

SENATE BILL REPORT

SB 5805

As of February 8, 2018

Title: An act relating to the application of landmark or historic preservation regulations with regard to school district property.

Brief Description: Concerning the application of landmark or historic preservation regulations with regard to school district property in school districts with more than fifty thousand students.

Sponsors: Senators Frockt and Carlyle.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/11/18.

Brief Summary of Bill

- Provides that school district property in districts with more than 50,000 students is subject to state and local landmark or historic preservation regulations only to the extent explicitly approved by the school district board of directors.
- Requires the school district board of directors to consult with relevant state and local landmark or historic preservation authorities.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: School District Property. Current state law addresses the sale and use of school district property. The board of directors of each school district has exclusive control of all school property, real or personal, belonging to the district.

Student Enrollment. The Office of the Superintendent of Public Instruction publishes student enrollment data each year. As of January 18, 2017, Seattle Public Schools was the only school district with more than 50,000 students.

Department of Archaeology and Historic Preservation (DAHP). In addition to other responsibilities, DAHP nominates historic places to the national and state historic registers.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Washington Heritage Register (Register) is an official listing of historically significant sites and properties found throughout the state. DAHP maintains the Register, which includes districts, sites, buildings, structures, and objects that are identified and documented as significant in local or state history, architecture, archaeology, engineering, or culture.

According to DAHP's website, no restrictions by DAHP are imposed by a Register designation when private funds are used to alter a significant property. When state funds are used, any subdivision of state government or recipient of state funds must comply with the State Environmental Policy Act and Executive Order 05-05. These programs require that significant properties, specifically those listed in or eligible for the Register, be given consideration when state undertakings affect historic and cultural values.

If significant resources are identified, DAHP considers the effects of a proposed project on such resources, and it makes a professional recommendation for appropriate treatments or actions. DAHP does not regulate the treatment of properties that are found to be significant; a local governing authority may choose to uphold DAHP's recommendation and may require mitigation of adverse effects to significant properties.

Seattle Department of Neighborhoods. This department administers historic preservation programs, which protects designated landmarks and historic districts. According to this department's website, since 1973, Seattle has designated more than 450 individual sites, buildings, vehicles, vessels, and street clocks as landmarks subject to protection by city ordinance. Protection is provided by review and approval of modifications to the exteriors and, in some cases, the interiors of buildings. In other cases, building use is monitored.

Summary of Bill: For school districts with more than 50,000 students, school district property shall be subject to state and local landmark or historic preservation regulations only to the extent explicitly approved by the school district board of directors.

The board of directors must consult with relevant state and local landmark or historic preservation authorities.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill will help start a conversation about an issue that impacts Seattle schools. There are a number of Seattle school buildings that are designated as landmarks. The number of Seattle students continues to grow, which results in pressure to find space for these students. The School Construction Assistance Program formula needs to be fixed because it disadvantages schools that have antiquated buildings. Windows, hallways, doors, blackboards, and other exterior and interior structures and features within schools can be designated as landmarks, but this is not instructional space, and it is expensive to build around them and may not meet building codes. When funding is

used to maintain landmarks, that is funding that is not spent on curriculum and additional staff. The landmark process adds additional time to the construction process, which is expensive. This bill is not intended to exempt schools from SEPA rules or human remains protections.

CON: This bill is a serious threat to historical preservation and the quality of life in Seattle. Historical preservation enhances community and property values. Historical preservation is a long-term vision. Schools should not be exempt from landmark preservation regulations because that is a short-term solution. Schools should not be treated differently than other entities. There are costs to historical preservation, but incentives are a way to overcome these costs. Landmarked features can be creatively used such as a hallway being used as a dynamic computer lab. This is a local issue that should not play out at the state level. A task force could be helpful. State funding is provided for capital costs to build schools, but ongoing maintenance cost is what is needed to protect landmarks.

OTHER: The City of Seattle's historic preservation program and the landmarks board have successfully collaborated with Seattle public schools on many rehabilitation projects. These projects address both educational needs as well as rehabilitation needs. These entities can negotiate controls and incentives agreements to reduce the time and cost with the landmark process. In 1999, the landmarks board and Seattle schools negotiated for greater flexibility over the landmarks process. The Board is now required to consider educational specifications in its review.

Persons Testifying: PRO: Senator David Frockt, Prime Sponsor; Clifford Traisman, Seattle Public Schools; Dr. Flip Herndon, Associate Superintendent for Operations and Facilities, Seattle Public Schools.

CON: Nicole Demers-Changelo, Individual & Queen Anne Historical Society; Michael Herschensohn, President, Queen Anne Historical Society; Chris Moore, Executive Director, Washington Trust for Historic Preservation.

OTHER: Richard Fink II, Division Director, City of Seattle, Community Assets.

Persons Signed In To Testify But Not Testifying: No one.