, and .030.

21 While SEPA itself does not compel environmentally wise choices, its ultimate
22 purpose, and the purpose of an EIS, is to provide decision-makers – in this case the
23 Landmarks Commission and City Council - with all relevant information about the
24 potential environmental consequences of their actions and to provide a basis for a reasoned
25 judgment that balances the benefits of a proposed project against its potential adverse
26 effects. *Citizen Alliance to Protect our Wetlands v. City of Auburn*, 126 Wn.2d 356, 362,
27 894 P.2d 1300. Consistent with this purpose, “SEPA mandates governmental bodies

1 consider the total environmental and ecological factors to the fullest in deciding major
2 matters." *Eastlake Comm'ty Coun. v. Roanoke Assocs.*, 82 Wn.2d 475, 490 (1973). These
3 considerations must be integrated into governmental decisionmaking processes so that
4 "presently unquantified environmental amenities and values will be given appropriate
5 consideration in decision making along with economic and technical consideration." RCW
6 43.21C.030(2)(b); *Eastlake*, at 492. The environmental impact statement (EIS) must
7 "accompany the proposal through the existing agency review processes" so that officials
8 will use it in making decisions, RCW 43.21C.030(2)(d), WAC 197-11-655. SEPA's
9 ultimate quest has been described as ensuring "environmentally enlightened government
10 decision making. Settle, Richard; *The Washington State Environmental Policy Act*,
11 § 14.01(2)(b), p. 14-48 (Release 15, 2003).
12
13

14 The Landmark Commission's and this Council's review are sharply at odds with
15 SEPA for two significant reasons. First, neither the Landmarks Commission nor the City
16 Council have the benefit of *any* environmental review – not even the District's flawed
17 analysis. The City's decision is being made in the dark – failing SEPA's quest of
18 "environmentally enlightened government decision making."
19

20 Second, while the City Council *could* remand to the Landmarks Commission for
21 consideration of the District's SEPA review, because the DNS is no longer accurate – the
22 Ronald School is not to be moved off-site but instead encapsulated – the City may not rely
23 upon the District's DNS. While ordinarily the City would be required to follow the
24 District's DNS, WAC 197-11-600(3), the City is instead required to prepare a new SEPA
25 threshold determination if, as here, there are substantial changes to the proposal. WAC
26
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1 197-11-600(3)(b)(i). Certainly the decision *not* to move the Ronald School and instead
2 encapsulate it is a substantial change from the proposal considered by the School District.
3 The City Council should assume SEPA lead agency status and require preparation of a new
4 SEPA review and threshold determination.

5 IV. RELIEF REQUESTED

6 SPS requests that the Shoreline City Council reverse the Landmarks Commission
7 and DENY the Certificate of Appropriateness on the Ronald School, GRANT our Appeal
8 for the reasons detailed above and REMAND this decision back to the Shoreline
9 Landmarks Commission.
10

11 In addition, with or without a DENIAL SPS suggests that further conditions need to
12 be placed on this Certificate to properly meet the Secretary of Interior Standards for
13 Rehabilitation, the COA Criteria and Rules of Procedure, the Shoreline Municipal Code
14 and Comprehensive Plan. For example, it might be beneficial for Council to require the
15 Applicants to revise the plan to comply with the proposal put forward by Ms Kate Krafft in
16 her letter in the record. There are many possibilities that could be formulated to truly
17 preserve the integrity of the Ronald School with thoughtful application of logic, and the
18 full intent to carry out the Shoreline Landmarks Preservation Code.
19

20 SPS urges the Council to take action on this matter to better protect the Ronald
21 School. If what has befallen the Ronald School, is the outcome available to all Shoreline
22 Landmarks, then no historical property is safe and the City's Landmarks Preservation code
23 is not worth much. The intent of the Landmarks Preservation code is good, but it is up to
24 this Council to actually uphold the intent of the law. We realize this is a grave
25
26
27

28 OPENING BRIEF OF APPELLANT
SHORELINE PRESERVATION SOCIETY - 18

GENDLER & MANN, LLP
1424 Fourth Avenue, Suite 716
Seattle, WA 98101
Phone: (206) 621-8868
Fax: (206) 621-0512

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responsibility, and we appreciate that the Council will take it seriously. Shoreline can make a statement that shows it is really serious about preserving history and implementing a “heritage tourism” model. But that will only happen if Shoreline actually upholds its preservation laws.

DATED this 11th day of February, 2011.

GENDLER & MANN, LLP



David S. Mann, WSBA # 21068
Attorneys for Appellants



DETERMINATION OF NONSIGNIFICANCE (DNS)

Proposal: Shorewood High School

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000sf, of new space including:

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School will be moved to an off-site location.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off area, athletic facilities including fields, track, and small community sports structures; drainage improvements; appropriate utility site access, street egressingrass, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time, however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Property Owner/Applicant:
Location:

Shoreline School District 412
17300 Fremont Avenue North, Shoreline, WA 98133
(Fax) (206) 491-3341, (206) 492-4646, (206) 492-6343, (206) 492-6343, (206) 492-6343, (206) 492-6343, and (206) 492-6343

Lead Agency:

Shoreline School District 412

As the lead agency for this proposal, Shoreline School District 412 has reviewed the proposed project and determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-540(2) the lead agency will not act on this proposal for 10 days from the date below. Comments must be submitted in writing to Shoreline School District No. 412, Attn: Marcia Harris, Deputy Superintendent, 206.361.4366, by 5:00 pm on May 17, 2010.

Public Comment: We invite your comments in review of this proposal. Anyone wishing to review the project file, environmental checklist, and any other documents relating to this proposal may do so by contacting Marcia Harris at 206.361.4366. Comments can be sent to Shoreline School District, Attn: Marcia Harris, Deputy Superintendent, 206.361.4366.

Responsible Official:

Marcia Harris, Deputy Superintendent
Shoreline School District No. 412
18560 1st Avenue NE
Shoreline, WA 98155-2148

Signature:

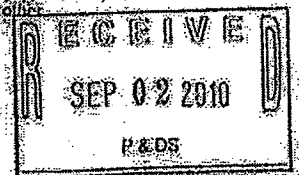

Responsible Official Date: 5/13/10

Appeal: Pursuant to Shoreline School District SEPA policies, determination decisions by the Responsible Official may be appealed to the School District Superintendent. A written notice of appeal identifying the grounds for appeal must be filed by the date indicated below as "Appeal Deadline". Appeals must be in writing and contain specific factual objections and other specific items as identified in the Shoreline School District SEPA policies. Appeals must be submitted to: Shoreline School District No. 412 at 18560 1st Avenue NE, Shoreline, WA 98155-2148.

Appeal Deadline: 4:00pm, June 1, 2010 (14 day)

Note: The issuance of this DNS does not constitute project approval. The applicant must comply with all applicable requirements of the City of Shoreline.

SWHS 1 of 1



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RECEIVED

FEB 09 2011

GENDLER & MANN, LLP

BEFORE THE CITY OF SHORELINE CITY COUNCIL

APPEAL OF RONALD SCHOOL
CERTIFICATE OF APROPRIATENESS

COA No. 10.21

DECLARATION OF FLO LENTZ

I, Flo Lentz declare as follows:

1. I am over the age of 18 and competent to testify in this matter. This declaration is based on my personal knowledge.

2. I am the program officer for historic preservation with 4Culture. 4Culture is the cultural services agency for King County providing programs, financial support and services in the arts, public art, heritage and historic preservation for all residents and visitors in King County.

3. I attended the November 17, 2010 King County Landmarks Commission hearing and testified in opposition to the proposed Certificate of Appropriateness for the Ronald School. I understand that the recording equipment did not capture my testimony.

DECLARATION OF FLO LENTZ - 1

GENDLER & MANN, LLP
1424 Fourth Avenue, Suite 715
Seattle, WA 98101
Phone: (206) 621-8868
Fax: (206) 621-0512

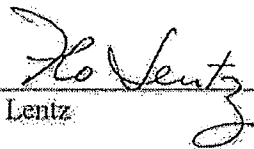
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4. Attached is a true and correct copy of my speaking notes for that evening.

My testimony was consistent with these notes.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 9th day of February, 2011, in Seattle, WA.



Flo Lentz

RONALD SCHOOL COMMENTS

Investment of 4Culture and its predecessor County agency in RS goes back to 1993
Over \$213,000 in grants for building restoration work
\$69,000 since 4Culture created as a PDA
An interest in future of this significant local landmark

This project has many good features designed to highlight the RS and keep it readable. Pleased to see that the windows would be restored to original configuration.

However, while it may be too easy to dissect proposal, standard by standard, concluding each one is met, —

There's danger in not seeing forest for trees.

Bare essence of overall project is:

- Massive addition to a small historic building – look at Appendix A-9
- RS there first, addition connecting along one whole elevation
- No dimensions in COA - Building footprint of ^{6,000}10,000 SF increases 15-fold, at least. 20 ?
- Ronald School becomes a wing of new building; fraction the size.

And so to Standard #9:

- No way can this addition not impact size, scale, ^{proportion & massing} of RS and its environment.
- It strains common sense to say it doesn't do that because it extends beyond an arbitrary 15' perimeter.
- New building is an addition to RS, and RS becomes a small wing.
- New building becomes backdrop for school, no way around it.

Action on this COA raises several philosophical issues, maybe just reality checks:

1. If this were a private project, seeking investment tax credits, would it qualify? In my experience, the size and scale of addition, not to mention interior remodel, would disqualify it.
2. If RS with this addition came in, requesting LM designation, would it qualify? And if so, does that mean any older wing of a big new building could apply for designation?
3. If project is approved, and addition is built, and RS is a wing with interior altered and rear wall encompassed, will RS still remain a KCLM? If no to last question, then no to this!
4. What precedent does that set, for say, a Woodinville School, or a Maple Valley School?

If de-listed then need SS's

★ URGE YOU TO THINK MORE BROADLY ABOUT WHETHER ADDITIONS OF THIS SIZE AND SCALE TO KC LANDMARKS ARE ALLOWABLE.

★ APPROVAL OF THIS WILL SET PRECEDENT FOR MASSIVE LARGE ADDITIONS, THAT FUTURE APPLICANTS WILL CITE, AND FUTURE COMMISSIONS WILL BE BOUND BY

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BEFORE THE CITY COUNCIL
CITY OF SHORELINE

In the matter of the appeal by:

SHORELINE PRESERVATION SOCIETY

From a decision by the City of Shoreline
Landmarks Commission

COA# 10.21

DECLARATION OF SERVICE

I, LAURA D. COUNLEY, under penalty of perjury under the laws of the State of
Washington, declare as follows:

I am employed with McCullough Hill Leary, PS, attorneys for Applicant Shoreline
School District. On the date indicated below, I filed with Shoreline City Clerk's office via
electronic mail a copy of the following documents:

- 1. SHORELINE SCHOOL DISTRICT RESPONSE MEMORANDUM; and
- 2. DECLARATION OF SERVICE

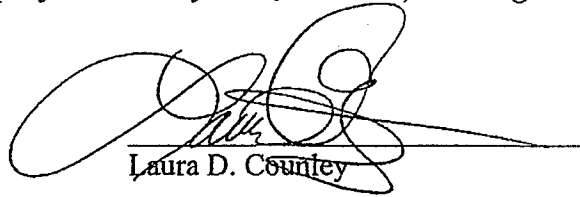
and served a copy via electronic mail and U.S. First Class mail on the following party:

DAVID MANN
GENDLER & MANN
1424 4TH AVENUE, STE. 1015
SEATTLE, WA 98101

McCullough Hill Leary, PS

701 Fifth Avenue, Suite 7220
Seattle, Washington 98104-7042
206.812.3388
206.812.3389 fax

1 DATED this 18th day of February 2011, at Seattle, Washington.

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Laura D. Courtney

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BEFORE THE CITY COUNCIL
CITY OF SHORELINE

In the matter of the appeal by:

SHORELINE PRESERVATION SOCIETY

From a decision by the City of Shoreline
Landmarks Commission.

COA No. 10.21

SHORELINE SCHOOL DISTRICT
RESPONSE MEMORANDUM

INTRODUCTION

Applicant Shoreline School District (“District”) respectfully asks the Shoreline City Council to affirm the decision of the Shoreline Landmarks Commission to approve a certificate of appropriateness to construct a new school building and to restore elements of Ronald School (“Landmarks Decision”), and to deny the appeal of Shoreline Preservation Society (“SPS”). A true and correct copy of the Landmarks Decision is attached as Addendum A to this response memorandum. It is in the record as Ex. 94.

FACTS

A. Shoreline School District Bond Proposition.

An election was held February 9, 2010 to consider three Shoreline School District Propositions (“Bond Election”). Proposition 2 was to authorize the issuance of bonds in the

1 amount of \$150 million for the modernization/replacement of Shorecrest and Shorewood High
2 Schools. The District Fact Sheet for the Propositions stated that, as to Shorewood High School,
3 “the preferred design is centered in the northeast portion of the campus,” and that “the current
4 design incorporates the historic Ronald School for shared use with the Shoreline Historical
5 Museum.” The Fact Sheet stated that construction would begin in 2011, with estimated
6 completion in time for the beginning of the 2013-2014 school year. Ex. 51.

8 Proposition 2 was approved by a super-majority of Shoreline voters.

9 **B. Agreement in Principle with Shoreline Historical Museum.**

10 Prior to the Bond Election, the District entered into an agreement in principle
11 (“Agreement in Principle”) with the Shoreline Historical Museum (“Museum”), which at that
12 time owned the Ronald School building and leased land from the District on which the Ronald
13 School building was located. The agreement provided that the Museum would acquire property
14 adjacent to the Shorewood High School site, that the District would then relocate at its cost the
15 Ronald School building to the newly acquired site, and that the parties would seek to obtain these
16 outcomes consistent with the planned Shorewood High School implementation schedule. Ex.
17 60A.

20 **C. SEPA Review of Shorewood High School Proposal.**

21 The District, as lead agency, conducted environmental review of the Shorewood High
22 School proposal. A SEPA determination of nonsignificance (“Initial DNS”) was issued on May
23 3, 2010. At that time, it was intended that the Ronald School would be moved to an off-site
24 location, in accordance with the Agreement in Principle. See May 3, 2010 Initial DNS,
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1 Addendum B to this response memorandum.¹

2 Comments were received on the Initial DNS. In response to those comments, the District
3 issued an addendum to the Initial DNS on May 25, 2010, attached to the response memorandum
4 as Addendum C ("SEPA Addendum"). The SEPA Addendum included certain revisions to the
5 proposal's SEPA checklist. The District concluded that the updated information did not
6 substantially change the analysis of significant impacts in the existing SEPA checklist.

7
8 Therefore, no new threshold determination was required.

9 The District's SEPA responsible official issued a cover letter which accompanied the
10 SEPA Addendum to all parties of record and to agencies with jurisdiction (copy attached as
11 Addendum D to this response memorandum). As to Ronald School, the District's SEPA
12 Responsible Official stated:

13
14 The comment letters of the King County Historic Preservation Program and of the
15 Committee to Save Our Shoreline Historical Museum indicate that those entities
16 have both substantive and permitting concerns about moving the [Ronald School]
17 building to an off-site location. The District acknowledges these comments and
18 based on this public input, may elect to retain the building on-site, renovate the
19 building in accordance with applicable historic preservation guidelines, and
20 incorporate it for education purposes into the main classroom building. Either
21 action, moving the building or retaining it on-site and renovating it, will require a
22 Certificate of Appropriateness from the City of Shoreline Landmarks
23 Commission.

24
25
26 In that light, the original April 28, 2010 SEPA checklist was modified to acknowledge that the
27 District may elect to retain the historic Ronald School building on site. See Addendum C,
28 answers to Questions A.11 and B.13.c.

¹ Appellant SPS contends that the Landmarks Commission violated SEPA. SPS Brief at 15-18. While the District does not believe that this issue is properly before the Council (see infra pp. 18-19), it is appropriate that the Council take notice of the District's SEPA documents in order to be able to review SPS's factually and legally faulty contentions. The Council is allowed to take notice of these documents pursuant to ER 201 and KCC 20.60.110(C).

1 The Initial DNS and SEPA Addendum were administratively appealed to the District
2 Superintendent by the Shoreline Historical Museum. The District Superintendent appointed a
3 Hearing Examiner to consider the appeal. The Hearing Examiner recommended dismissal of the
4 appeal. The District Superintendent adopted the Hearing Examiner recommendation. See
5 District Superintendent letter dated July 14, 2010, attached to this response memorandum as
6 Addendum E.
7

8 **D. The District Elects to Retain the Building On-Site.**

9 The Museum was unable to acquire property adjacent to the Shorewood High School site
10 upon which to relocate the Ronald School building. Accordingly, the District elected to retain
11 the building on-site, to renovate it in accordance with applicable historic preservation guidelines,
12 and to incorporate it for education purposes into the main classroom building.
13

14 To that end, the District applied to the Shoreline Landmarks Commission for a Certificate
15 of Appropriateness ("COA Application"). See Ex. 2B.

16 The District worked out an agreement with the Museum to acquire the Museum's interest
17 in the Ronald School building and to assist the Museum in the relocation of its facilities. As part
18 of the agreement, the Museum agreed to support the District's COA Application. See Ex. 9.
19

20 **E. The District Obtains a Certificate of Appropriateness.**

21 The COA Application was considered by the Shoreline Landmarks Commission's Design
22 Review Committee ("DRC") on September 9, 2010. See Exs. 41, 88, 89. The DRC
23 unanimously recommended approval.
24

25 The COA Application was considered by the full Commission on November 17, 2010.
26 Staff recommended approval of the COA. The Commission heard from the Project Architects,
27 the District Superintendent, and from members of the public. Opinions were expressed both in
28

1 support of and in opposition to the COA (17 offered oral testimony against approving the
2 application; 16 offered oral testimony in support of the application). See Exs. 41, 88, 92, 93, 95.

3 Ultimately, the full Commission voted unanimously to grant the COA. The Commission
4 vote was formalized in its Findings of Fact and Decision dated December 3, 2010 ("Landmarks
5 Decision"). See Addendum A to this response memorandum; see also Ex. 94.

6
7 The Landmarks Decision includes a summary; 25 findings of fact; and a decision.

8 **F. Shoreline Preservation Society Appeals Certificate of Appropriateness.**

9 The COA was appealed on January 7, 2011 by the Shoreline Preservation Society
10 ("SPS"). See Ex. 10. SPS is unrelated to the Museum, and takes a position contrary to the
11 Museum in this matter. While the Museum supports the District's COA application, SPS
12 opposes it.
13

14 **ARGUMENT**

15 **A. COA Appeals are Governed by SMC 15.20.025 and KCC 20.62.110.**

16 Shoreline's landmarks preservation ordinance is codified at Chapter 15.20 SMC. See Ex.
17 52. This Chapter incorporates the appeal procedure from KCC 20.62.110. See Ex. 69.

18 KCC 20.62.110(A) authorizes any person aggrieved by a decision of the Landmarks
19 Commission to issue a COA, to appeal the decision to the Council.

20 KCC 20.62.110(B) states that the Council, after examination of the written appeal and the
21 record, (1) may remand to the Commission for reconsideration if it determines that an error in
22 fact may exist in the record; or (2) may modify or reverse the decision of the Commission if it
23 determines the decision is based on an error in judgment or conclusion.
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1 KCC 20.62.110(C) states that the Council decision shall be based solely upon the record,
2 provided that the Council has the discretion to publicly request additional information from the
3 parties.

4 **B. Substantial Evidence in the Record Supports the Commission's Findings that**
5 **the COA Application Meets the Secretary of Interior Standards.**

6 The Commission found that the District's COA Application meets the Secretary of
7 Interior Standards. See Addendum A (Ex. 94) at 2.

8 SPS argues that the COA Application fails to meet Secretary of Interior Standards 1, 2, 3,
9 4, and 9, and cites to certain evidence in the record in support of its argument. SPS Brief at 6-10.
10 Because, however, there is substantial evidence in the record supporting the Commission's
11 findings that these standards are met, SPS's argument has no merit and should be dismissed. See
12 *In re Estate of Kessler*, 95 Wn.App. 358, 977 P.2d 591, 598 (1999) (if there is conflicting
13 evidence then the reviewing body need only determine whether the evidence most favorable to
14 the responding party supports the challenged decision); *West Main Associates v. City of Bellevue*,
15 49 Wn.App. 513, 520, 742 P.2d 1266 (1987) (a reviewing body cannot substitute its judgment
16 for that of the reviewing official); *Des Moines v. Puget Sound Council*, 98 Wn.App. 23, 40, 988
17 P.2d 27 (1999) (when an agency is presented with conflicting expert opinion on an issue, it is the
18 agency's job, and not the job of the reviewing appellate body, to resolve those differences);
19 *Nisqually Delta Ass'n v. DuPont*, 103 Wn.2d 720, 725-726, 696 P.2d 1222 (1985) (reviewing
20 appellate body must recognize and defer to the expertise of the agency).
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1 **Standard 1.**

2 Standard 1 indicates that “a property be used [a] as it was historically or [b] be given a
3 new use that requires minimal change to its **distinctive** materials, features, spaces, and spatial
4 relationships” (emphasis added).

5 It is undisputed that the Ronald School building will be used as it was historically: as a
6 school. As the Commission found:

7 —
8 Ronald School is significant under Criterion A1 for its association with the broad
9 theme of education and under criterion A3 as an excellent example of early 20th
10 century school design, executed in a modest Classical Revival Style. The period
of significance is 1912-1951.

11 The features of significance include all exterior portions of the building; and all of
12 the land area within the boundaries of the designated area. The boundaries extend
13 to the parcel limits on the north and to a line 15 feet from the building on the east,
south, and west sides.

14 The building was constructed as a school house, with classrooms and offices. For
15 many years the building has housed the Shoreline Historical Museum [although
16 not during the 1912-1951 period of significance]. The proposed new use will be
education, but as part of a larger school complex, and with high school students
17 being the primary focus.

18 Addendum A (Ex. 94), Findings 1-3. These findings are supported by substantial evidence in the
19 record. See Exs. 1, 2B, 8, 41, 88-89, 92-93, 95. Accordingly, Standard 1 is met.

20 Not only is Standard 1 met because the building will be used as it was historically (clause
21 “a” of Standard 1). In addition, Standard 1 is met because the COA application requires minimal
22 change to the building’s distinctive materials, features, spaces, and spatial relationships (clause
23 “b” of Standard 1). As the Commission found:

24 The proposed new building is composed of several components, with the
25 components closest to the landmark consisting of more translucent elements,
26 creating a subtle effect of separation between the new and old buildings. These
27 components are also compatible in massing to the massing of the landmark but do
not replicate the massing.

1 Ronald School is located closer to the street than the proposed new building to the
2 east. It is set back slightly from the front plane of the landmark and
3 approximately 35 feet from the east (side) elevation to visually accentuate the
4 landmark.

5 A new building could be constructed to within 15 feet of the landmark on the east,
6 south or west without having to obtain a COA.

7 Non-historic driveways located on either side of Ronald School will be removed
8 and replaced with landscaping and sidewalks, more in keeping with the original
9 site.

10 The proposed new building on the rear of Ronald School is two stories high, one
11 story shorter than the landmark, creating a subtle effect of separation from it and
12 emphasizing visual preference of the landmark.

13 No historic materials that are designated features of significance will be removed.
14 There will be a minor alteration of features on the rear of the building, where the
15 proposed new building will be attached. This alteration will include the removal
16 of non-historic windows and the infilling of the window openings as required by
17 building code for adequate fire separation.

18 There will be minimal impact on spatial relationships, as the primary elevations of
19 the building will be maintained, with only the addition of a new building at the
20 rear. Currently the building is surrounded by a parking lot and driveways, both
21 non-historic elements, and these will be removed.

22 All distinctive materials, features, finishes, and construction techniques (features
23 of significance) will be preserved. Some brickwork will be repointed to match the
24 existing mortar joints. Where the proposed new building is attached on the rear of
25 the building, the existing exterior brickwork will be maintained and will be
26 preserved within the envelope of the proposed new building.

27 Addendum A (Ex. 94), Findings 9-16. These findings are also supported by substantial evidence
28 in the record. See Exs. 2B, 8, 88-89, 92-93, 95.

SPS does not object to any of the Commission's findings with respect to Standard 1. See
SPS Brief at 6-7. Rather, with no citation to the record whatsoever, SPS merely posits its own
conclusory opinion that the COA Application "cannot reasonably be in compliance with this
standard," and that the Ronald School "will be forever changed." While SPS is entitled to its

1 opinion, SPS has failed to meet its burden to demonstrate either that the Commission's findings
2 are factually incorrect, or that the Commission's judgment is erroneous. KCC 20.62.110(B).

3 **Standard 2.**

4 Standard 2 provides that "the historic character of property shall be preserved. The
5 removal of distinctive materials or alteration of features, spaces, and spatial relationships that
6 characterize a property will be avoided."
7

8 The Commission made findings as to this Standard as well:

9 The proposed new building does not destroy any historic features or spatial
10 relationships.

11 The windows at the rear of the landmark will be removed and infilled, but the
12 windows themselves are not original.

13 The west portion of the rear elevation has been re-sided with new material, and an
14 elevator was added. These will be removed for attachment of the new building.

15 The spatial relationship at the front of the building, consisting of the setback from
16 the street and the prominence at the end of Linden Avenue will not change.

17 The spatial relationship to the east, historically consisting of open space but now
18 containing a driveway, will be improved with the removal of the drive and an
19 open courtyard between the historic building and the proposed new building.

20 The spatial relationship to the west, now consisting of a driveway and open space,
21 will also be improved by the removal of the driveway immediately adjacent to the
22 historic building. This elevation would become more prominent, as it faces the
23 entry for the new school.

24 See Addendum A (Ex. 94), Finding 21. Finding 21 is supported by substantial evidence in the
25 record. See Exs. 2B, 8, 88-89, 92-93, 95.

26 SPS does not object to any of the Commission's findings with respect to Standard 2.

27 Indeed, SPS must acknowledge that the spatial relationships at the front of the building, to the
28 east, and to the west, are, if anything, improved by the proposal. As to the rear of the landmark,

1 SPS must agree that the windows at the rear of the landmark are non-historic replacement
2 windows; that the west portion of the rear of the landmark has been re-sided with new, non-
3 historic material and that an elevator was added, and it is at this location that the new building's
4 attachment will be made.

5
6 SPS's argument as to this Standard is limited to a citation to the testimony of architect
7 Kate Krafft. SPS Brief at 7. Ms. Krafft's primary argument is that the historic character of the
8 property will be altered because a new addition is being added to the south of the building.
9 However, even she acknowledges that "the current south elevation was designed to
10 accommodate a further addition at that location." This is precisely where the proposed addition
11 is being accommodated. Ms. Krafft argues that because the proposed addition is being added at
12 the location it was originally planned for, that this "significantly changes the building form."
13 Her conclusion does not follow from her premise. The building form of Ronald School is
14 unchanged, as indicated in Finding 21. No historic materials are being removed. The distinctive
15 spatial relationships of the property are being preserved.
16

17
18 **Standard 3.**

19 Standard 3 states "each property shall be recognized as a physical record of its time, place
20 and use. Changes that create a false sense of historical development such as adding conjectural
21 features or architectural elements from other buildings shall not be undertaken."

22 SPS contends this Standard is not met, but fails to provide any factual evidence to support
23 its contention. The District's COA application clearly recognizes the existing Ronald School
24 Building as a physical record of its time, place and use. It will be renovated, preserved, and used
25 for its historic use. No conjectural features or architectural elements from other buildings, which
26 create a false sense of historical development, are being added to the School.
27
28

1 SPS is concerned about the internal corridor that will be constructed adjacent to the south
2 side of the building. However, this corridor will in fact **contribute** to the recognition of the
3 physical record of Ronald School. Students will be allowed to see and touch the original south
4 wall of the structure. As Commissioner Steve Day stated: “[T]he ability to read and touch the
5 old building’s masonry wall from inside the new building is a valid preservation option in itself.”
6 Ex. 92 at 7 (November 17, 2010 Commission Meeting Minutes).

8 **Standard 4.**

9 Standard 4 states that “most properties change over time; those changes that have
10 acquired historic significance in their own right shall be retained and preserved.”
11

12 SPS argues this standard was not met because the proposal involves the change of the use
13 of the building from museum purposes to educational purposes. SPS Brief at 8-9. This
14 argument lacks merit.

15 In fact, the Ronald School landmark designation identified only two elements of historic
16 significance: (a) its association with the broad theme of education and (b) its being an excellent
17 example of early 20th century school design. The period of significance is 1912-1951. See
18 Addendum A (Ex. 94), Finding 1. The role of the Museum was not identified by the
19 Commission as a matter of any historic significance.
20

21 Accordingly, Standard 4 is met because the District is returning the Ronald School to the
22 historically significant use to which it was devoted during the time of its period of significance
23 (1912-1951), namely public education of students. The Museum had no connection whatsoever
24 with Ronald School during its 1912-1951 period of significance.
25
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1 **Standard 9.**

2 Standard 9 provides that “New additions, exterior alterations, or related new construction
3 shall not destroy historic materials that characterize the property. The new work shall be
4 differentiated from the old and shall be compatible with the massing, size, scale and architectural
5 features to protect the historic integrity of the property and its environment.”
6

7 The Commission made findings as to this standard as well. Finding 21 (quoted supra at
8 p. 9) addresses the fact that the proposed new building does not destroy historic materials that
9 characterize the property. SPS does not dispute this finding. See SPS Brief at 9-10.

10 Commission Findings 22-25 addresses the new work’s differentiation from and
11 compatibility with the old.
12

13 The proposed new building is compatible with the existing because it has a base,
14 body, and cornice arrangement much like the historic building, but with new
15 materials... the proposed new building also has a symmetrical rhythm of window
openings, but doesn’t duplicate the landmark.

16 The portions of the proposed new building immediately adjacent to the landmark
17 are primarily glass, resulting in a visual separation of the proposed new building
from the old and creating a focal point that visually emphasizes the landmark.

18 Floor heights for the proposed new building will match those of the old, thereby
19 reinforcing the compatibility of window openings and cornice lines.

20 Massing and size of the proposed new building is compatible as well, with the
21 new sections closest to the landmark being comparable in height and volume.
22 The larger volumes of the proposed new building are set further back on the site
to minimize visual competition with the landmark.

23 The proposed new building, as designed, has minimal impact on the visual and
24 physical integrity of the landmark. If it were removed in the future, existing
25 historic brick would remain intact and unimpaired. Where there was originally
26 wood siding, new wood siding could be reinstalled. Existing window openings
27 would also be intact and could be restored with new sashes.
28

1 See Addendum A (Ex. 94), Findings 22-25. These findings are supported by substantial
2 evidence in the record. See Exs. 2B, 8, 88-89, 92-93, 95.

3 Architect Kate Krafft felt that the new building was too close to the historic landmark.
4 She suggested locating the new building to the east and southeast of Ronald School and only
5 directly connect the new building to the west side of the south elevation. SPS Brief at 9-10.
6

7 The Commission specifically addressed and rejected that suggestion:

8 [Staff Member] Koler asked the commissioners if they feel the proposed project
9 meets the [Secretary of Interior] Standards or whether the Krafft alternative is a
10 better solution...

11 [Commissioner] McCroskey asked if the Commission felt anything is gained by
12 the Krafft alternative, and said she doesn't think it is a better solution than that
13 proposed by the Applicant.

14 [Commissioners] Hitzroth and Day agreed.

15 [Commissioner] Day said in order to have a meaningful separation from the
16 landmark, the new building would need to be set back to such a degree that it did
17 not appear that the new auditorium space would be possible in the proposed
18 location. He also said the ability to read and touch the old building's masonry
19 wall from inside the new building is a valid preservation option in itself.

20 McCroskey closed by stating that the Standards do allow for additions and that
21 they can extend the life of historic buildings. If the new building was constructed
22 without integration with the old, the landmark could conceivably become an
23 orphan structure...

24 See Ex. 92 at 7 (November 17, 2010 Commission Meeting Minutes).

25 SPS also cited the testimony of Flo Lentz, the program director for historic preservation
26 with King County's 4Culture, who expressed concern about the impact of the "massive large
27 addition" of the new school to the landmark. The Commission fully responded to this concern in
28 its Findings, noting that (a) its jurisdiction is limited to 15 feet around the Ronald School
Building, so that the new school could be built in almost its current configuration and location

1 even without connecting with the old school; and (b) that the design of the school has been
2 carefully scaled so as not to overwhelm the old school, and to provide prominence to the old
3 school. See Addendum A (Ex. 94), Findings 7-11, 20-25.

4 The Commission's Findings that the COA Application meets Standard 9 are fully
5 supported by substantial evidence in the record, and should be affirmed. See Exs. 2B, 8, 88-89,
6 92-93, 95.

7
8 **C. The Commission Considered Alternatives.**

9 SPS contends that the Landmarks Decision should be reversed because the Commission
10 failed to consider "the reasonableness or lack thereof of the proposed alteration or significant
11 changes in light of other alternatives available to achieve the objectives of the owner or
12 applicant." See SPS Brief at 10-11, citing Commission Rule of Procedure Criterion VI.6.B.

13 SPS claims that it could "find no record that alternatives were considered by the City or
14 DRC." Id.

15 This claim is surprising, because the record is clear that the Commission did in fact
16 consider alternatives.

17 The District Architect presented the Commission with a thorough explanation of the
18 alternatives that the District has explored, and why alternative locations of the new school
19 building were unreasonable.

20 Nancy Callery, Bassetti Architects, gave a PowerPoint presentation with
21 additional information regarding the application, including various other
22 alternatives that the school district had considered. Those alternatives included
23 placing the new school building along the western and southern edges of the site
24 (too close to existing residential neighborhoods); placing the new building along
25 the eastern edge of the site (poor soils and noise from adjacent commercial
26 properties) relocation of the landmark; and demolition of the landmark.

1 See Ex. 92 at p. 2 (November 17, 2010 Landmarks Commission meeting minutes). See also Ex.
2 93.

3 Commissioner Day confirmed that these alternatives were also presented to the
4 Commission's Design Review Committee meeting of September 9, 2010. See Ex. 92 at p. 6.

5 The Commission also made specific findings as to the reasonableness of alternative
6 locations for the new school:
7

8 Various site restrictions, including poor soils for construction, traffic levels in
9 adjacent residential neighborhoods, and the need to continue using the adjacent
10 high school buildings while the new one is being constructed, necessitated siting
11 the proposed new building to the north and east side of the site, in proximity to
12 the landmark.

13 In addition to other locations on the site, additional alternatives were considered
14 including the demolition of the landmark and the relocation of the landmark to
15 another parcel.

16 See Addendum A (Ex. 94), Findings 5 and 6.

17 Simply put, the reasonableness of alternatives was considered by the Commission. SPS's
18 contentions to the contrary are frivolous.

19 **D. Neither the Landmarks Commission Rules Nor KCC 20.62.110 Authorizes
20 the Council to Reverse the Landmark Decision Based on "Intent of the Law."**

21 The Landmarks Commission Rules identify four specific criteria which are to be applied
22 by the Commission when granting a certificate of appropriateness. See Ex. 11, Part VI(6). None
23 of those criteria authorizes denial of a certificate of appropriateness based on the "intent of the
24 law." KCC 20.62.110 governs appeals of Commission decisions, and provides that relief can be
25 granted only if the Commission decision is based on an error of fact or an error in judgment or
26 conclusion. KCC 20.62.110 provides no authority for the Council to grant relief based on "intent
27 of the law."
28

1 SPS nonetheless claims that the Landmark Decision should be reversed because it is in
2 violation of the "intent of the law," in particular SMC 15.20.010.B, and the City's
3 Comprehensive Plan. SPS Brief at 12-13.

4 Since neither the Landmarks Commission rules nor KCC 20.62.110 authorizes relief
5 based on the "intent of the law," this claim must be dismissed.
6

7 As for the "intent" cited by SPS, the District COA application more than fulfills that
8 "intent." As demonstrated above, by complying with the Secretary of Interior Standards, the
9 proposal causes no unnecessary destruction or defacement of historic resources. SMC
10 15.20.010(B). To the contrary, the proposal will renovate the Ronald School and restore it to its
11 historic use, clearly fulfilling the intent of this code section. As for the Comprehensive Plan
12 community design policies, the District COA application also more than meets them: Ronald
13 School is being preserved and enhanced; Ronald School has been reviewed by the Commission
14 to ensure that it continues to be a part of the community; the District is engaging in responsible
15 stewardship of the building; and the District has worked with the Museum (which supports the
16 application), the City, and the Commission to preserve the landmark.
17
18

19 **E. The Commission Followed Its Procedures.**

20 SPS makes three claims that the Commission violated its procedures. SPS Brief at 13-15.
21 None of the claims has merit. Each of the claims should be dismissed.²

22 **SPS Received Adequate Notice of the Landmarks Commission Meeting.**
23
24
25

26 ² It is unclear whether the Council has jurisdiction to rule on whether the Commission violated its procedures.
27 KCC 20.62.110, which affords the Council jurisdiction over this matter, identifies only errors of fact or of judgment
28 as a basis for relief. The District raises this question for the Council's consideration, and suggests that the City
Attorney be consulted as to this issue.

1 SPS concedes that it received adequate notice of the Landmarks Commission meeting in
2 this matter. Indeed, the public as a whole was well represented, with over thirty citizens
3 providing public testimony.

4 SPS complains, however, that there was inadequate notice of the cancellation of an
5 earlier scheduled hearing. SPS identifies no prejudice that accrued to it by virtue of the
6 cancellation. Indeed, typically project opponents seek *more* time, not *less* time, to prepare for
7 hearings of this nature.

8
9 In any event, it is understood that the Commission, in its submission to the Council, will
10 clarify that the rule cited by SPS (Rule III(5)(A)) applies only to regular, not special, meetings of
11 the Commission. Since the November 17, 2010 meeting of the Commission was a special, not a
12 regular, meeting, Rule III(5)(A) is accordingly not applicable. Rule III(5)(B), instead, governs
13 the scheduling of special meetings. The Commission complied with this Rule.

14
15 **Commissioner Day Complied with Landmarks Commission Rule I.**

16 Without citing to the record, SPS asserts that “during the hearing, Commissioner Day
17 declared that he and the Chair had been conversing about the case before the hearing.” SPS
18 asserts that this conversation violates two provisions of Landmarks Commission Rule I.

19
20 First, SPS contends that this conversation violates Rule I(2)(C), which prohibits a
21 Commissioner from attempting to influence another Commissioner respecting a matter in which
22 the first Commissioner has a conflict of interest. However, SPS makes no allegation that
23 Commissioner Day has a conflict of interest. Accordingly, this Rule is inapplicable.

24
25 Second, SPS contends that Commissioner Day violated Rule I(3) by having an ex parte
26 communication with Commissioner McCroskey before the hearing. However, a prohibited ex
27 parte communication is defined in the Appearance of Fairness statute, RCW 42.36.060, as one

1 between a member of a decision-making body and a project "opponent or proponent."
2 Commissioner McCroskey is neither an opponent nor a proponent of the District proposal.
3 Therefore, Rule I(3) was not violated. Moreover, Rule I(3) specifically provides that information
4 obtained off the record should be reported for the record. Commissioner Day thoroughly
5 complied with this requirement:
6

7 Commissioner Day noted for the record that he and Commissioner McCroskey
8 had briefly discussed prior to the hearing that the Landmarks Commission had
9 received comments questioning whether any alternatives to the Applicant's
10 proposed design had been presented to the design review committee (DRC). Day
11 said that there was in fact a presentation of site planning and design alternatives
12 by the Applicant for the DRC which the Applicant also presented tonight.

13 Ex. 92 at p. 6 (November 17, 2010 Landmarks Commission Meeting Minutes).

14 **The Commission Had a Lawful Quorum on November 17, 2010.**

15 Third, SPS contends that the fact that the Landmarks Commission special member
16 representing the City of Shoreline, Victoria Stiles, recused herself from participating in the
17 proceeding (Ms. Stiles is Executive Director of the Museum and therefore a proponent of the
18 District COA application), "is of major concern." See Exs. 4, 9; SPS Brief at 15. The District
19 would suggest that had Ms. Stiles participated in the proceeding, as a proponent of the
20 application, then SPS would find that to be of even greater concern. In any event, whether SPS
21 is "concerned" or not, SPS acknowledges that the Commission had a lawful quorum and ample
22 authority to render a decision on the COA application at its November 17, 2010 meeting.

23 SPS has identified no procedural violations. These claims must be dismissed.
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1 **F. The Council Has No Jurisdiction to Adjudicate the District's Compliance**
2 **With SEPA.**

3 SPS contends that the District, as lead agency for the Shorewood High School proposal,
4 has not complied with SEPA, and that therefore "the City is instead required to prepare a new
5 SEPA threshold determination..." SPS Brief at 15-18.

6 KCC 20.62.110, however, affords the City Council, acting in a quasi-judicial appellate
7 capacity, no jurisdiction to adjudicate whether the District has complied with SEPA. The sole
8 issue in this appeal is whether the COA complies with the requirements of Chapter 15.20 SMC.
9

10 SPS did have an opportunity to seek review of the District's compliance with SEPA by
11 filing an administrative appeal to the District Superintendent. SPS chose not to do so. Such an
12 appeal was filed by the Museum, and dismissed on the merits. The Museum had an opportunity
13 to seek further review in Superior Court, but chose not to do so. Since no other party filed an
14 administrative appeal of the threshold determination, no other party now has standing to pursue
15 an appeal of the District's compliance with SEPA. RCW 43.21C.075(4).
16

17 **G. The District's DNS Addendum Acknowledges that Ronald School May Be**
18 **Retained On-Site.**

19 SPS contends that that the District has not complied with SEPA because the District did
20 not disclose that it may elect to retain the Ronald School building on-site instead of relocating it.
21 SPS Brief at 4-5, 15-16.

22 However, this contention is based solely on the Initial DNS. As the District's
23 Responsible Official observed, based on public comment received, an Addendum to the DNS
24 was prepared that included revisions to the SEPA checklist which acknowledged that the District
25 may elect to retain Ronald School on site:
26
27
28

1 The comment letters of the King County Historic Preservation Program and of the
2 Committee to Save Our Shoreline Historical Museum indicate that those entities
3 have both substantive and permitting concerns about moving the [Ronald School]
4 building to an off-site location. The District acknowledges these comments and
5 based on this public input, may elect to retain the building on-site, renovate the
6 building in accordance with applicable historic preservation guidelines, and
7 incorporate it for education purposes into the main classroom building. Either
8 action, moving the building or retaining it on-site and renovating it, will require a
9 Certificate of Appropriateness from the City of Shoreline Landmarks
10 Commission.

11 See Addendum D to this response memorandum. In that light, the original April 28, 2010 SEPA
12 checklist was modified to acknowledge that the District may elect to retain the historic Ronald
13 School building on site. See Addendum C to this response memorandum, answers to Questions
14 A.11 and B.13.c.

15 Since the District's environmental review accurately described the proposal, there is no
16 merit to SPS's claim that the DNS was flawed – even if the Council had jurisdiction to address
17 this issue, SPS's claim must be dismissed.

18 **H. The District Proposal is Environmentally Nonsignificant.**

19 SPS argues that Washington law provides that a proposal which requires an
20 environmental impact statement (“EIS”) must have that EIS accompany the proposal through the
21 existing agency processes so that officials will use it in making decisions. SPS Brief at 16-17.

22 However, all of the authority cited by SPS relates to projects which are “major actions
23 affecting the environment,” projects with “significant adverse environmental impacts,” projects
24 which require an EIS.

25 None of that authority applies here. The District determined that this proposal was
26 “nonsignificant” from an environmental point of view. That determination was affirmed by the
27

28 **McCullough Hill Leary, PS**

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1 Hearing Examiner and the District Superintendent. No appeal of that determination was filed.

2 That issue is now closed.

3 **CONCLUSION**

4 The District respectfully asks the Council to dismiss the SPS appeal. The claims raised
5 by SPS have no merit.

6
7 The District's COA application complies with the Secretary of Interior Standards. The
8 Commission fulfilled its obligation to consider alternatives. The proposal complies with both the
9 letter and the intent of the law. The Commission complied with all applicable procedural
10 mandates. The District has fully complied with SEPA.

11
12 In February 2010, Shoreline voters asked the District to modernize and replace
13 Shorewood High School. The District asks the Council to allow it to proceed with this project,
14 as intended by the Shoreline citizenry.

15 RESPECTFULLY SUBMITTED this 18th day of February, 2011.

16 MCCULLOUGH HILL LEARY, P.S.

17
18
19 By: 

20 G. Richard Hill, WSBA #8806
21 Attorney for Applicant Shoreline School District
22
23
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28

ADDENDUM A



King County

Office of Business Relations and Economic Development
Historic Preservation Program
400 Yesler Way, Suite 510 [MS: YES-EX-0510]
Seattle, WA 98104
206.296.8636 (v) 206.205.0719 (f)
www.kingcounty.gov/landmarks

CITY OF SHORELINE LANDMARKS COMMISSION FINDINGS OF FACT AND DECISION

Ronald School Certificate of Appropriateness No. 1021

PROPERTY: Ronald School
PROPERTY ADDRESS: 749 N. 175th Street, Shoreline, WA
OWNER: Shoreline School District
APPLICANT: Nancy Callery, Bassetti Architects

SUMMARY

The Shoreline Landmarks Commission (Commission) approves a certificate of appropriateness (COA) to construct a new school building and restore elements of Ronald School, a City of Shoreline landmark, located at 749 N. 175th Street in Shoreline, Washington.

Public Hearing: The Commission held a public hearing on a COA application for the Ronald School on November 17, 2010 at the Richmond Masonic Center, 753 N 185th Street, Shoreline, Washington. Staff submitted the certificate of appropriateness application, supporting documentation, including the Design Review Committee recommendation, and staff recommendation to commissioners prior to the meeting. Vicki Stiles, the City's special member to the Commission, recused herself from the hearing due to conflict of interest because she is the Executive Director of the Shoreline Historical Museum (current tenant of the subject building). Commissioner Brian Rich recused himself from the hearing because he is employed by Bassetti Architects, the Applicant for this COA.

At the hearing, staff provided a brief summary of the proposal, followed by a presentation by the Applicant, Nancy Callery of Bassetti Architects, and a statement by Sue Walker, Superintendent of Shoreline School District. Ms. Callery said the project was necessary in order to meet the requirements of the school bond recently approved and to provide a replacement for Shorewood High School. She also provided details on the design of the proposed new building, its attachment to Ronald School, and the restoration of certain elements of the landmark building. She further described the alternatives which the School District considered prior to submitting the current proposal. Ms. Walker read a statement asking the Commission to approve the application.

Thirty-three people offered oral testimony. Of these, 17 spoke against approving the application and 16 spoke in favor of approving it. Nine of those who spoke against approval and one who

spoke in favor also submitted written statements at the hearing. One additional person submitted written testimony at the hearing in favor of approval. Prior to the hearing, written testimony was received from 29 people: fifteen opposed the project or said that more information was needed before a decision could be made (seven of these people also testified at the hearing); twelve were in favor of the project (five of them also testified at the hearing). In addition, one person commented on the SEPA process conducted by the school district and one commented on the conditional use permit for the school currently being considered by the City of Shoreline. Neither of these issues are admissible under the Commission's rules and regulations. Other exhibits were submitted prior to the hearing—a list of which is contained in *Attachment A – List of Exhibits*.

The Commission's decision to approve the COA application was based on it meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically Standards 1, 2, 5, 6, 7, 9 and 10; Shoreline Municipal Code 15.20; and Criteria VI.6.A-D of the Rules and Regulations of the Shoreline Landmarks Commission. See Design Review Committee Report (Exhibit No. 41) for discussion of applicable standards.

FINDINGS

The Commission found that the proposed project is in compliance with the above-noted standards and criteria. In making its decision, the Commission adopted the following specific findings:

1. Ronald School is significant under Criterion A1 for its association with the broad theme of education and under Criterion A3 as an excellent example of early 20th century school design, executed in a modest Classical Revival style. The period of significance is 1912-1951.
2. The features of significance include all exterior portions of the building; and all of the land area within the boundaries of the designated area. The boundaries extend to the parcel limits on the north and to a line 15 feet from the building on the east, south, and west sides.
3. The building was constructed as a schoolhouse, with classrooms and offices. For many years the building has housed the Shoreline Historical Museum. The proposed new use will again be education, but as part of a larger school complex, and with high school students being the primary focus.
4. School districts utilize building guidelines that recommend specific facilities and sizes for modern school campuses. The subject site is smaller than is recommended for contemporary high school facilities, and is two-thirds the size of the other high school in the district (Shorecrest).
5. Various site restrictions, including poor soils for construction, traffic levels in adjacent residential neighborhoods, and the need to continue using the adjacent high school buildings

while the new one is being constructed, necessitated siting the proposed new building at the north and east side of the site, in proximity to the landmark.

6. In addition to other locations on the site, additional alternatives were considered including the demolition of the landmark and the relocation of the landmark to another parcel.
7. The proposed new building has a rhythmic pattern of fenestration that complements but does not replicate the rhythm of windows in the landmark.
8. The proposed new building has a vocabulary of building base, body and cornice that complements but does not replicate the same vocabulary on the landmark.
9. The proposed new building is composed of several components, with the components closest to the landmark consisting of more translucent elements, creating a subtle effect of separation between the new and old buildings. These components are also compatible in massing to the massing of the landmark but do not replicate the massing.
10. Ronald School is located closer to the street than the proposed new building to the east. It is set back slightly from the front plane of the landmark and approximately 35 feet from the east (side) elevation to visually accentuate the landmark.
11. A new building could be constructed to within 15 feet of the landmark on the east, south or west without having to obtain a COA.
12. Non-historic driveways located on either side of Ronald School will be removed and replaced with landscaping and sidewalks, more in keeping with the original site.
13. The proposed new building on the rear of Ronald School is two stories high, one story shorter than the landmark, creating a subtle effect of separation from it and emphasizing visual preference of the landmark.
14. No historic materials that are designated features of significance will be removed. There will be a minor alteration of features on the rear of the building, where the proposed new building will be attached. This alteration will include the removal of non-historic windows and the infilling of the window openings as required by building code for adequate fire separation.
15. There will be minimal impact on spatial relationships, as the primary elevations of the building will be maintained, with only the addition of a new building at the rear. Currently the building is surrounded by a parking lot and driveways, both non-historic elements, and these will be removed.
16. All distinctive materials, features, finishes and construction techniques (features of significance) will be preserved. Some brickwork will be repointed to match the existing

- mortar joints. Where the proposed new building is attached on the rear of the building, the existing exterior brickwork will be maintained and will be preserved within the envelope of the proposed new building.
17. Deteriorated woodwork and brickwork will be repaired. In cases where woodwork is too deteriorated to repair, replacement will match the historic woodwork based on physical and photographic evidence.
 18. The existing windows are replacement windows and are approximately 40 years old. The proposed new replacements will replicate the original windows using historic photographs and physical evidence as guidance. They will match the originals in design, texture, visual qualities, and dimensions, and if budget allows, material. The windows will contain insulated glass panels, and will have a low-E coating, but this should not alter the visual quality.
 19. Exterior brickwork will be cleaned using a low-pressure wash and mild detergent. These are common and acceptable methods for cleaning historic brick.
 20. Only that portion of the proposed new building that is within the designated boundaries of the landmark can be reviewed by the Commission; thus review authority is limited to a 15 foot area extending from the landmark's south, east, and west elevations. However, for discussion purposes, the entire north portion of the proposed new building (that closest to the historic building) was considered in the evaluation.
 21. The proposed new building does not destroy any historic features or spatial relationships. The windows at the rear of the landmark will be removed and infilled, but the windows themselves are not original. The west portion of the rear elevation has been re-sided with new material, and an elevator was added. These will be removed for attachment of the proposed new building. The spatial relationship at the front of the building, consisting of the setback from the street and the prominence at the end of Linden Avenue will not change. The spatial relationship to the east, historically consisting of open space but now containing a driveway, will be improved with the removal of the drive and an open courtyard between the historic building and the proposed new building. The spatial relationship to the west, now consisting of a driveway and open space, will also be improved by the removal of the driveway immediately adjacent to the historic building. This elevation would become more prominent, as it faces the entry for the new school.
 22. The proposed new building is compatible with the existing because it has a base, body, and cornice arrangement much like the historic building, but with new materials. Final material selection has not been made, but will be reviewed with staff before construction begins. The proposed new building also has a symmetrical rhythm of window openings, but doesn't duplicate the landmark. The portions of the proposed new building immediately adjacent to the landmark are primarily glass, resulting in a visual separation of the proposed new building from the old and creating a focal point that visually emphasizes the landmark.

23. Floor heights for the proposed new building will match those of the old, thereby reinforcing the compatibility of window openings and cornice lines.
24. Massing and size of the proposed new building is compatible as well, with the new sections closest to the landmark being comparable in height and volume. The larger volumes of the proposed new building are set further back on the site to minimize visual competition with the landmark.
25. The proposed new building, as designed, has minimal impact on the visual and physical integrity of the landmark. If it were removed in the future, existing historic brick would remain intact and unimpaired. Where there was originally wood siding, new wood siding could be reinstalled. Existing window openings would also be intact and could be restored with new sashes.

MINUTES AND EXHIBITS

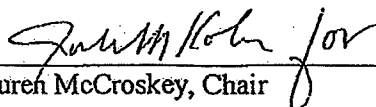
The minutes of the Shoreline Landmarks Commission public hearing of November 17, 2010 are on file in the King County Historic Preservation Program office, 400 Yesler Way, Suite 510, Seattle, Washington.

The following exhibits were entered into the record: See *Attachment A - List of Exhibits*.

DECISION

At its November 17, 2010 meeting the Commission unanimously approved a certificate of appropriateness as recommended by the Design Review Committee and staff, including the conditions described in the DRC Report (see Exhibit No. 41), to construct a new school building and restore historic elements of Ronald School.

SHORELINE LANDMARKS COMMISSION



Lauren McCroskey, Chair

12-3-10
Date

TRANSMITTED this 3rd day of December, 2010 to the following parties and interested persons:

Nancy Callery, Bassetti Architects
Lorne McConachie, Bassetti Architects
Sue Walker, Shoreline School District

Paul Cohen, City of Shoreline
Bob Ferguson, King County Councilmember
Travis Alley, King County Council Staff

Jennifer Altena
Dean L. Barth
Kate Bauman, GG Architects
John Behrens
Boni Biery
Wes Brandon
Beth Burkell
Kathy Carrow, Shorewood PTSA
Raymond S. Collins
Loren Day
Amy Daybert, Enterprise News
Linda Delgado
Wendy DiPeso
Bill Dunbar
Debi Ehrlichman
Ann Erickson
Alfred Frates, Jr.
Tanya Frates
Karen Frazier
Suzanne Gillette
Julio and June Gomalez
Jeff Greene, GG Architects
Judy Griegel
Suzanne Gugger
Kathy Hall
Marcia Harris, Shoreline School District
Lois Harrison
Diane Hettrick, Shoreline Area News
Michelle Hickman
G. Richard Hill, McCullough Hill Law Firm
Lisa Hirohata
Leanne S. Hofford
Julie Houff
Ken Howe
Jocelyn Hudson
Mike Jacobs
Carole Johaneson
Steve Kellett
Sue Kienast, Bothell Historical Society
Kate Krafft, Krafft & Krafft Architects
Sharon Leitner
Flo Lentz, 4Culture

Sarah Lovejoy
Dale Lydin
Zelma McCartt
David S. Mann
Lisa Mannery
Afia Christine Menke
Aaron Miller
Geneva F. Norton
Maren Norton
Patti Par Norwood
Angela Nouwens
Margie Olson
Helen M. Oltman
Virginia M. Paulsen
Suzanne Pardee
Elaine Phelps
Richard Potter
Teri Potter
Christie Quigley
Robert L. Ransom
Henry Reed, Shoreline Historical Museum
Connie Samson
Garry Schalliol
Keith Scully
Shoreline Historical Museum, c/o Vicki Stiles
Shoreline Preservation Society, c/o Janet Way
Roger Smith
Linda Stein
Amy Stensrud
Dave and Marianne Stephens
Jan Stewart
Sigrid Strom
Lisa Surowiec
Les Tonkin, Tonkin/Hoynes/Lokan Architects
Neal Vonada
Janet Way
Vicki Westberg
David Wilson
Linda Wilson
Ken Winnick
Sarah-Ann and Vance Woodfield
Jean Wren

NOTICE OF RIGHT TO APPEAL OR RECONSIDER

Appeal. Any person aggrieved by a decision of the Shoreline Landmarks Commission issuing or denying in whole or in part, a Type II or III Certificate of Appropriateness may, within 35 calendar days of mailing of notice of the action, appeal the decision to the Shoreline City Council. Written notice of appeal shall be filed with the Historic Preservation officer and the City Clerk and shall be accompanied by a statement setting forth the grounds of the appeal, supporting documents and argument. (KCC 20.62.110 A, as adopted by reference in SMC 15.20.025.)

Reconsideration. Any person aggrieved by a decision of the Shoreline Landmarks Commission issuing or denying, in whole or in part, a Certificate of Appropriateness may, within 20 calendar days of mailing of notice of the decision, petition the Commission for reconsideration on the grounds the decision was based on 1) error or omissions of fact; or, 2) that new information bearing on the decision, and not reasonably available to the Commission at the time of the decision, is available. The written petition shall be filed with the Historic Preservation Officer and shall be accompanied by 1) a statement setting forth the grounds for the petition; and, 2)

Findings of Fact and Decision
Ronald School COA No. 1021
December 3, 2010
Page 7 of 7

any supporting documents. Within 70 calendar days of a petition for reconsideration, the Commission shall review the record, and may, at its discretion, render a revised decision. The Commission may, at its discretion, hold another public hearing on the matter.

ADDENDUM B



DETERMINATION OF NONSIGNIFICANCE (DNS)

Proposal: Shorewood High School

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000sf, of new space including;

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School will be moved to an off-site location.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off area; athletic facilities including fields, track, and small community sports structures; frontage improvements; appropriate utilities, fire access, street egress/ingress, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time; however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms, to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Property Owner/Applicant: Shoreline School District 412
Location: 17300 Fremont Avenue North, Shoreline, WA 98133
(Tax ID's: 0726049134, 0726049248, 0726049263, 0726049058, 0726049201, 0726049291, and 0726049292)

Lead Agency: Shoreline School District 412
As the lead agency for this proposal, Shoreline School District 412 has reviewed the proposed project and determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ✓ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted in writing to Shoreline School District No. 412, Attn: Marcia Harris, Deputy Superintendent, 206.361.4366, by 5:00 pm on May 17, 2010.

Public Comment: We invite your comments in review of this proposal. Anyone wishing to review the project file, environmental checklist, and any other documents relating to this proposal may do so by contacting Marcia Harris at 206.361.4366. Comments can be sent to Shoreline School District, Attn: Marcia Harris, Deputy Superintendent, 206.361.4366.

Responsible Official: Marcia Harris, Deputy Superintendent
Shoreline School District No. 412
18560 1st Avenue NE
Shoreline, WA 98155-2148

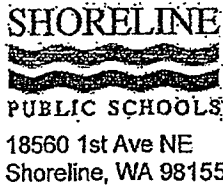
Signature:  5/3/10
Responsible Official Date

Appeal: Pursuant to Shoreline School District SEPA policies, determination decisions by the Responsible Official may be appealed to the School District Superintendent. A written notice of appeal identifying the grounds for appeal must be filed by the date indicated below as "Appeal Deadline." Appeals must be in writing and contain specific factual objections and other specific items as identified in the Shoreline School District SEPA policies. Appeals must be submitted to: Shoreline School District No. 412 at 18560 1st Avenue NE, Shoreline, WA 98155-2148.

Appeal Deadline: 4:00pm, June 1, 2010. (14 day)

Note: The issuance of this DNS does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Shoreline.

ADDENDUM C



ADDENDUM TO DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of DNS: SHOREWOOD HIGH SCHOOL

Description of original DNS:

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000 sf, of new space including;

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School will be moved to an off-site location.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off area; athletic facilities including fields, track, and small community sports structures; frontage improvements; appropriate utilities, fire access, street egress/ingress, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time; however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms, to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Property Owner/Applicant:
Shoreline School District No. 412
18560 1st Ave NE
Shoreline, WA 98155

Contact Person: Marcia Harris, Deputy Superintendent
Email: marcia.harris@shorelineschools.org
Telephone Number: (206) 368-4113
Fax Number: (206) 361-4204

May 25, 2010

Location of DNS: 17300 Fremont Avenue North, Shoreline, WA 98133
(Tax ID's: 0726049134, 0726049248, 0726049263, 0726049058,
0726049201, 0726049291, and 0726049292)

Lead Agency: Shoreline School District No. 412

Shoreline School District No 412 is providing updated information on this project that may be of interest to other agencies or the public. The updated information provided below does not substantially change the analysis of significant impacts in the existing environmental checklist.

The original environmental checklist, dated April 28, 2010, should be modified to reflect the following changes:

Question A. 10: List any government approvals or permits that will be needed for your proposal, if known:

Conditional Use Permit - (City of Shoreline)
~~Landmarks Board Approvals Certificate of Appropriateness (City of Shoreline
Landmarks Commission—administered by the King County Historic Preservation
Program)~~
Building Permit- (City of Shoreline)
Temporary Use Permits- (City of Shoreline)
Health District Approval- (King County Health Department)
NPDES Permit- (Washington State DOE)
Demolition Permit- (City of Shoreline)
Electrical Approval- (Labor and Industries)
Utility District Approval (Ronald Wastewater and Seattle Public Utilities)
Stormwater Pollution Prevention Plan (King County Development and
Environmental Services)

Question A.11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000 sf, of new space including;

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (may to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School may will be moved to an off-site location. In the event it is not moved, it is intended to be renovated and incorporated as part of the Main Building.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off

area; athletic facilities including fields, track, and small community sports structures; frontage improvements; appropriate utilities, fire access, street egress/ingress, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time; however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms, to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Question B. 8.a: What is the current use of the site and adjacent properties?

The site is currently used as Shorewood High School, operated by the Shoreline School District and the Shoreline Historical Museum located to the north. Adjacent property to the north is a mix of single-family and multi-family uses; property to the south and west is single family; property to the east is a mix of industrial and commercial uses, including car dealerships and other commercial uses.

Question B.8.c: Describe any structures on the site.

Existing high school structures onsite include multiple one-story structures and portables, totaling approximately 232,800 SF. Also located on-site is the Ronald School, a three-story structure totaling approximately 15,000 square feet.

Question B.13.a: Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Existing on the school district property site is the Ronald School, which is operated by the Shoreline Historical Museum and listed as a City of Shoreline landmark place of significance. The 15,000 SF building is approximately 2-5 three stories tall with two above ground floors and one floor a daylight basement. The building is currently used by the Shoreline Historical Museum, and is over 50 years old, therefore potentially eligible for nomination to the National Register of Historic Places. Attached, as Exhibit B, is the City of Shoreline Landmarks Commission Findings of Fact and Decision on Ronald School.

Question B.13.b: Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Other than the presence of the Ronald School, no known archeological, scientific or cultural evidence has been found on the site. The Ronald School is a three-story masonry building as described above. See also Exhibit B.

Question B.13.c: Proposed measures to reduce or control impacts, if any:

Proposed measures to reduce impacts to the Ronald School include the potential of moving the building to an off-site location. Prior to the movement of the Ronald School Building, the building would be analyzed and assessed by a qualified professional engineer to confirm the feasibility of moving the building to an off-site location. The building would also be documented via as-built drawings prior to being moved. Based on public input regarding the relocation of the Ronald School Building, the District may elect to retain the building on-site, renovate the building in accordance with applicable historic preservation guidelines, and incorporate it for educational purposes into the main classroom building. Either action, moving the building or retaining it on-site and renovating it, will require a Certificate of Appropriateness from the City of Shoreline Landmarks Commission. Exercise of the latter option would result in the relocation of the Shoreline Historical Museum to an off-site location.

May 25, 2010

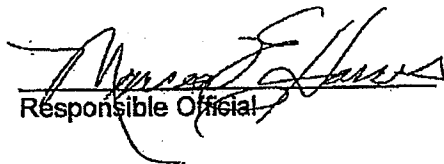
Based on the original environmental checklist and the updated information provided in this addendum, it has been determined that a new threshold determination is not warranted. There is no comment period associated with this SEPA environmental checklist addendum.

Responsible Official: Marcia Harris
Position/Title: Deputy Superintendent, Shoreline School District No. 412
Address: 18560 1st Avenue NE, Shoreline, WA 98155-2148

If you have any questions about this action, please contact:
Marcia Harris, Email: marcia.harris@shorelineschools.org
Phone: (206) 368-4113 Fax: (206) 361-4204

This addendum is issued on Tuesday, May 25, 2010 pursuant to WAC 197-11-600(4)(c) and 197-11-625.

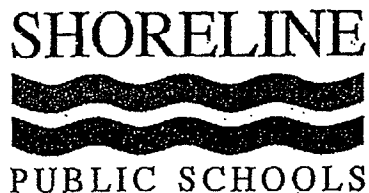
Signature:


Responsible Official

5/25/10
Date of Issue

Note: The issuance of this DNS Addendum does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Shoreline.

ADDENDUM D



Board of Directors
David Wilson
Maren Norton
Mike Jacobs
Deborah Ehrlichman
Richard Potier
Sue Walker
Superintendent
Secretary to the Board

May 25, 2010

To: All Parties of Record & Agencies with Jurisdiction

Re: Shorewood High School DNS

To Whom It May Concern:

The Shoreline School District has received substantive and timely comments on the SEPA Determination for the Shorewood High School which has resulted in a reconsideration of the Determination of Non-Significance (DNS) per WAC 197-11-340(2)(f) by the SEPA responsible official. Your comments are noted, and will be considered by me as lead agency responsible official, in accordance with the provisions of WAC 197-11-340.

The reconsideration has resulted in the issuance of the attached addendum to the original DNS in accordance with WAC 197-11-706. The updated information does not substantially change the analysis of significant impacts for the project and thus the determination has been retained as a DNS. The addendum will be mailed to agencies with jurisdiction and parties of record. There is no further comment period for this proposal.

The Shoreline School District assumed lead agency status for this proposal pursuant to WAC 197-11-926 in which an agency initiating a proposal is the lead agency for the proposal. A Notice of Assumption of Lead Agency Status was provided to and accepted by the City of Shoreline on April 19, 2010.

The original DNS was properly noticed per the SEPA notice provisions in WAC 197-11-510 and the School District's SEPA Procedures. These provisions and procedures do not require the provision of notice to adjacent property owners. The determination was legally noticed in the Seattle Times which is the current newspaper of record for the Shoreline School District (see Attachment A for affidavit of publishing). The determination was also noticed at the site with three 4-foot by 4-foot notice boards located on-site along each public street frontage (refer to Attachment A). The notice was also sent to the District's mailing list for agencies with jurisdiction. As such, the School District and SEPA responsible official have complied with statutory requirements regarding public notice in this matter.

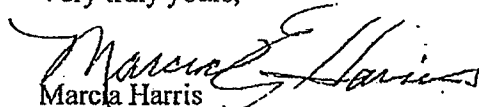
The School District's SEPA Procedures identify that the School District will establish a mailing list for those interested citizens who wish to be informed of SEPA determinations. All parties who have provided SEPA comments in writing will be added to our mailing list for future public notice associated with Shorewood High School SEPA matters, including this notice of addendum to the DNS.

Administrative Offices, 18560 1st Ave NE, Shoreline, WA 98155-2148, Office (206) 361-4366, Fax (206) 361-4204

Several comments received pertained specifically to the potential relocation of the existing Ronald School building to an off-site location. The potential relocation of the building was proposed as part of the overall project and included specifically in the project description. In this case, the relocation was evaluated as such and was not separated out as mitigation measure to address a direct impact. Therefore, the analysis acknowledges the relocation as part of the overall project and identifies no other significant mitigation that would justify modifying the DNS to a Mitigated Determination of Non-Significance (MDNS).

The comment letters of the King County Historic Preservation Program and of the Committee to Save Our Shoreline Historical Museum indicate that those entities have both substantive and permitting concerns about moving the building to an off-site location. The District acknowledges these comments and based on this public input, may elect to retain the building on-site, renovate the building in accordance with applicable historic preservation guidelines, and incorporate it for educational purposes into the main classroom building. Either action, moving the building or retaining it on-site and renovating it, will require a Certificate of Appropriateness from the City of Shoreline Landmarks Commission. Exercise of the latter option would result in the relocation of the Shoreline Historical Museum to an off-site location.

Very truly yours,


Marcia Harris
Deputy Superintendent

ADDENDUM E

77

77



Board of Directors
Deborah Ehrlichman
Mike Jacobs
Maren Norton
Richard Potter
David Wilson

Sue Walker
Superintendent
Secretary to the Board

July 14, 2010

Jay P. Derr
Duncan Greene
GordonDerr, LLP
2025 First Avenue, Suite 500
Seattle, WA 98121-3140

**Re: Shoreline Historical Museum
Shorewood High School DNS Appeal
Final Decision of the Superintendent**

Dear Mr. Derr and Mr. Greene:

I have received and reviewed the Hearing Examiner's Recommendation to the Superintendent, dated July 12, 2010. I have also reviewed Exhibits 1-7 identified in the Hearing Examiner's Recommendation.

Based on that review, I have decided to adopt the Hearing Examiner's Recommendation. Accordingly, the Shoreline Historical Museum's appeal of the May 3, 2010 Determination of Nonsignificance regarding Shorewood High School is hereby denied.

Sincerely,

A handwritten signature in cursive script that reads "Susanne M. Walker".

Susanne M. Walker
Superintendent

cc: Michael Kenyon
Marcia Harris
G. Richard Hill

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King County

Historic Preservation Program

Department of Natural Resources and Parks
201 South Jackson Street, Suite 700 [MS: KSC-NR-0700]
Seattle, WA 98104
206.296-8689

I

RECEIVED

FEB 22 2011

CITY CLERK
CITY OF SHORELINE

February 18, 2011

The Honorable Keith McGlashan and City Councilmembers
City of Shoreline
17500 Midvale Avenue North
Shoreline, WA 98133

**RE: Response to Shoreline Preservation Society Appellant Brief Concerning
Ronald School COA No. 1021**

Dear Mayor McGlashan and Councilmembers:

I am writing on behalf of the City of Shoreline Landmarks Commission (Commission) in response to the opening brief submitted by the Shoreline Preservation Society, appellant of the Certificate of Appropriateness (COA) issued by the Commission for the Ronald School building. As further described below - and contrary to the appellant's assertions - the Commission's approval of the COA is in conformance with all aspects of applicable standards, procedures, and codes governing the issuance of Certificates of Appropriateness. The following responses are keyed to the numbering and assertions listed in the Shoreline Preservation Society brief dated February 11, 2011.

Section III.A. The Decision fails to follow Secretary of Interior Standards

The Secretary of the Interior's Standards for Rehabilitation (Standards) are a nationally recognized set of criteria used to guide the rehabilitation of historic properties. They are used by landmark commissions throughout the country. The Standards contemplate new construction attached to historic buildings and allow for that construction. The Shoreline (King County) Landmarks Commission is highly qualified to interpret the Standards and does so on a regular basis in its capacity as a regional provider of landmark designation and protection services. The following responses address the appellant's assertion that the Commission's decision failed to follow the Standards.

Standard 1 - "A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships."

The appellant argues that the proposal cannot reasonably be in compliance with Standard 1 because it is far more than a minimal change.

Response: The subject proposal returns the building to its historic use as a school, consequently there is no violation of Standard 1. Other standards address changes to buildings and spatial relationships.

Standard 2 – “The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”

The appellant asserts that the applicant’s proposed alterations to the south (rear) elevation of the Ronald School are not minor, and that they will encapsulate this feature, convert it to interior space, and significantly change the building form.

Response: Significant alterations have already occurred on the south elevation, including the removal of historic windows and replacement with windows that are not in character with the historic building; the replacement of original siding on half of this elevation with non-historic material; and, the addition of an elevator tower and ramp that obscure an original entry.

The proposed project would alter spatial relationships at the rear of the building; however, because this elevation has been significantly altered already, it would not significantly impact any original features. In addition, spatial relationships to the north, east and west of the Ronald School will be retained. In fact, more historically appropriate conditions will be restored on the east and west (side) elevations by the removal of non-historic driveways and replacement with landscaping, and on the rear by exposing and restoring brickwork and the cornice when the elevator tower is modified during rehabilitation. Finally, remaining original materials on the south elevation will not be removed; they will be preserved within the envelope of the new building.

Standard 3 – “Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.”

The appellant states that the plans for the south elevation are “tentative and conjectural”. It also asserts that this elevation is historically important because it contained an entry that was used by the students, where they waited for the bell, played games, had recess and where class pictures were taken.

Response: This standard is meant to prohibit the addition of conjectural features or elements from other historic properties. The applicant is not proposing that such features or elements be added to the Ronald School, therefore Standard 3 is not applicable.

Standard 4 – “Changes to a property that have acquired historic significance in their own right will be retained and preserved.”

The appellant states that the building has acquired “additional significance” because of its association with the Shoreline Historical Museum, a long-time tenant.

Response: Ronald School was designated a landmark under Shoreline Landmark Criterion A1 for association with the broad pattern of education, and Criterion A3 as an intact example of a distinctive early 20th century school design. The building was not designated for its association with the Museum therefore the Commission cannot consider this. Furthermore, use is not a criterion for designation (King County Code 20.62.040). Restorations that the Museum undertook while a tenant in the building are being left intact.

Standard 9 – “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size=scale and proportion, and massing to protect the integrity of the property and its environment.”

The appellant asserts that the new addition will destroy historic spatial relationships and the historic form of the building, as well as set a precedent for massive large additions that future applicants will cite and future commissions will be bound by.

Response: The proposed project does not anticipate an addition to the Ronald School; it proposes a completely new building that will be attached to a secondary elevation of the landmark building. However, even if the proposed new construction is considered an “addition” under the Secretary of the Interior’s Standards, the proposed work satisfies all conditions of Standard 9. Primary spatial relationships are not impacted on the front and sides of the historic building. Only the spatial relationship at the rear is impacted, and the new building is sufficiently distinguished (in terms of size, scale and proportion, massing, and materials) from the historic one so as not to significantly impact the visual integrity of the latter.

The Commission does not believe that the proposed new building will adversely impact the historic form of the landmark. The form remains intact on three elevations and only the rear elevation is impacted by the connection to the new building.

The proposed plan anticipates two separate buildings attached on one elevation. The applicant has exceeded the requirements of reducing the impact of massing and scale of the new building on the landmark: the connection between two buildings is one-story shorter than the historic building; to the east of the landmark, there is a separation of 35’ from the new building, and the latter is set back from the street-side plane of the landmark, further diminishing visual impacts.

This is of note because based on the boundaries of significance which were identified at the time of designation (within which no new construction can take place without review and approval by the Commission), and which the Museum and others did not argue with at the time of designation, it would be possible for the school district to build within 15’ of the west, south and east elevations of the Ronald School at a height of several stories. The school district did not exercise this option; had it done so there would have been a significant adverse visual impact to the Ronald School over which the Commission would have had no review authority.

Finally, approval of this COA does not set a precedent for future decisions of the Commission regarding additions to landmark properties as each COA application is unique and evaluated on its own merits.

Section III.B. – The Decision fails to meet rules of procedure Criterion 6B

Shoreline Rules and Procedures Criterion 6B – “The reasonableness or lack thereof of the proposed alteration or significant changes in light of other alternatives available to achieve the objectives of the owner and the applicant.”

The appellant asserts that the Commission failed to consider alternatives that would “leave the Ronald school both intact and isolated sufficiently so that it stands out.”

Response: Several alternatives were discussed at both the design review committee meeting and the Commission’s November 17, 2010 public hearing. (These were also presented to the public at an open house held by the school district during its initial consideration of alternatives for the new school building.) The applicant is not required by code or rules of procedure to submit detailed alternatives. The Commission is to consider the “reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the owner.” The owner’s objectives were to use the historic building, and to rehabilitate it for use as a modern educational facility. This criterion was met.

Section III.C. – The Commission Erred in the fundamental protection of the landmark and carrying out the “intent of the law”

The applicant cites Shoreline Municipal Code 15.20.010B: “Such cultural and historic resources are a significant part of the heritage, education and economic base of the city of Shoreline and the economic, cultural and aesthetic well being of the city cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources. The appellant indicates that the proposal will cause “unnecessary destruction and defacement of such resources.”

Response: As noted above, the proposed project would impact the rear of the landmark, on an elevation that has already been significantly altered. What remains of original materials and features on this elevation will be preserved, although some will only be visible from inside the new building. Spatial relationships on this elevation would also be impacted, but the Commission did not find that they were significant enough to warrant denial of the COA .

The applicant also cites Shoreline Historic Preservation Policies:

- CD 54 – Preserve, enhance and interpret Shoreline’s historical and archaeological identity.
- CD 58 – Review proposed changes to historic landmark sites and structures to ensure that these resources continue to be a part of the community.
- CD 60 – Encourage stewardship of historic sites and structures.

CD 61 – Work cooperatively with other jurisdictions, agencies, organizations and property owners to preserve historic resources.

Response: All of these policies were considered and have been met. The landmark is being preserved and enhanced with the restoration of historic windows. All proposed changes were carefully evaluated and found to be acceptable; they did not adversely impact the landmark to such a degree that the COA should be denied. The school district has stated that it is committed to serving as the building's steward, and in its near 100-year history has not demolished or significantly altered the Ronald School. There has been cooperation throughout the life of the history to preserve it, with the Shoreline Historical Museum serving as its primary steward for 35 years.

Section III.D. – The Commission Failed to Follow Procedures

The appellant asserts that the notice requirements in the Commission's Rules and Procedures were not followed because only 24 hour notice was given for the October 14, 2010 hearing.

Response: The October 14, 2010 meeting was a special meeting. A special meeting has a 24 hour notice requirement for cancellation.

The appellant indicates that Commissioner Day declared he and I had been conversing about the case before the hearing and that this violated the ex-parte clause of the code.

Response: There was no violation of the ex-parte clause of the code. To the contrary, Commissioner Day made a point of declaring for the record at the beginning of the hearing that he conversed with me regarding Rules and Procedures Criterion 6B and whether it applied to this particular case. He also discussed with me an alternative proposal submitted by an interested party and included in the record. Both of these issues were fully discussed during the hearing by the Commission. No information was provided prior to the hearing that was not also provided at the hearing.

The appellant cites that the special member of the Commission was not present to represent Shoreline.

Response: The Rules and Procedures of the Shoreline Landmarks Commission Part I.2.B. state that no commissioner shall participate in deliberations or vote on any matter in which they have a conflict or perceived conflict of interest. The Shoreline Special Commissioner had a conflict of interest and recused herself from participation in this proceeding.

The appellant indicates that two Landmarks Commissioners' terms are expired.

Shoreline City Council
Response to Appellant Brief: Ronald School COA No. 1021
February 18, 2011
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Response: King County Code 20.62.030.B. states that regular members of the Commission shall serve until their successor is appointed and confirmed, regardless of their effective term limit.

The appellant indicates that two Landmarks Commission positions are vacant.

Response: KCC 20.62.030.F. states that a majority of current appointed members shall constitute a quorum for the transaction of business. There is no minimum number of current appointed members.

Section III.E. – The Landmarks Commission Violated SEPA

The appellant asserts that the school district did not conduct adequate SEPA review, and that the Landmarks Commission did not complete an environmental review.

Response: This assertion is erroneous as the Commission's authority does not extend to SEPA review.

Thank you for the opportunity to respond to the appellant's brief. The Commission will have staff available at the hearing to answer questions as necessary.

Sincerely,

Lauren McCroskey
Chair, Shoreline Landmarks Commission

cc: Shoreline Landmarks Commissioners
Julie M. Koler, Preservation Officer

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8 BEFORE THE CITY COUNCIL
CITY OF SHORELINE

9 In the matter of the appeal by:

10 SHORELINE PRESERVATION SOCIETY

11 From a decision by the City of Shoreline
12 Landmarks Commission

COA# 10.21

DECLARATION OF SERVICE

13
14 I, LAURA D. COUNLEY, under penalty of perjury under the laws of the State of
15 Washington, declare as follows:

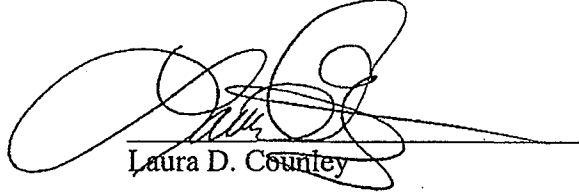
16 I am employed with McCullough Hill Leary, PS, attorneys for Applicant Shoreline
17 School District. On the date indicated below, I filed with Shoreline City Clerk's office via
18 electronic mail a copy of the following documents:

- 19
20 1. SHORELINE SCHOOL DISTRICT RESPONSE MEMORANDUM; and
21 2. DECLARATION OF SERVICE

22 and served a copy via electronic mail and U.S. First Class mail on the following party:

23 DAVID MANN
24 GENDLER & MANN
25 1424 4TH AVENUE, STE. 1015
SEATTLE, WA 98101

1 DATED this 18th day of February 2011, at Seattle, Washington.

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4 Laura D. Counley
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BEFORE THE CITY COUNCIL
CITY OF SHORELINE

In the matter of the appeal by:

SHORELINE PRESERVATION SOCIETY

From a decision by the City of Shoreline
Landmarks Commission.

COA No. 10.21

SHORELINE SCHOOL DISTRICT
RESPONSE MEMORANDUM

INTRODUCTION

Applicant Shoreline School District ("District") respectfully asks the Shoreline City Council to affirm the decision of the Shoreline Landmarks Commission to approve a certificate of appropriateness to construct a new school building and to restore elements of Ronald School ("Landmarks Decision"), and to deny the appeal of Shoreline Preservation Society ("SPS"). A true and correct copy of the Landmarks Decision is attached as Addendum A to this response memorandum. It is in the record as Ex. 94.

FACTS

A. Shoreline School District Bond Proposition.

An election was held February 9, 2010 to consider three Shoreline School District Propositions ("Bond Election"). Proposition 2 was to authorize the issuance of bonds in the

1 amount of \$150 million for the modernization/replacement of Shorecrest and Shorewood High
2 Schools. The District Fact Sheet for the Propositions stated that, as to Shorewood High School,
3 “the preferred design is centered in the northeast portion of the campus,” and that “the current
4 design incorporates the historic Ronald School for shared use with the Shoreline Historical
5 Museum.” The Fact Sheet stated that construction would begin in 2011, with estimated
6 completion in time for the beginning of the 2013-2014 school year. Ex. 51.

8 Proposition 2 was approved by a super-majority of Shoreline voters.

9 **B. Agreement in Principle with Shoreline Historical Museum.**

10 Prior to the Bond Election, the District entered into an agreement in principle
11 (“Agreement in Principle”) with the Shoreline Historical Museum (“Museum”), which at that
12 time owned the Ronald School building and leased land from the District on which the Ronald
13 School building was located. The agreement provided that the Museum would acquire property
14 adjacent to the Shorewood High School site, that the District would then relocate at its cost the
15 Ronald School building to the newly acquired site, and that the parties would seek to obtain these
16 outcomes consistent with the planned Shorewood High School implementation schedule. Ex.
17 60A.

20 **C. SEPA Review of Shorewood High School Proposal.**

21 The District, as lead agency, conducted environmental review of the Shorewood High
22 School proposal. A SEPA determination of nonsignificance (“Initial DNS”) was issued on May
23 3, 2010. At that time, it was intended that the Ronald School would be moved to an off-site
24 location, in accordance with the Agreement in Principle. See May 3, 2010 Initial DNS,
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1 Addendum B to this response memorandum.¹

2 Comments were received on the Initial DNS. In response to those comments, the District
3 issued an addendum to the Initial DNS on May 25, 2010, attached to the response memorandum
4 as Addendum C ("SEPA Addendum"). The SEPA Addendum included certain revisions to the
5 proposal's SEPA checklist. The District concluded that the updated information did not
6 substantially change the analysis of significant impacts in the existing SEPA checklist.
7

8 Therefore, no new threshold determination was required.²

9 The District's SEPA responsible official issued a cover letter which accompanied the
10 SEPA Addendum to all parties of record and to agencies with jurisdiction (copy attached as
11 Addendum D to this response memorandum). As to Ronald School, the District's SEPA
12 Responsible Official stated:
13

14 The comment letters of the King County Historic Preservation Program and of the
15 Committee to Save Our Shoreline Historical Museum indicate that those entities
16 have both substantive and permitting concerns about moving the [Ronald School]
17 building to an off-site location. The District acknowledges these comments and
18 based on this public input, may elect to retain the building on-site, renovate the
19 building in accordance with applicable historic preservation guidelines, and
20 incorporate it for education purposes into the main classroom building. Either
21 action, moving the building or retaining it on-site and renovating it, will require a
22 Certificate of Appropriateness from the City of Shoreline Landmarks
23 Commission.

24 In that light, the original April 28, 2010 SEPA checklist was modified to acknowledge that the
25 District may elect to retain the historic Ronald School building on site. See Addendum C,
26 answers to Questions A.11 and B.13.c.
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¹ Appellant SPS contends that the Landmarks Commission violated SEPA. SPS Brief at 15-18. While the District does not believe that this issue is properly before the Council (see infra pp. 18-19), it is appropriate that the Council take notice of the District's SEPA documents in order to be able to review SPS's factually and legally faulty contentions. The Council is allowed to take notice of these documents pursuant to ER 201 and KCC 20.60.110(C).

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1 The Initial DNS and SEPA Addendum were administratively appealed to the District
2 Superintendent by the Shoreline Historical Museum. The District Superintendent appointed a
3 Hearing Examiner to consider the appeal. The Hearing Examiner recommended dismissal of the
4 appeal. The District Superintendent adopted the Hearing Examiner recommendation. See
5 District Superintendent letter dated July 14, 2010, attached to this response memorandum as
6 Addendum E.
7

8 **D. The District Elects to Retain the Building On-Site.**

9 The Museum was unable to acquire property adjacent to the Shorewood High School site
10 upon which to relocate the Ronald School building. Accordingly, the District elected to retain
11 the building on-site, to renovate it in accordance with applicable historic preservation guidelines,
12 and to incorporate it for education purposes into the main classroom building.
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14 To that end, the District applied to the Shoreline Landmarks Commission for a Certificate
15 of Appropriateness ("COA Application"). See Ex. 2B.

16 The District worked out an agreement with the Museum to acquire the Museum's interest
17 in the Ronald School building and to assist the Museum in the relocation of its facilities. As part
18 of the agreement, the Museum agreed to support the District's COA Application. See Ex. 9.
19

20 **E. The District Obtains a Certificate of Appropriateness.**

21 The COA Application was considered by the Shoreline Landmarks Commission's Design
22 Review Committee ("DRC") on September 9, 2010. See Exs. 41, 88, 89. The DRC
23 unanimously recommended approval.
24

25 The COA Application was considered by the full Commission on November 17, 2010.
26 Staff recommended approval of the COA. The Commission heard from the Project Architects,
27 the District Superintendent, and from members of the public. Opinions were expressed both in
28

1 support of and in opposition to the COA (17 offered oral testimony against approving the
2 application; 16 offered oral testimony in support of the application). See Exs. 41, 88, 92, 93, 95.

3 Ultimately, the full Commission voted unanimously to grant the COA. The Commission
4 vote was formalized in its Findings of Fact and Decision dated December 3, 2010 ("Landmarks
5 Decision"). See Addendum A to this response memorandum; see also Ex. 94.

6 The Landmarks Decision includes a summary; 25 findings of fact; and a decision.

7
8 **F. Shoreline Preservation Society Appeals Certificate of Appropriateness.**

9 The COA was appealed on January 7, 2011 by the Shoreline Preservation Society
10 ("SPS"). See Ex. 10. SPS is unrelated to the Museum, and takes a position contrary to the
11 Museum in this matter. While the Museum supports the District's COA application, SPS
12 opposes it.
13

14 **ARGUMENT**

15 **A. COA Appeals are Governed by SMC 15.20.025 and KCC 20.62.110.**

16 Shoreline's landmarks preservation ordinance is codified at Chapter 15.20 SMC. See Ex.
17 52. This Chapter incorporates the appeal procedure from KCC 20.62.110. See Ex. 69.

18 KCC 20.62.110(A) authorizes any person aggrieved by a decision of the Landmarks
19 Commission to issue a COA, to appeal the decision to the Council.

20 KCC 20.62.110(B) states that the Council, after examination of the written appeal and the
21 record, (1) may remand to the Commission for reconsideration if it determines that an error in
22 fact may exist in the record; or (2) may modify or reverse the decision of the Commission if it
23 determines the decision is based on an error in judgment or conclusion.
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1 KCC 20.62.110(C) states that the Council decision shall be based solely upon the record,
2 provided that the Council has the discretion to publicly request additional information from the
3 parties.

4 **B. Substantial Evidence in the Record Supports the Commission's Findings that**
5 **the COA Application Meets the Secretary of Interior Standards.**

6 The Commission found that the District's COA Application meets the Secretary of
7 Interior Standards. See Addendum A (Ex. 94) at 2.

8
9 SPS argues that the COA Application fails to meet Secretary of Interior Standards 1, 2, 3,
10 4, and 9, and cites to certain evidence in the record in support of its argument. SPS Brief at 6-10.
11 Because, however, there is substantial evidence in the record supporting the Commission's
12 findings that these standards are met, SPS's argument has no merit and should be dismissed. See
13 *In re Estate of Kessler*, 95 Wn.App. 358, 977 P.2d 591, 598 (1999) (if there is conflicting
14 evidence then the reviewing body need only determine whether the evidence most favorable to
15 the responding party supports the challenged decision); *West Main Associates v. City of Bellevue*,
16 49 Wn.App. 513, 520, 742 P.2d 1266 (1987) (a reviewing body cannot substitute its judgment
17 for that of the reviewing official); *Des Moines v. Puget Sound Council*, 98 Wn.App. 23, 40, 988
18 P.2d 27 (1999) (when an agency is presented with conflicting expert opinion on an issue, it is the
19 agency's job, and not the job of the reviewing appellate body, to resolve those differences);
20 *Nisqually Delta Ass'n v. DuPont*, 103 Wn.2d 720, 725-726, 696 P.2d 1222 (1985) (reviewing
21 appellate body must recognize and defer to the expertise of the agency).
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1 **Standard 1.**

2 Standard 1 indicates that “a property be used [a] as it was historically or [b] be given a
3 new use that requires minimal change to its **distinctive** materials, features, spaces, and spatial
4 relationships” (emphasis added).

5 It is undisputed that the Ronald School building will be used as it was historically: as a
6 school. As the Commission found:

7 —
8 Ronald School is significant under Criterion A1 for its association with the broad
9 theme of education and under criterion A3 as an excellent example of early 20th
10 century school design, executed in a modest Classical Revival Style. The period
of significance is 1912-1951.

11 The features of significance include all exterior portions of the building; and all of
12 the land area within the boundaries of the designated area. The boundaries extend
13 to the parcel limits on the north and to a line 15 feet from the building on the east,
south, and west sides.

14 The building was constructed as a school house, with classrooms and offices. For
15 many years the building has housed the Shoreline Historical Museum [although
16 not during the 1912-1951 period of significance]. The proposed new use will be
education, but as part of a larger school complex, and with high school students
being the primary focus.

17 Addendum A (Ex. 94), Findings 1-3. These findings are supported by substantial evidence in the
18 record. See Exs. 1, 2B, 8, 41, 88-89, 92-93, 95. Accordingly, Standard 1 is met.

19 Not only is Standard 1 met because the building will be used as it was historically (clause
20 “a” of Standard 1). In addition, Standard 1 is met because the COA application requires minimal
21 change to the building’s distinctive materials, features, spaces, and spatial relationships (clause
22 “b” of Standard 1). As the Commission found:

23 The proposed new building is composed of several components, with the
24 components closest to the landmark consisting of more translucent elements,
25 creating a subtle effect of separation between the new and old buildings. These
26 components are also compatible in massing to the massing of the landmark but do
27 not replicate the massing.

1 Ronald School is located closer to the street than the proposed new building to the
2 east. It is set back slightly from the front plane of the landmark and
3 approximately 35 feet from the east (side) elevation to visually accentuate the
4 landmark.

5 A new building could be constructed to within 15 feet of the landmark on the east,
6 south or west without having to obtain a COA.

7 Non-historic driveways located on either side of Ronald School will be removed
8 and replaced with landscaping and sidewalks, more in keeping with the original
9 site.

10 The proposed new building on the rear of Ronald School is two stories high, one
11 story shorter than the landmark, creating a subtle effect of separation from it and
12 emphasizing visual preference of the landmark.

13 No historic materials that are designated features of significance will be removed.
14 There will be a minor alteration of features on the rear of the building, where the
15 proposed new building will be attached. This alteration will include the removal
16 of non-historic windows and the infilling of the window openings as required by
17 building code for adequate fire separation.

18 There will be minimal impact on spatial relationships, as the primary elevations of
19 the building will be maintained, with only the addition of a new building at the
20 rear. Currently the building is surrounded by a parking lot and driveways, both
21 non-historic elements, and these will be removed.

22 All distinctive materials, features, finishes, and construction techniques (features
23 of significance) will be preserved. Some brickwork will be repointed to match the
24 existing mortar joints. Where the proposed new building is attached on the rear of
25 the building, the existing exterior brickwork will be maintained and will be
26 preserved within the envelope of the proposed new building.

27 Addendum A (Ex. 94), Findings 9-16. These findings are also supported by substantial evidence
28 in the record. See Exs. 2B, 8, 88-89, 92-93, 95.

SPS does not object to any of the Commission's findings with respect to Standard 1. See
SPS Brief at 6-7. Rather, with no citation to the record whatsoever, SPS merely posits its own
conclusory opinion that the COA Application "cannot reasonably be in compliance with this
standard," and that the Ronald School "will be forever changed." While SPS is entitled to its

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1 opinion, SPS has failed to meet its burden to demonstrate either that the Commission's findings
2 are factually incorrect, or that the Commission's judgment is erroneous. KCC 20.62.110(B).

3 **Standard 2.**

4 Standard 2 provides that "the historic character of property shall be preserved. The
5 removal of distinctive materials or alteration of features, spaces, and spatial relationships that
6 characterize a property will be avoided."
7

8 The Commission made findings as to this Standard as well:

9 The proposed new building does not destroy any historic features or spatial
10 relationships.

11 The windows at the rear of the landmark will be removed and infilled, but the
12 windows themselves are not original.

13 The west portion of the rear elevation has been re-sided with new material, and an
14 elevator was added. These will be removed for attachment of the new building.

15 The spatial relationship at the front of the building, consisting of the setback from
16 the street and the prominence at the end of Linden Avenue will not change.

17 The spatial relationship to the east, historically consisting of open space but now
18 containing a driveway, will be improved with the removal of the drive and an
open courtyard between the historic building and the proposed new building.

19 The spatial relationship to the west, now consisting of a driveway and open space,
20 will also be improved by the removal of the driveway immediately adjacent to the
21 historic building. This elevation would become more prominent, as it faces the
entry for the new school.

22 See Addendum A (Ex. 94), Finding 21. Finding 21 is supported by substantial evidence in the
23 record. See Exs. 2B, 8, 88-89, 92-93, 95.

24 SPS does not object to any of the Commission's findings with respect to Standard 2.

25 Indeed, SPS must acknowledge that the spatial relationships at the front of the building, to the
26 east, and to the west, are, if anything, improved by the proposal. As to the rear of the landmark,
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1 SPS must agree that the windows at the rear of the landmark are non-historic replacement
2 windows; that the west portion of the rear of the landmark has been re-sided with new, non-
3 historic material and that an elevator was added, and it is at this location that the new building's
4 attachment will be made.

5
6 SPS's argument as to this Standard is limited to a citation to the testimony of architect
7 Kate Krafft. SPS Brief at 7. Ms. Krafft's primary argument is that the historic character of the
8 property will be altered because a new addition is being added to the south of the building.
9 However, even she acknowledges that "the current south elevation was designed to
10 accommodate a further addition at that location." This is precisely where the proposed addition
11 is being accommodated. Ms. Krafft argues that because the proposed addition is being added at
12 the location it was originally planned for, that this "significantly changes the building form."
13 Her conclusion does not follow from her premise. The building form of Ronald School is
14 unchanged, as indicated in Finding 21. No historic materials are being removed. The distinctive
15 spatial relationships of the property are being preserved.
16

17
18 **Standard 3.**

19 Standard 3 states "each property shall be recognized as a physical record of its time, place
20 and use. Changes that create a false sense of historical development such as adding conjectural
21 features or architectural elements from other buildings shall not be undertaken."

22 SPS contends this Standard is not met, but fails to provide any factual evidence to support
23 its contention. The District's COA application clearly recognizes the existing Ronald School
24 Building as a physical record of its time, place and use. It will be renovated, preserved, and used
25 for its historic use. No conjectural features or architectural elements from other buildings, which
26 create a false sense of historical development, are being added to the School.
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1 SPS is concerned about the internal corridor that will be constructed adjacent to the south
2 side of the building. However, this corridor will in fact **contribute** to the recognition of the
3 physical record of Ronald School. Students will be allowed to see and touch the original south
4 wall of the structure. As Commissioner Steve Day stated: “[T]he ability to read and touch the
5 old building’s masonry wall from inside the new building is a valid preservation option in itself.”
6 Ex. 92 at 7 (November 17, 2010 Commission Meeting Minutes).

8 **Standard 4.**

9 Standard 4 states that “most properties change over time; those changes that have
10 acquired historic significance in their own right shall be retained and preserved.”

11 SPS argues this standard was not met because the proposal involves the change of the use
12 of the building from museum purposes to educational purposes. SPS Brief at 8-9. This
13 argument lacks merit.

14 In fact, the Ronald School landmark designation identified only two elements of historic
15 significance: (a) its association with the broad theme of education and (b) its being an excellent
16 example of early 20th century school design. The period of significance is 1912-1951. See
17 Addendum A (Ex. 94), Finding 1. The role of the Museum was not identified by the
18 Commission as a matter of any historic significance.

19 Accordingly, Standard 4 is met because the District is returning the Ronald School to the
20 historically significant use to which it was devoted during the time of its period of significance
21 (1912-1951), namely public education of students. The Museum had no connection whatsoever
22 with Ronald School during its 1912-1951 period of significance.
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1 **Standard 9.**

2 Standard 9 provides that “New additions, exterior alterations, or related new construction
3 shall not destroy historic materials that characterize the property. The new work shall be
4 differentiated from the old and shall be compatible with the massing, size, scale and architectural
5 features to protect the historic integrity of the property and its environment.”
6

7 The Commission made findings as to this standard as well. Finding 21 (quoted supra at
8 p. 9) addresses the fact that the proposed new building does not destroy historic materials that
9 characterize the property. SPS does not dispute this finding. See SPS Brief at 9-10.

10 Commission Findings 22-25 addresses the new work’s differentiation from and
11 compatibility with the old.
12

13 The proposed new building is compatible with the existing because it has a base,
14 body, and cornice arrangement much like the historic building, but with new
15 materials... the proposed new building also has a symmetrical rhythm of window
openings, but doesn’t duplicate the landmark.

16 The portions of the proposed new building immediately adjacent to the landmark
17 are primarily glass, resulting in a visual separation of the proposed new building
from the old and creating a focal point that visually emphasizes the landmark.

18 Floor heights for the proposed new building will match those of the old, thereby
19 reinforcing the compatibility of window openings and cornice lines.

20 Massing and size of the proposed new building is compatible as well, with the
21 new sections closest to the landmark being comparable in height and volume.
22 The larger volumes of the proposed new building are set further back on the site
to minimize visual competition with the landmark.

23 The proposed new building, as designed, has minimal impact on the visual and
24 physical integrity of the landmark. If it were removed in the future, existing
25 historic brick would remain intact and unimpaired. Where there was originally
wood siding, new wood siding could be reinstalled. Existing window openings
26 would also be intact and could be restored with new sashes.
27
28

1 See Addendum A (Ex. 94), Findings 22-25. These findings are supported by substantial
2 evidence in the record. See Exs. 2B, 8, 88-89, 92-93, 95.

3 Architect Kate Krafft felt that the new building was too close to the historic landmark.
4 She suggested locating the new building to the east and southeast of Ronald School and only
5 directly connect the new building to the west side of the south elevation. SPS Brief at 9-10.
6

7 The Commission specifically addressed and rejected that suggestion:

8 [Staff Member] Koler asked the commissioners if they feel the proposed project
9 meets the [Secretary of Interior] Standards or whether the Krafft alternative is a
10 better solution...

11 [Commissioner] McCroskey asked if the Commission felt anything is gained by
12 the Krafft alternative, and said she doesn't think it is a better solution than that
13 proposed by the Applicant.

14 [Commissioners] Hitzroth and Day agreed.

15 [Commissioner] Day said in order to have a meaningful separation from the
16 landmark, the new building would need to be set back to such a degree that it did
17 not appear that the new auditorium space would be possible in the proposed
18 location. He also said the ability to read and touch the old building's masonry
19 wall from inside the new building is a valid preservation option in itself.

20 McCroskey closed by stating that the Standards do allow for additions and that
21 they can extend the life of historic buildings. If the new building was constructed
22 without integration with the old, the landmark could conceivably become an
23 orphan structure...

24 See Ex. 92 at 7 (November 17, 2010 Commission Meeting Minutes).

25 SPS also cited the testimony of Flo Lentz, the program director for historic preservation
26 with King County's 4Culture, who expressed concern about the impact of the "massive large
27 addition" of the new school to the landmark. The Commission fully responded to this concern in
28 its Findings, noting that (a) its jurisdiction is limited to 15 feet around the Ronald School
Building, so that the new school could be built in almost its current configuration and location

1 even without connecting with the old school; and (b) that the design of the school has been
2 carefully scaled so as not to overwhelm the old school, and to provide prominence to the old
3 school. See Addendum A (Ex. 94), Findings 7-11, 20-25.

4 The Commission's Findings that the COA Application meets Standard 9 are fully
5 supported by substantial evidence in the record, and should be affirmed. See Exs. 2B, 8, 88-89,
6 92-93, 95.

7
8 **C. The Commission Considered Alternatives.**

9 SPS contends that the Landmarks Decision should be reversed because the Commission
10 failed to consider "the reasonableness or lack thereof of the proposed alteration or significant
11 changes in light of other alternatives available to achieve the objectives of the owner or
12 applicant." See SPS Brief at 10-11, citing Commission Rule of Procedure Criterion VI.6.B.

13
14 SPS claims that it could "find no record that alternatives were considered by the City or
15 DRC." Id.

16 This claim is surprising, because the record is clear that the Commission did in fact
17 consider alternatives.

18
19 The District Architect presented the Commission with a thorough explanation of the
20 alternatives that the District has explored, and why alternative locations of the new school
21 building were unreasonable.

22 Nancy Callery, Bassetti Architects, gave a PowerPoint presentation with
23 additional information regarding the application, including various other
24 alternatives that the school district had considered. Those alternatives included
25 placing the new school building along the western and southern edges of the site
26 (too close to existing residential neighborhoods); placing the new building along
the eastern edge of the site (poor soils and noise from adjacent commercial
properties) relocation of the landmark; and demolition of the landmark.

27
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1 See Ex. 92 at p. 2 (November 17, 2010 Landmarks Commission meeting minutes). See also Ex.
2 93.

3 Commissioner Day confirmed that these alternatives were also presented to the
4 Commission's Design Review Committee meeting of September 9, 2010. See Ex. 92 at p. 6.

5 The Commission also made specific findings as to the reasonableness of alternative
6 locations for the new school:

7
8 Various site restrictions, including poor soils for construction, traffic levels in
9 adjacent residential neighborhoods, and the need to continue using the adjacent
10 high school buildings while the new one is being constructed, necessitated siting
11 the proposed new building to the north and east side of the site, in proximity to
12 the landmark.

13 In addition to other locations on the site, additional alternatives were considered
14 including the demolition of the landmark and the relocation of the landmark to
15 another parcel.

16 See Addendum A (Ex. 94), Findings 5 and 6.

17 Simply put, the reasonableness of alternatives was considered by the Commission. SPS's
18 contentions to the contrary are frivolous.

19 **D. Neither the Landmarks Commission Rules Nor KCC 20.62.110 Authorizes
20 the Council to Reverse the Landmark Decision Based on "Intent of the Law."**

21 The Landmarks Commission Rules identify four specific criteria which are to be applied
22 by the Commission when granting a certificate of appropriateness. See Ex. 11, Part VI(6). None
23 of those criteria authorizes denial of a certificate of appropriateness based on the "intent of the
24 law." KCC 20.62.110 governs appeals of Commission decisions, and provides that relief can be
25 granted only if the Commission decision is based on an error of fact or an error in judgment or
26 conclusion. KCC 20.62.110 provides no authority for the Council to grant relief based on "intent
27 of the law."
28

1 SPS nonetheless claims that the Landmark Decision should be reversed because it is in
2 violation of the "intent of the law," in particular SMC 15.20.010.B, and the City's
3 Comprehensive Plan. SPS Brief at 12-13.

4 Since neither the Landmarks Commission rules nor KCC 20.62.110 authorizes relief
5 based on the "intent of the law," this claim must be dismissed.
6

7 As for the "intent" cited by SPS, the District COA application more than fulfills that
8 "intent." As demonstrated above, by complying with the Secretary of Interior Standards, the
9 proposal causes no unnecessary destruction or defacement of historic resources. SMC
10 15.20.010(B). To the contrary, the proposal will renovate the Ronald School and restore it to its
11 historic use, clearly fulfilling the intent of this code section. As for the Comprehensive Plan
12 community design policies, the District COA application also more than meets them: Ronald
13 School is being preserved and enhanced; Ronald School has been reviewed by the Commission
14 to ensure that it continues to be a part of the community; the District is engaging in responsible
15 stewardship of the building; and the District has worked with the Museum (which supports the
16 application), the City, and the Commission to preserve the landmark.
17
18

19 **E. The Commission Followed Its Procedures.**

20 SPS makes three claims that the Commission violated its procedures. SPS Brief at 13-15.
21 None of the claims has merit. Each of the claims should be dismissed.²

22 **SPS Received Adequate Notice of the Landmarks Commission Meeting.**
23
24
25

26 ² It is unclear whether the Council has jurisdiction to rule on whether the Commission violated its procedures.
27 KCC 20.62.110, which affords the Council jurisdiction over this matter, identifies only errors of fact or of judgment
28 as a basis for relief. The District raises this question for the Council's consideration, and suggests that the City
Attorney be consulted as to this issue.

1 SPS concedes that it received adequate notice of the Landmarks Commission meeting in
2 this matter. Indeed, the public as a whole was well represented, with over thirty citizens
3 providing public testimony.

4 SPS complains, however, that there was inadequate notice of the cancellation of an
5 earlier scheduled hearing. SPS identifies no prejudice that accrued to it by virtue of the
6 cancellation. Indeed, typically project opponents seek *more* time, not *less* time, to prepare for
7 hearings of this nature.

8
9 In any event, it is understood that the Commission, in its submission to the Council, will
10 clarify that the rule cited by SPS (Rule III(5)(A)) applies only to regular, not special, meetings of
11 the Commission. Since the November 17, 2010 meeting of the Commission was a special, not a
12 regular, meeting, Rule III(5)(A) is accordingly not applicable. Rule III(5)(B), instead, governs
13 the scheduling of special meetings. The Commission complied with this Rule.

14
15 **Commissioner Day Complied with Landmarks Commission Rule I.**

16 Without citing to the record, SPS asserts that “during the hearing, Commissioner Day
17 declared that he and the Chair had been conversing about the case before the hearing.” SPS
18 asserts that this conversation violates two provisions of Landmarks Commission Rule I.

19
20 First, SPS contends that this conversation violates Rule I(2)(C), which prohibits a
21 Commissioner from attempting to influence another Commissioner respecting a matter in which
22 the first Commissioner has a conflict of interest. However, SPS makes no allegation that
23 Commissioner Day has a conflict of interest. Accordingly, this Rule is inapplicable.

24
25 Second, SPS contends that Commissioner Day violated Rule I(3) by having an ex parte
26 communication with Commissioner McCroskey before the hearing. However, a prohibited ex
27 parte communication is defined in the Appearance of Fairness statute, RCW 42.36.060, as one
28

1 between a member of a decision-making body and a project "opponent or proponent."
2 Commissioner McCroskey is neither an opponent nor a proponent of the District proposal.
3 Therefore, Rule I(3) was not violated. Moreover, Rule I(3) specifically provides that information
4 obtained off the record should be reported for the record. Commissioner Day thoroughly
5 complied with this requirement:
6

7 Commissioner Day noted for the record that he and Commissioner McCroskey
8 had briefly discussed prior to the hearing that the Landmarks Commission had
9 received comments questioning whether any alternatives to the Applicant's
10 proposed design had been presented to the design review committee (DRC). Day
11 said that there was in fact a presentation of site planning and design alternatives
12 by the Applicant for the DRC which the Applicant also presented tonight.

13 Ex. 92 at p. 6 (November 17, 2010 Landmarks Commission Meeting Minutes).

14 **The Commission Had a Lawful Quorum on November 17, 2010.**

15 Third, SPS contends that the fact that the Landmarks Commission special member
16 representing the City of Shoreline, Victoria Stiles, recused herself from participating in the
17 proceeding (Ms. Stiles is Executive Director of the Museum and therefore a proponent of the
18 District COA application), "is of major concern." See Exs. 4, 9; SPS Brief at 15. The District
19 would suggest that had Ms. Stiles participated in the proceeding, as a proponent of the
20 application, then SPS would find that to be of even greater concern. In any event, whether SPS
21 is "concerned" or not, SPS acknowledges that the Commission had a lawful quorum and ample
22 authority to render a decision on the COA application at its November 17, 2010 meeting.

23 SPS has identified no procedural violations. These claims must be dismissed.
24
25
26
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28

1 **F. The Council Has No Jurisdiction to Adjudicate the District's Compliance**
2 **With SEPA.**

3 SPS contends that the District, as lead agency for the Shorewood High School proposal,
4 has not complied with SEPA, and that therefore "the City is instead required to prepare a new
5 SEPA threshold determination..." SPS Brief at 15-18.

6 KCC 20.62.110, however, affords the City Council, acting in a quasi-judicial appellate
7 capacity, no jurisdiction to adjudicate whether the District has complied with SEPA. The sole
8 issue in this appeal is whether the COA complies with the requirements of Chapter 15.20 SMC.
9

10 SPS did have an opportunity to seek review of the District's compliance with SEPA by
11 filing an administrative appeal to the District Superintendent. SPS chose not to do so. Such an
12 appeal was filed by the Museum, and dismissed on the merits. The Museum had an opportunity
13 to seek further review in Superior Court, but chose not to do so. Since no other party filed an
14 administrative appeal of the threshold determination, no other party now has standing to pursue
15 an appeal of the District's compliance with SEPA. RCW 43.21C.075(4).
16

17 **G. The District's DNS Addendum Acknowledges that Ronald School May Be**
18 **Retained On-Site.**

19 SPS contends that that the District has not complied with SEPA because the District did
20 not disclose that it may elect to retain the Ronald School building on-site instead of relocating it.
21 SPS Brief at 4-5, 15-16.

22 However, this contention is based solely on the Initial DNS. As the District's
23 Responsible Official observed, based on public comment received, an Addendum to the DNS
24 was prepared that included revisions to the SEPA checklist which acknowledged that the District
25 may elect to retain Ronald School on site:
26
27
28

1 The comment letters of the King County Historic Preservation Program and of the
2 Committee to Save Our Shoreline Historical Museum indicate that those entities
3 have both substantive and permitting concerns about moving the [Ronald School]
4 building to an off-site location. The District acknowledges these comments and
5 based on this public input, may elect to retain the building on-site, renovate the
6 building in accordance with applicable historic preservation guidelines, and
7 incorporate it for education purposes into the main classroom building. Either
8 action, moving the building or retaining it on-site and renovating it, will require a
9 Certificate of Appropriateness from the City of Shoreline Landmarks
10 Commission.

11 See Addendum D to this response memorandum. In that light, the original April 28, 2010 SEPA
12 checklist was modified to acknowledge that the District may elect to retain the historic Ronald
13 School building on site. See Addendum C to this response memorandum, answers to Questions
14 A.11 and B.13.c.

15 Since the District's environmental review accurately described the proposal, there is no
16 merit to SPS's claim that the DNS was flawed – even if the Council had jurisdiction to address
17 this issue, SPS's claim must be dismissed.

18 **H. The District Proposal is Environmentally Nonsignificant.**

19 SPS argues that Washington law provides that a proposal which requires an
20 environmental impact statement (“EIS”) must have that EIS accompany the proposal through the
21 existing agency processes so that officials will use it in making decisions. SPS Brief at 16-17.

22 However, all of the authority cited by SPS relates to projects which are “major actions
23 affecting the environment,” projects with “significant adverse environmental impacts,” projects
24 which require an EIS.

25 None of that authority applies here. The District determined that this proposal was
26 “nonsignificant” from an environmental point of view. That determination was affirmed by the
27

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1 Hearing Examiner and the District Superintendent. No appeal of that determination was filed.

2 That issue is now closed.

3 **CONCLUSION**

4 The District respectfully asks the Council to dismiss the SPS appeal. The claims raised
5 by SPS have no merit.

6
7 The District's COA application complies with the Secretary of Interior Standards. The
8 Commission fulfilled its obligation to consider alternatives. The proposal complies with both the
9 letter and the intent of the law. The Commission complied with all applicable procedural
10 mandates. The District has fully complied with SEPA.

11 In February 2010, Shoreline voters asked the District to modernize and replace
12 Shorewood High School. The District asks the Council to allow it to proceed with this project,
13 as intended by the Shoreline citizenry.

14
15 RESPECTFULLY SUBMITTED this 18th day of February, 2011.

16 MCCULLOUGH HILL LEARY, P.S.

17
18
19 By: 

20 G. Richard Hill, WSBA #8806
21 Attorney for Applicant Shoreline School District
22
23
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25
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27
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ADDENDUM A



King County

Office of Business Relations and Economic Development
Historic Preservation Program
400 Yesler Way, Suite 510 [MS: YES-EX-0510]
Seattle, WA 98104
206.296.8636 (v) 206.205.0719 (f)
www.kingcounty.gov/landmarks

CITY OF SHORELINE LANDMARKS COMMISSION FINDINGS OF FACT AND DECISION

Ronald School Certificate of Appropriateness No. 1021

PROPERTY: Ronald School
PROPERTY ADDRESS: 749 N. 175th Street, Shoreline, WA
OWNER: Shoreline School District
APPLICANT: Nancy Callery, Bassetti Architects

SUMMARY

The Shoreline Landmarks Commission (Commission) approves a certificate of appropriateness (COA) to construct a new school building and restore elements of Ronald School, a City of Shoreline landmark, located at 749 N. 175th Street in Shoreline, Washington.

Public Hearing: The Commission held a public hearing on a COA application for the Ronald School on November 17, 2010 at the Richmond Masonic Center, 753 N 185th Street, Shoreline, Washington. Staff submitted the certificate of appropriateness application, supporting documentation, including the Design Review Committee recommendation, and staff recommendation to commissioners prior to the meeting. Vicki Stiles, the City's special member to the Commission, recused herself from the hearing due to conflict of interest because she is the Executive Director of the Shoreline Historical Museum (current tenant of the subject building). Commissioner Brian Rich recused himself from the hearing because he is employed by Bassetti Architects, the Applicant for this COA.

At the hearing, staff provided a brief summary of the proposal, followed by a presentation by the Applicant, Nancy Callery of Bassetti Architects, and a statement by Sue Walker, Superintendent of Shoreline School District. Ms. Callery said the project was necessary in order to meet the requirements of the school bond recently approved and to provide a replacement for Shorewood High School. She also provided details on the design of the proposed new building, its attachment to Ronald School, and the restoration of certain elements of the landmark building. She further described the alternatives which the School District considered prior to submitting the current proposal. Ms. Walker read a statement asking the Commission to approve the application.

Thirty-three people offered oral testimony. Of these, 17 spoke against approving the application and 16 spoke in favor of approving it. Nine of those who spoke against approval and one who

spoke in favor also submitted written statements at the hearing. One additional person submitted written testimony at the hearing in favor of approval. Prior to the hearing, written testimony was received from 29 people: fifteen opposed the project or said that more information was needed before a decision could be made (seven of these people also testified at the hearing); twelve were in favor of the project (five of them also testified at the hearing). In addition, one person commented on the SEPA process conducted by the school district and one commented on the conditional use permit for the school currently being considered by the City of Shoreline. Neither of these issues are admissible under the Commission's rules and regulations. Other exhibits were submitted prior to the hearing—a list of which is contained in *Attachment A – List of Exhibits*.

The Commission's decision to approve the COA application was based on it meeting the Secretary of the Interior's Standards for the Treatment of Historic Properties, specifically Standards 1, 2, 5, 6, 7, 9 and 10; Shoreline Municipal Code 15.20; and Criteria VI.6.A-D of the Rules and Regulations of the Shoreline Landmarks Commission. See Design Review Committee Report (Exhibit No. 41) for discussion of applicable standards.

FINDINGS

The Commission found that the proposed project is in compliance with the above-noted standards and criteria. In making its decision, the Commission adopted the following specific findings:

1. Ronald School is significant under Criterion A1 for its association with the broad theme of education and under Criterion A3 as an excellent example of early 20th century school design, executed in a modest Classical Revival style. The period of significance is 1912-1951.
2. The features of significance include all exterior portions of the building; and all of the land area within the boundaries of the designated area. The boundaries extend to the parcel limits on the north and to a line 15 feet from the building on the east, south, and west sides.
3. The building was constructed as a schoolhouse, with classrooms and offices. For many years the building has housed the Shoreline Historical Museum. The proposed new use will again be education, but as part of a larger school complex, and with high school students being the primary focus.
4. School districts utilize building guidelines that recommend specific facilities and sizes for modern school campuses. The subject site is smaller than is recommended for contemporary high school facilities, and is two-thirds the size of the other high school in the district (Shorecrest).
5. Various site restrictions, including poor soils for construction, traffic levels in adjacent residential neighborhoods, and the need to continue using the adjacent high school buildings

while the new one is being constructed, necessitated siting the proposed new building at the north and east side of the site, in proximity to the landmark.

6. In addition to other locations on the site, additional alternatives were considered including the demolition of the landmark and the relocation of the landmark to another parcel.
7. The proposed new building has a rhythmic pattern of fenestration that complements but does not replicate the rhythm of windows in the landmark.
8. The proposed new building has a vocabulary of building base, body and cornice that complements but does not replicate the same vocabulary on the landmark.
9. The proposed new building is composed of several components, with the components closest to the landmark consisting of more translucent elements, creating a subtle effect of separation between the new and old buildings. These components are also compatible in massing to the massing of the landmark but do not replicate the massing.
10. Ronald School is located closer to the street than the proposed new building to the east. It is set back slightly from the front plane of the landmark and approximately 35 feet from the east (side) elevation to visually accentuate the landmark.
11. A new building could be constructed to within 15 feet of the landmark on the east, south or west without having to obtain a COA.
12. Non-historic driveways located on either side of Ronald School will be removed and replaced with landscaping and sidewalks, more in keeping with the original site.
13. The proposed new building on the rear of Ronald School is two stories high, one story shorter than the landmark, creating a subtle effect of separation from it and emphasizing visual preference of the landmark.
14. No historic materials that are designated features of significance will be removed. There will be a minor alteration of features on the rear of the building, where the proposed new building will be attached. This alteration will include the removal of non-historic windows and the infilling of the window openings as required by building code for adequate fire separation.
15. There will be minimal impact on spatial relationships, as the primary elevations of the building will be maintained, with only the addition of a new building at the rear. Currently the building is surrounded by a parking lot and driveways, both non-historic elements, and these will be removed.
16. All distinctive materials, features, finishes and construction techniques (features of significance) will be preserved. Some brickwork will be repointed to match the existing

- mortar joints. Where the proposed new building is attached on the rear of the building, the existing exterior brickwork will be maintained and will be preserved within the envelope of the proposed new building.
17. Deteriorated woodwork and brickwork will be repaired. In cases where woodwork is too deteriorated to repair, replacement will match the historic woodwork based on physical and photographic evidence.
 18. The existing windows are replacement windows and are approximately 40 years old. The proposed new replacements will replicate the original windows using historic photographs and physical evidence as guidance. They will match the originals in design, texture, visual qualities, and dimensions, and if budget allows, material. The windows will contain insulated glass panels, and will have a low-E coating, but this should not alter the visual quality.
 19. Exterior brickwork will be cleaned using a low-pressure wash and mild detergent. These are common and acceptable methods for cleaning historic brick.
 20. Only that portion of the proposed new building that is within the designated boundaries of the landmark can be reviewed by the Commission; thus review authority is limited to a 15 foot area extending from the landmark's south, east, and west elevations. However, for discussion purposes, the entire north portion of the proposed new building (that closest to the historic building) was considered in the evaluation.
 21. The proposed new building does not destroy any historic features or spatial relationships. The windows at the rear of the landmark will be removed and infilled, but the windows themselves are not original. The west portion of the rear elevation has been re-sided with new material, and an elevator was added. These will be removed for attachment of the proposed new building. The spatial relationship at the front of the building, consisting of the setback from the street and the prominence at the end of Linden Avenue will not change. The spatial relationship to the east, historically consisting of open space but now containing a driveway, will be improved with the removal of the drive and an open courtyard between the historic building and the proposed new building. The spatial relationship to the west, now consisting of a driveway and open space, will also be improved by the removal of the driveway immediately adjacent to the historic building. This elevation would become more prominent, as it faces the entry for the new school.
 22. The proposed new building is compatible with the existing because it has a base, body, and cornice arrangement much like the historic building, but with new materials. Final material selection has not been made, but will be reviewed with staff before construction begins. The proposed new building also has a symmetrical rhythm of window openings, but doesn't duplicate the landmark. The portions of the proposed new building immediately adjacent to the landmark are primarily glass, resulting in a visual separation of the proposed new building from the old and creating a focal point that visually emphasizes the landmark.

23. Floor heights for the proposed new building will match those of the old, thereby reinforcing the compatibility of window openings and cornice lines.
24. Massing and size of the proposed new building is compatible as well, with the new sections closest to the landmark being comparable in height and volume. The larger volumes of the proposed new building are set further back on the site to minimize visual competition with the landmark.
25. The proposed new building, as designed, has minimal impact on the visual and physical integrity of the landmark. If it were removed in the future, existing historic brick would remain intact and unimpaired. Where there was originally wood siding, new wood siding could be reinstalled. Existing window openings would also be intact and could be restored with new sashes.

MINUTES AND EXHIBITS

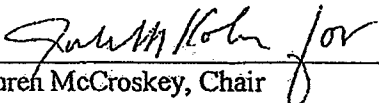
The minutes of the Shoreline Landmarks Commission public hearing of November 17, 2010 are on file in the King County Historic Preservation Program office, 400 Yesler Way, Suite 510, Seattle, Washington.

The following exhibits were entered into the record: See *Attachment A - List of Exhibits*.

DECISION

At its November 17, 2010 meeting the Commission unanimously approved a certificate of appropriateness as recommended by the Design Review Committee and staff, including the conditions described in the DRC Report (see Exhibit No. 41), to construct a new school building and restore historic elements of Ronald School.

SHORELINE LANDMARKS COMMISSION



Lauren McCroskey, Chair

12-3-10
Date

TRANSMITTED this 3rd day of December, 2010 to the following parties and interested persons:

Nancy Callery, Bassetti Architects
Lorne McConachie, Bassetti Architects
Sue Walker, Shoreline School District

Paul Cohen, City of Shoreline
Bob Ferguson, King County Councilmember
Travis Alley, King County Council Staff

Jennifer Altena
Dean L. Barth
Kate Bauman, GG Architects
John Behrens
Boni Biery
Wes Brandon
Beth Burkell
Kathy Carrow, Shorewood PTSA
Raymond S. Collins
Loren Day
Amy Daybert, Enterprise News
Linda Delgado
Wendy DiPeso
Bill Dunbar
Debi Ehrlichman
Ann Erickson
Alfred Frates, Jr.
Tanya Frates
Karen Frazier
Suzanne Gillette
Julio and June Gomalez
Jeff Greene, GG Architects
Judy Griegel
Suzanne Gugger
Kathy Hall
Marcia Harris, Shoreline School District
Lois Harrison
Diane Hettrick, Shoreline Area News
Michelle Hickman
G. Richard Hill, McCullough Hill Law Firm
Lisa Hirohata
Leanne S. Hofford
Julie Houff
Ken Howe
Jocelyn Hudson
Mike Jacobs
Carole Johanson
Steve Kellett
Sue Kienast, Bothell Historical Society
Kate Krafft, Krafft & Krafft Architects
Sharon Leitner
Flo Lentz, 4Culture

Sarah Lovejoy
Dale Lydin
Zelma McCartt
David S. Mann
Lisa Mannery
Afia Christine Menke
Aaron Miller
Geneva F. Norton
Maren Norton
Patti Par Norwood
Angela Nouwens
Margie Olson
Helen M. Oltman
Virginia M. Paulsen
Suzanne Pardee
Elaine Phelps
Richard Potter
Teri Potter
Christie Quigley
Robert L. Ransom
Henry Reed, Shoreline Historical Museum
Connie Samson
Garry Schalliol
Keith Scully
Shoreline Historical Museum, c/o Vicki Stiles
Shoreline Preservation Society, c/o Janet Way
Roger Smith
Linda Stein
Amy Stensrud
Dave and Marianne Stephens
Jan Stewart
Sigrid Strom
Lisa Surowiec
Les Tonkin, Tonkin/Hoynes/Lokan Architects
Neal Vonada
Janet Way
Vicki Westberg
David Wilson
Linda Wilson
Ken Winnick
Sarah-Ann and Vance Woodfield
Jean Wren

NOTICE OF RIGHT TO APPEAL OR RECONSIDER

Appeal. Any person aggrieved by a decision of the Shoreline Landmarks Commission issuing or denying in whole or in part, a Type II or III Certificate of Appropriateness may, within 35 calendar days of mailing of notice of the action, appeal the decision to the Shoreline City Council. Written notice of appeal shall be filed with the Historic Preservation officer and the City Clerk and shall be accompanied by a statement setting forth the grounds of the appeal, supporting documents and argument. (KCC 20.62.110 A, as adopted by reference in SMC 15.20.025.)

Reconsideration. Any person aggrieved by a decision of the Shoreline Landmarks Commission issuing or denying, in whole or in part, a Certificate of Appropriateness may, within 20 calendar days of mailing of notice of the decision, petition the Commission for reconsideration on the grounds the decision was based on 1) error or omissions of fact; or, 2) that new information bearing on the decision, and not reasonably available to the Commission at the time of the decision, is available. The written petition shall be filed with the Historic Preservation Officer and shall be accompanied by 1) a statement setting forth the grounds for the petition; and, 2)

Findings of Fact and Decision
Ronald School COA No. 1021
December 3, 2010
Page 7 of 7

any supporting documents. Within 70 calendar days of a petition for reconsideration, the Commission shall review the record, and may, at its discretion, render a revised decision. The Commission may, at its discretion, hold another public hearing on the matter.

ADDENDUM B



DETERMINATION OF NONSIGNIFICANCE (DNS)

Proposal: Shorewood High School

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000sf, of new space including;

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School will be moved to an off-site location.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off area; athletic facilities including fields, track, and small community sports structures; frontage improvements; appropriate utilities, fire access, street egress/ingress, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time; however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms, to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Property Owner/Applicant: Shoreline School District 412
Location: 17300 Fremont Avenue North, Shoreline, WA 98133
(Tax ID's: 0726049134, 0726049248, 0726049263, 0726049058, 0726049201, 0726049291, and 0726049292)

Lead Agency: Shoreline School District 412
As the lead agency for this proposal, Shoreline School District 412 has reviewed the proposed project and determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

- ✓ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted in writing to Shoreline School District No. 412, Attn: Marcia Harris, Deputy Superintendent, 206.361.4366, by 5:00 pm on May 17, 2010.

Public Comment: We invite your comments in review of this proposal. Anyone wishing to review the project file, environmental checklist, and any other documents relating to this proposal may do so by contacting Marcia Harris at 206.361.4366. Comments can be sent to Shoreline School District, Attn: Marcia Harris, Deputy Superintendent, 206.361.4366.

Responsible Official: Marcia Harris, Deputy Superintendent
Shoreline School District No. 412
18560 1st Avenue NE
Shoreline, WA 98155-2148

Signature:  5/3/10
Responsible Official Date

Appeal: Pursuant to Shoreline School District SEPA policies, determination decisions by the Responsible Official may be appealed to the School District Superintendent. A written notice of appeal identifying the grounds for appeal must be filed by the date indicated below as "Appeal Deadline." Appeals must be in writing and contain specific factual objections and other specific items as identified in the Shoreline School District SEPA policies. Appeals must be submitted to: Shoreline School District No. 412 at 18560 1st Avenue NE, Shoreline, WA 98155-2148.

Appeal Deadline: 4:00pm, June 1, 2010. (14 day)

Note: The issuance of this DNS does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Shoreline.

ADDENDUM C



18560 1st Ave NE
Shoreline, WA 98155

ADDENDUM TO DETERMINATION OF NONSIGNIFICANCE (DNS)

Name of DNS: SHOREWOOD HIGH SCHOOL

Description of original DNS:

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000 sf, of new space including;

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School will be moved to an off-site location.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off area; athletic facilities including fields, track, and small community sports structures; frontage improvements; appropriate utilities, fire access, street egress/ingress, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time; however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms, to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Property Owner/Applicant:
Shoreline School District No. 412
18560 1st Ave NE
Shoreline, WA 98155

Contact Person: Marcia Harris, Deputy Superintendent
Email: marcia.harris@shorelineschools.org
Telephone Number: (206) 368-4113
Fax Number: (206) 361-4204

May 25, 2010

Location of DNS: 17300 Fremont Avenue North, Shoreline, WA 98133
(Tax ID's: 0726049134, 0726049248, 0726049263, 0726049058,
0726049201, 0726049291, and 0726049292)

Lead Agency: Shoreline School District No. 412

Shoreline School District No 412 is providing updated information on this project that may be of interest to other agencies or the public. The updated information provided below does not substantially change the analysis of significant impacts in the existing environmental checklist.

The original environmental checklist, dated April 28, 2010, should be modified to reflect the following changes:

Question A. 10: List any government approvals or permits that will be needed for your proposal, if known:

Conditional Use Permit - (City of Shoreline)
~~Landmarks Board Approvals Certificate of Appropriateness (City of Shoreline
Landmarks Commission—administered by the King County Historic Preservation
Program)~~
Building Permit- (City of Shoreline)
Temporary Use Permits- (City of Shoreline)
Health District Approval- (King County Health Department)
NPDES Permit- (Washington State DOE)
Demolition Permit- (City of Shoreline)
Electrical Approval- (Labor and Industries)
Utility District Approval (Ronald Wastewater and Seattle Public Utilities)
Stormwater Pollution Prevention Plan (King County Development and
Environmental Services)

Question A.11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site.

The proposal includes the redevelopment of an existing high school site. One new structure will be built to the east of the existing school buildings. The new facility will include one new building and the relocation of an existing building and the relocation and reuse of the portables. The Main Building will include Academic, Performing Arts and Athletic functions, totaling approx. 220,000 sf, of new space including:

Main Building: The Main building is 55 FT. +/- and approx. three stories in height including a Performing Theater Fly loft no greater than the 72' maximum height allowable in height.

Ronald School Building (may to be moved off-site): A three-story building with approx. 15,000 SF total. The existing Ronald School may will be moved to an off-site location. In the event it is not moved, it is intended to be renovated and incorporated as part of the Main Building.

Construction will be phased with some construction occurring while some existing buildings are in operation. Existing Shorewood High School structures will be demolished upon occupancy of new school structures.

Associated work includes the reconfiguration of parking areas to accommodate up to approximately 450 vehicles and a separate bus drop off area and separate student drop off

area; athletic facilities including fields, track, and small community sports structures; frontage improvements; appropriate utilities, fire access, street egress/ingress, transformer and generator pads, stormwater collection and water quality treatment facilities. Off-site improvements are not anticipated at this time; however they may include sidewalk, curb & gutter, landscape strip, parking and utility extensions. The project may include storm pipes, water and sewer lines over eight inches in diameter to serve the site.

The development also includes the temporary placement of approximately 6 portable classrooms, to house displaced students during the course of construction. Work will include related site and utility improvements. The portables will be removed upon completion of the project.

Question B. 8.a: What is the current use of the site and adjacent properties?

The site is currently used as Shorewood High School, operated by the Shoreline School District and the Shoreline Historical Museum located to the north. Adjacent property to the north is a mix of single-family and multi-family uses; property to the south and west is single family; property to the east is a mix of industrial and commercial uses, including car dealerships and other commercial uses.

Question B.8.c: Describe any structures on the site.

Existing high school structures onsite include multiple one-story structures and portables, totaling approximately 232,800 SF. Also located on-site is the Ronald School, a three-story structure totaling approximately 15,000 square feet.

Question B.13.a: Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Existing on the school district property site is the Ronald School, which is operated by the Shoreline Historical Museum and listed as a City of Shoreline landmark place of significance. The 15,000 SF building is approximately 2.5 three stories tall with two above ground floors and one floor a daylight basement. The building is currently used by the Shoreline Historical Museum, and is over 50 years old, therefore potentially eligible for nomination to the National Register of Historic Places. Attached, as Exhibit B, is the City of Shoreline Landmarks Commission Findings of Fact and Decision on Ronald School.

Question B.13.b: Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Other than the presence of the Ronald School, no known archeological, scientific or cultural evidence has been found on the site. The Ronald School is a three-story masonry building as described above. See also Exhibit B.

Question B.13.c: Proposed measures to reduce or control impacts, if any:

Proposed measures to reduce impacts to the Ronald School include the potential of moving the building to an off-site location. Prior to the movement of the Ronald School Building, the building would be analyzed and assessed by a qualified professional engineer to confirm the feasibility of moving the building to an off-site location. The building would also be documented via as-built drawings prior to being moved. Based on public input regarding the relocation of the Ronald School Building, the District may elect to retain the building on-site, renovate the building in accordance with applicable historic preservation guidelines, and incorporate it for educational purposes into the main classroom building. Either action, moving the building or retaining it on-site and renovating it, will require a Certificate of Appropriateness from the City of Shoreline Landmarks Commission. Exercise of the latter option would result in the relocation of the Shoreline Historical Museum to an off-site location.

May 25, 2010

Based on the original environmental checklist and the updated information provided in this addendum, it has been determined that a new threshold determination is not warranted. There is no comment period associated with this SEPA environmental checklist addendum.

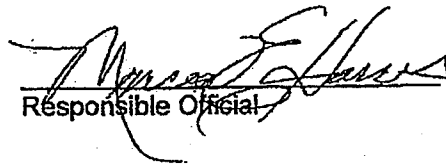
Responsible Official: Marcia Harris
Position/Title: Deputy Superintendent, Shoreline School District No. 412
Address: 18560 1st Avenue NE, Shoreline, WA 98155-2148

If you have any questions about this action, please contact:

Marcia Harris, Email: marcia.harris@shorelineschools.org
Phone: (206) 368-4113 Fax: (206) 361-4204

This addendum is issued on Tuesday, May 25, 2010 pursuant to WAC 197-11-600(4)(c) and 197-11-625.

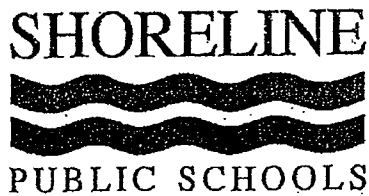
Signature:


Responsible Official

5/25/10
Date of Issue

Note: The issuance of this DNS Addendum does not constitute project approval. The applicant must comply with all other applicable requirements of the City of Shoreline.

ADDENDUM D



Board of Directors
David Wilson
Maren Norton
Mike Jacobs
Deborah Ehrlichman
Richard Potter
Sue Walker
Superintendent
Secretary to the Board

May 25, 2010

To: All Parties of Record & Agencies with Jurisdiction

Re: Shorewood High School DNS

To Whom It May Concern:

The Shoreline School District has received substantive and timely comments on the SEPA Determination for the Shorewood High School which has resulted in a reconsideration of the Determination of Non-Significance (DNS) per WAC 197-11-340(2)(f) by the SEPA responsible official. Your comments are noted, and will be considered by me as lead agency responsible official, in accordance with the provisions of WAC 197-11-340.

The reconsideration has resulted in the issuance of the attached addendum to the original DNS in accordance with WAC 197-11-706. The updated information does not substantially change the analysis of significant impacts for the project and thus the determination has been retained as a DNS. The addendum will be mailed to agencies with jurisdiction and parties of record. There is no further comment period for this proposal.

The Shoreline School District assumed lead agency status for this proposal pursuant to WAC 197-11-926 in which an agency initiating a proposal is the lead agency for the proposal. A Notice of Assumption of Lead Agency Status was provided to and accepted by the City of Shoreline on April 19, 2010.

The original DNS was properly noticed per the SEPA notice provisions in WAC 197-11-510 and the School District's SEPA Procedures. These provisions and procedures do not require the provision of notice to adjacent property owners. The determination was legally noticed in the Seattle Times which is the current newspaper of record for the Shoreline School District (see Attachment A for affidavit of publishing). The determination was also noticed at the site with three 4-foot by 4-foot notice boards located on-site along each public street frontage (refer to Attachment A). The notice was also sent to the District's mailing list for agencies with jurisdiction. As such, the School District and SEPA responsible official have complied with statutory requirements regarding public notice in this matter.

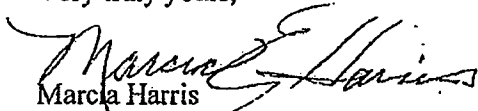
The School District's SEPA Procedures identify that the School District will establish a mailing list for those interested citizens who wish to be informed of SEPA determinations. All parties who have provided SEPA comments in writing will be added to our mailing list for future public notice associated with Shorewood High School SEPA matters, including this notice of addendum to the DNS.

Administrative Offices, 18560 1st Ave NE, Shoreline, WA 98155-2148, Office (206) 361-4366, Fax (206) 361-4204

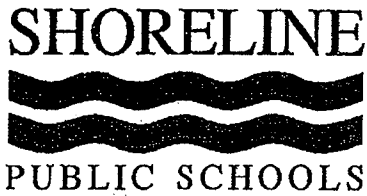
Several comments received pertained specifically to the potential relocation of the existing Ronald School building to an off-site location. The potential relocation of the building was proposed as part of the overall project and included specifically in the project description. In this case, the relocation was evaluated as such and was not separated out as mitigation measure to address a direct impact. Therefore, the analysis acknowledges the relocation as part of the overall project and identifies no other significant mitigation that would justify modifying the DNS to a Mitigated Determination of Non-Significance (MDNS).

The comment letters of the King County Historic Preservation Program and of the Committee to Save Our Shoreline Historical Museum indicate that those entities have both substantive and permitting concerns about moving the building to an off-site location. The District acknowledges these comments and based on this public input, may elect to retain the building on-site, renovate the building in accordance with applicable historic preservation guidelines, and incorporate it for educational purposes into the main classroom building. Either action, moving the building or retaining it on-site and renovating it, will require a Certificate of Appropriateness from the City of Shoreline Landmarks Commission. Exercise of the latter option would result in the relocation of the Shoreline Historical Museum to an off-site location.

Very truly yours,


Marcia Harris
Deputy Superintendent

ADDENDUM E



Board of Directors
Deborah Ehrlichman
Mike Jacobs
Maren Norton
Richard Potter
David Wilson
Sue Walker
Superintendent
Secretary to the Board

July 14, 2010

Jay P. Derr
Duncan Greene
GordonDerr, LLP
2025 First Avenue, Suite 500
Seattle, WA 98121-3140

**Re: Shoreline Historical Museum
Shorewood High School DNS Appeal
Final Decision of the Superintendent**

Dear Mr. Derr and Mr. Greene:

I have received and reviewed the Hearing Examiner's Recommendation to the Superintendent, dated July 12, 2010. I have also reviewed Exhibits 1-7 identified in the Hearing Examiner's Recommendation.

Based on that review, I have decided to adopt the Hearing Examiner's Recommendation. Accordingly, the Shoreline Historical Museum's appeal of the May 3, 2010 Determination of Nonsignificance regarding Shorewood High School is hereby denied.

Sincerely,

A handwritten signature in cursive script that reads "Susanne M. Walker".

Susanne M. Walker
Superintendent

cc: Michael Kenyon
Marcia Harris
G. Richard Hill



King County

Historic Preservation Program

Department of Natural Resources and Parks
201 South Jackson Street, Suite 700 [MS: KSC-NR-0700]
Seattle, WA 98104
206.296-8689

RECEIVED

FEB 22 2011

CITY CLERK
CITY OF SHORELINE

February 18, 2011

The Honorable Keith McGlashan and City Councilmembers
City of Shoreline
17500 Midvale Avenue North
Shoreline, WA 98133

**RE: Response to Shoreline Preservation Society Appellant Brief Concerning
Ronald School COA No. 1021**

Dear Mayor McGlashan and Councilmembers:

I am writing on behalf of the City of Shoreline Landmarks Commission (Commission) in response to the opening brief submitted by the Shoreline Preservation Society, appellant of the Certificate of Appropriateness (COA) issued by the Commission for the Ronald School building. As further described below - and contrary to the appellant's assertions - the Commission's approval of the COA is in conformance with all aspects of applicable standards, procedures, and codes governing the issuance of Certificates of Appropriateness. The following responses are keyed to the numbering and assertions listed in the Shoreline Preservation Society brief dated February 11, 2011.

Section III.A. The Decision fails to follow Secretary of Interior Standards

The Secretary of the Interior's Standards for Rehabilitation (Standards) are a nationally recognized set of criteria used to guide the rehabilitation of historic properties. They are used by landmark commissions throughout the country. The Standards contemplate new construction attached to historic buildings and allow for that construction. The Shoreline (King County) Landmarks Commission is highly qualified to interpret the Standards and does so on a regular basis in its capacity as a regional provider of landmark designation and protection services. The following responses address the appellant's assertion that the Commission's decision failed to follow the Standards.

Standard 1 - "A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships."

The appellant argues that the proposal cannot reasonably be in compliance with Standard 1 because it is far more than a minimal change.

Response: The subject proposal returns the building to its historic use as a school, consequently there is no violation of Standard 1. Other standards address changes to buildings and spatial relationships.

Standard 2 – “The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”

The appellant asserts that the applicant’s proposed alterations to the south (rear) elevation of the Ronald School are not minor, and that they will encapsulate this feature, convert it to interior space, and significantly change the building form.

Response: Significant alterations have already occurred on the south elevation, including the removal of historic windows and replacement with windows that are not in character with the historic building; the replacement of original siding on half of this elevation with non-historic material; and, the addition of an elevator tower and ramp that obscure an original entry.

The proposed project would alter spatial relationships at the rear of the building; however, because this elevation has been significantly altered already, it would not significantly impact any original features. In addition, spatial relationships to the north, east and west of the Ronald School will be retained. In fact, more historically appropriate conditions will be restored on the east and west (side) elevations by the removal of non-historic driveways and replacement with landscaping, and on the rear by exposing and restoring brickwork and the cornice when the elevator tower is modified during rehabilitation. Finally, remaining original materials on the south elevation will not be removed; they will be preserved within the envelope of the new building.

Standard 3 – “Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.”

The appellant states that the plans for the south elevation are “tentative and conjectural”. It also asserts that this elevation is historically important because it contained an entry that was used by the students, where they waited for the bell, played games, had recess and where class pictures were taken.

Response: This standard is meant to prohibit the addition of conjectural features or elements from other historic properties. The applicant is not proposing that such features or elements be added to the Ronald School, therefore Standard 3 is not applicable.

Standard 4 – “Changes to a property that have acquired historic significance in their own right will be retained and preserved.”

The appellant states that the building has acquired “additional significance” because of its association with the Shoreline Historical Museum, a long-time tenant.

Response: Ronald School was designated a landmark under Shoreline Landmark Criterion A1 for association with the broad pattern of education, and Criterion A3 as an intact example of a distinctive early 20th century school design. The building was not designated for its association with the Museum therefore the Commission cannot consider this. Furthermore, use is not a criterion for designation (King County Code 20.62.040). Restorations that the Museum undertook while a tenant in the building are being left intact.

Standard 9 – “New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size=scale and proportion, and massing to protect the integrity of the property and its environment.”

The appellant asserts that the new addition will destroy historic spatial relationships and the historic form of the building, as well as set a precedent for massive large additions that future applicants will cite and future commissions will be bound by.

Response: The proposed project does not anticipate an addition to the Ronald School; it proposes a completely new building that will be attached to a secondary elevation of the landmark building. However, even if the proposed new construction is considered an “addition” under the Secretary of the Interior’s Standards, the proposed work satisfies all conditions of Standard 9. Primary spatial relationships are not impacted on the front and sides of the historic building. Only the spatial relationship at the rear is impacted, and the new building is sufficiently distinguished (in terms of size, scale and proportion, massing, and materials) from the historic one so as not to significantly impact the visual integrity of the latter.

The Commission does not believe that the proposed new building will adversely impact the historic form of the landmark. The form remains intact on three elevations and only the rear elevation is impacted by the connection to the new building.

The proposed plan anticipates two separate buildings attached on one elevation. The applicant has exceeded the requirements of reducing the impact of massing and scale of the new building on the landmark: the connection between two buildings is one-story shorter than the historic building; to the east of the landmark, there is a separation of 35’ from the new building, and the latter is set back from the street-side plane of the landmark, further diminishing visual impacts.

This is of note because based on the boundaries of significance which were identified at the time of designation (within which no new construction can take place without review and approval by the Commission), and which the Museum and others did not argue with at the time of designation, it would be possible for the school district to build within 15’ of the west, south and east elevations of the Ronald School at a height of several stories. The school district did not exercise this option; had it done so there would have been a significant adverse visual impact to the Ronald School over which the Commission would have had no review authority.

Finally, approval of this COA does not set a precedent for future decisions of the Commission regarding additions to landmark properties as each COA application is unique and evaluated on its own merits.

Section III.B. – The Decision fails to meet rules of procedure Criterion 6B

Shoreline Rules and Procedures Criterion 6B – “The reasonableness or lack thereof of the proposed alteration or significant changes in light of other alternatives available to achieve the objectives of the owner and the applicant.”

The appellant asserts that the Commission failed to consider alternatives that would “leave the Ronald school both intact and isolated sufficiently so that it stands out.”

Response: Several alternatives were discussed at both the design review committee meeting and the Commission’s November 17, 2010 public hearing. (These were also presented to the public at an open house held by the school district during its initial consideration of alternatives for the new school building.) The applicant is not required by code or rules of procedure to submit detailed alternatives. The Commission is to consider the “reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the owner.” The owner’s objectives were to use the historic building, and to rehabilitate it for use as a modern educational facility. This criterion was met.

Section III.C. – The Commission Erred in the fundamental protection of the landmark and carrying out the “intent of the law”

The applicant cites Shoreline Municipal Code 15.20.010B: “Such cultural and historic resources are a significant part of the heritage, education and economic base of the city of Shoreline and the economic, cultural and aesthetic well being of the city cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources. The appellant indicates that the proposal will cause “unnecessary destruction and defacement of such resources.”

Response: As noted above, the proposed project would impact the rear of the landmark, on an elevation that has already been significantly altered. What remains of original materials and features on this elevation will be preserved, although some will only be visible from inside the new building. Spatial relationships on this elevation would also be impacted, but the Commission did not find that they were significant enough to warrant denial of the COA .

The applicant also cites Shoreline Historic Preservation Policies:

- CD 54 – Preserve, enhance and interpret Shoreline’s historical and archaeological identity.
- CD 58 – Review proposed changes to historic landmark sites and structures to ensure that these resources continue to be a part of the community.
- CD 60 – Encourage stewardship of historic sites and structures.

CD 61 – Work cooperatively with other jurisdictions, agencies, organizations and property owners to preserve historic resources.

Response: All of these policies were considered and have been met. The landmark is being preserved and enhanced with the restoration of historic windows. All proposed changes were carefully evaluated and found to be acceptable; they did not adversely impact the landmark to such a degree that the COA should be denied. The school district has stated that it is committed to serving as the building's steward, and in its near 100-year history has not demolished or significantly altered the Ronald School. There has been cooperation throughout the life of the history to preserve it, with the Shoreline Historical Museum serving as its primary steward for 35 years.

Section III.D. – The Commission Failed to Follow Procedures

The appellant asserts that the notice requirements in the Commission's Rules and Procedures were not followed because only 24 hour notice was given for the October 14, 2010 hearing.

Response: The October 14, 2010 meeting was a special meeting. A special meeting has a 24 hour notice requirement for cancellation.

The appellant indicates that Commissioner Day declared he and I had been conversing about the case before the hearing and that this violated the ex-parte clause of the code.

Response: There was no violation of the ex-parte clause of the code. To the contrary, Commissioner Day made a point of declaring for the record at the beginning of the hearing that he conversed with me regarding Rules and Procedures Criterion 6B and whether it applied to this particular case. He also discussed with me an alternative proposal submitted by an interested party and included in the record. Both of these issues were fully discussed during the hearing by the Commission. No information was provided prior to the hearing that was not also provided at the hearing.

The appellant cites that the special member of the Commission was not present to represent Shoreline.

Response: The Rules and Procedures of the Shoreline Landmarks Commission Part I.2.B. state that no commissioner shall participate in deliberations or vote on any matter in which they have a conflict or perceived conflict of interest. The Shoreline Special Commissioner had a conflict of interest and recused herself from participation in this proceeding.

The appellant indicates that two Landmarks Commissioners' terms are expired.

Shoreline City Council
Response to Appellant Brief: Ronald School COA No. 1021
February 18, 2011
Page 6 of 6

Response: King County Code 20.62.030.B. states that regular members of the Commission shall serve until their successor is appointed and confirmed, regardless of their effective term limit.

The appellant indicates that two Landmarks Commission positions are vacant.

Response: KCC 20.62.030.F. states that a majority of current appointed members shall constitute a quorum for the transaction of business. There is no minimum number of current appointed members.

Section III.E. – The Landmarks Commission Violated SEPA

The appellant asserts that the school district did not conduct adequate SEPA review, and that the Landmarks Commission did not complete an environmental review.

Response: This assertion is erroneous as the Commission's authority does not extend to SEPA review.

Thank you for the opportunity to respond to the appellant's brief. The Commission will have staff available at the hearing to answer questions as necessary.

Sincerely,

Lauren McCroskey
Chair, Shoreline Landmarks Commission

cc: Shoreline Landmarks Commissioners
Julie M. Koler, Preservation Officer

BEFORE THE CITY OF SHORELINE CITY COUNCIL

RECEIVED

FEB 24 2011

APPEAL OF RONALD SCHOOL
CERTIFICATE OF APROPRIATENESS

COA No. 10.21

CITY CLERK
CITY OF SHORELINE

REPLY BRIEF OF APPELLANT
SHORELINE PRESERVATION
SOCIETY

I. INTRODUCTION

Appellant Shoreline Preservation Society ("SPS") offers the following reply to the pre-hearing brief of the Shoreline School District ("District").

This appeal is not about whether Shorewood High School should be rebuilt. Further, contrary to the District's implications, SPS is *not* against the construction of a new school and SPS is not asking this City Council to block construction of a new school. SPS is, however, asking the Shoreline City Council to step in and help protect a Shoreline Historic Landmark from being encapsulated by and lost in the midst of a sprawling new building complex.

While the "Shoreline Landmarks Commission" was charged with determining whether the proposed additions are consistent with the landmark status, the "Shoreline Landmarks Commission" does not even include an active member from Shoreline. The City Council has the final say, however, over the Commission's decision. If the City Council believes, as SPS does, that the Commission's decision "may" be based on an error of fact, it must remand to the Commission for further review. If the City Council believes, as SPS does, that the Commission's decision is based on an error in judgment or conclusion then the Council is free to remand or reverse the decision.

REPLY BRIEF OF APPELLANT
SHORELINE PRESERVATION SOCIETY - 1

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1 In its approval of the Ronald School Certificate of Appropriateness the Commission
2 erred both in fact and in judgment in finding that the historic nature or the Ronald School will
3 not be destroyed by this significant addition and alternation. SPS urges the Council take
4 action on this matter to better protect the Ronald School. If what has befallen the Ronald
5 School is the outcome available to all Shoreline Landmarks, then no historical property is
6 safe.
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8 II. DISCUSSION IN REPLY

9 A. Standard of Review

10 While initially correctly quoting the correct standard of review in KCC 20.62.110(B),
11 the District then unfortunately proceeds to ignore the codified and mandatory standard of
12 review and instead attempts to impose its preferred standard of "substantial evidence."
13 Response Memorandum at 5-6. The City Council is a "creature of statute" and thus
14 exercises its quasi-judicial review authority precisely as authorized by code. It is not free to
15 create a new standard. In this case, KCC 20.62.110(B) provides the only two standards of
16 review that control your appellate review. Because the Council adopted these two standards
17 from King County Code verbatim, it is not free to invoke different standards. See SMC
18 15.20.025G.¹
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21 Pursuant to KCC 20.62.110(B), there is a standard for reviewing facts and a standard
22 for reviewing conclusions. For facts, if the Council finds that "an error in fact *may* exist in
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25 ¹ The City Attorney's Staff Report incorrectly incorporates the Council's "Chapter II: Rules on
26 Appeal for Land Use Application Recommendations and Decisions; and Other Designated Matters." This is
27 incorrect. The Chapter II Rules on Appeal, on their face, apply only to "land use" decisions (which this is
28 not) and other matters "designated by the City Council." The City Council has not designated that the
standard of review in these rules over-rides its express adoption of the standard of review in KCC
20.62.110(B).

1 the record it *shall* remand the proceeding to the commission for reconsideration.” (Emphasis
2 added).² Contrary to the District’s assertions, nothing in this standard requires you to uphold
3 the decision if it is based only on “substantial evidence” or even a “preponderance” of the
4 evidence. To the contrary, if you find that an error in fact “may” exist, you “shall” remand.³

5
6 Second, for errors in judgment or conclusion, the Council is provided the express
7 discretion, “if it determines” that the commission’s decision is based on “an error in judgment
8 or conclusion it may modify or reverse the decision of the commission.” Nothing in this
9 express standard imposes a burden higher than the Council’s determination. The Council is
10 not required to find the decision “clearly erroneous.” It is enough for the Council to
11 determine that the commission made an error in judgment or conclusion. The City Council
12 has the final say.

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14 **B. The City Council Should Not Consider this Appeal In Executive Session**

15 The Shoreline Preservation Society objects strongly to the recommendation by the
16 City Attorney that the City Council consider this matter in executive session. The narrow
17 exception in RCW 42.30.140(2) is not applicable where the quasi-judicial matter before a
18 public agency is of interest to more than the named parties.
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22 ² The District inappropriately changes the express mandatory language of KCC 20.62.110(B)(1) by
23 changing the directive “shall” to “may.” Response Brief at 5.

24 ³ The cases cited by the District at page 6 of its Response Memorandum are not applicable. None of
25 these cases address the situation where the reviewing body is charged with reviewing a decision under an
26 expressly codified standard of review. In *In re Estate of Kessler*, 95 Wn.App. 358 (1999) for example,
27 addressed the standard of review of an appellate court reviewing factual determinations made by a trial judge.
The City Council is not an appellate court. Nor is the Landmarks Commission a trial judge. Similarly, the
standard of review discussed in *West Main Associates v. City of Bellevue*, 49 Wn.App. 513, 520(1987) is
equally inapplicable. There the Court of Appeals confirmed that a reviewing court could not substitute its
judgment for the judgment of a City Council that had *reversed* the decision of its planning director approving
a development.

1 For example, in *Protect the Peninsulas' Future v. Clallam County*, 66 Wn. App. 671
2 (1992), the County Commissioners were exercising their authority to review an application
3 by the City of Sequim for a sewer outfall. A local nonprofit group challenged the County's
4 action of going into executive session to discuss the permit. The County attempted to defend
5 its action through RCW 42.30.140(2). The Court of Appeals rejected this argument and
6 awarded the non-profit its attorneys' fees for bringing the action. According to the Court:

8 RCW 42.30.140(2), a portion of Washington's Open Public
9 Meetings Act, provides that "this chapter shall not apply to
10 ... [t]hat portion of a meeting of a quasi-judicial body which
11 relates to a quasi-judicial matter between named parties as
12 distinguished from a matter having general effect on the
13 public or on a class or group." Although the Board of
14 County Commissioners can, on occasion, be considered a
15 quasi-judicial body, ... *we do not think that the matter
16 before the commission was a matter of interest only to the
17 named parties.* Whether a permit should have been granted
18 to the City of Sequim, which would have permitted it to
19 extend its sewer outfall farther into the waters of the Strait
20 of Juan de Fuca, was clearly a matter of substantial
21 importance to the general public in that region of the state
22 and to a lesser degree all of the citizens of the state.

23 66 Wash. App. 671, 675-76, (1992).

24 While this is indeed a "quasi-judicial" proceeding, it is of interest to far more than the
25 named parties, the Shoreline School District and Shoreline Preservation Society. Just as in
26 *Protect the Peninsula's Future*, the plans for the new high school and its impact on the
27 designated historic landmark Ronald School is of great public interest to the Shoreline
28 Community, King County (who originally designated the landmark) and all interested in
historic preservation. More importantly, by definition, the Shoreline School District is *not* a
private party, but a *public* entity. Because the narrow exemption in RCW 42.30.130(2) is not
applicable to matters having general effects on the public, it is not applicable here. In short, it

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1 is not appropriate for the Council to consider and discuss this matter in executive session.
2 Doing so would be a violation of the Open Public Meetings Act.

3 **C. The Commission Failed to Consider Environmental Impacts**

4 By suggesting that the City Council "take notice" of the District's SEPA
5 determination, the District tacitly admits that neither the Design Review Committee nor
6 Landmarks Commission considered the environmental effects of the decision to encapsulate
7 the historic Ronald School. Response Memorandum at 3, fn. 1. Contrary to the District's
8 implication, the City Council is not precluded from reviewing the impacts of the proposal,
9 including alternatives. Indeed, the City Council is required to consider the environmental
10 impacts.
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13 *West Main Associates v. City of Bellevue*, 49 Wn. App. 513, (1987), a case cited by
14 the District, is illustrative. In *West Main*, the City Council heard an appeal from a local
15 citizens group ("Three Tower") of the Planning Director's approval of a large commercial
16 development in downtown Bellevue – Meydenbauer Place. While Three Tower had not
17 challenged the planning department's SEPA review, the City Council relied upon SEPA in
18 granting the citizens' appeal and reversing approval of the project. As the Court of Appeals
19 confirmed:
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21 Thus, under SEPA, the council *must* consider environmental
22 impacts in ruling on such applications. Since Three Tower
23 timely appealed the Planning Director's design review
24 decision and asserted, in part, that Meydenbauer Place
25 would have several unmitigable adverse environmental
26 impacts, the council had substantive authority under SEPA
27 to consider these impacts even though Three Tower failed to
28 file a separate SEPA appeal within 10-days of the Planning
Director's decision.

49 Wash. App. at 518.

1 Here the only SEPA evaluation offered confirms, at best, that the District "may"
2 move the Ronald School offsite. The analysis is entirely void of any analysis of the impacts
3 to the "human and built environment" from the decision to either move or encapsulate the
4 Ronald School. The Commission and this City Council have been deprived of that
5 significant and important information, including, in particular the relative environmental
6 impacts of alternatives to the District's proposal.⁴
7

8 **D. The Decision fails to follow Secretary of Interior Standards**
9

10 The Shoreline Preservation Society largely relies upon the record and its opening
11 brief to support its appeal and will not repeat its arguments for each standard.⁵ There are
12 several points raised by the District, however, that should be rebutted.

13 **Standard 1** provides that a "property be used as it was historically or be given a
14 new use that requires minimal change to its distinctive materials, features, spaces, and
15 spatial relationships."
16

17 Contrary to the District's assertion, simply because the Ronald School will be used
18 as (part of) a school does not mean it is being "used as it was historically." The historic
19 use of the Ronald School was not just "education." The Ronald School was not
20 designated a historic landmark simply because it was a "school." The Ronald School was
21 designated historic because it was a "rare example of a semi-rural school building" because
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23 ⁴ Contrary to the District's assertion at 20-21 of its Response Memorandum, SEPA review of
24 alternatives is not limited to situations where an EIS is required. To the contrary, SEPA contains two distinct
25 requirements for the review of alternatives. As agreed by the District, SEPA certainly requires a review of
26 alternatives where an EIS is required (pursuant to RCW 43.21C.030(c)(iii)). SEPA also requires, a review of
27 alternatives even where an EIS is not required, but for *any* project that "involves unresolved conflicts
28 concerning alternative uses of available resources." (RCW 43.21C.030(e)). Here because the Landmarks
review criteria require a review of alternatives before deciding whether the designation landmark can be
altered, SEPA review of alternatives was required even if an EIS was not.

⁵ For example, the Commission failed to make findings or reach conclusions on Standards 3 and 4.

1 it “embodies the distinctive characteristics of early 20th century school design” – two
2 critical historic features that will be lost by its encapsulation into a modern sprawling 21st
3 century building. The Commission’s conclusion to the contrary is both an error of fact and
4 an error of judgment.

5 Similarly the Commission’s conclusion that there will be “minimal change” to the
6 spatial relationships between the two buildings is based on both an error of fact and
7 judgment. For example, the Commission’s finding that the new two story building that
8 will be physically attached to the rear of the Ronald School will result in “creating a subtle
9 separation between old and new” is an error of fact and judgment. Ex. 94, Finding 13.
10 There is no “*effect of separation*” but in fact total encasement and elimination of the
11 “spatial relationship” and 15 ft Landmarked boundary setback. See Ex. 73A (traditional
12 spatial relationships will be Destroyed”); Declaration of Flo Lentz (“massive addition to a
13 historic building.”).

14 **Standard 2** provides that “the historic character of property will be preserved. The
15 removal of distinctive materials or alteration of features, spaces, and *spatial relationships*
16 *that characterize a property will be avoided.*” (emphasis added).

17 Contrary to the District’s assertion, SPS does in fact object to the Commission’s
18 findings with respect to Standard 2. In addition to Kate Krafft’s discussion of the south
19 elevation, she also points to the southeast corner, including the east elevation. Comparing
20 the existing east elevation with the proposal demonstrates that both the south and east sides
21 of the landmark are now either obscured or lost. Ex. 93. Ex. 73A. The Commission’s
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1 “findings” that there would be only “minimal” changes to the building’s features and
2 spatial relationships are errors of both fact and judgment.

3 **Standard 9** provides that “New additions, exterior alterations, or related new
4 construction shall not destroy historic materials that characterize the property. The new
5 work shall be differentiated from the old and shall be compatible with the massing, size,
6 scale and architectural features to protect the historic integrity off the property and its
7 environment.”

8
9 Despite Commission’s findings to the contrary, Standard 9 quite simply is not, and
10 cannot be, met by encapsulating the existing structure in a modern sprawling series of
11 buildings. Even a cursory view of the existing Ronald School and proposed encapsulating
12 new buildings demonstrates this simple element. In Kate Kraffts’ words, “the addition
13 will --in fact—destroy the historic special relationships and the historic form of the original
14 1912 schoolhouse.” Ex. 73A. Ms. Krafft even proposed a reasonable compromise, that
15 would protect the historic southeast side of the Ronald School. But the Commission
16 shrugged off this compromise solution. While Ms Krafft, as the author of the original
17 nomination, should be given great deference, she was not alone in her distinct opinion that
18 this standard cannot be met. Flo Lentz presented substantive comments at the hearing
19 stating unequivocally that there’s “no way that the addition does not impact the size, scale
20 and RSB environment.” Ms. Lentz also stated that the Ronald School “becomes the wing
21 of the larger building.” The new school is over 15 times larger than the historic Ronald
22 School building it is absorbing. How can this possibly be viewed as “compatible” with
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1 massing size or scale? As Ms. Lentz aptly summarized, "it strains common sense." The
2 Commission's findings to the contrary are both errors in fact, judgment and common sense.

3 **E. The Decision Fails to Meet Rules of Procedure Criteria 6B**

4 Criteria 6.B required the *Commission* to consider:

5 [t]he reasonableness or lack thereof of the proposed
6 alteration of significant changes in light of other
7 alternatives available to achieve the objectives of the owner
8 and the applicant.

9 At the outset, the District appears to concede that there is no actual record that the
10 Design Review Committee considered alternatives. Commissioner Day's assertion is not
11 supported by the minutes of the DRC meeting or its record. If indeed alternatives were
12 *considered* by the DRC then why is there no record in its minutes?

13 As for the Commission itself, the District's statement that the record is "clear" is
14 without support. The District's assertion (and the Commission's bare findings) that
15 alternatives were considered *by the Commission* lacks one thing – substance. Response
16 Memorandum at 14-15. Where is the analysis? Where is the evidence of "poor soils" or
17 why these alleged poor soils meant that the Ronald School could not have been protected?
18 Where is the evidence or "traffic levels in adjacent residential neighborhoods" and the
19 analysis showing that protecting the Ronald School and building the new school would
20 have affected traffic levels? It is certainly not in the record. The *only* thing the record
21 includes is a power point printout showing a couple of alternative locations and a self
22 serving, but unsupported statement, by the project proponent that *they* looked at
23 alternatives and *they* found a variety of problems. But it was not the District or its
24 architect that were charged with considering alternatives. The Commission was charged
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1 with considering alternatives. But there is no record that they had *any* information in front
2 of them to make even a cursory examination or consideration of alternatives. The
3 Commission's Findings are errors of both fact and judgment.

4 **F. Motion to Strike February 18, 2011, Letter from Lauren McCroskey**

5 On February 22, 2011, appellants were provided an unsigned letter dated February
6 18, 2011 from Lauren McCroskey, the Chair of the Landmarks Commission. This letter
7 must be stricken from the record as it contains multiple statements, findings, conclusions
8 and opinions that were not made part of the record and were not included in the
9 Commission's findings and conclusions. The City Council's review must be based solely
10 on the record and should not contain additional statements of facts or conclusions. Nor
11 should it contain post-decision opinions from one member of the Landmarks Commission.
12
13 KCC20.62.110.
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15 The February 18, 2011, letter must be stricken.

16 **G. The Commission Failed to Follow Procedures**

17 While the District attempts to justify or explain away the numerous procedural
18 irregularities, as explained in SPS's Opening Brief, at a minimum, the numerous
19 procedural issues raised should give this Council cause for concern. The Council should
20 be particularly concerned over the current makeup of the Landmarks Commission.
21 Despite being called the "Shoreline Landmarks Commission," there are no Shoreline
22 members – not even the special member required by code and the Inter-local Agreement.
23 This leaves you, the Shoreline City Council with total responsibility to ensure the historic
24 resources and landmarks of Shoreline.
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III. CONCLUSION

SPS requests that the Shoreline City Council REVERSE the Landmarks Commission, DENY the Certificate of Appropriateness for the Ronald School and GRANT our Appeal for the reasons detailed above. This decision should be REMANDED back to the Shoreline Landmarks Commission for consideration of an alternative that both protects the integrity of the historic Ronald School and allows the construction of the new Shorewood High School.

DATED this 24th day of February, 2011.

Respectfully submitted,

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