

Ordinance No. 123486

Council Bill No. 116991

AN ORDINANCE relating to historic preservation, imposing controls upon the Terry Avenue Building, 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.

Related Legislation File: _____

Date Introduced and Referred: <u>Oct. 11, 2010</u>	To: (committee): <u>Built Environment</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>11-29-10</u>	Date Presented to Mayor: <u>11-30-10</u>
Date Signed by Mayor: <u>Dec. 7, 2010</u>	Date Returned to City Clerk: <u>Dec. 7, 2010</u>
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:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Egan S. ...

Committee Action:

Date	Recommendation	Vote
<u>11/10</u>	<u>PASS</u>	<u>3-0 SC, TB, SB</u>

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

Full Council Action:

Date	Decision	Vote
<u>11-29-10</u>	<u>Passed</u>	<u>8-0 Excused: MO</u>

1 Lots 9 and 10, Block 101, D.T. Denny's 5th Addition to North Seattle, according to the
2 plat recorded in Volume 1 of Plats, page 202, in King County, Washington; except the west 5
3 feet thereof condemned in King County Superior Court cause no. 162246 for widening Terry
4 Avenue North, as provided in Ordinance no. 43560.

5 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
6 25.12.660.A.2, the following specific features and/or characteristics of the Terry Avenue
7 Building are designated: the exterior of the building.
8

9 C. Basis of Designation. The designation was made because the Terry Avenue
10 Building has significant character, interest or value as a part of the development, heritage or
11 cultural characteristics of the City, state or nation, it has integrity or the ability to convey its
12 significance, and because it satisfies the following from Section 25.12.350: it embodies the
13 distinctive visible characteristics of an architectural style, period, or of a method of construction
14 (SMC 25.12.350.D).
15

16 Section 2. CONTROLS: The following controls are hereby imposed on the features and
17 characteristics of the Terry Avenue Building that were designated by the Board for preservation:
18

19 A. Certificate of Approval Process.

- 20 1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a
21 Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or
22 the time for denying a Certificate of Approval must have expired, before the
23 owner may make alterations or significant changes to the following specific
24 features or characteristics: the exterior of the building.
25
26
27



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

4 B. City Historic Preservation Officer 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 CHPO a written request for the alterations,
8 including applicable drawings and/or specifications.
- 9 b. If the CHPO, upon examination of submitted plans and specifications,
10 determines that the alterations are consistent with the purposes of SMC
11 chapter 25.12, the alterations shall be approved without further action by the
12 Board.
- 13 c. If the CHPO does not approve the alterations, the owner may submit revised
14 materials to the CHPO, or apply to the Board for a Certificate of Approval
15 under SMC chapter 25.12, as provided in Section 2.A.

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

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

- 22 a. For the specified features and characteristics of the building, the addition or
23 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
24 other similar wiring or mechanical elements necessary for the normal
25 operation of the building.
- 26 b. Installation, alteration, and removal of signage.



- 1 c. Installation, alteration, and removal of exterior security lighting, video
2 cameras, and security systems equipment.

3 Section 3. INCENTIVES. The following incentives are hereby granted on the features
4 and characteristics of the Terry Avenue Building that were designated by the Board for
5 preservation:

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

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

12 C. Special tax valuation for historic preservation may be available under Chapter
13 84.26 RCW upon application and compliance with the requirements of that statute.

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

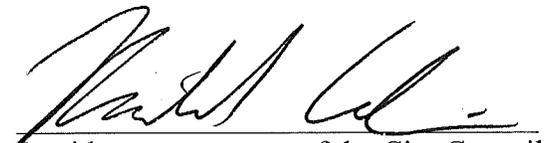
16 Section 5. The Terry Avenue Building is hereby added to the Table of Historical
17 Landmarks contained in SMC Chapter 25.32.

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

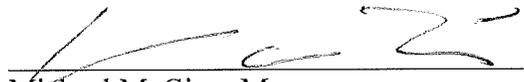


1 Section 7. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 29th day of November, 2010, and
5 signed by me in open session in authentication of its passage this
6 29th day of November, 2010.

7
8 
9 _____
10 President _____ of the City Council

11 Approved by me this 7th day of December, 2010.

12
13 
14 _____
15 Michael McGinn, Mayor

16 Filed by me this 7th day of December, 2010.

17
18 
19 _____
20 City Clerk

21 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
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 Terry Avenue Building, 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 Terry Avenue Building as a 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 Terry Avenue Building was built in 1915, in the South Lake Union neighborhood. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the exterior of the building. However, the controls do not apply to any in-kind maintenance or repairs of the designated features.

• *Please check one of the following:*

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

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

Exhibit A – Vicinity Map of the Terry Avenue Building







City of Seattle
Office of the Mayor

September 14, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that designates the Terry Avenue Building located at 320 Terry Avenue North as a 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. The controls in the agreement apply to the exterior of the building. However, the controls do not apply to any in-kind maintenance or repairs of the designated features.

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

Sincerely,


Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
PO Box 94749
Seattle, WA 98124-4749

Tel (206) 684-4000
Fax (206) 684-5360
TDD (206) 615-0476
mike.mcgin@seattle.gov



STATE OF WASHINGTON – KING COUNTY

--SS.

264601
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

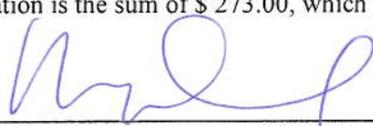
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123486 ORDINANCE

was published on

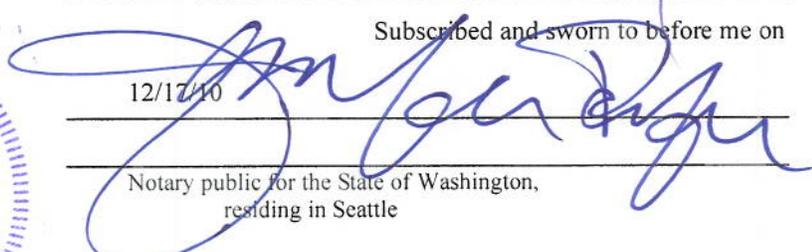
12/17/10

The amount of the fee charged for the foregoing publication is the sum of \$ 273.00, which amount has been paid in full.



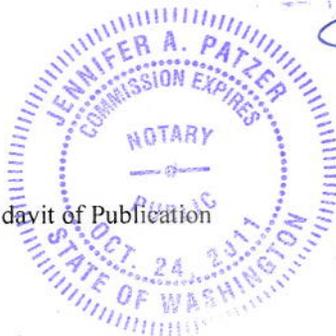
Subscribed and sworn to before me on

12/17/10



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 123486

AN ORDINANCE relating to historic preservation, imposing controls upon the Terry Avenue Building, 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 7, 2008, voted to approve the nomination of the improvement known as the Terry Avenue Building located at 320 Terry Avenue North in Seattle (the improvement is referred to as the Terry Avenue Building for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on June 18, 2008, the Board voted to approve the designation of the Terry Avenue Building under SMC Chapter 25.12; and

WHEREAS, on February 17, 2010, 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 known as the Terry Avenue Building located at 320 Terry Avenue North in Seattle is hereby acknowledged.

A. **Legal Description.** The Terry Avenue Building is located on the property legally described as:

Lots 9 and 10, Block 101, D.T. Denny's 5th Addition to North Seattle, according to the plat recorded in Volume 1 of Plats, page 202, in King County, Washington; except the west 5 feet thereof condemned in King County Superior Court cause no. 162246 for widening Terry Avenue North, as provided in Ordinance no. 43560.

B. **Specific Features and/or Characteristics Designated.** Pursuant to SMC 25.12.660.A.2, the following specific features and/or characteristics of the Terry Avenue Building are designated: the exterior of the building.

C. **Basis of Designation.** The designation was made because the Terry Avenue Building 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 Section 25.12.350: it embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction (SMC 25.12.350.D).

Section 2. **CONTROLS.** The following controls are hereby imposed on the features and characteristics of the Terry Avenue Building 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: the exterior of the building.

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

B. **City Historic Preservation Officer 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 CHPO a written request for the alterations, including applicable drawings and/or specifications.

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

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

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

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

a. For the specified features and characteristics of the building, 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. Installation, alteration, and removal of signage.

b. Installation, alteration, and removal of exterior security lighting, video cameras, and security systems equipment.

Section 3. **INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the Terry Avenue Building 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 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.

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

Section 5. The Terry Avenue Building 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 CHPO, and deliver one copy to the Director of the Department of Planning and Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of the landmark.

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

Passed by the City Council the 29th day of November, 2010, and signed by me in open session in authentication of its passage this 29th day of November, 2010.

Richard Conlin

President of the City Council

Approved by me this 7th day of December, 2010.

Michael McGinn, Mayor

Filed by me this 7th day of December, 2010.

(Seal) Monica Martinez-Simmons

City Clerk

Publication ordered by the City Clerk

Date of publication in the Seattle Daily Journal of Commerce, December 17, 2010.

12/17(264691)