

Ordinance No. 123291

FIRST METHODIST

# The City of Seattle - Legislative Department

Council Bill No. 116829

Council Bill/Ordinance sponsored by: *Spring & Curran*

AN ORDINANCE relating to historic preservation, imposing controls upon the (former) First United Methodist Church, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

## Committee Action:

Date	Recommendation	Vote
04.29.10	APPROVE	2-0 SC, DG

### Related Legislation File:

Date Introduced and Referred: <b>4.5.10</b>	To: (committee): <b>Built Environment</b>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <b>5.10.10</b>	Date Presented to Mayor: <b>5.11.10</b>
Date Signed by Mayor: <b>May 13, 2010</b>	Date Returned to City Clerk: <b>May 14, 2010</b>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

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

## Full Council Action:

Date	Decision	Vote
5.10.10	Passed	7-0 Excused: TB, TR

*Law Department*

ORDINANCE 123291

1  
2 AN ORDINANCE relating to historic preservation, imposing controls upon the (former) First  
3 United Methodist Church, a landmark designated by the Landmarks Preservation Board  
4 under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of  
Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

5 WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),  
6 establishes a procedure for the designation and preservation of sites, improvements and  
7 objects having historical, cultural, architectural, engineering or geographic significance;  
and

8 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on May 6,  
9 2009, voted to approve the nomination of the improvement (the building) located at 811  
10 Fifth Avenue in Seattle, which is referred to as the (former) First United Methodist  
Church for the purposes of this ordinance, for designation as a landmark under SMC  
Chapter 25.12; and

11 WHEREAS, after a public meeting on June 17, 2009, the Board voted to approve the designation  
12 of the (former) First United Methodist Church under SMC Chapter 25.12; and

13 WHEREAS, on September 2, 2009, the Board and the owner of the designated landmark agreed  
14 to controls and incentives; and

15 WHEREAS, the Board recommends that the City Council enact a designating ordinance  
16 approving the controls and incentives;

17 NOW, THEREFORE,

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

18  
19 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the  
20 Landmarks Preservation Board (the Board) of the improvement (the building) located at 811  
21 Fifth Avenue in Seattle, which is referred to as the (former) First United Methodist Church for  
22 the purposes of this ordinance, is hereby acknowledged.

23 A. Legal Description. The (former) First United Methodist Church is located on the  
24 property legally described as:  
25



1 Lots 2 and 3 of Block 25 of Addition to the Town of Seattle, as laid out on the claims of  
2 C.D. Boren and A.A. Denny and H.L. Yesler (commonly known as C.D. Boren's  
3 Addition to the City of Seattle), according to the plat thereof, recorded in Volume 1 of  
4 Plats, Page 25, in King County, Washington, together with the east ½ of the vacated alley  
5 adjoining.

6 B. Specific Features and/or Characteristics Designated. Pursuant to SMC  
7  
8 25.12.660.A.2, the following specific features and/or characteristics of (former) First United  
9 Methodist Church are designated:

- 10 1. The exterior of the improvement (the building), including the concrete stairwell  
11 and landing on the east elevation; and
- 12 2. The following interior features of the building: the sanctuary (excluding the  
13 pews), the main entrance vestibule, the formal stairwells in the side entry  
14 vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes  
15 and the pulpit area.

16  
17 C. Basis of Designation. The designation was made because the (former) First  
18 United Methodist Church has significant character, interest or value as a part of the development,  
19 heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to  
20 convey its significance, and because it satisfies the following from SMC 25.12.350:

- 21 1. It is associated in a significant way with a significant aspect of the cultural,  
22 political, or economic heritage of the community, city, state or nation (SMC  
23 25.12.350.C).



2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
4. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the (former) First United Methodist Church that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 of this ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:
  - a. The exterior of the improvement (the building), including the concrete stairwell and landing on the east elevation; or
  - b. The following interior features of the building: the sanctuary (excluding the pews), the main entrance vestibule, the formal stairwells in the side entry vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes, or the pulpit area.



1           2. No Certificate of Approval or approval by the City Historic Preservation Officer  
2           (CHPO) is required for any in-kind maintenance or repairs of the features listed in  
3           Section 2.A.1 of this ordinance.

4        B. City Historic Preservation Officer (CHPO) Approval Process.

5           1. The CHPO may review and approve the items listed in Section 2.B.3 of this  
6           ordinance according to the following procedure:

7           a. The owner shall submit to the City Historic Preservation Officer (CHPO) a  
8           written request for the alterations, including applicable drawings and/or  
9           specifications.

10          b. If the CHPO, upon examination of submitted plans and specifications,  
11          determines that the alterations are consistent with the purposes of SMC  
12          chapter 25.12, the alterations shall be approved without further action by the  
13          Board.

14          c. If the CHPO does not approve the alterations, the owner may submit revised  
15          materials to the CHPO, or apply to the Board for a Certificate of Approval  
16          under SMC Chapter 25.12, as provided in Section 2.A of this ordinance.

17           2. The CHPO shall transmit a written decision on the owner's request to the owner  
18           within 14 days of receipt of the request. Failure of the CHPO to approve or  
19           disapprove the request shall constitute approval of the request.

20           3. CHPO approval for changes or alterations to the designated features or  
21           characteristics of the landmark described in Section 1.B of this ordinance, is  
22           available for the following:  
23             
24             
25             
26           



- a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.
- b. Exterior and interior signage.
- c. Exterior and interior painting.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of the (former) First United Methodist Church that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title 23.

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

C. Special tax valuation for historic preservation may be available under Chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to Seattle Municipal Code Title 23.

E. The Owner may participate in the City's Landmark Transfer of Development Rights (TDR) Bank after obtaining a determination from the City concerning the quantity of unused development rights for the Landmark that are eligible for transfer to receiving properties



1 as Landmark TDR, pursuant to Seattle Municipal Code Section 23.49.014, Transfer of  
2 Development Rights (TDR).

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

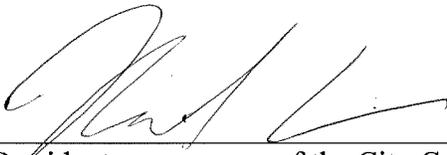
5 Section 5. The (former) First United Methodist Church is hereby added to the Table of  
6 Historical Landmarks contained in SMC Chapter 25.32.

7  
8 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
9 King County Director of Records and Elections, deliver two certified copies to the City Historic  
10 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
11 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
12 the landmark.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



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

4 Passed by the City Council the 10<sup>th</sup> day of May, 2010, and  
5 signed by me in open session in authentication of its passage this  
6 10<sup>th</sup> day of May, 2010.

7  
8  
9   
10 President \_\_\_\_\_ of the City Council

11 Approved by me this 13<sup>th</sup> day of May, 2010

12  
13  
14   
15 Michael McGinn, Mayor

16 Filed by me this 14<sup>th</sup> day of May, 2010.

17  
18   
19 City Clerk

20 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Department of Neighborhoods	Sarah Sodt/206-615-1786	Amy Williams/206-233-2651

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing controls upon the (former) First United Methodist Church, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

• **Summary of the Legislation:**

The attached legislation acknowledges the designation of the (former) First United Methodist Church as an historic landmark based upon a determination by the Landmarks Preservation Board and adds the building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The (former) First United Methodist Church was built between 1907 and 1910 in downtown Seattle. A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. Features included in the landmark controls are the exterior of the building (including the concrete stairwell and landing on the east elevation); and, the following interior features of the building: the sanctuary (excluding the pews), the main entrance vestibule, the formal stairwells in the side entry vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes and the pulpit area. The controls do not include any in-kind maintenance or repairs of these features.

• *Please check one of the following:*

**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

**This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

• **List attachments to the fiscal note below:**

Exhibit A – Vicinity Map of the (former) First United Methodist Church





Exhibit A to the Fiscal Note – Vicinity Map of the (former) First United Methodist Church





# City of Seattle

Michael McGinn, Mayor

## Office of the Mayor

March 9, 2010

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that designates the (former) First United Methodist Church located at 811 Fifth Avenue as an historic landmark and adds it to the Table of Historical Landmarks in the Seattle Municipal Code.

A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. Features included in the landmark controls are the exterior of the building (including the concrete stairwell and landing on the east elevation); and, the following interior features of the building: the sanctuary (excluding the pews), the main entrance vestibule, the formal stairwells in the side entry vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes and the pulpit area. The controls do not include any in-kind maintenance or repairs to these features.

Thank you for your consideration of this legislation. Should you have questions, please contact Sarah Sodt, Department of Neighborhoods at 206-615-1786.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



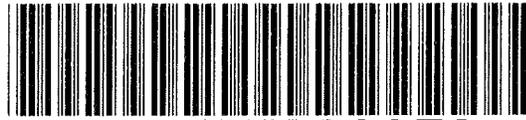
**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



**20100525001152**

SEATTLE CITY C ORD 69.00  
PAGE-001 OF 008  
05/25/2010 15:29  
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

**Document Title(s) and corresponding number** (or transaction contained therein)

- 1. Ordinance 123291
- 2.

FILED  
CITY OF SEATTLE  
10 JUN 22 AM 10:25  
CITY CLERK

**Reference Number(s) of Documents assigned or released:**

- 1. Additional reference #'s on page \_\_\_\_ of document

**Grantor(s)**

- 1. City of Seattle
- Additional names on page \_\_\_\_ of document.

**Grantee(s)** (Last name first, then first name and initials)

- 1. Public
- 2. Additional names on page \_\_\_\_ of document

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

Additional reference #'s on page \_\_\_\_ of document

**Assessor's Property Tax Parcel/Account Number**

# \_\_\_\_\_

- Assessor Tax # not yet assigned.

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

\_\_\_\_\_ Signature of Requesting Party

ORDINANCE 123291

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

AN ORDINANCE relating to historic preservation, imposing controls upon the (former) First United Methodist Church, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements and objects having historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on May 6, 2009, voted to approve the nomination of the improvement (the building) located at 811 Fifth Avenue in Seattle, which is referred to as the (former) First United Methodist Church for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on June 17, 2009, the Board voted to approve the designation of the (former) First United Methodist Church under SMC Chapter 25.12; and

WHEREAS, on September 2, 2009, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives;

NOW, THEREFORE,  
**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board (the Board) of the improvement (the building) located at 811 Fifth Avenue in Seattle, which is referred to as the (former) First United Methodist Church for the purposes of this ordinance, is hereby acknowledged:

A. Legal Description. The (former) First United Methodist Church is located on the property legally described as:



1 Lots 2 and 3 of Block 25 of Addition to the Town of Seattle, as laid out on the claims of  
2 C.D. Boren and A.A. Denny and H.L. Yesler (commonly known as C.D. Boren's  
3 Addition to the City of Seattle), according to the plat thereof, recorded in Volume 1 of  
4 Plats, Page 25, in King County, Washington, together with the east ½ of the vacated alley  
5 adjoining.

6 B. Specific Features and/or Characteristics Designated. Pursuant to SMC

7  
8 25.12.660.A.2, the following specific features and/or characteristics of (former) First United  
9 Methodist Church are designated:

- 10 1. The exterior of the improvement (the building), including the concrete stairwell  
11 and landing on the east elevation; and  
12 2. The following interior features of the building: the sanctuary (excluding the  
13 pews), the main entrance vestibule, the formal stairwells in the side entry  
14 vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes  
15 and the pulpit area.  
16

17 C. Basis of Designation. The designation was made because the (former) First  
18 United Methodist Church has significant character, interest or value as a part of the development,  
19 heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to  
20 convey its significance, and because it satisfies the following from SMC 25.12.350:

- 21 1. It is associated in a significant way with a significant aspect of the cultural,  
22 political, or economic heritage of the community, city, state or nation (SMC  
23 25.12.350.C).  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
4. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the (former) First United Methodist Church that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 of this ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:
  - a. The exterior of the improvement (the building), including the concrete stairwell and landing on the east elevation; or
  - b. The following interior features of the building: the sanctuary (excluding the pews), the main entrance vestibule, the formal stairwells in the side entry vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes, or the pulpit area.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. No Certificate of Approval or approval by the City Historic Preservation Officer (CHPO) is required for any in-kind maintenance or repairs of the features listed in Section 2.A.1 of this ordinance.

B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve the items listed in Section 2.B.3 of this ordinance according to the following procedure:
  - a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.
  - b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC chapter 25.12, the alterations shall be approved without further action by the Board.
  - c. If the CHPO does not approve the alterations, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12, as provided in Section 2.A of this ordinance.
2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the request shall constitute approval of the request.
3. CHPO approval for changes or alterations to the designated features or characteristics of the landmark described in Section 1.B of this ordinance, is available for the following:



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.
- b. Exterior and interior signage.
- c. Exterior and interior painting.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of the (former) First United Methodist Church that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title 23.

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

C. Special tax valuation for historic preservation may be available under Chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to Seattle Municipal Code Title 23.

E. The Owner may participate in the City's Landmark Transfer of Development Rights (TDR) Bank after obtaining a determination from the City concerning the quantity of unused development rights for the Landmark that are eligible for transfer to receiving properties



Sarah Soddjorn  
DON, FUMC, ORD  
February 12, 2010  
Version #4

1 as Landmark TDR, pursuant to Seattle Municipal Code Section 23.49.014, Transfer of  
2 Development Rights (TDR).

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

5 Section 5. The (former) First United Methodist Church is hereby added to the Table of  
6 Historical Landmarks contained in SMC Chapter 25.32.

7 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
8 King County Director of Records and Elections, deliver two certified copies to the City Historic  
9 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
10 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
11 the landmark.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



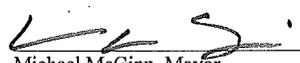
Sarah Sodt/jom  
DON, FUMC, ORD  
February 12, 2010  
Version #4

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

4 Passed by the City Council the 10<sup>th</sup> day of May, 2010, and  
5 signed by me in open session in authentication of its passage this  
6 10<sup>th</sup> day of May, 2010.

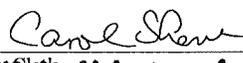
7  
8   
9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved by me this 13<sup>th</sup> day of May, 2010

12  
13   
14 \_\_\_\_\_  
15 Michael McGinn, Mayor

16 Filed by me this 14<sup>th</sup> day of May, 2010.

17 **State of Washington,**  
18 **County of King**

19 I, Janet Polata   
20 (Clerk) \_\_\_\_\_ **certify that this is a true and correct**

21 **copy of Ordinance No. 123291, on file in the records**  
22 **of the City of Seattle, Office of the City Clerk**



23  
24 Signed by: \_\_\_\_\_  
25 Signature J Polata  
26 Title: Information Specialist  
27 Date: May 19, 2010



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

254993  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

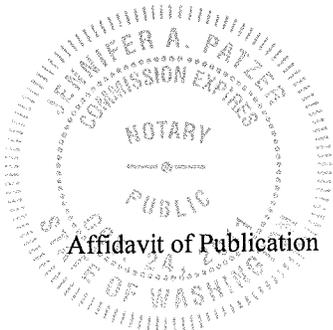
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123291 ORDINANCE

was published on

05/20/10

The amount of the fee charged for the foregoing publication is the sum of \$ 327.60, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

05/20/10

Notary public for the State of Washington,  
residing in Seattle

## City of Seattle

### ORDINANCE 123291

AN ORDINANCE relating to historic preservation, imposing controls upon the (former) First United Methodist Church, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements and objects having historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on May 6, 2009, voted to approve the nomination of the improvement (the building) located at 811 Fifth Avenue in Seattle, which is referred to as the (former) First United Methodist Church for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on June 17, 2009, the Board voted to approve the designation of the (former) First United Methodist Church under SMC Chapter 25.12; and

WHEREAS, on September 2, 2009, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

**Section 1. DESIGNATION:** Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board (the Board) of the improvement (the building) located at 811 Fifth Avenue in Seattle, which is referred to as the (former) First United Methodist Church for the purposes of this ordinance, is hereby acknowledged.

**A. Legal Description.** The (former) First United Methodist Church is located on the property legally described as:

Lots 2 and 3 of Block 25 of Addition to the Town of Seattle, as laid out on the claims of C.D. Boren and A.A. Denny and H.L. Yesler (commonly known as C.D. Boren's Addition to the City of Seattle), according to the plat thereof, recorded in Volume 1 of Plats, Page 26, in King County, Washington, together with the east 1/4 of the vacated alley adjoining.

## State of Washington, King County

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

1. The exterior of the improvement (the building), including the concrete stairwell and landing on the east elevation; and

2. The following interior features of the building: the sanctuary (excluding the pews), the main entrance vestibule, the formal stairwells in the side entry vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes and the pulpit area.

**C. Basis of Designation.** The designation was made because the (former) First United Methodist Church has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to convey its significance, and because it satisfies the following from SMC 25.12.360:

1. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, city, state or nation (SMC 25.12.360.C).

2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.360.D).

3. It is an outstanding work of a designer or builder (SMC 25.12.360.E).

4. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City (SMC 25.12.360.F).

**Section 2. CONTROLS:** The following controls are hereby imposed on the features and characteristics of the (former) First United Methodist Church that were designated by the Board for preservation:

### A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 of this ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

a. The exterior of the improvement (the building), including the concrete stairwell and landing on the east elevation; or

b. The following interior features of the building: the sanctuary (excluding the pews), the main entrance vestibule, the formal stairwells in the side entry vestibules, the Pastor's Room, the balcony (excluding the pews), the organ pipes, or the pulpit area.

2. No Certificate of Approval or approval by the City Historic Preservation Officer (CHPO) is required for any in-kind maintenance or repairs of the features listed in Section 2.A.1 of this ordinance.

### B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve the items listed in Section 2.B.3 of this ordinance according to the following procedure:

a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC chapter 25.12, the alterations shall be approved without further action by the Board.

c. If the CHPO does not approve the alterations, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12, as provided in Section 2.A of this ordinance.

2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the request shall constitute approval of the request.

3. CHPO approval for changes or alterations to the designated features or characteristics of the landmark described in Section 1.B of this ordinance, is available for the following:

a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.

b. Exterior and interior signage.

c. Exterior and interior painting.

**Section 3. INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the (former) First United Methodist Church that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title 23.

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

C. Special tax valuation for historic preservation may be available under Chapter 84.26 RCW upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to Seattle Municipal Code Title 23.

E. The Owner may participate in the City's Landmark Transfer of Development Rights (TDR) Bank after obtaining a determination from the City concerning the quantity of unused development rights for the Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to Seattle Municipal Code Section 23.49.014, Transfer of Development Rights (TDR).

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

Section 5. The (former) First United Methodist Church is hereby added to the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections, deliver two certified copies to the City Historic Preservation Officer, and deliver one copy to the Director of the Department of Planning and Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of the landmark.

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

Passed by the City Council the 10th day of May, 2010, and signed by me in open session in authentication of its passage this 10th day of May, 2010.

Richard Conlin

President of the City Council

Approved by me this 13th day of May, 2010

Michael McGinn, Mayor

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

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 20, 2010.

5/20(254999)