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Chapter 25.12
LANDMARKS PRESERVATION[1]

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Severability: The invalidity of any section, subsection, provision, clause or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.
(Ord. 106348 § 14.09, 1977.)

1.Cross-reference: For a table listing designated City landmarks, see Chapter 25.32 of this Code.

Subchapter I Title and Purpose

25.12.010Short title.

This chapter may be cited as the "Landmarks Preservation Ordinance."
(Ord. 106348 § 1.01, 1977.)

25.12.020Purpose and declaration of policy.

A. The City's legislative authority finds that the protection, enhancement, perpetuation and use of sites, improvements and objects of historical, cultural, architectural, engineering or geographic significance, located within the City, are required in the interest of the prosperity, civic pride and general welfare of the people; and further finds that the economic, cultural and aesthetic standing of this City cannot be maintained or enhanced by disregarding the heritage of the City and by allowing the unnecessary destruction or defacement of such cultural assets.

B. The purposes of this chapter are: (1) to designate, preserve, protect, enhance and perpetuate those sites, improvements and objects which reflect significant elements of the City's cultural, aesthetic, social, economic, political, architectural, engineering, historic or other heritage, consistent with the established long-term goals and policies of the City; (2) to foster civic pride in the beauty and accomplishments of the past; (3) to stabilize or improve the aesthetic and economic vitality and values of such sites, improvements and objects; (4) to protect and enhance the City's attraction to tourists and visitors; (5) to promote the use of outstanding sites, improvements and objects for the education, stimulation and welfare of the people of the City; and (6) to promote and encourage continued private ownership and use of such sites, improvements and objects now so owned and used, to the extent that the objectives listed above can be attained under such a policy.
(Ord. 106348 § 1.02, 1977.)

Subchapter II Definitions

25.12.030Definitions generally.

The words and terms set out in this subchapter, when used in this chapter, unless a different meaning clearly appears from the context shall mean as follows.

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(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(part), 1977.)

25.12.040Alteration.

"Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(1), 1977.)

25.12.050Approval of designation.

"Approval of designation" is final action by the Landmarks Preservation Board identifying an object, improvement or site as a landmark or landmark site.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(2), 1977.)

25.12.060Approval of nomination.

"Approval of nomination" is an action by the Landmarks Preservation Board approving a nomination, in whole or in part, for further designation proceedings.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(3), 1977.)

25.12.070Board.

"Board" is the Landmarks Preservation Board.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(4), 1977.)

25.12.080Certificate of approval.

"Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a landmark or landmark site, or during the pendency of designation proceedings, to a site, improvement or object after its nomination has been approved by the Board for further proceedings.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(5), 1977.)

25.12.090Controls.

"Controls" are such specific restrictions as may be imposed by a designating ordinance, upon the alteration or the making of significant changes of specific features or characteristics of a landmark site or landmark that are designated for preservation by such designating ordinance.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(6), 1977.)

25.12.100Council.

"Council" is the City Council of The City of Seattle.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(7), 1977.)

25.12.110Designating ordinance.

"Designating ordinance" is an ordinance enacted pursuant to this chapter for the purpose of declaring an object, improvement or site a landmark, or a landmark site, and specifying the controls and any economic incentives applicable thereto, and shall include any ordinance designating a landmark in accordance with Ordinance 102229.[1]

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(8), 1977.)

1.Editor's Note: Ord. 102229 is the previous Landmarks Preservation Ordinance.

25.12.115Director of Construction and Land Use.

"Director of Construction and Land Use" is the Director of the Department of Construction and Land Use of the City or such other official as may be designated from time to time to issue permits for construction, alteration, reconstruction, or demolition of improvements upon real property in the City.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(9), 1977.)

25.12.120Economic incentives.

"Economic incentives" are such compensation, rights, or privileges or combination thereof, which the Council, or other public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner as consideration for the imposition of controls on a designated landmark.

Examples of economic incentives include tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, named gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

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(Ord. 118181 § 10, 1996: Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(10), 1977.)

25.12.130Hearing Examiner.

"Hearing Examiner" means any person authorized to act as a Hearing Examiner pursuant to the Administrative Code of the City (Ordinance 102228)[1] or any ordinance amendatory or successor thereto.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(11), 1980.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.12.140Improvement.

"Improvement" is any building, structure, or other object constituting a physical improvement of real property.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(12), 1977.)

25.12.150Interested person of record.

"Interested person of record" includes any individual, corporation, partnership or association which notifies the Board in writing of its interest in any matter before the Board.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(13), 1977.)

25.12.160Landmark.

"Landmark" is an improvement, site, or object that the Board has approved for designation pursuant to this chapter, or that was designated pursuant to Ordinance 102229.[1]

(Ord. 118012 § 65, 1996: Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(14), 1977.)

1.Editor's Note: Ord. 102229 is the previous Landmarks Preservation Ordinance.

25.12.180Nomination.

"Nomination" is the act of proposing that any object, site or improvement be designated a landmark.

(Ord. 118012 § 67, 1996: Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(16), 1980.)

25.12.190Object.

"Object" is any tangible thing, including any ship, which may or may not be attached to real property.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(17), 1980.)

25.12.200Owner.

"Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the Board in an object, site or improvement.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(18), 1977.)

25.12.210Party of record.

"Party of record" includes the Board, the owner, and the nominator of any proposed landmark.

(Ord. 118181 § 11, 1996: Ord. 118012 § 68, 1996: Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(19), 1977.)

25.12.220Person.

"Person" is an individual, partnership, corporation, group or association.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(20), 1977.)

25.12.240Significant change.

"Significant change" is any change in appearance not requiring a permit from the Director of Construction and Land Use, but for which a certificate of approval is expressly required by a Board approval of nomination, a Board report on designation, or a designating ordinance.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(22), 1977.)

25.12.250Site.

"Site" is any area of land which is unimproved except for trees, shrubs, and/or plants.

(Ord. 109125 § 16(part), 1980: Ord. 106348 § 1.03(23), 1977.)

Subchapter III Landmarks Preservation Board

25.12.270Creation.

There is created the Landmarks Preservation Board (hereinafter called the "Board") which shall consist of eleven (11) members. The membership of the Board shall consist of at least two (2)

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architects, (one (1) of whom may be a landscape architect), two (2) historians, one (1) representative from the City Planning Commission, one (1) structural engineer, one (1) representative from the field of real estate management, and one (1) representative from the field of finance.

Three (3) additional members shall also be appointed without regard to occupation or affiliation. All Board members shall have a demonstrated sympathy with the purposes of this chapter.

(Ord. 106348 § 2.01(a), 1977.)

25.12.280Membership.

All members of the Board shall be appointed by the Mayor, subject to confirmation by the Council, for a term of three (3) years, which appointments shall be made in such a manner that the composition specified in this subchapter is maintained. The Board shall elect a Chairperson from among its members.

(Ord. 118012 § 71, 1996: Ord. 106348 § 2.01(b), 1977.)

25.12.290Vacancy filling.

In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner as if at the beginning of the term. The person appointed to fill the vacancy shall hold for the unexpired term, and if the vacancy being filled was occupied by a person meeting one (1) of the enumerated qualifications, the newly appointed member shall meet that same qualification. No member shall serve for more than two (2) terms consecutively; provided that for the purpose of this limitation a member shall be deemed to have served one (1) term if such member resigns after being appointed for any period of time, and provided further that "one (1) term" shall include an unexpired term of two (2) years or more. Members of the Board shall serve without compensation.

(Ord. 106348 § 2.01(c), 1977.)

25.12.300Rules and regulations.

The Board shall adopt rules and regulations in accordance with the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, to govern the Board's organization and procedures and to implement the provisions of this chapter.

(Ord. 118012 § 72, 1996: Ord. 106348 § 2.02(a), 1977.)

25.12.310Quorum—Voting.

A majority of the current appointed and confirmed members of the Board shall constitute a quorum and must be present for the transaction of business. All official actions of the Board, with the exception of votes on approval of designation, shall require a majority vote of the members present and voting. Votes on approval of designation shall require a majority vote of the then current appointed and confirmed members of the Board. No member shall be eligible to vote upon any matter required by this chapter to be determined after a public meeting unless that member has attended the meeting or familiarized him or herself with the record.

(Ord. 118012 § 73, 1996: Ord. 106348 § 2.02(b), 1977.)

25.12.320Staff—Historic Preservation Officer.

The Director of the Department of Neighborhoods shall provide adequate staff support to the Landmarks Preservation Board and shall assign a member of the Department's staff to act as Historic Preservation Officer. Under the direction of the Board, the Historic Preservation Officer shall be the custodian of the Board's records, conduct official correspondence, assist in organizing and supervising the Landmarks Preservation Board, organize and supervise the Board staff and the clerical and technical work of the Board to the extent required to administer this chapter. In addition, the Historic Preservation Officer shall:

A. Carry out, assist and collaborate in studies and programs designed to identify and evaluate objects, improvements and sites worthy of preservation;

B. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historic preservation;

C. Inspect and investigate objects, improvements and sites which are believed worthy of preservation;

D. Officially recognize design excellence in the rehabilitation of objects, improvements and

other features deemed deserving of official recognition although not designated as landmark sites or landmarks and encourage appropriate measures for such recognition;

E. Disseminate information to the public concerning those objects, improvements and sites deemed worthy of preservation, and encourage and advise owners in the protection, enhancement and perpetuation of such objects, improvements and sites;

F. Consider methods other than those provided for in this chapter for encouraging and achieving historical preservation, and make appropriate recommendations to the Council and to other bodies and agencies, both public and private;

G. Recommend such policies, rules and regulations for adoption by the Board as are deemed necessary to carry out the purposes of this chapter;

H. Subject to such limitations and within such standards as the Board may establish from time to time, grant certificates of approval all without prejudice to the right of the owner at any time to apply directly to the Board for its consideration and action on such matters;

I. Review and comment upon environmental analyses being performed by other agencies;

J. Upon request by the Department of Construction and Lane Use, review permit applications to determine whether the site, improvement, or object appears to meet the criteria for landmark designation;

K. Respond to requests for interpretations of the codes relating to landmarks and to landmark districts, as provided in those codes.

(Ord. 118012 § 74, 1996: Ord. 115958 § 33, 1991: Ord. 106348 § 2.03, 1977.)

25.12.330Board meetings.

All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the action of the Board upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the Historic Preservation Officer and shall be public records.

(Ord. 106348 § 2.04, 1977.)

25.12.340Electronic record of hearings.

At all Board meetings to consider approval of designation, to make a decision on an application for a Certificate of Approval, and to make the Board's recommendation on controls and incentives, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A copy of the electronic record or any part thereof, shall be furnished to any person upon request therefor and payment of the reasonable costs thereof.

(Ord. 118012 § 75, 1996: Ord. 106348 § 2.05, 1977.)

Subchapter IV Designation of Landmark Sites

25.12.350Standards for designation.

An object, site or improvement which is more than twenty-five (25) years old may be designated for preservation as a landmark site or landmark if it has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, state, or nation and if it falls into one (1) of the following categories:

A. It is the location of, or is associated in a significant way with, an historic event with a significant effect upon the community, City, state, or nation; or

B. It is associated in a significant way with the life of a person important in the history of the City, state, or nation; or

C. 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; or

D. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction; or

E. It is an outstanding work of a designer or builder; or

F. 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.

(Ord. 106348 § 3.01, 1977.)

25.12.360Separate nomination and designation of site and object or improvement.

The nomination or designation of a site as a landmark shall not constitute nomination or designation of any object or improvement located on the site as a landmark unless the object or im-

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provement is expressly included in the description of the nominated or designated landmark. The nomination or designation of an object or improvement as a landmark shall not constitute nomination or designation of the site on which the object or improvement is located as a landmark unless the site is expressly included in the description of the nominated or designated landmark.
(Ord. 118012 § 76, 1996: Ord. 106348 § 3.02, 1977.)

25.12.370Nomination.

A. Any person including the Historic Preservation Officer and any member of the Board may nominate any site, improvement or object for designation as a landmark. Nominations may be made on official nomination forms provided by the Historic Preservation Officer, shall be filed with the Historic Preservation Officer, and shall include all data required by the Board.

B. The Department of Construction and Land Use shall refer improvements, sites, or objects to the Landmarks Board that are subject to environmental review for a pending permit application, and that appear to meet criteria set forth in this chapter for landmark designation. The referral shall be in the form of a nomination and shall include the information required by the Board for a nomination. Board consideration of the referred building, site, or object shall proceed in the same manner as a nomination.

C. Nominations found by the Historic Preservation Officer to contain adequate information shall be considered by the Board at a public meeting. The Historic Preservation Officer or the Board may amend or complete any nomination. The nominator may withdraw the nomination prior to the Board's meeting regarding it, unless the nomination is a referral from the Department of Construction and Land Use as part of its environmental review of pending permit applications.
(Ord. 118012 § 77, 1996: Ord. 106348 § 4.01, 1977.)

25.12.375Exemption from permit timelines.

Pursuant to RCW 36.70B.140, the City excludes the entire designation process, from nomination through the City Council's decision whether to enact a designating ordinance, including any review of the Board's decisions by the Hearing Examiner or the City Council, from the time limits and the other provisions of RCW 36.70B.060 through 36.70B.090 and the provisions of 36.70B.110 through 36.70B.130.
(Ord. 118012 § 78, 1996.)

25.12.380Notice of Board meeting on approval of nomination.

The Board may approve a nomination for further designation proceedings only at a public meeting. The Board shall make a reasonable effort to serve the owner of a nominated site, improvement or object with thirty (30) days' notice of any Board meeting at which such nomination shall be considered for approval by the Board, including a copy of the nomination, however, failure to serve such notice shall not invalidate any proceedings with respect to such nomination. Neither the attendance and participation of the owner at the meeting to consider the nomination, nor the owner's failure to so attend or participate shall prejudice the right of the owner to resist designation or the imposition of controls if the nomination is approved.
(Ord. 118012 § 79, 1996: Ord. 106348 § 5.01, 1977.)

25.12.390Board approval of nomination.

A. If the Board approves a nomination, in whole or in part, for further designation proceedings, it shall in such approval:

1. Specify the legal description of the site, the particular features and/or characteristics proposed to be designated, and such other description of the site, improvement or object as it deems appropriate;

2. Set a date, which is not less than thirty (30) nor more than sixty (60) days from the date of approval of nomination, at which a public meeting on approval of designation shall be held as provided in Section 25.12.420.

B. If the Board approves a nomination, the provisions of Sections 25.12.670 through 25.12.780 shall apply.

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(Ord. 118012 § 80, 1996: Ord. 106348 § 5.02, 1977.)

25.12.400Notification of approval of nomination.

If the Board approves a nomination in whole or in part for further designation proceedings, the Historic Preservation Office shall within five (5) working days file a written notice of such action with the Director of Construction and Land Use and serve a copy of the same on the owner and interested persons of record. Such written notice shall include:

A. A copy of such approval of nomination;

B. A statement that while proceedings pursuant to this chapter are pending, and thereafter if a designating ordinance is enacted, a certificate of approval must be obtained before anyone may: (1) make alterations or significant changes to specific features or characteristics of the site, improvement or object suggested for preservation in the approval of nomination or thereafter specified in the report on approval of designation, or set forth in the decision of the Hearing Examiner; or (2) make alterations or significant changes to specific controlled features or characteristics of such landmark site or landmark specified in a designating ordinance; and

C. A statement of the date and time of the Board meeting on approval of designation;

D. A statement that the Board meeting on designation is the sole proceeding to consider whether the standards for designation are met, and that no further opportunity to present information regarding the standards for designation is afforded pursuant to this chapter.

(Ord. 118012 § 81, 1996: Ord. 106348 § 5.03, 1977.)

25.12.410Disapproval of nomination.

If the Board disapproves the nomination, the proceedings shall terminate as provided in Section 25.12.850 A, and the Board shall set forth its reasons why approval of nomination is not warranted, with specific reference to the standards in Section 25.12.350.

(Ord. 118012 § 82, 1996: Ord. 106348 § 5.04, 1977.)

25.12.420Board meeting on approval of designation.

Except as otherwise provided in Section 25.12.470 the Board may approve or deny designation of a site, improvement or object only at a public meeting. At the meeting on approval of designation the Board shall receive information and hear comments on whether the site, improvement or object meets the standards for designation of landmarks specified in Section 25.12.350 and merits designation as a landmark.

(Ord. 118012 § 83, 1996: Ord. 106348 § 6.01, 1977.)

25.12.430Board action on approval of designation.

Whenever the Board approves designation of all or any portion of the site, improvement or object under consideration as a landmark, it shall within fourteen (14) days issue a written report on designation which shall set forth:

A. The legal description of the site, the specific features and/or characteristics to be preserved, and such other description of the site, improvement or object as it deems appropriate;

B. Its reasons, analysis and conclusions supporting subsection A with specific reference to the criteria set forth in Section 25.12.350.

(Ord. 118181 § 12, 1996: Ord. 106348 § 6.02, 1977.)

25.12.440Notice of report on designation.

A copy of the Board's report on designation shall be served on the owner and mailed to interested persons of record within five (5) working days after it is issued. If the Board acts to approve designation, the owner, at the time of service of the report shall also be served with a notice that:

A. States a date, which is not later than seventy-five (75) days after mailing of the report on designation, when the Board will consider controls and incentives, if any, to be applied to specific features or characteristics of the site, improvement or object in question;

B. Requests the owner to consult and confer with the Board staff to develop and agree upon controls and incentives; and

C. Informs the owner of the procedures of Sections 25.12.490 through 25.12.520.

(Ord. 118012 § 84, 1996: Ord. 106348 § 6.03, 1977.)

25.12.450Disapproval of designation.

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If the Board disapproves designation, the proceedings shall terminate as provided in Section 25.12.850 A and the Board shall set forth its reasons why approval of designation is not warranted, with specific reference to the standards in Section 25.12.350.
(Ord. 118012 § 85, 1996: Ord. 106348 § 6.04, 1977.)

Subchapter V Controls and Incentives

25.12.490Negotiation with owner.

Promptly after service on the owner of the Board's report on designation, the Board staff shall attempt to commence negotiations with the owner on the application of controls and incentives to the site, improvement, or object, regarding the specific features or characteristics identified in the Board's report on designation. If within fifteen (15) days of the commencement of the negotiation period, the owner fails to participate in negotiations, or notifies the staff in writing that the owner declines to negotiate controls and incentives, the staff shall prepare and transmit to the Board its recommendations for controls and incentives for the subject site, improvement or object to be considered at a public meeting at the time and place specified in the notice of report on designation.
(Ord. 118012 § 89, 1996: Ord. 106348 § 8.01(a), 1977.)

25.12.500Negotiations—Procedure and time requirements.

The negotiation period may run for a maximum of seventy-five (75) days from the date of service of the Board's report on designation on the owner. The negotiations shall terminate if either party concludes that an impasse has been reached and so notifies the other party in writing. If the owner and the Board staff reach written agreement within the period allotted for negotiation, the Board staff shall submit the agreement to the Board for approval at a Board meeting to be held not later than thirty (30) days after the written agreement is signed by the owner. Notice of such Board meeting shall be served on the owner and mailed to interested persons of record at least fifteen (15) days prior to such meeting. Within five (5) working days after such meeting the Board shall serve upon the owner, and mail to interested persons of record, notice of its approval or disapproval of the agreement and specify the reasons therefor.
(Ord. 118012 § 90, 1996: Ord. 106348 § 8.01(b), 1977.)

25.12.510Effect of Board approval of agreement.

If the agreement on controls and incentives between the Board staff and owner is approved by the Board, the Board shall transmit the agreement to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660.
(Ord. 106348 § 8.02, 1977.)

25.12.520Effect of failure to agree or disapproval of agreement.

In the event the Board staff and the owner are unable to reach an agreement, or the agreement reached is disapproved by the Board, the Board shall file its recommendation on controls and incentives, with the Hearing Examiner, serve it on the owner, and mail a copy to interested persons of record. The controls proposed in such recommendation shall relate to the specific feature or features of the site, improvement or object which are identified in the Board's report on designation. The recommendation shall set forth the reasons for the proposed controls and for any proposed incentives. The recommendation shall, in addition, state the circumstances under which a certificate of approval shall be required with respect to any alteration or significant change to the site, improvement or object if the proposed controls are imposed.
(Ord. 118012 § 91, 1996: Ord. 106348 § 8.03, 1977.)

25.12.530Filing of recommendation and objections with Hearing Examiner.

The recommendation of the Board shall be filed with the Hearing Examiner not later than one hundred eighty-five (185) days after the approval

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of nomination and not later than fifteen (15) days after the expiration of the maximum period permitted for negotiations if no written agreement, was signed by the Board staff and the owner, or if an agreement, was signed within fifteen (15) days after the time has expired for the Board to approve or disapprove such a written agreement pursuant to Section 25.12.500.
(Ord. 118012 § 92, 1996: Ord. 106348 § 9.01, 1977.)

25.12.535Owner's objections to Board's recommendation.

If the owner objects to the Board's recommendation on controls and incentives, the owner's objections shall be filed with the Hearing Examiner not later than fifteen (15) days after service of the Board's recommendation on the owner. Any interested person of record may file with the Hearing Examiner written objections to the Board's recommendations on controls and incentives within fifteen (15) days after mailing of the recommendation to such persons.
(Ord. 118012 § 93, 1996.)

25.12.540Scheduling of hearing.

A. If no objections are filed with the Hearing Examiner within the time provided, then the Board shall transmit its recommendation to the Council with a request for Council action pursuant to Sections 25.12.650 and 25.12.660. The Hearing Examiner shall take no action on the recommendation.

B. If objections are timely filed with the Hearing Examiner, then the Hearing Examiner, the Hearing Examiner shall set the matter for a hearing which shall be held within seventy (70) days of the filing of the latest objections, and promptly notify the Board, the owner, and any other person who filed objections of the date and time for the hearing.
(Ord. 118012 § 94, 1996: Ord. 106348 § 9.02, 1977.)

25.12.560Hearing Examiner procedure.

Proceedings before the Hearing Examiner shall be in accordance with the procedures for hearings in contested cases pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, and the Hearing Examiner's Rules of Practice and Procedure in effect at the time of the proceeding, except as such procedures are modified by this chapter.
(Ord. 118012 § 96, 1996: Ord. 106348 § 9.04, 1977.)

25.12.570Basis for Hearing Examiner's recommendation.

On the basis of all the evidence presented at a hearing, the Hearing Examiner shall determine whether to recommend all or any of the proposed controls and economic incentives, and/or whether to recommend a modified version of any of the proposed controls or incentives. The Hearing Examiner, except upon written agreement with the owner, shall not recommend any control which directly regulates population density; provided that the Hearing Examiner may recommend a control which indirectly affects density by controlling a specific feature of a site, improvement or object. The Hearing Examiner shall not recommend any control which is not set forth with adequate specificity, or which is inconsistent with any provision of this chapter, or for which the reason and need is not established with respect to the specific features and characteristics of the site, improvement or object to be preserved, or which requires that the site, improvement or object be devoted to any particular use, or which imposes any use restrictions, or any control or incentive if the effect of such control, incentive or combination thereof would be to prevent the owner from realizing a reasonable return on the site, improvement, or object.
(Ord. 106348 § 9.05(a), 1977.)

25.12.580Owners shall not be deprived of reasonable economic use.

In no event shall the recommendation of the Hearing Examiner or any proceedings under or application of this chapter deprive any owner of a site, improvement or object of a reasonable economic use of such site, improvement or object.
(Ord. 106348 § 9.05(b), 1977.)

25.12.590Factors to be considered.

Only the following factors may be considered in determining the reasonable return on a site, improvement or object:

A. The market value of the site, improvement or object in its existing condition taking into consideration the ability to maintain, operate or rehabilitate the site, improvement or object:

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1. Before the imposition of controls or incentives, and

2. After the imposition of proposed specific controls and/or incentives;

B. The owner's yearly net return on the site, improvement or object, to the extent available, during the five (5) years prior to the imposition of specific controls and/or incentives;

C. Estimates of the owner's future net yearly return on the site, improvement or object with and without the imposition of proposed specific controls and/or incentives;

D. The net return and the rate of return necessary to attract capital for investment:

1. In such site, improvement or object and in the land on which the site, improvement or object is situated after the imposition of the proposed specific controls and/or incentives, if such information is available, or, if such information is not available,

2. In a comparable site, improvement or object and in the land on which such comparable site, improvement or object is situated; and

E. The net return and rate of return realized on comparable sites, improvements or objects not subject to controls imposed pursuant to this chapter.

(Ord. 106348 § 9.05(c), 1977.)

25.12.600Information.

It shall be the responsibility of the owner to provide the Hearing Examiner with such information as is necessary and sufficient to determine yearly net return under Section 25.12.590 B and C.

(Ord. 118012 § 96A, 1996: Ord. 106348 § 9.05(d), 1977.)

25.12.610Hearing Examiner recommendations—Referral to Council.

Within thirty (30) days after the hearing, the Hearing Examiner shall serve on the Board and the owner and file with the Council a decision setting forth a recommendation of proposed controls and incentives, and the reasons for the controls and incentives recommended.

(Ord. 118012 § 97, 1996: Ord. 106348 § 9.06, 1977.)

25.12.620Right of appeal to Council.

Any party of record before the Hearing Examiner may appeal the recommendations of the Hearing Examiner regarding controls and incentives by filing with the Council and serving on all other parties of record a written notice of appeal within thirty (30) days after the Hearing Examiner's decision is served on the party appealing.

(Ord. 118012 § 98, 1996: Ord. 106348 § 10.01, 1977.)

25.12.630Procedure on appeal to Council.

A. Any appeal from the recommendation of the Hearing Examiner shall be considered by the Council on the record only. The Hearing Examiner shall promptly prepare, certify and file with the Council such record, which shall consist of all documents and exhibits submitted to the Hearing Examiner (except to the extent that the same are already before the Council) and a transcript of all oral proceedings before the Hearing Examiner, unless all parties waive submission of the transcript. The appellant shall be responsible for the reasonable costs of preparation of the record unless the appeal is successful, in which event the Council may apportion such reasonable costs as it deems appropriate.

B. The Council or committee to which such appeal is referred shall notify the Board and any appellant of the procedures established for such hearing and of the date and time when it will hear oral argument, if any, from the parties or their

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representatives upon the issues which are the subject of such appeal. Such notice shall be served upon the Board and the owner not less than twenty (20) days before the date of such oral argument.
(Ord. 118012 § 99, 1996: Ord. 106348 § 10.02, 1977.)

25.12.640Council action on appeal.

A. The Council shall act upon the appeal within ninety (90) days of receiving the Hearing Examiner's recommendation.

B. Council action is necessary to complete the process for designation of a landmark. The Council may:

1. Enact a designating ordinance that specifies the controls and incentives being imposed on a site, improvement, or object approved for designation by the Board;

2. Modify controls and incentives negotiated by the owner and the Board or recommended by the Board or the Hearing Examiner, and enact a designating ordinance embodying such modifications; or

3. Decide not to enact a designating ordinance and thereby decline to impose controls and incentives. A Council decision not to enact a designating ordinance shall terminate the proceedings pursuant to Section 25.12.850 of this chapter.
(Ord. 118012 § 100, 1996: Ord. 106348 § 10.03, 1977.)

25.12.650Designating ordinance—Amendment or repeal.

The Council may by ordinance amend or repeal any designating ordinance; provided that if a designating ordinance is enacted, no proceedings may be commenced under this chapter to impose other or further controls on the landmark that is covered by the designating ordinance within four (4) years from the effective date of such designating ordinance without the agreement of the owner in writing.
(Ord. 118012 § 101, 1996: Ord. 106348 § 11.01(a), 1977.)

25.12.660Designating ordinance—Information required.

A. Each designating ordinance, and each ordinance amendatory thereof, shall include:

1. The legal description of the site, improvement or object;

2. The specific features or characteristics which are designated;

3. The standards in Section 25.12.350 that are the basis for such designation; and

4. The specific controls imposed and any incentives granted or to be granted or obtained with respect to such site, improvement or object.

B. A certified copy of each such ordinance shall be recorded with the King County Director of Records and Elections and served on the owner of the landmark.
(Ord. 118012 § 102, 1996: Ord. 106348 § 11.01(b), 1977.)

Subchapter VI Alterations or Significant Changes

25.12.670Requirement of certificate of approval.

After the filing of an approval of nomination with the Director of Construction and Lane Use and thereafter as long as proceedings for a designation are pending or a designating ordinance so requires, a certificate of approval must be obtained, or the time for denying a certificate of approval must have expired, before the owner may make alterations or significant changes to specific features or characteristics of the site, improvement or object, which are identified in the approved nomination, or the Board report on designation, or subject to controls in a controls and incentives agreement or a designating ordinance, whichever is most recent.
(Ord. 118012 § 103, 1996: Ord. 106348 § 12.01, 1977.)

25.12.680Application for certificate of approval—Filing.

A. Application for a certificate of approval shall be made by filing an application for such certificate with the Board.

B. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application, or the applicant makes a written request to submit an application for a preliminary

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design as set forth in subsection E below, and the staff agrees to the application:

1. Building name and building address;

2. Name of business(es) located at the site of the proposed work;

3. Applicant's name and address;

4. Property owner's name and address;

5. Applicant's telephone number;

6. The property owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

7. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

8. A detailed description of the proposed work, including any changes it will make to a landmark;

9. Four (4) sets of scale drawings, with all dimensions shown of:

a. A site plan of existing conditions, showing adjacent streets and buildings, and a site plan showing proposed changes,

b. A floor plan showing the existing features and a floor plan showing the proposed new features or changes,

c. Elevations and sections of both the proposed new features and the existing features,

d. Construction details,

e. A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

10. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

11. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

12. If the proposal includes new signage, awnings, or exterior lighting:

a. Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, graphic designs, typeface, letter size, and colors,

b. Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning or sign,

c. Four (4) copies of details showing the proposed method of attaching the new awning, sign, or proposed exterior lighting,

d. One (1) sample of proposed sign colors or awning material and color,

e. The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture;

13. If the proposal includes demolition of a structure or object:

a. A statement of the reason(s) for demolition,

b. A description of the replacement structure or object;

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14. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features being replaced, removed, or demolished.

C. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

D. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study when new construction is proposed.

E. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection B, subparagraphs 1 through 8, 9a through 9c, 13 and 14. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection B, and upon Board approval, prior to issuance of permits for work affecting the landmark.

F. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

(Ord. 118181 § 13, 1996; Ord. 118012 § 104, 1996: Ord. 106985 § 6(part), 1977: Ord. 106348 § 12.02(a),1977.)

25.12.690 Application for certificate of approval—In conjunction with permit application.

If an application is made to the Department of Construction and Land Use for a permit for an action which requires a certificate of approval, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. The Director of Construction and Land Use shall continue to process the permit application, but shall not issue any such permit until the time has expired for acting upon the certificate of approval or a certificate of approval has been issued pursuant to this chapter.

(Ord. 118181 § 14, 1996: Ord. 118012 § 105, 1996: Ord. 106985 § 6(part), 1977: Ord. 106348 § 12.02(b), 1977.)

25.12.700 Application for certificate of approval—Similar changes.

An application for a certificate of approval shall not be accepted for filing while another application for the same or similar action is pending before the Board or on appeal.

(Ord. 118012 § 106, 1996: Ord. 106985 § 6(part), 1977: Ord. 106348 § 12.02(c), 1977.)

25.12.710 Fee for certificate of approval.

The fee for such certificate of approval shall be according to the Permit Fee Ordinance (106106).[1]

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(Ord. 106985 § 6(part), 1977: Ord. 106348 § 12.02(d), 1977.)

1.Editor's Note: Ord. 106106 has been repealed by Ord. 107379. The current Permit Fee Ordinance is codified in Title 22 of this Code.

25.12.720Board meeting on certificate of approval.

Within thirty (30) days after an application for a certificate of approval is determined to be complete, the Board shall hold a meeting thereon and shall serve notice of the meeting on the owner and the applicant not less than five (5) days before the date of the meeting. The absence of the owner or the applicant from the meeting shall not impair the Board's authority to make a decision on the application.
(Ord. 118012 § 107, 1996: Ord. 106348 § 12.03, 1977.)

25.12.730Board decision on certificate of approval.

The Board shall issue a written decision granting, granting with conditions, or denying a certificate of approval, and shall provide a copy of its decision to the owner, the applicant, and the Director of Construction and Land Use, not later than forty-five (45) days after an application for a certificate of approval is determined to be complete. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. The decision shall contain an explanation of the reasons for the Board's decision and specific findings with respect to the factors enumerated in Section 25.12.750.
(Ord. 118012 § 108, 1996: Ord. 106348 § 12.04, 1977.)

25.12.740Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one (1) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit decisions, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

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D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.
(Ord. 118012 § 109, 1996: Ord. 106348 § 12.05, 1977.)

25.12.750Factors to be considered by Board or Hearing Examiner.

In considering any application for a certificate of approval the Board, and the Hearing Examiner upon any appeal, shall take into account the following factors:

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 Board approval of nomination, the Board report on approval of designation, the stipulated agreement on controls, the Hearing Examiner's decision on controls, or the designating ordinance;

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

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; and

D. Where the Hearing Examiner has made a decision on controls and economic incentives, 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 the factors specified in Sections 25.12.570 through 25.12.600 and the economic consequences of denial; provided, that in considering the factors specified in Section 25.12.590 for purpose of this subsection, references to times before or after the imposition of controls shall be deemed to apply to times before or after the grant or denial of a certificate of approval.
(Ord. 106348 § 12.06, 1977.)

25.12.760Hearing Examiner procedure.

A. When the appeal of a certificate of approval is consolidated with appeals of related permits, then the time frames applicable to the appeals of the other permits shall apply to the appeal of the certificate of approval.

B. In all other instances, the Hearing Examiner shall serve notice of the date of the hearing on the parties not less than twenty (20) days before the hearing and shall hold a hearing not later than forty-five (45) days after the filing of the appeal. The Hearing Examiner shall issue a decision within fifteen (15) days after closing of the record, and shall serve the decision on the Board, the owner, and the applicant, and file the same with the Director of Construction and Land Use. The Hearing Examiner shall receive evidence at the hearing upon the factors specified in Section 25.12.750 and in reaching a decision shall make findings on such factors.

C. If the Hearing Examiner determines that there is no showing of a significant change in circumstances since a denial or conditioning of a prior application for a similar certificate, the appeal shall be denied.

D. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.
(Ord. 118012 § 110, 1996: Ord. 106348 § 12.07, 1977.)

25.12.770Failure of timely decision.

If the Board or Hearing Examiner fails to issue and serve a written decision upon the Director of Construction and Land Use, the owner, and the applicant within the times specified in this chapter or, if the deadlines have been extended by agreement, by the extended deadlines, then an unconditional certificate of approval shall be deemed to have been granted and the Director of Construction and Land Use shall issue all necessary permits for the proposed alteration when all other requirements for issuance have been satisfied.
(Ord. 118012 § 111, 1996: Ord. 106348 § 12.08, 1977.)

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25.12.835Demolition.

A. It is the policy of The City of Seattle to prevent the unnecessary demolition of Landmarks. Even when a certificate of approval to demolish a Landmark has been issued because its owner is unable to make reasonable economic use of the Landmark, demolition should be delayed until the owner is ready and able to proceed with a replacement use. Such delay often will be in the owner's economic interest as well as in the public interest, and a modest additional burden on an owner will be reasonable given the substantial benefit that all citizens, including the owner, derive from the presence of Landmarks within the City.

B. Unless demolition of a Landmark is ordered for reasons of health and safety by the Director of the Department of Construction and Land Use pursuant to the requirements of SMC Section 23.40.008 B, the Department of Construction and Land Use may complete all other phases of its decision-making process, and may notify the applicant that the permit is ready to be issued when the requirements of this section have been met, but the Department shall not issue a demolition permit for a landmark until:

1. A decision under Section 25.12.730 granting a certificate of approval to demolish a Landmark has become final after the expiration of any appeal period or the conclusion of any appeal; and

2. The Landmark has been recorded and documented to the Standards of the Historic American Buildings Survey (HABS) program, as administered by the National Park Service, with copies of the completed HABS documentation provided to the Library of Congress; the Office of Archaeology and Historic Preservation of The State of Washington; the Seattle Public Library; and the Special Collections and Preservation Division of the University of Washington; and

3. A Master Use Permit is ready to issue for a replacement use or structure other than a temporary use or structure or a replacement use or structure with a floor area ratio (FAR) that is not substantially less than the FAR of the landmark to be demolished; and

4. The owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that the owner:

a. Has a valid and binding commitment or commitments for financing sufficient for the replacement use subject only to unsatisfied contingencies that are beyond the control of the owner other than another commitment for financing; or

b. Has other financial resources that are sufficient (together with any valid and binding commitments for financing under subparagraph B4a above) and available for such purpose.

C. Subsections B3 and B4 shall not apply if the owner demonstrates to the satisfaction of the Director of the Department of Neighborhoods that maintaining the landmark until the conditions described in subsections B3 and B4 are satisfied would be unduly burdensome and a violation of substantive due process. Among the facts the Director should consider in determining the burden on the owner are, on the one hand, the costs of maintenance until a replacement use is ready, and, on the other hand, the costs of demolition, the interest on such costs, and the costs of maintaining a vacant site.

D. The Director also may waive or modify the requirements of subsection B2 if the Director determines that compliance with this subsection would be unnecessary or inappropriate in light of the nature and value of the Landmark.

E. In making the determinations required under this section the Director of the Department of Neighborhoods is not required to hold a hearing or act as a quasi-judicial officer. The Director should consider all relevant information and should communicate with whomever the Director believes can provide useful information or expertise. The Director shall communicate his or her decision to the applicant in writing within fifteen (15) days of receiving the required information from the applicant. Pursuant to RCW 36.70B.140, the Director's decision is exempt from the time limits and other requirements of RCW 36.70B.060 through RCW 36.70B.090, and the requirements of RCW 36.70B.110 through RCW 36.70B.130.

F. An owner may seek to meet his or her burden under subsection C at the same time that the owner seeks a certificate of approval to demolish under Sections 25.12.670 through 25.12.730. An owner also may seek to meet his or her burden under subsection C at any time after a certificate of approval to demolish has been issued.

G. There is no administrative appeal of the decision of the Director of the Department of

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Neighborhoods. The Director's decision shall be final. Judicial review must be commenced within twenty-one (21) days of issuance of the Director's decision, as provided by RCW 36.70C.040.
(Ord. 118012 § 118, 1996: Ord. 116540 § 1, 1993.)

Subchapter VII General Provisions

25.12.840Service of notices.

A. Notices, decisions, and any other instruments or documents required to be served upon the owner pursuant to this chapter shall be served by mailing the same: (1) to the person shown to be the owner on the records of the Department of Finance of King County, Washington, to the address therein given and to such other addresses as may be ascertained from telephone or Polk directory listings for the City; and (2) to the owner's attorney where the files or records of the Board, the Hearing Examiner, or the Council, reveal representation in such proceedings by an attorney. Notices, applications, other instruments or documents required to be served upon the Board shall be served by delivering the same to the Historic Preservation Officer or by mailing the same either to the Historic Preservation Officer or to the Landmarks Preservation Board at the then current address for such Officer or Board. Transmittals by mail shall be sent by first-class mail, certified with return receipt requested and with postage prepaid. Service shall be deemed to have been given when all of the steps specified above have been completed. Failure to send notice by mail to any owner whose address is not listed in the above sources, and failure to give actual notice to any owner whose name and address is unknown, shall not invalidate any proceedings in connection with the proposed designation.

B. Notice to parties of record shall include at least those documents sent to the owner. Such notice shall be served by first-class mail.

C. Notice to interested persons of record shall include at least the following: a description of the most recent action taken by the Board, the Hearing Examiner or Council; the time and place of the next public meeting or hearing, if any; the procedure to be followed at such meeting or hearing; the rights of appeal available, if applicable; and the time and place where documents in the record may be inspected. Such notice shall be served by first-class mail.

D. The Historic Preservation Officer may give such other notice as he or she may deem desirable and practicable.
(Ord. 118012 § 119, 1996: Ord. 106348 § 14.01, 1977.)

25.12.845Requests for interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted, or on the provisions of an enacted designating ordinance.

B. An interpretation shall be requested in writing, specifying the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the applicant agrees in writing to suspend the time frames for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation

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relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Sections 25.12.740 and 25.12.760 for appeal of a certificate of approval, including the provisions of consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 118012 § 120, 1996.)

25.12.850Termination of proceedings.

A. In any case where a site, improvement or object is nominated for designation as a landmark site or landmark and thereafter the Board fails to approve such nomination or to adopt a report approving designation of such site, improvement or object, such proceeding shall terminate and no new proceeding under this chapter may be commenced with respect to such site, improvement or object within five (5) years from the date of such termination without the written agreement of the owner.

B. In any case where a site, improvement or object has been designated by the Board, in the absence of a written agreement with the owner deferring consideration of the imposition of controls or Board approval of a negotiated agreement pursuant to Section 25.12.500, such proceeding shall terminate and no new proceeding under this chapter with respect to such site, improvement or object may be commenced within four (4) years from the date of such termination without the written agreement of the owner if:

1. The Board fails to file with the Hearing Examiner its statement of proposed controls within the time prescribed in Section 25.12.530; or

2. The Hearing Examiner does not issue a decision which recommends controls, together with a proposed form of designating ordinance, within one hundred (100) days after the filing of the Board's recommendations on controls and incentives, or within such further time as the Board and the owner may agree to by written stipulation; provided, that if the Hearing Examiner issues a decision which does not recommend controls such proceedings shall terminate if no appeal is filed with the City Council within the time limited for filing such appeal.

C. In any case where a designating ordinance imposing specific controls is enacted, no further proceedings under this chapter to impose other or further controls on such landmark or landmark site may be commenced within four (4) years from the effective date of such designating ordinance without the written agreement of the owner.

D. When delays in the proceedings pursuant to this chapter result from any of the following:

1. The owner's request for a continuance or extension; or

2. The owner's stipulation to a continuance or extension; or

3. The requirements of any other ordinances or any statutes; or

4. The institution of court proceedings challenging any proceedings under any section of this chapter;

then, the time limits specified in this chapter shall be extended accordingly, and in the case of the institution of court proceedings such time periods will be stayed until the termination of such court action.

(Ord. 106348 § 14.02, 1977.)

25.12.860Revision or revocation of designation, controls, incentives.

At the end of four (4) years after the effective date of a designating ordinance, the owner may file with the Board an application to revoke

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designation of a site, improvement or object as a landmark or an application to modify or revoke the controls or economic incentives previously established with respect thereto. Proceedings with respect to any such application shall proceed in the manner specified in Sections 25.12.380 through 25.12.640; provided that the burden shall be on the owner to demonstrate that a substantial change in circumstances has occurred to justify revision or revocation. Revocation of designation shall have the further effect of the termination of all controls and all present and future benefits from granted economic incentives. Termination of revocation or revision proceedings shall have the effects specified in Section 25.12.850.
(Ord. 118012 § 120A, 1996: Ord. 106348 § 14.03, 1977.)

25.12.870Staff reports and studies.

When a site, improvement or object is the subject of any proceeding pursuant to this chapter, the owner, upon request therefor, shall be promptly furnished with a copy of all Board staff reports, inspections, and studies prepared for the use of the Board with respect to the issues under consideration. Unless otherwise expressly specified by the owner, a request for a copy of such report, inspection and studies shall be treated as a continuing request for copies of all such documents prepared until the proceeding has terminated.
(Ord. 106348 § 14.04, 1977.)

25.12.880Economic incentives—City authorities.

All City authorities, including the Council, to the extent that they have the power to do so, may take such action as may be necessary to grant economic incentives, and may make any such action or grant conditional upon the subsequent enactment of a designating ordinance. When any application is made for the granting of recommended, requested or required economic incentives, all responsible City authorities shall give such application priority on their respective schedules and shall reach their respective decisions with all possible speed.
(Ord. 106348 § 14.05, 1977.)

25.12.890Conformance with general development.

In all proceedings under this chapter, the Board and the Hearing Examiner shall consider and in their respective reports or decisions make findings on the conformance or lack of conformance of the proposed action with the desirable long-term overall development of the City, including, without limitation, any then existing comprehensive plan.
(Ord. 106348 § 14.06, 1977.)

25.12.900Advice and guidance to property owners.

The Board may, upon request of the owner of the site, improvement or object, render advice and guidance with respect to any proposed work on a landmark.
(Ord. 118012 § 120B, 1996: Ord. 106348 § 14.07, 1977.)

Subchapter VIII Enforcement and Penalties

25.12.910Designated.

The Director of Construction and Land Use shall enforce this chapter and any designating ordinances enacted pursuant thereto or pursuant to Ordinance 102229[1] and may, in addition to any other remedy or penalty provided in this chapter, seek injunctive relief for such enforcement. Anyone violating or failing to comply with the provisions of this chapter or any designating ordinance shall, upon conviction thereof, be fined a sum not exceeding Five Hundred Dollars ($500.00), and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed

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for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violation or failure to comply is charged. (Ord. 118012 § 121, 1996: Ord. 106348 § 14.08, 1977.)

1.Editor's Note: Ord. 102229 is the previous Landmarks Preservation Ordinance.

Chapter 25.16
BALLARD AVENUE LANDMARK DISTRICT

Sections:

25.16.010Legislative findings and purposes.
25.16.020Legal description.
25.16.030Criteria for designation of the District.
25.16.040Ballard Avenue Landmark District Board—Created—Membership.
25.16.050District Board—Rules of procedure.
25.16.060District Board—Staffing.
25.16.070Building alterations—Certificate of approval required.
25.16.080Certificate of approval—Application.
25.16.090Certificate of approval—Consideration by Board.
25.16.100Certificate of approval—Issuance or denial.
25.16.110Certificate of approval—Appeal if denied.
25.16.115Requests for interpretation.
25.16.120Development and design review guidelines.
25.16.130Advice and guidance to property owners.
25.16.140Enforcement and penalties.
25.16.150Conflicting provisions.

Editor's Note: A map of the Ballard Avenue Landmark District is included at the end of this chapter.

25.16.010Legislative findings and purposes.

Throughout the City there are a few areas that retain individual identity through consistent historical or architectural character. The protection, enhancement, and perpetuation of such areas is in the interest of the prosperity, civic pride, and general welfare of the citizens of Seattle. The aesthetic standing of this City cannot be maintained or enhanced by disregarding the heritage of its communities or by allowing the destruction or defacement of these cultural assets. Ballard Avenue is an area of historical significance to the community of Ballard and The City of Seattle.

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The purposes for the creation of a Ballard Avenue Landmark District are:

A. To preserve, protect, enhance, and perpetuate those elements of the District's cultural, social, economic, architectural, historic, or other heritage;

B. To foster civic pride in the significance and accomplishments of the past;

C. To stabilize or improve the aesthetic and economic vitality and values of the District;

D. To promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used; and

E. To promote the local identity of the area to the extent that the objectives previously listed can be reasonably attained under such a policy.

(Ord. 105462 § 1, 1976.)

25.16.020Legal description.

There is established the Ballard Avenue Landmark District whose boundaries are as follows:

Beginning at the intersection of the centerline of Northwest Market Street with the projection northwesterly of the southwestern margin of the alley in Block 72, Gilman Park Addition, thence southeasterly along said projection and margin to the west margin of 22nd Avenue Northwest, thence easterly across 22nd Avenue Northwest to the intersection of the east margin of 22nd Avenue Northwest and the midblock line of Block 71 Gilman Park Addition (said midblock line being that line which separates Lots 2 through 19 from Lots 21 through 37 in said Block 71), thence southeasterly along said midblock line through said Block 71 to the westerly margin of 20th Avenue Northwest, thence across 20th Avenue Northwest to the intersection of the easterly margin of 20th Avenue Northwest and the midblock line of Block 70, Gilman Park Addition (said midblock line being that line which separates Lots 2 through 8, from Lots 31 through 35 in said Block 70), thence southeasterly along said midblock line to the southernmost corner of Lot 8, Block 70, Gilman Park Addition, thence northeasterly along the southeasterly margin of said Lot 8 to the southwesterly margin of Ballard Avenue Northwest, thence easterly across Ballard Avenue Northwest to the intersection of the northeasterly margin of Ballard Avenue Northwest and the southeasterly margin of Lot 22, Block 76, Gilman Park Addition, thence northeasterly along said southeasterly margin of said Lot 22,

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to the easternmost corner of said Lot 22, thence northwesterly along the northeasterly margin of said Lot 22 to its intersection with southeasterly margin of Northwest Dock Place, thence across Northwest Dock Place to the intersection of northwesterly margin of Northwest Dock Place and the midblock line of Block 75, Gilman Park Addition (said midblock line being that line which separates Lots 14 through 23, from Lots 2 through 13 in said Block 75), thence northwesterly along said midblock line to the easterly margin of 20th Avenue Northwest, thence across 20th Avenue Northwest to intersection of the westerly margin of 20th Avenue Northwest and the midblock line of Block 74 Gilman Park Addition (said midblock line being that line which separates Lots 21 through 37 from Lots 2 through 19), thence northwesterly along said midblock line to the easterly margin of 22nd Avenue Northwest, thence across 22nd Avenue Northwest to the intersection of the westerly margin of 22nd Avenue Northwest and the midblock line of Block 73, Gilman Park Addition (said midblock line being that line which separates Lots 5 through 8 from Lots 1 through 3 in said Block 73), thence northwesterly along said midblock line and its northwesterly projection to the centerline of Northwest Market Street, thence westerly along said centerline to the point of beginning.

all in Seattle, King County, Washington, and illustrated on a map attached as Exhibit "A" to Ordinance 105462 which is codified at the end of this chapter; and the custodian of the Official Zoning Map of the City is directed to add said District to the Official Zoning Map. All property within said District shall be subject to the controls, procedures and standards set forth or provided for in this chapter.
(Ord. 105462 § 2, 1976.)

25.16.030Criteria for designation of the District.

A. Ballard Avenue has significant interest and value as part of the development of Seattle. Lumber and other mills located in Ballard contributed significantly to the rebuilding of Seattle following the 1889 fire. Certain commercial buildings on Ballard Avenue dating from the same era as those lumber and shingle industries are all that remain of the early "boomtown." Ballard Avenue therefore represents the early history and heritage of the Ballard community which has contributed greatly to the development of Seattle.

B. Ballard Avenue exemplifies the historic heritage of the Ballard community. It was the location of the first commercial development in Ballard before business interests moved further north to Northwest Market Street.

C. A significant number of buildings within the Ballard Avenue Landmark District embody the distinctive characteristics of turn-of-the-century modest commercial architecture. They possess integrity of location, compatibility of design, scale, and use of materials, and impart a feeling of association and sense of place.
(Ord. 105462 § 3, 1976.)

25.16.040Ballard Avenue Landmark District Board—Created— Membership.

There is created the Ballard Avenue Landmark District Board (hereinafter called the "District Board"), which shall consist of seven (7) members, five (5) of whom shall be chosen at annual elections called and conducted by the Director of the Department of Neighborhoods (hereinafter called the "Director") for such purpose and at which all residents, tenants, persons who operate businesses and property owners of the Ballard Avenue Landmark District, of legal voting age, shall be eligible to vote. The elected membership of the District Board shall include two (2) property owners, two (2) property owner-district business persons, and one (1) tenant or resident. The remaining two (2) members of the District Board shall be appointed by the Mayor and approved by the City Council, and shall be an architect and a Ballard historian or a person having a demonstrated interest in the Ballard community. Initial terms for two (2) of the elected and one (1) of the appointed members shall be for one (1) year, and initial terms for the remaining four (4) persons shall be for two (2) years; thereafter all terms shall be for two (2) years. In the event of a vacancy an appointment shall be made by the Mayor subject to Council confirmation for the remainder of the unexpired term. The Director shall consult with the District Board regarding the scheduling and conduct of elec-tions and shall adopt rules and procedures regarding the conduct of elections and shall file the same with the City Clerk.

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(Ord. 115958 § 34, 1991: Ord. 105462 § 4(a), 1976.)

25.16.050District Board—Rules of procedure.

The District Board shall elect its own chairman and adopt in accordance with the Administrative Code (Ordinance 102228)[1] such rules of procedure as shall be necessary in the conduct of its business, including: (A) a code of ethics, (B) rules for reasonable notification of public hearings on applications for certificates of approval and applications for permits requiring certificates of approval in accordance with Sections 25.16.070 through 25.16.110, and (C) rules for reasonable notification of public hearings on development and design review guidelines and amendment thereof. A majority of the currently qualified and acting members of the District Board shall constitute a quorum necessary for the purpose of transacting business. All decisions shall be made by majority vote of those members present, and in case of a tie vote, the motion shall be lost. The District Board shall keep minutes of all of its official meetings, which shall be filed with the Director.
(Ord. 105462 § 4(b), 1976.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.16.060District Board—Staffing.

The District Board shall receive administrative assistance from the Director of the Department of Neighborhoods, who shall assign a member of his staff to provide such assistance. Such staff member shall be the custodian of the records of the District Board, shall conduct official correspondence, and organize and supervise the clerical and technical work of the District Board as required to administer this chapter.
(Ord. 115958 § 35, 1991: Ord. 105462 § 4(c), 1976.)

25.16.070Building alterations—Certificate of approval required.

No person shall make any change (including but not limited to alteration, demolition, construction, reconstruction, restoration, remodeling, painting, or signing) to the external appearance of any building or structure in the district, or to the external appearance of any other property in the district which is visible from a public street, alley or way, nor construct a new building or structure in the district, nor shall any permit for such be issued, except pursuant to a certificate of approval issued by the Director pursuant to this chapter.
(Ord. 109125 § 11(part), 1980: Ord. 105462 § 5(a), 1976.)

25.16.080Certificate of approval—Application.

A. Application.

1. All applications for a certificate of approval shall be submitted to the District Board.

2. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work; including:

(1) Any changes it will make to the building or the site,

(2) Any effect that the work would have on the public right-of-way or other public spaces,

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site

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plan showing proposed changes to the existing conditions,

(2) A floor plan showing the existing features and a floor plan showing the proposed new features,

(3) Elevations and sections of both the proposed new features and the existing features,

(4) Construction details,

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the District Board from requiring additional information during the review process if more information is needed to evaluate the application according to the standards in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for the decision on the certificate of approval for final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or District Board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection A2, subparagraphs a through h, i(1) through i(3), m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection A2, and upon obtaining a certificate of approval for final design, prior to issuance of permits for work affecting any building or property in the District.

C. If before a certificate of approval is obtained, an application is made to the Department of Construction and Land Use for a permit for which a certificate of approval is required, the

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Director of Construction and Land Use shall require the applicant to submit an application to the District Board for a certificate of approval. Submission of a complete application for a certificate of approval to the District Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time has expired for filing with the Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.
(Ord. 118181 § 15, 1996: Ord. 118012 § 122, 1996: Ord. 109125 § 11(part), 1980: Ord. 105462 § 5(b), 1976.)

25.16.090Certificate of approval—Consideration by Board.

In considering such application, the District Board shall keep in mind the purpose of this chapter, the criteria specified in Section 25.16-.030, and the guidelines promulgated pursuant to this chapter, and among other things, the historical and architectural value and significance; architectural style and the general design; arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs; the relationship of such features to similar features of other buildings within the Ballard Avenue Landmark District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.
(Ord. 118012 § 123, 1996: Ord. 109125 § 11(part), 1980: Ord. 105462 § 5(c), 1976.)

25.16.100Certificate of approval—Issuance or denial.

A. Within thirty (30) days after receipt of a complete application the District Board shall hold a public meeting thereon. If after such meeting and upon consideration of the foregoing, the District Board determines that the changes and any new construction proposed in the application are consistent with the purpose of this chapter, the criteria specified in Section 25.16.030, and the guidelines promulgated pursuant to this chapter, it shall recommend that a certificate of approval be granted and the Director shall, within fifteen (15) days of receiving the recommendation, issue a decision granting the certificate of approval in accordance with the District Board's recommendation. If the recommendation is to deny such application, the Director shall issue a written notice of denial. If the District Board does not recommend granting, granting with conditions, or denial of an application within the time provided for such recommendation, the Director of the Department of Neighborhoods shall issue a decision without a recommendation from the District Board. If the Director of the Department of Neighborhoods does not issue a decision within the time provided by this chapter, then the application shall be deemed approved. Provided, however, that the applicant may waive the deadlines in writing for the District Board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives in writing any deadlines on the review or issuance of related permits that are under review by the Department of Construction and Land Use. Before issuing a recommendation of denial, the District Board may, upon agreement with the applicant that the deadlines shall be waived, defer such action and consult with the applicant for the purpose of considering means of modifying the application and considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of an agreed upon period of time no acceptable solution has been reached, the District Board shall make its recommendation and the applicant shall be so notified by letter.

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B. The Director of the Department of Neighborhoods shall send copies of the decision to the applicant, the property owner, the Director of Construction and Land Use and to the District Board. Notice of the Director's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or made written substantive comments on the application.

C. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.

(Ord. 118181 § 16, 1996; Ord. 118012 § 124, 1996: Ord. 109125 § 11(part), 1980: Ord. 105462 § 5(d), 1976.)

25.16.110Certificate of approval—Appeal if denied.

A. The applicant may appeal the final denial of any such application to the Hearing Examiner within fourteen (14) days of the date of notice of the denials. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one (1) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

B. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

C. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

D. The Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Administrative Code, Chapter 3.02 of the Seattle Municipal Code, and in accordance with the Hearing Examiner's Rules of Practice and Procedure (unless all parties of record affected by such Board's decision consent to the review and decision without a public hearing) may affirm, reverse or modify the denial, but may reverse or modify only if the Hearing Examiner finds that:

1. Such denial violates the terms of this chapter or guidelines adopted pursuant to the authority of this chapter; or

2. Such denial is based upon a recommendation made in violation of the procedures set forth in this chapter or procedures adopted pursuant to the authority of this chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection B, then not later than ninety (90) days from the filing of that appeal. The decision of the Hearing Examiner shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040. Copies of the decision shall be mailed to all parties of record and transmitted to the Director, the District Board, and the property owner if the owner is not a party of record.

(Ord. 118012 § 125, 1996: Ord. 109125 § 11(part), 1980: Ord. 105462 § 5(e), 1976.)

25.16.115Requests for interpretation.

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A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be provided to the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.16.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

(Ord. 118012 § 126, 1996.)

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's decision. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

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25.16.120 Development and design review guidelines.

A. The District Board shall draft, and after consideration and review at least one (1) public hearing shall adopt development and design review guidelines and amendments thereof, which shall become effective upon filing with the City Clerk. Notice of such public hearings shall be given in accordance with rules adopted by the District Board.

B. The development and design review guidelines shall identify the unique values of the District, shall include a statement of purpose and intent, and shall be consistent with the purposes of this chapter and the criteria specified in Section 25.16.030. The guidelines shall identify design characteristics which have either a positive or negative effect upon such unique values of the District and shall specify the materials, colors, signage, planting and other design-related considerations which will be allowed, encouraged, limited, or excluded from the District. If such design considerations are limited, the guidelines shall state either the reasons for such limitation or conditions under which such considerations will be permitted.

(Ord. 105462 § 6, 1976.)

25.16.130 Advice and guidance to property owners.

The District Board may, at its official meetings upon request of a District property owner or business tenant, render advice and guidance with respect to any proposed work within the District.

(Ord. 105462 § 7, 1976.)

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25.16.140Enforcement and penalties.

The Director of Construction and Land Use shall enforce this chapter and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

(Ord. 109125 § 11(part), 1980: Ord. 105462 § 8, 1976.)

25.16.150Conflicting provisions.

In case of conflict between this chapter and the Landmarks Preservation Ordinance (Ordinance 102229),[1] the provisions of this chapter shall govern the Ballard Avenue Landmark District.

(Ord. 105462 § 9, 1976.)

1.Editor's Note: Ord. 102229 was repealed by Ord. 106348, the new Landmarks Preservation Ordinance codified in Chapter 25.12 of this Code.

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Exhibit "A"
BALLARD AVENUE LANDMARK DISTRICT

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Chapter 25.20
COLUMBIA CITY LANDMARK DISTRICT

Sections:

25.20.010Definitions.
25.20.020Legislative findings and purposes.
25.20.030Legal description.
25.20.040Criteria for designation of the District.
25.20.050Administration.
25.20.060Development and design review guidelines.
25.20.070Approval of changes to buildings, structures and other property.
25.20.080Application for certificate of approval.
25.20.090Board meeting on certificate of approval.
25.20.100Issuance of Board decision.
25.20.110Appeal to Hearing Examiner.
25.20.115Requests for interpretation.
25.20.120Enforcement and penalties.

Editor's Note: A map of the Columbia City Landmark District is included at the end of this chapter.

25.20.010Definitions.

The following terms used in this chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Alteration" is any construction, modification, demolition, restoration or remodeling for which a permit from the Director of Construction and Land Use is required.

B. "Application Review Committee" is the committee established by this chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

C. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348.[1]

D. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

E. "Council" is the City Council of The City of Seattle.

F. "Director of Construction and Land Use" is the Director of Construction and Land Use of The City of Seattle or such other official as may be designated from time to time to issue permits for construction or demolition of improvements upon real property in the City.

G. "Hearing Examiner" means any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, or any ordinance amendatory or successor thereto.

H. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC Section 25.12.320.

I. "Significant change" is any change in external appearance, other than routine maintenance or repair in kind, not requiring a permit from the Director of Construction and Land Use, but for which a certificate of approval is expressly required by the Landmarks Board and by this chapter.

(Ord. 118012 § 127, 1996: Ord. 109125 § 18, 1980: Ord. 107679 § 1, 1978.)

1.Editor's Note: Ord. 106348 is codified in Chapter 25.12 of this Code.

25.20.020Legislative findings and purposes.

Throughout this City there are few areas that have retained individual identity, historical continuity or consistency of architectural character. The protection, enhancement and perpetuation of such areas is in the interests of the prosperity, civic pride, urban and visual quality, and general welfare of the citizens of Seattle. The aesthetic standing of this City cannot be maintained or enhanced by disregarding the heritage of its communities or by allowing the destruction or defacement of its patrimony. The purposes of the creation of the Columbia City Landmark District are:

A. To preserve, protect, enhance, and perpetuate those elements of the District's cultural, social, economic, architectural, and historic heritage;

B. To foster community and civic pride in the significance and accomplishments of the past;

C. To stabilize or improve the historic authenticity, economic vitality, and aesthetic value of the district;

D. To promote and encourage continued private ownership and use of buildings and other structures;

E. To ensure compliance with the District plan prepared in the spring of 1978 by The Richardson Associates;

F. To encourage continued City interest and support in the District; and

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G. To promote the local identity of the area.

(Ord. 107679 § 2, 1978.)

25.20.030Legal description.

There is established the Columbia City Landmark District whose boundaries are particularly described as follows:

A piece of land lying in the northwest one-quarter of Section 22, Township 24 North, Range 4 East W.M., in the County of King, State of Washington; more particularly described as follows:

Beginning at the northeast corner of Lot 1702, Block 60, Columbia Supplemental No. 1 as recorded in Volume 8 of plats, page 12, records of King County, Washington; thence north on

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a straight line to the northeast corner of Lot 1622, Block 59 of said plat; thence west on the north line of said Block 59 to an intersection with the centerline of an alley produced south, said alley being in Block 56 of said plat; thence north on the last described line to an intersection with the centerline of South Alaska Street; thence east along said centerline to an intersection with the easterly line of Rainier Ave. South produced northwesterly; thence southeasterly along said easterly line of Rainier Ave. South to an intersection with the north line of South Angeline Street; thence east along said north line produced east to intersect with the centerline of 39th Ave. South; thence south along said centerline to an intersection with the south line of an alley produced east, said alley being in Block 9, Plat of Columbia as recorded in Volume 7 of plats, page 97, records of King County, Washington; thence west along said south line to the northwest corner of Lot 224, Block 9 of said plat; thence south along the west line of said Lot to the southwest corner of said Lot 224; thence east along the north line of South Ferdinand Street to the southeast corner of Lot 229, Block 9 of said plat; thence south on a straight line to the northeast corner of Lot 270, Block 15 of said plat; thence west along the south line of South Ferdinand Street to the northwest corner of Lot 272, Block 15 of said plat; thence south on a straight line produced through the southwest corner of Lot 291, Block 15 of said plat to a point on the south line of South Hudson Street; thence east along said south line to an intersection with the west line of 39th Ave. South; thence south along said west line, 252.72 feet to the point of curve; thence on a curve to the right, having a radius of 10.00 feet, an arc distance of 24.21 feet to a point of the end of curve, said point being on the northeasterly line of Rainier Ave. South; thence northwesterly along said northeasterly line to an intersection with a line produced east, 0.10 feet south of and parallel with the south line of Tract 14, Morningside Acre Tracts as recorded in Volume 9 of plats, page 64, records of King County, Washington; thence west along said parallel line to the east line of Tract 16 of said plat; thence south along said east line, 13.59 feet to the southeast corner of said Tract 16; thence west 180.2 feet, more or less, along the south line of said Tract 16 to an intersection with a line produced south, said line being the extension south of west line of Lots 277 and 286, Block 16, Plat of Columbia as recorded in Volume 7 of plats, page 97, records of King County, Washington; thence north along the last described line to the northwest corner of Lot 277, Block 16 of said Plat of Columbia; thence west along the south line of South Ferdinand Street to the northeast corner of Lot 1702, Block 60, Columbia Supplemental No. 1, as recorded in Volume 8 of plats, page 12, records of King County, Washington, and the point of beginning.

all in Seattle, King County, Washington and illustrated on map, Exhibit A, attached to Ordinance 107679 and codified at the end of this chapter; and the custodian of the Official Zoning Map of the City is directed to add said district to the Official Zoning Map. All property within the District shall be subject to the controls, procedures, and standards set forth or provided for in this chapter, whether publicly or privately owned. (Ord. 107679 § 3, 1978.)

25.20.040Criteria for designation of the District.

A. Historical. Columbia City has significance and value as part of the development of Seattle. Its early growth, like that of Seattle, Ballard and other Puget Sound settlements, was as a pioneer mill town. But while Seattle grew and remained dominant in the region, because of its harbor, and later the railroads, Columbia City developed less dramatically only to be annexed by Seattle after fourteen (14) years as an incorporated town. Nonetheless, Columbia City retained its identity even following annexation, and to this day remains a distinct and historic part of Greater Seattle. Columbia City as a separate municipality contributed to the historic growth of the Seattle Area from the time of its incorporation in 1893 until its annexation in 1907, growing with logging and railroad development. When the Seattle, Renton and Southern Railways stretched the seven (7) miles from Seattle to Columbia City in 1890 it claimed a lucrative two-way freight business. Columbia City shipped surplus lumber to a rebuilding Seattle (after 1889 fire) and Columbia City needed the finished goods Seattle could provide. Much of Columbia City's lumber, as well as the goods from Seattle, went into its own buildings and lakeshore summer residences. Remote Columbia City, thanks to nearby Lake Washington and Wetmore Slough, was a busy summer escape for the neighboring city's resi-

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dents. Until the lowering of Lake Washington with the cutting of the Ship Canal, Wetmore Slough had been considered by Columbia City as its port to the sea.

B. Sociological. The District is associated with the lives of many of the region's pioneers through business, transportation and commercial activities and general pioneering efforts that were concentrated in the area.

C. Architectural. A significant number of buildings within the Columbia City Landmark District embody distinctive characteristics of turn-of-the-century modest commercial and residential architecture. They possess integrity of location, compatibility of design, scale, and use of materials, and impart a sense of historic continuity, a feeling of association and a sense of place. The area is significant for landmark designation not only because of its buildings, but especially because of the total quality of an earlier small town: a pleasant admixture of commercial buildings, churches, apartments and houses, and within its core a small and integral park.
(Ord. 107679 § 4, 1978.)

25.20.050Administration.

Jurisdiction over changes and improvements in the District is vested in the Seattle Landmarks Preservation Board. In order, however, to maintain adequate community involvement and contact, an Application Review Committee is created which shall consist of two (2) members of the Landmarks Board appointed by the Chairman, at least one (1) of whom shall be an architect, and three (3) members of the Columbia City Development Association, appointed by the President of that organization, to review all proposed changes to public and private property and to make recommendations to the Landmarks Board for issuance or denial of certificates of approval. The two (2) Board Members of the Committee shall be appointed for renewable two (2) year terms, and the Association Members shall also be appointed for two (2) year renewable terms, but appointments shall be staggered with one (1) member of each group initially appointed for one (1) year only.
(Ord. 107679 § 5, 1978.)

25.20.060Development and design review guidelines.

A. The Landmarks Preservation Board shall draft and, after consideration and review at no less than one (1) public hearing, shall adopt development and design review guidelines and amendments which shall become effective upon filing with the City Clerk; these guidelines shall include at least by reference the Columbia City Business District Plan prepared by The Richardson Associates for guidance in reviewing public properties and new developments. Notice and conduct of such public hearing(s) shall be in accordance with rules adopted by the Landmarks Preservation Board.

B. The development and design review guidelines shall identify the unique values of the District, shall include a statement of purpose and intent, and shall be consistent with the purposes of this chapter and the criteria specified in Section 25.20.030. The guidelines shall identify design characteristics which have either a positive or negative effect upon the unique values of the District and shall specify the materials, colors, signage, planting, and other design-related considerations which will be allowed, encouraged, limited or excluded from the District.
(Ord. 107679 § 6, 1978.)

25.20.070Approval of changes to buildings, structures and other property.

No person shall make any change, including but not limited to alteration, demolition, construction, reconstruction, restoration, remodeling, and changes involving painting or signs, (but excluding in-kind maintenance and repairs which do not affect the appearance of the structure(s)) to the exterior of any building or structure in the District, or to the external appearance of any other property or public right-of-way in the District which is visible from a public street, alley, way, or other public property, nor construct any new building or structure in the District without first securing a certificate of approval from the Landmarks Preservation Board. No City building permit or other permit for alterations or new construction shall be issued until the Landmarks Preservation Board

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has granted a certificate of approval for the proposed activity.
(Ord. 107679 § 7, 1978.)

25.20.080Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application for such a certificate with the Board.

2. The following information must be provided in order for the application to be complete, unless the Board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the building or the site,

(2) Any effect that the work would have on the public right-of-way or other public spaces,

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,

(2) A floor plan showing the existing features and a floor plan showing the proposed new features,

(3) Elevations and sections of both the proposed new features and the existing features,

(4) Construction details,

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information,

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the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection A2, subparagraphs a through h, i(1) through i(3), m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection A2, and upon Board approval, prior to issuance of permits for work affecting any building or property in the District.

C. If before a certificate of approval is obtained, an application is made to the Department of Construction and Land Use for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be deemed to be complete. The Department of Construction and Land Use shall continue to process such application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time has expired for filing with the Director of the Department of Construction and Land Use the notice of denial of a certificate of approval.

D. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change, by giving notice of a meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change may be made until such proceedings and all appeals therefrom have been concluded.

(Ord. 118181 § 17, 1996: Ord. 118012 § 128, 1996: Ord. 107679 § 8, 1978.)

25.20.090Board meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board, the Board shall hold a meeting thereon and shall serve notice of the meeting on the owner and the applicant not less than five (5) days before the date of the meeting.

B. In reviewing applications, the Application Review Committee and the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Section 25.20.040; (3) any guidelines promulgated pursuant to this chapter; (4) the properties' historical and architectural value and significance; (5) the properties' architectural style and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features of other buildings within the Columbia City Landmark District; and (8) the position of such buildings or structures in relation to the street or public way and to other buildings and structures.

(Ord. 118012 § 129, 1996: Ord. 107679 § 9, 1978.)

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25.20.100Issuance of Board decision.

A. The Board shall issue a written decision either granting or denying a certificate of approval or granting it with conditions not later than forty-five (45) days after the application for a certificate of approval is determined to be complete and shall serve a copy thereof upon the owner, the applicant and the Director of the Department of Construction and Land Use within three (3) working days after such grant or denial. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this chapter and adopted guidelines for the District.

B. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for

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actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.
(Ord. 118012 § 130, 1996: Ord. 107679 § 10, 1978.)

25.20.110Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, deny or attach conditions to a certificate of approval by serving written notice of appeal upon the Board and filing such notice and a copy of the Board's decision with the Hearing Examiner within fourteen (14) days after such grant, denial or conditional grant.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one (1) or more appeals are filed regarding the other permits then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

D. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of

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approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

E. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Sections 25.12.740 through 25.12.770 of this Code.

F. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 118012 § 131, 1996: Ord. 107679 § 11, 1978.)

25.20.115Requests for interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.20.110 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 118012 § 132, 1996.)

25.20.120Enforcement and penalties.

The Director of Construction and Land Use shall enforce this chapter and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding Five Hundred Dollars ($500.00). Each day's violation or failure to comply shall constitute a separate offense.

(Ord. 118012 § 132A, 1996: Ord. 107679 § 12, 1978.)

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Exhibit "A"
COLUMBIA CITY LANDMARK DISTRICT

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Chapter 25.22
HARVARD-BELMONT LANDMARK DISTRICT

Sections:

25.22.010 Legislative findings and purposes.
25.22.020 Definitions.
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25.22.010 Legislative findings and purposes.

Throughout the City there are few areas that have retained individual identity, historical continuity or consistency of architectural character.

The Harvard-Belmont Landmark District, situated on the west slope of Capitol Hill above the City's major freeway and representing gracious residential quality in the urban setting, is one such area. The character of the district is defined by a substantial, well-established, and well-maintained residential fabric encompassing both large estates and modest houses, a mix of urban cultural and commercial institutions, within a framework of tree-lined streets, well-maintained grounds, and distinctive natural features.

The topography of the area is typical of those where the first outlying neighborhoods of quality residences were established in Seattle during a decade of rapid growth just after the turn of the century. From the relatively flat eastern boundaries of Broadway East and Harvard Avenue East the land slopes gradually and then more precipitously downward to the west, providing many of the properties with dramatic sites affording views of Lake Union and Queen Anne Hill. The northern boundary is marked by a deep wooded ravine separating the Sam Hill House from the properties around St. Mark's Cathedral. The southern boundary at East Roy Street changes to apartment, institutional, and commercial use and marks the transition to the denser multiple-unit residential area and the commercial shopping strip of Broadway East to the south. Within these boundaries the normally overriding grid system of platting gives way to some diagonal and curving streets that generally conform to the natural contours of the land.

H. C. Henry, a railroad builder and a powerful force in Seattle's business community, was the first man of influence to settle in the district. Although his house is now gone, his presence was instrumental in attracting others of like means and ability to the area. During the first decade of the twentieth century merchants, bankers, lawyers, engineers, and then lumber barons, successful businessmen and entrepreneurs built impressive residences along Harvard Avenue East, Belmont Place East and neighboring streets.

In the next two decades some additional large houses were built and some of the existing mansions were sold to equally affluent buyers.

Although many architectural styles are represented in the district, among the buildings of primary significance are a substantial number of residences which exhibit the enduring influence of Richard Norman Shaw. These Shavian houses impart a special quality to the area, a distinctive element which can be found in northern Pacific coast cities (Victoria and Vancouver, B.C., Seattle, Portland). The two Fisher houses on Belmont Place East together with their garage below on Summit Avenue East form a distinctive group of brick and half-timbered dwellings with fine leaded and beveled glass. The M. H. Young House, the C. H. Bacon House, the J. A. Kerr House, and the W. L. Rhodes House are additional examples of the use of brick and half-timbering to evoke the spirit of a romantic medievalism as filtered through the precepts of Shaw.

Other residences display the symmetry of a more classical tradition. The restrained formality of the R. D. Merrill House, the imposing mass of the Chapin-Eddy House relieved by delicate ornamentation, and the strong simple statement of

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the Brownell-Bloedel House all contribute a sense of solidity and permanence to the district.

Sometimes architects outside the City, such as Charles Al Platte, Hornblower & Marshall, Cutter & Malmgren, and Arthur Bodely, were called upon to satisfy a client's particular wishes. More often local firms with established reputations were commissioned, and works by Carl F. Gould, Somerwell & Cote, Bebb & Mendel, the Beezer Brothers, James H. Schack, Graham & Myers, Blackwell & Baker, and Andrew Willatsen can be found in the district. Interspersed among the mansions of the wealthy bankers, shipbuilders, lumbermen, and merchants are numerous wood frame houses of more modest scale. A few of these were built before 1900, many date from the first decade of the twentieth century, and there are a number of simple residences from the late 1930's and early 1940's.

The 1920's brought the introduction of the Spanish style Hacienda Apartments, the Tudor influenced Anhalt apartment groups, as well as the Cornish School and the Woman's Century Club. These structures, concentrated along the southern and western boundaries of the District, are particularly representative of the Capitol Hill character where a rich mix of architecture, and a successful mix of residential and commercial uses, exists.

The protection, enhancement and perpetuation of the Harvard-Belmont District is in the interests of the prosperity, civic pride, urban and visual quality, and general welfare of the citizens of Seattle.

The cultural standing of this City cannot be maintained or enhanced by disregarding the history of its communities or by allowing the destruction or defacement of its heritage. The Seattle Landmarks Preservation Board has identified the Harvard/Belmont area as one of these few remaining areas reflecting, in its architectural and landscape elements, its historical origins significant in the development of Capitol Hill and, therefore, Seattle.

The purposes for the creation of the Harvard-Belmont Landmark District are:

A. To preserve, protect, enhance, and perpetuate those elements of the District's cultural, social, economic, architectural, and historic heritage;

B. To foster community and civic pride in the significance and accomplishments of the past;

C. To stabilize or improve the historic authenticity, economic vitality, and aesthetic value of the district;

D. To promote and encourage continued private ownership and use of buildings and other structures;

E. To encourage continued City interest and support in the District; and to recognize and promote the local identity of the area.

(Ord. 109388 § 1, 1980.)

25.22.020Definitions.

The following terms used in this chapter shall, unless the context clearly demands a different meaning, mean as follows:

A. "Application Review Committee" is the committee established by this chapter to conduct informal reviews of applications for certificates of approval and make recommendations to the Landmarks Board.

B. "Board" is the Seattle Landmarks Preservation Board as created by Ordinance 106348[1] or any ordinance amendatory or successor thereto.

C. "Certificate of approval" is written authorization which must be issued by the Board before any alteration or significant change may be made to the controlled features of a building or other property within the District.

D. "Council" is the City Council of The City of Seattle.

E. "Director" is the Director of the Department of Construction and Land Use of the City or such other official as may be designated from time to time to issue permits for construction, alteration, reconstruction or demolition of improvements upon real property in the City.

F. "Hearing Examiner" is any person authorized to act as a hearing examiner pursuant to the Administrative Code, Chapter 3.02 of the Seattle Municipal Code, or any ordinance amendatory or successor thereto.

G. "Historic Preservation Officer" means the person described in the Landmarks Preservation Ordinance, SMC Section 25.12.320.

H. "Significant change" is any external alteration, new construction, restoration or demolition other than routine maintenance or repair.

(Ord. 118012 § 133, 1996: Ord. 109388 § 2, 1980.)

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1.Editor's Note: Ord. 106348 is codified in Chapter 25.12 of this Code.

25.22.030District established—Boundaries.

There is established the Harvard-Belmont Landmark District whose boundaries are particularly described as follows:

Beginning at the northeast corner of Lot 10, Block 33, Supplemental Plat of A. Pontius Addition, as recorded in Volume 8, of King County Plats, Page 39; which is the point of beginning; thence south along the east line of said Lot 10 and Lot 9 to the southeast corner of Lot 9, said Block 33; thence west along the south line of Lot 9 to the east margin of Harvard Avenue East; thence north along said east margin to the south margin of East Roy Street; thence west along the south margin and margin extended of East Roy Street to the intersection of the southwest margin of Belmont Avenue East extended; thence northwesterly along said southwest margin and margin extended of Belmont Avenue East to the northwest margin of Bellevue Place East extended; thence northeast along the northwest margin and margin extended of Bellevue Place East to the west margin of Summit Avenue East; thence north along the west margin of Summit Avenue East to the most easterly corner of Lot 3, Block 17, East Park Addition, as recorded in Volume 8, of King County Plats, Page 83; thence northwest along the northeasterly line of said Lot 3, a distance of 55.93 feet; thence southwest parallel with the southeast line of said Lot 3 a distance of 80.83 feet; thence northwesterly at right angles a distance of 49.66 feet; thence southwesterly at right angles a distance of 10.14 feet; thence northwesterly at right angles to the southeast line of Lot 5, of said Block 17; thence southwest along the southeast line of said Lot 5 to the northeast margin of Belmont Avenue East; thence northwest along said northeast margin of Belmont Avenue East to the intersection of the southeasterly margin of Lakeview Boulevard East; thence northeast along the southeast margin of Lakeview Boulevard East to the most westerly corner of Lot 9, of said Block 17; thence southeast along the southwest line of said Lot 9 to the southernmost corner of said Lot 9; thence northeasterly, along the southeasterly line of Lots 9, 10, 11, and 12, to the easterly corner of said Lot 12, thence northwesterly along the northeast line of said Lot 12 to the southeasterly margin of East Prospect Street; thence northeast to the intersection of the north margin of East Prospect Street and the northwest margin of Summit Avenue East; thence northeasterly and southeasterly along said margin of Summit Avenue East to the west margin of Boylston Avenue East; thence east to the east margin of Boylston Avenue East; thence north along said east margin to the northwest corner of Lot 12, as platted, Block J, Phinney's Addition as recorded in Volume 1, of King County Plats, Page 175; thence east along the north line and line extended of said Lot 12 to the northeast corner of Lot 13, as platted, Block I, said Phinney's Addition; thence south along the east lot line and line extended to the northeast corner of Block B, said addition; thence west along the south margin of East Highland Drive to the east margin of Harvard Avenue East; thence south along said east margin to the northwest corner of Lot 8, Block B, of said Phinney's Addition; thence east along the north line of said Lot 8 to the northeast corner of said Lot 8; thence south along the east line of Lots 8, 9, and 10, to the southeast corner of said Lot 10; thence east along the south line of Lot 15, said Block B, a distance of 35 feet; thence at right angles south 35 feet; thence east, parallel to said south line of Lot 15, to the west margin of Broadway East; thence south along said west margin to the north margin of East Prospect Street; thence east along said north margin and margin extended to the southeast corner of Lot 12, Block C, said Phinney's Addition; thence south to the northeast corner of Lot 12, Block 5, Sarah B. Yesler's 1st Addition as recorded in Volume 2 of King County Plats, Page 31; thence south along the east lines of Lots 12, 11 and 10, said Block 5 to the southeast corner of said Lot 10; thence west along the south line of said Lot 10 to the east line of Broadway East; thence continuing west to the southeast corner of Lot 15, Block 4, of said Yesler's Addition; thence continue west along the south line of said Lot 15 to the southwest corner thereof; thence south along the east lines of Lots 1 through 9 inclusive of Block 4 to the north margin of East Aloha Street; thence south to the south margin of said street; thence west along said margin and margin extended to the west margin of Boylston Avenue East; thence

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north along said west margin to the northeast corner of Lot 13, Block 1, of before-mentioned East Park Addition; thence west along the north margin of said Lot 13 a distance of 60 feet; thence south parallel to the east margin of Lot 13 to the south line of Lot 13; thence west along the said south lot line and south lot line extended to the west margin of Belmont Place East; thence north along said west margin to the southeast margin of Bellevue Place East, which is the most northerly corner of Lot 9, Block 2, said East Park Addition; thence southwesterly along the northwesterly line of said Lot 9, to the northwest corner of said lot; thence south parallel to Belmont Place East to a point 20 feet north of the southwest corner of Lot 4, said Block 2; thence east parallel to the south line of said Lot 4 a distance of 8 feet; thence south parallel to Belmont Place East 40 feet; thence east parallel to said south line of Lot 4 a distance of 12 feet; thence south parallel to Belmont Place East a distance of 40 feet to the north line of Lot 2, said Block 2; thence west along said north line and north line extended to the northeast margin of Belmont Avenue East; thence southeast along said northeast margin to the south line of said Lot 2; thence east along said south line and south line extended to the east margin of Belmont Place East; thence south along said east margin to a point 20 feet north of the southwest corner of Lot 5, Block 1, said East Park Addition; thence east parallel to the south line of said Lot 5 to the east margin of Boylston Avenue East and the northwest corner of Lot 7, Block 2, of before-mentioned Yesler's 1st Addition; thence south along the west margin of said Block 2 to the southwest corner of Lot 3, said Block 2; thence easterly along the south lines of Lots 3 and 22, said Block 2, to the west margin of Harvard Avenue East; thence continuing easterly to the southwest corner of Lot 3, Block 3, said Yesler's 1st Addition; thence easterly along the south line of said Lot 3, to the southwest corner of Lot 22, said Block 3; thence north along the west line of said Lot 22 to the northwest corner of Lot 22; thence easterly along the north line of Lot 22 to the west margin of Broadway East; thence south along said margin to the north margin of East Roy Street as established by Ordinance 10065;[1] thence south to the point of beginning.

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all in Seattle, King County, Washington, and illustrated on the map attached hereto as Exhibit A.[2] The City Clerk is directed to indicate the District on pages 102 and 103 of the Official Zoning Map. All property within the District shall be subject to the controls, procedures, and standards set forth in this chapter.
(Ord. 109388 § 3, 1980.)

1.Editor's Note: Ord. 10065 is not included in this Code. It is on file in the office of the City Clerk.
2.Editor's Note: Exhibit A to Ord. 109388 is not included in this Code. It is on file in the office of the City Clerk.

25.22.040Historical criteria for District designation.

The history of Seattle and of its neighborhoods is a history of the destruction and reshaping of forested virgin lands for economic returns; the filling of tide flats and the cutting of new waterways for industry and commerce; the clearcutting of native forests by pioneer lumber barons; and the regrading of the natural topography to an extent seldom before or since practiced in an American city.

Neighborhoods such as Harvard-Belmont, which today have the appearance of heavily wooded retreats, were created from the wasteland left by the lumbering industry. Mansions were built on treeless lots, and landscaping, shrubs, and seeds were left to the graces of the climate and the fertile soil.

Within the first two decades of this century, the District was home to Samuel Hill (railroads), C. H. Bacon (building materials), J. H. Bloedel, and R. D. Merril (lumbering), C. J. Smith (banking), Dexter Horton (bank president), O. W. Fisher (flour mills), and John Eddy (lumbering and shipbuilding), among others. Queen Marie of Rumania, her children Prince Nicholas and Princess Ileeana, Marshall Joffre of France, and Grand Duchess Marie of Russia, were among the many distinguished foreign guests to the district.

A number of central Seattle residential areas have felt the effects of the move to the suburbs, changing populations, changes in use and zoning and deteriorating services. The Harvard-Belmont district, however, has maintained its identity, character, and quality to a degree which permits its continuance as a prestigious, liveable and highly desirable neighborhood in which to live.
(Ord. 109388 § 4(a), 1980.)

25.22.050Sociological criteria for District designation.

Much of the area known today as Capitol Hill was laid out and developed by realtor J. A. Moore. He opened the area north of Howell Street to homeowners in 1901, naming it after Capitol Hill in Denver. The area, even then, had enormous advantages as a new residential district because of its closeness to the business district, its prominent siting and its spectacular views. As a result, and in addition to a sprinkling of existing farm or country houses, many magnificent homes were built on the hill from 1901 until the Great Depression. In the Harvard-Belmont area of Capitol Hill, most of these older and impressive homes are still extant and interspersed with them are good examples of more modest residential architecture representative of every decade of this century (to date). Included in the District also are several of the Anhalt apartment houses, precursors of planned group living, including carefully maintained yards, romantic details, and garaging for automobiles; the main building of Cornish Institute, one of the more significant cultural-historical landmarks in the City; the Loveless apartment-retail building; the Harvard Exit Theatre, for many years the home of the Woman's Century Club; and the Rainier Chapter of the D.A.R., a careful replica of George Washington's home, Mt. Vernon. This mixture of function, uses, scale and economics is among the more interesting aspects of the area. Moreover, the combination of urban and almost pastoral qualities, the tree-shaded streets, the several open vistas, and the wooded ravines to the northwest, all create a neighborhood of outstanding and enduring character.
(Ord. 109388 § 4(b), 1980.)

25.22.060Architectural criteria for District designation.

The Harvard-Belmont District includes a rich variety of residential buildings in the prevailing eclectic styles of the earlier years of this century, combined with a few late Victorian residences, significant Spanish and Tudor apartment groups, the modified Spanish style of the Cornish Institute, and many modest, noneclectic houses. Uniting this variety of architectural expression are the tree-lined streets, the many walled yards and drives, interesting retaining walls and generous plantings all of which collectively create a back-

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drop and contiguous streetscape and neighborhood that are compatible in terms of design, scale and use of materials.
(Ord. 109388 § 4(c), 1980.)

25.22.070Development and design review guidelines.

A. The Landmarks Preservation Board shall draft and, after consideration and review in accordance with the Administrative Procedure Ordinance (102228)[1] shall adopt development and design review guidelines as rules which shall become effective upon filing with the City Clerk. Notice and conduct of such public hearing(s) shall be in accordance with the rules of the Landmarks Preservation Board and Ordinance 102228.[1]

B. The development and design review guidelines shall identify the unique values of the District, shall include a statement of purpose and intent, and shall be consistent with the purposes of this chapter and the criteria specified in Section 25.22.030. The guidelines shall identify design characteristics which have either a positive or negative effect upon the unique values of the District and shall specify design-related considerations which will be allowed, encouraged, limited or excluded from the District when certificate of approval applications are reviewed. All guidelines shall be consistent with the Zoning Ordinance (86300)[2] and other applicable ordinances.
(Ord. 109388 § 5, 1980.)

1.Editor's Note: Ord. 102228 is codified in Chapter 3.02 of this Code.

2.Editor's Note: Ordinance 86300 and Title 24 were repealed by Ordinance 117570.

25.22.080District administration.

Jurisdiction over changes and improvements in the District is vested in the Seattle Landmarks Preservation Board. In order, however, to maintain adequate community involvement and contact, an Application Review Committee is created which shall consist of two (2) members of the Landmarks Board, at least one (1) of whom shall be an architect, and three (3) members selected

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from property owners, residents, business owners or employees, or officers of institutions within the District boundaries.

The members of the committee shall be appointed annually by the Chairman of the Landmarks Board with the approval of the Landmarks Board. The Committee shall review and make recommendations to the Landmarks Board for issuance or denial of applications for certificates of approval within the District.
(Ord. 109388 § 6, 1980.)

25.22.090 Approval of significant changes to buildings, structures and other property.

Within the District, a certificate of approval, issued by the Landmarks Preservation Board, is required prior to the issuance of any City building, demolition, street use, or other permits for proposed work which work is within or visible from a public street, alley or way, and, which involves:

A. The demolition of, or exterior alterations or additions to, any building or structure;

B. Any new construction;

C. The addition or removal of major landscape and site elements, such as retaining walls, gateways, trees or driveways.

In addition, for proposed removal or addition of significant landscape and site elements for which permits are not required, and which are identified specifically in the District development and design review guidelines, a certificate of approval from the Landmarks Preservation Board shall also be required prior to the initiation of the proposed work.
(Ord. 109388 § 7, 1980.)

25.22.100 Application for certificate of approval.

A. Application.

1. Application for a certificate of approval may be made by filing an application for such a certificate with the Board.

2. The following information must be provided in order for the application to be complete, unless the special review board staff indicate in writing that specific information is not necessary for a particular application:

a. Building name and building address;

b. Name of the business(es) located at the site of the proposed work;

c. Applicant's name and address;

d. Building owner's name and address;

e. Applicant's telephone number;

f. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

g. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

h. A detailed description of the proposed work, including:

(1) Any changes it will make to the site,

(2) Any effect that the work would have on the public right-of-way or other public spaces,

(3) Any new construction;

i. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,

(2) A floor plan showing the existing features and a floor plan showing the proposed new features,

(3) Elevations and sections of both the proposed new features and the existing features,

(4) Construction details,

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

j. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

k. One (1) sample of proposed colors, if the proposal includes new finishes or paint, and an elevation drawing or a photograph showing the location of proposed new finishes or paint;

l. If the proposal includes new signage, awnings, or exterior lighting:

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(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color;

m. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

(2) A description of the replacement structure or object;

n. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Board from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Board, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

B. An applicant may make a written request to submit an application for a certificate of approval for a preliminary design, if the applicant waives in writing the deadline for a Board decision on the final design, and any deadlines for decisions on related permit applications under review by the Department of Construction and Land Use. The staff may reject the request if it appears that approval of a preliminary design would not be an efficient use of staff or Board time and resources, or would not further the goals and objectives of this chapter. To be complete, an application for a certificate of approval for a preliminary design must include the information listed above in subsection A2, subparagraphs a through h, i(1) through i(3), m and n. A certificate of approval that is granted for a preliminary design shall be conditioned upon subsequent submittal of the final design and all of the information listed above in subsection A2, and upon Board approval, prior to issuance of permits for work affecting any building or property in the District.

C. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Board for a certificate of approval. Submission of a complete application for a certificate of approval to the Board shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete. The Director shall continue to process the application, but shall not issue any permit until a certificate of approval has been issued pursuant to this chapter, or the time for filing the notice of denial of a certificate of approval with the Director has expired.

D. After the Board has commenced proceedings for the consideration of any application for a certificate of approval for a particular alteration or significant change by giving notice of a meeting pursuant to this section or otherwise, no other application for the same or a similar alteration or significant change at the same site may be made until such proceedings and all appeals therefrom have been concluded.

E. A certificate of approval shall be valid for eighteen (18) months from the date of issuance of the Board's decision granting it unless the Board grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction

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and Land Use shall be valid for the life of the permit, including any extensions granted in writing by the Department of Construction and Land Use.
(Ord. 118181 § 18, 1996: Ord. 118012 § 134, 1996: Ord. 109388 § 8, 1980.)

25.22.110Board meeting on certificate of approval.

A. Within thirty (30) days after the filing of an application for a certificate of approval with the Board, the Board shall hold a meeting thereon and shall serve notice of the meeting on the owner and the applicant not less than five (5) days before the date of the meeting.

B. In reviewing applications or appeals of decisions of the Board, the Application Review Committee, the Landmarks Preservation Board and the Hearing Examiner shall consider: (1) the purposes of this chapter; (2) the criteria specified in Sections 25.22.040 through 25.22.060; (3) guidelines promulgated pursuant to this chapter;

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(4) the properties' historical and architectural or landscape value and significance; (5) the properties' architectural or landscape type and general design; (6) the arrangement, texture, material and color of the building or structure in question, and its appurtenant fixtures, including signs; (7) the relationship of such features to similar features within the Harvard-Belmont Landmark District; and (8) the position of such buildings, structures or landscape elements in relation to the street or public way and to other buildings, structures and landscape elements.
(Ord. 118012 § 135, 1996: Ord. 109388 § 9, 1980.)

25.22.120Issuance of Board decision.

The Board shall consider the recommendation of the Application Review Committee and shall, within forty-five (45) days after the application for a certificate of approval is determined to be complete, issue a written decision either granting, granting with conditions, or denying a certificate of approval and shall mail a copy of the decision to the owner, the applicant and the Director within three (3) working days after such decision. A decision denying a certificate of approval shall contain an explanation of the reasons for the Board's decision and specific findings with respect to this chapter and the adopted guidelines for the District. Notice of the Board's decision shall be provided to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.
(Ord. 118012 § 135A, 1996: Ord. 109388 § 10, 1980.)

25.22.130Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Board to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Board and by filing such notice and a copy of the Board's decision with the Hearing Examiner within fourteen (14) days after the date the Board's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one (1) or more appeals are filed regarding the other

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permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

D. The Hearing Examiner shall hear and determine the appeal in accordance with the standards and procedures established for appeals to the Hearing Examiner under Seattle Municipal Code Sections 25.12.740 through 25.12.760 of the Landmarks Preservation Ordinance, and as prescribed under Section 25.22.110 B.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

F. The Hearing Examiner's decision shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 118012 § 136, 1996: Ord. 109388 § 11, 1980.)

25.22.135Requests for interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interested persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.22.130 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

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G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Board, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.
(Ord. 118012 § 137, 1996.)

25.22.140Enforcement and penalties.

The Director of the Department of Construction and Land Use shall enforce this chapter. Any failure to comply with its provisions constitutes a violation subject to the provisions of Chapter 12A.02 and Chapter 12A.04 of the Seattle Criminal Code,[1] and any person convicted thereof may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars ($500.00). Each day's violation shall constitute a separate offense.
(Ord. 109388 § 12, 1980.)

1.Editor's Note: The Criminal Code is codified in Title 12A of this Code.

Chapter 25.24
PIKE PLACE MARKET HISTORICAL DISTRICT

Sections:

25.24.010Purpose.
25.24.015Historic Preservation Officer.
25.24.020Historical District designated.
25.24.030Commission created.
25.24.040Criteria.
25.24.050Commission procedures.
25.24.060Approval of changes to buildings, structures and other visible elements.
25.24.070Issuance of certificate of approval.
25.24.080Appeal to Hearing Examiner.
25.24.085Requests for interpretation.
25.24.090Enforcement.
25.24.100Violation—Penalty.

Severability: If any section, paragraph, subdivision, clause, phrase or provision of this chapter shall be adjudged to be invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.
(Ord. 100475 § 9, 1971.)

Editor's Note: A map of the Pike Place Market Historical District is included at the end of this chapter.

25.24.010Purpose.

In order to promote the educational, cultural, farming, marketing, other economic resources, and the general welfare; and to assure the harmonious, orderly, and efficient growth and development of the municipality, it is deemed essential by the people of the City that the cultural, economic, and historical qualities relating to the Pike Place Markets and the surrounding area, and an harmonious outward appearance and market uses which preserve property values and attracts residents and tourists be preserved and encouraged; some of the qualities being: the continued existence and preservation of historical areas and buildings; continued construction and use of buildings for market activities, especially on street levels; and a general harmony as to style, form, color, proportion, texture, material, occupancy and use between existing buildings and new construction.
(Ord. 100475 § 1, 1971.)

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25.24.015Historic Preservation Officer.

The Historic Preservation Officer is the person described in the Landmarks Preservation Ordinance, SMC Section 25.12.320.
(Ord. 118012 § 138, 1996.)

25.24.020Historical District designated.

There is created a Pike Place Market Historical District (hereafter called "Historical District") whose physical boundaries are illustrated on a map attached as Exhibit "A" to Ordinance 100475 which is codified at the end of this chapter.[1]
(Ord. 113199 § 1, 1986; Ord. 100475 § 2, 1971.)

1.Editor's Note: Exhibit A was amended by Ordinance 113199.

25.24.030Commission created.

There is created a Market Historical Commission (hereafter called "Commission") appointed by the Mayor with the consent of a majority of the City Council and to be composed of two (2) representatives each from the Friends of the Market, Inc., Allied Arts of Seattle, Inc., and the Seattle Chapter of the American Institute of Architects; and two (2) owners of property within the Historical District, two (2) merchants of the markets, and two (2) residents of the Historical District. The Mayor shall make his appointments of the representatives of Friends of the Market, Allied Arts, and the Seattle Chapter of the American Institute of Architects, from a list of four (4) nominees submitted by each of the said organizations. The members shall serve three (3) year terms with the terms of the first Commission to be staggered. The Commission shall have for its purpose the preservation, restoration, and improvement of such buildings and continuance of uses in the Historical District, as in the opinion of the Commission shall be deemed to have architectural, cultural, economic, and historical value as described in Section 25.24.040, and which buildings should be preserved for the benefit of the people of Seattle. The Commission shall also make rules, regulations, and guidelines according to the criteria as contained in this chapter for the guidance of property owners within the Historical District. The Commission shall also develop plans for the acquisition and perpetuation of the Pike Place Markets and of market activities through either public ownership or other means and shall make recommendations to the City Council from time to time concerning their progress. Staff assistance and other services shall be provided by the Department of Neighborhoods to the Commission as requested.
(Ord. 115958 § 36, 1991: Ord. 100475 § 3, 1971.)

25.24.040Criteria.

A. In carrying out its function, the Commission shall consider the purposes of this chapter as outlined in the chapter and the nature, function, and history of the District as described in this section.

B. The Historical District has played and continues to play a significant role in the development of Seattle and the Puget Sound Region since the inception of the Public Market in 1907. It has served as the center of local farm marketing, and other marketing businesses through varied economic times. It is significant in the culture of the region drawing together a broad spectrum of people from all ethnic, national, economic, and social backgrounds as a prototype of truly cosmopolitan urban life. It promotes local farming while making available local produce to shoppers and others. The District provides considerable housing for a community of low-income residents who are part of the life and color of the market. It has achieved world-wide fame as an uniquely American market and serves as the source of inspiration for markets elsewhere.

C. The Historical District is associated with the lives of many Seattle and Puget Sound region families and persons as farmers, merchants, and shoppers through marketing activities. It is an outstanding example of small independent businesses operating in the best tradition of American enterprise.

D. The buildings with their marketing activities and residential uses combine to form a distinctive area focusing on the central Market buildings which although humble and anonymous in character are an example of intriguing, dramatic architectural space servicing and adjusting to the varied and varying characteristic marketing activities. The central building spaces are particularly unique in form and character having grown to their present form through years of anonymous and functional creation to conform to the changing market activities always serving low-income customers along with other special needs of the public. The District possesses integrity of location, original construction, use, and of feeling and association.

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E. The preservation of the Historical District will yield information of educational significance regarding our culture and our ecology as well as retaining its color, attraction, and interest for the City. Preservation of the District will retain a characteristic environment of a period of Seattle's history while continuing a vital cultural and economic aspect of the City.
(Ord. 100475 § 4, 1971.)

25.24.050Commission procedures.

The Commission shall adopt rules and regulations for its own government, not inconsistent with the provisions of this chapter or any other ordinance of the City. Meetings of the Commission shall be open to the public and shall be held at the call of the Chairman and at such other times as the Commission may determine. All official meetings of the Commission shall keep minutes of its proceedings, showing the action of the Commission upon each question, and shall keep records of its proceedings and other official actions taken by it, all of which shall be immediately filed in the Department of Neighborhoods and shall be a public record. All actions of the Commission shall be by resolution which shall include the reasons for each decision. A majority vote shall be necessary to decide in favor of an applicant on any matter upon which it is required to render a decision under this chapter.
(Ord. 115958 § 37, 1991: Ord. 100475 § 5, 1971.)

25.24.060Approval of changes to buildings, structures and other visible elements.

A. No structure or part thereof shall be erected, altered, extended, or reconstructed, and no structure, lot or public place as defined in Section 15.02.040 shall be altered, used or occupied except pursuant to a certificate of approval authorized by the Commission which shall not be transferable; and no building permit shall issue except in conformance with a valid certificate of approval. However, no regulation nor any amendment thereof shall apply to any existing building, structure, or use of land to the extent to which it is used at the time of the adoption of such regulation or amendment or any existing division of land, except that such regulation or amendment may regulate nonuse or a nonconforming use so as not to unduly prolong the life thereof. No new off-premises advertising signs shall be established within the boundaries of the Historical District including public places except where areas have been reserved for groups of signs or for signs which identify the Market District as a whole, as determined by the Commission. The fee for certificates of approval shall be according to the SMC Chapter 22.901T, Permit Fee Subtitle.

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B. Application.

1. Applications for certificates of approval involving structures or sites within the Historical District shall be submitted to the Commission. If an application is made to the Director for a permit for which a certificate of approval is required, the Director of Construction and Land Use shall require the applicant to submit an application to the Commission for a certificate of approval. Submission of the application for a certificate of approval to the Commission shall be required before the permit application to the Department of Construction and Land Use may be determined to be complete.

2. The following information must be provided in order for the application to be complete, unless the Commission's staff indicate in writing that specific information is not necessary for a particular application:

a. Business name and business address;

b. Name of the building(s) located at the site of the proposed work;

c. The square footage of the shop where the proposed work would take place;

d. Applicant's name and address;

e. Landlord or building owner's name and address;

f. A written description of the ownership interest and role in the business operation;

g. Applicant's telephone number;

h. The building owner's signature on the application, or a signed letter from the owner designating the applicant as the owner's representative, if the applicant is not the owner;

i. Confirmation that the fee required by SMC Chapter 22.901T of the Permit Fee Subtitle has been paid;

j. A detailed description of the proposed merchandise, service, or work, including:

(1) Any changes it will make to the building or the site,

(2) Any effect that the proposed work or use would have on the public right-of-way or other public spaces,

(3) Any new construction;

(4) Any proposed use, change of use, or expansion of use,

(5) Any change of ownership or location,

(6) Any proposed increase in the business area;

k. Four (4) sets of scale drawings, with all dimensions shown, of:

(1) A site plan of existing conditions, showing adjacent streets and buildings, and, if the proposal includes any work in the public right-of-way, the existing street uses, such as street trees and sidewalk displays, and another site plan showing proposed changes to the existing conditions,

(2) A floor plan showing the existing features and a floor plan showing the proposed new features,

(3) Elevations and sections of both the proposed new features and the existing features,

(4) Construction details,

(5) A landscape plan showing existing features and plantings, and another landscape plan showing proposed site features and plantings;

l. Photographs of any existing features that would be altered and photographs showing the context of those features, such as the building facade where they are located;

m. One (1) sample of proposed colors, if the proposal includes new finishes, fixtures, furniture, or paint, and an elevation drawing or a photograph showing the location of proposed new finishes, fixtures, furniture, or paint;

n. If the proposal includes new signage, awnings, or exterior lighting:

(1) Four (4) sets of scale drawings of proposed signage or awnings, showing the overall dimensions, material, design graphics, typeface, letter size, and colors,

(2) Four (4) sets of a plan, photograph, or elevation drawing showing the location of the proposed awning, sign, or lighting,

(3) Four (4) copies of details showing the proposed method of attaching the new awning, sign, or lighting,

(4) The wattage and specifications of the proposed lighting, and a drawing or picture of the lighting fixture,

(5) One (1) sample of proposed sign colors or awning material and color;

o. If the proposal includes demolition of a structure or object:

(1) A statement of the reason(s) for demolition,

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(2) A description of the replacement structure or object, and the replacement use;

p. If the proposal includes replacement, removal, or demolition of existing features, a survey of the existing conditions of the features that would be replaced, removed, or demolished.

3. The staff shall determine whether an application is complete and shall notify the applicant in writing within twenty-eight (28) days of the application being filed whether the application is complete or that the application is incomplete and what additional information is required before the application will be complete. Within fourteen (14) days of receiving the additional information, the staff shall notify the applicant in writing whether the application is now complete or what additional information is necessary. An application shall be deemed to be complete if the staff does not notify the applicant in writing by the deadlines in this section that the application is incomplete. A determination that the application is complete is not a determination that the application is vested.

4. The determination of completeness does not preclude the staff or the Commission from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter and in any rules adopted by the Commission, or if the proposed work changes. For example, additional information that may be required could include a shadow study or a traffic study when new construction is proposed.

C. The Commission shall review and make recommendations regarding appropriateness of each proposed change or addition and a certificate of approval shall be issued by the Commission as provided in this chapter. The Commission, in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling, or other modification of any building or other structure in the Historic District, including structures to be located in public places, shall refer to the purpose of this chapter and shall consider among other things the historical and architectural value and significance, architectural style, the general design, arrangement, texture, material, occupancy and use, and color of the building or structure in question or its appurtenant fixtures, including signs, the relationship of such features to similar features of the other buildings within the Historical District and the position of such building or structure in relation to the street, public way, or semipublic way and to other buildings and structures. The Commission shall also make no recommendations or requirements except for the purpose of preventing developments inconsistent with the criteria of this chapter. Where modification of the appearance of a structure within the Historical District does not require a building or demolition permit, an application for a certificate of approval shall nonetheless be filed with the Commission.

D. The Commission shall have sole responsibility for determining the appropriate location, design and use of signs and structures to be located on or above the surface of public places in the Historical District and the sole responsibility for licensing and determining the appropriate locations for performers as defined in Section 17.32.010 H[1] of the Seattle Municipal Code, in the Historical District; provided, that property owned by the Pike Place Market Preservation and Development Authority shall not be considered a public place for the purposes of this subsection. The Commission shall establish guidelines for the use of public places in the District by performers, may assess reasonable permit fees, and may utilize the services of the Pike Place Market Preservation and Development Authority (PDA) or should the PDA decline to make its services available, may utilize the services of any other organization appropriate for implementation of performers licensing guidelines. It shall be unlawful for any performer to actively solicit donations by word of mouth, gestures, mechanical devices, second parties. It shall also be unlawful for any performer or other person to use any device for the reproduction or amplification of sound without the express written approval of the Commission secured in advance.

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(Ord. 118012 § 139, 1996: Ord. 111235 § 1, 1983: Ord. 109125 § 8(part), 1980: Ord. 106985 § 7(part), 1977: Ord. 106309 § 1(part), 1977: Ord. 104658 § 1(part), 1975: Ord. 100475 § 6(part), 1971.)

1.Editor's Note: Former Chapter 17.32, on the Pike Place Market, was repealed by Ordinance 111236.

25.24.070Issuance of certificate of approval.

A. The Commission shall consider and approve or disapprove or approve with conditions applications for a certificate of approval as contemplated in this chapter not later than thirty (30) days after any such application is determined to be complete, and a public meeting shall be held on each such application. If after such meeting and upon review of the Commission it determines that the proposed changes are consistent with the criteria for historic preservation as set forth in Section 25.24.040, the Commission shall issue the certificate of approval within forty-five (45) days of the determination that the application is complete, and shall provide notice of its decision to the applicant, the Department of Construction and Land Use, and to any person who, prior to the rendering of the decision, made a written request to receive notice of the decision or commented in writing on the application. After such a decision, the Director of Construction and Land Use is then authorized to issue a permit.

B. A certificate of approval for a use shall be valid as long as the use is authorized by the applicable codes. Any other type of certificate of approval shall be valid for eighteen (18) months from the date of issuance of the decision granting it unless the Director of the Department of Neighborhoods grants an extension in writing; provided however, that certificates of approval for actions subject to permits issued by the Department of Construction and Land Use shall be valid for the life of the permit issued by the Department of Construction and Land Use, including any extensions granted by the Department of Construction and Land Use in writing.

(Ord. 118012 § 140, 1996: Ord. 109125 § 8(part), 1980: Ord. 106985 § 7(part), 1977: Ord. 106309 § 1(part), 1977: Ord. 104658 § 1(part), 1975: Ord. 100475 § 6(part), 1971.)

25.24.080Appeal to Hearing Examiner.

A. Any interested person of record may appeal to the Hearing Examiner the decision of the Commission to grant, grant with conditions, or deny a certificate of approval by serving written notice of appeal upon the Commission and by filing such notice and a copy of the Commission's decision with the Hearing Examiner within fourteen (14) days after the date the Commission's decision is issued.

B. When the proposed action that is the subject of the certificate of approval is also the subject of one (1) or more related permit applications under review by the Department of Construction and Land Use, then the appellant must also file notice of the appeal with the Department of Construction and Land Use, and the appeal of the certificate of approval shall not be heard until all of the time periods for filing administrative appeals on the other permits have expired. If one (1) or more appeals are filed regarding the other permits, then the appeal of the certificate of approval shall be consolidated with them and shall be heard according to the same timelines established for the other appeals, except that appeals to the State Shoreline Hearings Board shall proceed independently according to the timelines set by the state for such appeals. If the related permit decisions would not be appealable, then the appeal of the certificate of approval decision shall proceed immediately after it is filed.

C. The applicant for the certificate of approval may elect to have the appeal proceed immediately rather than postponed for consolidation with appeals of related permit applications, if the applicant agrees in writing that the Department of Construction and Land Use may suspend its review of the related permits, and that the time period for review of those permits shall be suspended until the Hearing Examiner issues a decision on the appeal of the certificate of approval.

D. The Hearing Examiner may reverse or modify an action of the Commission only if the Hearing Examiner finds that:

1. Such action of the Commission violates the terms of this chapter or rules, regulations or guidelines adopted pursuant to the authority of this chapter; or

2. Such action of the Commission is based upon a recommendation made in violation of the procedures set forth in this chapter or procedures established by rules, regulations or guidelines adopted pursuant to the authority of

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this chapter and such procedural violation operates unfairly against the applicant.

E. The Hearing Examiner shall issue a decision not later than ninety (90) days after the last of the appeals of related permit decisions is filed, or, if the applicant chooses to proceed immediately with the appeal of the certificate of approval, as provided in subsection C, then not later than ninety (90) days from the filing of that appeal. Pursuant to RCW 36.70B.090, the time period to consider and decide the appeal of a certificate of approval shall be exempt from the deadlines for review and decision on both the certificate of approval and any related permit applications.

F. The Hearing Examiner's decision shall be final. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

(Ord. 118012 § 141, 1996: Ord. 115958 § 38, 1991: Ord. 109125 § 8(part), 1980: Ord. 106985 § 7(part), 1977: Ord. 106309 § 1(part), 1977: Ord. 104658 § 1(part), 1975: Ord. 100475 § 6(part), 1971.)

25.24.085Requests for interpretation.

A. An applicant for a certificate of approval may request an interpretation of the meaning of any part of this chapter as it relates to the requested certificate of approval. An interpretation shall not have any effect on certificates of approval that have already been granted.

B. An interpretation shall be requested in writing, specify the section of the code to be interpreted, and specify the question to be addressed. Requests shall be submitted to the Historic Preservation Officer.

C. If the requested interpretation relates to a certificate of approval that is subject to the deadlines set by RCW 36.70B, then the request for an interpretation cannot be made any later than fourteen (14) days after the application for the certificate of approval was submitted. Provided, however, that a request for an interpretation may be sought by the applicant at a later time if the permit applicant agrees to suspend the time frame for review of the certificate of approval, and the time frames applicable to any related permits that are under review, until the interpretation is issued.

D. Interpretations shall be made in writing by the Historic Preservation Officer, and shall be issued within twenty-five (25) days of submission of the request. The interpretation decision shall be served on the requesting party, and notice of the decision shall be mailed to parties of record and interest persons of record.

E. A fee shall be charged for interpretations in the amount provided in the Permit Fee Subtitle of the Seattle Municipal Code, Chapter 22.901E, Table 6, Land Use Fees, and shall be collected by the Department of Neighborhoods.

F. An interpretation may be appealed by the applicant if the certificate of approval that the interpretation addresses is denied and the applicant is appealing the denial, or if the interpretation relates to conditions placed on the certificate of approval that the applicant is appealing. An appeal of an interpretation shall be filed at the same time as appeal of the related certificate of approval, and shall be consolidated with the appeal of the related certificate of approval. Appeal of the interpretation shall proceed according to the same procedures and time frames provided in Section 25.24.080 for appeal of a certificate of approval, including the provisions for consolidation with appeals of any related permit decisions.

G. The Hearing Examiner shall give substantial weight to the Historic Preservation Officer's interpretation. The appellant shall have the burden of establishing that the interpretation is erroneous.

H. The Hearing Examiner may affirm, reverse, or modify the Historic Preservation Officer's interpretation, in whole or in part. The Hearing Examiner may also remand the interpretation to the Historic Preservation Officer for further consideration.

I. The decision of the Hearing Examiner shall be final. The Hearing Examiner's decision shall be binding upon the Historic Preservation Officer and the Commission, as well as all parties of record to the proceeding. Copies of the Hearing Examiner's decision shall be mailed to the Historic Preservation Officer and to all parties of record before the Hearing Examiner. Judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision, as provided by RCW 36.70C.040.

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(Ord. 118012 § 142, 1996.)

25.24.090Enforcement.

The provisions of this chapter shall be enforced by the Director of Construction and Land Use.
(Ord. 109125 § 9(part), 1980: Ord. 100475 § 7, 1971.)

25.24.100Violation—Penalty.

Anyone failing to comply with any provisions of this chapter shall upon conviction thereof be subject to the penalties as provided by the laws of the City for failure to obtain a use permit from the Director of Construction and Land Use.
(Ord. 109125 § 9(part), 1980: Ord. 100475 § 8, 1971.)

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Exhibit "A"
PIKE PLACE MARKET HISTORICAL DISTRICT

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Chapter 25.28 PIONEER SQUARE HISTORICAL DISTRICT

Sections:

Subchapter I Historical District[1, 2]

1.Editor's Note: Historic District provisions were repealed by Ord. 110058. For provisions on the Pioneer Square Preservation District, see Chapter 23.66 of this Code.

2.A map of the Pioneer Square Historical District is included at the end of this chapter.

Cases: An order of the Pioneer Square Historic Preservation Board requiring an owner to replace a parapet, which was hazardous, did not take her property without just compensation. **Buttnick v. Seattle**, 105 Wn.2d 857, 719 P.2d 93 (1986).

Subchapter II Minimum Maintenance Regulations

25.28.200Short title.
25.28.210Declaration of findings and purpose.
25.28.220Scope.
25.28.230Definitions.
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25.28.250Right of entry.
25.28.260Minimum Maintenance Historic Building Revolving Fund.
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25.28.290Method of service of notice and order.
25.28.300Appeals.
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25.28.320Supplemental notice and order.
25.28.330Enforcement of final order.
25.28.340Civil penalty.
25.28.350Abatement.
25.28.360Remedies not exclusive.

Severability: The several provisions of Subchapter II are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of Subchapter II, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of Subchapter II or the validity of its application to other persons or circumstances.
(Ord. 107323 § 5.02, 1978.)

Subchapter II Minimum Maintenance Regulations

25.28.200Short title.

This subchapter shall be known and may be cited as the "Pioneer Square Minimum Maintenance Ordinance" and is referred to herein as "this subchapter."
(Ord. 107323 § 1.01, 1978.)

25.28.210Declaration of findings and purpose.

A.It is found and declared that historic buildings which reflect significant elements of the City's cultural, aesthetic, social, economic, political, architectural, engineering, historic and other heritage should be preserved, protected, enhanced, and perpetuated.

B.It is further found and declared that some buildings and structures located within the Pioneer Square Historic District are substandard, in danger of decay and deterioration occasioned by neglect, in danger of causing or contributing to the creation of blight adverse to the health, safety, and general welfare of the public.

C.It is further found and declared that certain conditions and circumstances endanger the

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preservation of the building or structure and the public safety; and it is the purpose of this subchapter to establish procedures for the correction of such conditions.

D.For the achievement of these purposes, certain minimum maintenance standards are established, and a building or structure which fails to meet such standards is identified in this subchapter as a "substandard historic building."

(Ord. 107323 § 1.02, 1978.)

25.28.220Scope.

The subchapter shall apply to the buildings or structures within the following geographic boundaries:

Beginning at the intersection of South King Street and Alaskan Way South, then north along the west line of Alaskan Way South to the south line of South Washington Street; then west to the inner harbor line of Elliott Bay; then north to the north line of South Washington Street; then east to the west line of Alaskan Way South; then northwest to the center line of Columbia Street; then northeast to the east line of the alley between First Avenue and Second Avenue; then southwest to the center line of Cherry Street; then northeast to the east line of the alley between Second Avenue and Third Avenue; then southeast to the north line of James Street; then northeast to the east line of Third Avenue; then southeast to the north line of Jefferson Street; then northeast to the east line of Fourth Avenue; then southeast to the north line of Terrace Street; then northeast to the center line of Fifth Avenue; then southeast and south to the south line of Yesler Way; then west to a line midblock between Fourth Avenue South and Fifth Avenue South; then south to the south line of South Washington Street; then west to the center line of Fourth Avenue South; then south to the north line of South Jackson Street, then east to the center line of Fifth Avenue South; then south to a line one hundred twenty feet south of and parallel with the production east of the south line of South King Street; then west to the production south of the west line of Third Avenue South; then north to the south side of South King Street, then west to the point of beginning;

all in Seattle, King County, Washington, and

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illustrated on a map attached to the ordinance from which this section derives as Exhibit "A."[1] (Ord. 111874 § 1, 1984: Ord. 107323 § 1.03, 1978.)

25.28.230Definitions.

A. For the purpose of this subchapter certain abbreviations, terms, phrases, words, and their derivations shall be construed as specified in this section. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

B. "Building" means any structure other than the Burlington Northern railroad tunnel used or intended for supporting or sheltering any use or occupancy.

C. "Hearing Examiner" means the Hearing Examiner of the City created by Ordinance 102228,[1] or his duly authorized representative.

D. "Owner" means any person who, alone or jointly or severally with others, has title or interest in any building, with or without accompanying actual possession thereof, and includes any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any building.

E. "Party affected" means any owner, tenant, or other person having a direct financial interest in the subject building or any adjacent property or any person whose health or safety is directly affected by the subject building, or the Pioneer Square Historic Preservation Board established by Ordinance 98852.[2]

F. "Permit" means any form of certificate, approval, registration, license, or other written permission which is required by law, ordinance or regulation to be obtained before engaging in any activity.

G. "Person" means any individual, firm, corporation, association or partnership and their agents or assigns.

H. "Superintendent" means the Director of Construction and Land Use and shall also include any duly authorized representative of the Director. (Ord. 111874 § 2, 1984; Ord. 109125 § 17, 1980; Ord. 107323 §§ 3.01—3.08, 1978.)

1.Editor's Note: Ord. 102228 is codified in Chapter 3.02 of this Code.

2.Editor's Note: Ord. 98852 was repealed by Ord. 110058. Forprovisions on the Pioneer Square Preservation Board, see Chapter 23.66 of this Code.

25.28.240Enforcement.

A. The Superintendent of Buildings is designated as the officer to exercise the powers assigned by this subchapter in relation to substandard historic buildings.

B. The Superintendent is authorized and directed to adopt, promulgate, amend and rescind in accordance with the Administrative Code of the City (Ordinance 102228),[1] as now or hereafter amended, administrative rules consistent with this subchapter and necessary to carry out the duties of the Superintendent hereunder. (Ord. 107323 § 2.01, 1978.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.28.250Right of entry.

A. Whenever necessary to make an inspection to enforce any of the provisions of this subchapter or whenever the Superintendent has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises a substandard historic building as defined in Section 25.28.270, and upon presentation of proper credentials, the Superintendent may with the consent of the occupant or with the consent of the owner or person in charge of an unoccupied building or pursuant to a lawfully issued warrant, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Superintendent by this subchapter.

B. No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand pursuant to a lawful warrant is made, to promptly permit entry therein by the Superintendent for the purpose of inspection and examination pursuant to this subchapter. (Ord. 107323 § 2.02, 1978.)

25.28.260Minimum Maintenance Historic Building Revolving Fund.

There is created in the City Treasury a special fund designated the "Minimum Maintenance Historic Building Revolving Fund," from which fund shall be paid costs and expenses incurred by the City in connection with the repair, alteration or preservation of any substandard historic building as defined by this subchapter and ordered

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repaired, altered or preserved, and into which fund shall be deposited:

A. Such sums as may be recovered by the City as reimbursement for costs and expenses of repair, alteration or improvement of historic buildings and structures found to be substandard;

B. Such other sums as may by ordinance be appropriated to or designated as revenue of such fund; and

C. The unencumbered balance remaining as of the effective date of the ordinance codified in this subchapter[1] in the Pioneer Square Historic District Revolving Fund created by Ordinance 98852,[2] which fund is abolished and said balance transferred; and

D. Such other sums as may by gift, bequest or grants be deposited in such fund.

(Ord. 107323 § 2.03, 1978.)

1.Editor's Note: The effective date of Ord. 107323 is May 31, 1978.

2.Editor's Note: Ord. 98852 was repealed by Ord. 110058.

25.28.270Conditions contributing to "substandard" designation.

Any building in which there exists any of the following conditions to the degree that the preservation of the building or the safety of the public is substantially endangered is declared for the purposes of this subchapter to be a "substandard historic building":

A. Structural defects or hazards, including but not limited to the following:

1. Footing or foundations which are weakened, deteriorated, insecure, or inadequate or of insufficient size to carry imposed loads with safety,

2. Flooring or floor supports which are defective, deteriorated, or of insufficient size or strength to carry imposed loads with safety,

3. Members of walls, partitions, or other vertical supports that split, lean, list, buckle, or are of insufficient size or strength to carry imposed loads with safety,

4. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, buckle, or are of insufficient size or strength to carry imposed loads with safety,

5. Fireplaces or chimneys which list, bulge, settle or are of insufficient size or strength to carry imposed loads with safety;

B. Defective or inadequate weather protection, including but not limited to the following:

1. Crumbling, broken, loose, or falling interior wall or ceiling covering,

2. Broken or missing doors and windows,

3. Deteriorated, ineffective or lack of waterproofing of foundations or floors,

4. Deteriorated, ineffective, or lack of exterior wall covering, including lack of paint or other approved protective coating,

5. Deteriorated, ineffective, or lack of roof covering,

6. Broken, split, decayed or buckled exterior wall or roof covering;

C. Defects increasing the hazards of fire or accident, including, but not limited to the following:

1. Accumulation of rubbish and debris,

2. Any condition which could cause a fire or explosion or provide a ready fuel to augment the spread or intensity of fire or explosion arising from any cause.

(Ord. 107323 § 4.01, 1978.)

25.28.280Determination of maintenance requirements.

A. Commencement of Proceedings. Whenever the Superintendent of Buildings has inspected or caused to be inspected any building, structure, premises, land, or portion thereof, and determines that it is a substandard historic building used or maintained in violation of this subchapter, he shall commence proceedings to cause the abatement of each violation.

B. Notice and Order. The Superintendent of Buildings shall issue a written notice and order directed to the owner of the building as shown upon the records of the Department of Records and Elections of King County in the manner prescribed in Section 25.28.290, with a copy to the Pioneer Square Historic Preservation Board. The notice and order shall contain:

1. The street address when available and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

2. A statement that the Superintendent has found the building to be in violation of this

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subchapter with a brief and concise description of the conditions found to be in violation;

3. A statement of the corrective action required to be taken. If the Superintendent has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commenced within such time and be completed within such time as the Superintendent shall determine is reasonable under the circumstances;

4. A statement specifying the amount of any civil penalty that would be assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;

5. A statement informing the recipient that he must comply with required permit procedures for historic buildings, including requirements for a certificate of approval;

6. Statements advising that: (a) if any required work is not commenced or completed within the time specified, the Superintendent will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property, if not previously paid;

7. A statement advising that the order shall become final unless no later than thirty (30) days after the notice and order are served, any party affected by the order requests in writing an appeal hearing before the Hearing Examiner.

(Ord. 107323 § 4.02, 1978.)

25.28.290Method of service of notice and order.

Service of the notice and order shall be made upon all persons having an interest in the property in the manner provided for the service of notices in Section 5.03 of the Housing Code (Ordinance 106319);[1] provided, that when personal service is obtained upon all persons having an interest in the property, it shall not be necessary to post a copy of the notice and order of the property.

(Ord. 107323 § 4.03, 1978.)

1.Editor's Note: The Housing Code is codified in Title 22 of this Code.

25.28.300Appeals.

A. Any party affected by an order of the Superintendent shall have the right to appeal to the Hearing Examiner.

B. In order for an appeal to be perfected the following provisions must be followed:

1. The appeal must be filed with the Hearing Examiner not later than the thirtieth day following the service of the notice and order of the Superintendent;

2. The appeal must be in writing and state in a clear and concise manner the specific exceptions and objections to the notice and order of the Superintendent.

C. The Hearing Examiner shall set a date for hearing the appeal in a timely manner and shall provide no less that twenty (20) days' written notice to the parties.

D. The appeal hearing shall be conducted pursuant to the contested case provisions of the Administrative Code (Ordinance 102228, as amended).[1] The Hearing Examiner is authorized to promulgate procedural rules for the appeal hearing pursuant to the Administrative Code.

E. The appeal hearing shall be a new or de novo hearing. Substantial weight shall be given to the notice and order of the Superintendent and the burden of establishing the contrary shall be upon the appealing party.

F. The Hearing Examiner shall have the authority to affirm, modify, reverse, or remand the notice and order of the Superintendent, or to grant other appropriate relief.

G. Within fourteen (14) days after the hearing, a written decision containing findings of fact and conclusions shall be transmitted to the parties.

(Ord. 107323 § 4.04, 1978.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

25.28.310Final order.

A. Any order duly issued by the Superintendent pursuant to the procedures contained in this subchapter shall become final thirty (30) days after service of the notice and order unless a written request for an appeal hearing is received by the Hearing Examiner within that thirty (30) day period.

B. An order which is subject to the appeal procedures shall become final twenty-one (21) days after issuance of the Hearing Examiner's decision unless within that time period a person with standing to file a land use petition in King County Superior Court files such a petition as provided by Section 705 of Chapter 347 of the Laws of 1995.

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C. Any final order shall be filed by the Superintendent with the Department of Records and Elections of King County, and the filing shall have the same effect as provided by laws for other lis pendens notices.
(Ord. 117789 § 17, 1995; Ord. 107323 § 4.05, 1978.)

25.28.320Supplemental notice and order.

The Superintendent may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this subchapter.
(Ord. 107323 § 4.06, 1978.)

25.28.330Enforcement of final order.

A. If, after any order duly issued by the Superintendent has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Superintendent may:

1. Institute an action in municipal court to collect a civil penalty assessed under this subchapter; and/or

2. Abate the violation using the procedures of this subchapter.

B. Enforcement of any notice and order of the Superintendent issued pursuant to this subchapter shall be stayed during the pendency of any appeal under this subchapter, or under Ordinance 98852,[1] except when the Superintendent determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

C. In the event that the Minimum Maintenance Historic Building Revolving Fund does not contain funds and/or the Superintendent elects not to abate the violation through repair, alteration or improvement of the building in the manner specified in Section 25.28.350, he shall file a statement with the Department of Records and Elections of King County stating that there is no money currently available to fund such abatement and that the action will be held in abeyance until such time as funding is available.
(Ord. 107323 § 4.07, 1978.)

1.Editor's Note: Ord. 98852 was repealed by Ord. 110058. For provisions on the Pioneer Square Preservation District, see Chapter 23.66 of this Code.

25.28.340Civil penalty.

A. In addition to or as an alternative to any other judicial or administrative remedy provided in this subchapter or by law or other ordinance, any person who violates this subchapter, or rules and regulations adopted hereunder, or by any act of commission or omission procures, aids or abets such violation shall be subject to a civil penalty in an amount of Fifty Dollars ($50.00) per day for each continuous violation to be directly assessed until such violation is corrected. All civil penalties assessed shall be enforced and collected by civil action, brought in the name of the City and commenced in the municipal court, and the Superintendent of Buildings shall notify the City Attorney in writing of the name of any person subject to the penalty and the amount thereof, and the City Attorney shall, with the assistance of the Superintendent of Buildings, take appropriate action to collect the penalty.

B. The defendant in the action may show, in mitigation of liability:

1. That the violation giving rise to the action was caused by the wilful act, or neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject building, or other condition or circumstances beyond the control of the defendant;

and upon a showing of the above described conditions, the court may remit all or part of the accumulated penalty.
(Ord. 107323 § 4.08, 1978.)

25.28.350Abatement.

A. In addition to or as an alternative to any other judicial or administrative remedy provided in this subchapter or by law or other ordinance, the Superintendent may order conditions which constitute a violation of this subchapter to be abated. The Superintendent may order any owner of a building in violation of this subchapter, or rules and regulations adopted hereunder, to commence corrective work and to complete the work within such time as the Superintendent determines

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reasonable under circumstances. If the owner fails to comply with a final order, the Superintendent, by such means and with such assistance as may be available to him, is authorized to cause such building to be repaired, altered or improved and the costs thereof shall be recovered by the City in the manner provided by law.

B. The cost of such work shall be paid from amounts appropriate for abatement purposes. Unless the amount of the costs thereof are repaid within sixty (60) days of the completion of the work, they shall be assessed against the real property as to which such costs were incurred. Upon certification by the Superintendent to the City Finance Director of the assessment amount being due and owing, the City Finance Director shall certify the amount to the county official performing the duties of the County Treasurer, who shall enter the amount of such assessment upon the tax rolls against such real property for the current year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected, shall be deposited in the General Fund and credited to the Minimum Maintenance Historic Building Fund as provided in Section 25.28.260. The assessment shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

(Ord. 116368 § 309, 1992; Ord. 107323 § 4.09, 1978.)

25.28.360Remedies not exclusive.

The remedies provided for in this subchapter to accomplish preservation of substandard historic structures are not exclusive and this subchapter shall not be construed to supersede or repeal by implication the remedies available for enforcement of the Housing Code (Ordinance 106319)[1] or any other ordinance of the City.

(Ord. 107323 § 4.10, 1978.)

1.Editor's Note: The Housing Code is codified in Title 22 of this Code.

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Chapter 25.32
TABLE OF HISTORICAL LANDMARKS

The Seattle City Council has enacted ordinances imposing landmark controls on the buildings, structures and objects listed below. Alteration of any designated feature of these properties requires the approval in advance of the Landmarks Preservation Board pursuant to SMC Chapter 25.12.

I Residences
II Buildings
III Churches
IV Schools
V Firehouses
VI Bridges and Waterways
VII Boats
VIII Miscellaneous

TABLE OF CITY LANDMARKS

I Residences	Address	Ord. No.
Anhalt Apartments	1005 East Roy	108731
Anhalt Apartments	1014 East Roy	108227
C.H. Black House and Gardens	615 West Lee Street	115036
Black Property	1319 12th Avenue South	110353
Bowen/Huston Bungalow	715 West Prospect Street	111887
Boyer/Lambert Residence	1617 Boyer Avenue East	111021
Brace/Moriarty Residence	170 Prospect Street	109586
Brehm Brothers Houses	219 and 221 — 36th Avenue East	108734
Charles Bussell House	1630 36th Avenue	108212
Bystrom House	1022 Summit Avenue East	108214
Chelsea Apartments	620 West Olympic Place	107755
Cotterill House	2501 Westview Drive West	107751
Del a Mar Apartments	115 West Olympic Place	107752
Drake House	6414 22nd Avenue N.W.	111025
P.P. Ferry Mansion (St. Mark's Deanery)	1531 10th Avenue East	108213
Fisher/Howell House	2819 Franklin Avenue East	111885
Hainsworth/Gordon House and Grounds	2657 37th Avenue Southwest	109734
Handschy/Kistler House	2433 9th Avenue West	111024
Harvard Mansion	2706 Harvard Avenue East	116053
Ballard Howe House	22 West Highland Drive	108226
Samuel Hyde House	3726 East Madison Street	117097
Italianate Victorian Pair	208 and 210 13th Avenue South	108225
Kraus/Andersson House	2812 South Mount St. Helens Place	110492
Maryland Apartments	626 13th Avenue East	114995
McFee/Klockzien Residence	524 West Highland Drive	109318
James A. Moore Mansion and its site	811 14th Avenue East	116971
Nelson/Steinbrueck House	2622 Franklin Avenue East	111023
New Pacific Apartments	2600—04 1st Avenue	108517
Norvell House	3306 Northwest 71st Street	108210
Myron Ogden Residence	702 35th Avenue	107522

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Parker-Fersen House	1409 East Prospect Street	113423

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Parsons/Gerrard Residence 618 West Highland Drive 109317

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Ramsing House	540 Northeast 80th Avenue	113261

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Satterlee House	4866 Beach Drive Southwest	111022

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Stimson-Green House 1204 Minor Avenue 106068

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Ellsworth Storey Cottages Group	1706, 1710, 1710-½, 1800, 1804,

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Lake Washington Boulevard South, and

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1725 and 1729 — 36th Avenue South 108733

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Ellsworth Storey Houses	260, 270 Dorffel Drive East	106071

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Stuart/Balcom House and Gardens 619 West Comstock 111886

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Thompson/La Turner House	3119 South Day Street	107613

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23rd Avenue Rowhouse Group 812 — 828 23rd Avenue 108732

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Victorian Group	2000, 2006, 2010, 2014 and

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The Victorian Row Apartments	1236 38th South King Street	108224

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Ward House	1423 Boren Avenue	106067

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James W. Washington, Jr., Home

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and Studio 1816 26th Avenue 116052

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Admiral Theater	2343 California Avenue S.W.	116972

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Arctic Building 700 Third Avenue/306 Cherry Street 116969

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Barnes Building	2320 1st Avenue	107754

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Austin A. Bell Building 2320 — 2326 1st Avenue 107753

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Black Manufacturing Building	1130 Rainier Avenue South	113601

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Brooklyn Building 1222 Second Avenue 113088

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Coliseum Theater	5th Avenue and Pike Street	107526

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Colman Building 801 — 821 First Avenue 114993

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Decatur Building	1521 Sixth Avenue	112275

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Dexter Horton Building 710 Second Avenue 116970

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Eagles Temple Building	1416 Seventh Avenue	112272

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Eastern Hotel	506-½ — 510 Maynard Avenue South	107750

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84 Union Building

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(U.S. Immigration Building) 84 Union Street 113990

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Exchange Building	821 Second Avenue	115038

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Fir Lodge/Alki Homestead

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Restaurant	2717 61st Avenue S.W.	118235

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First Avenue Groups/

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Waterfront Center Project First Avenue, Spring Street, and

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Western Avenue 111058

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Flatiron Building (Triangle Hotel)	551 1st Avenue South	106141

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Administrative Building

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Band and Barracks

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Civil Employees' Quarters

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Guard House

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Post Exchange and Gymnasium Building

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Quartermaster's Stable

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Frederick & Nelson Building	500 Pine Street	118716

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Fremon+t Hotel 3421 — 3429 Fremont Avenue North 107993

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Georgetown Steam Plant	111884

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Good Shepherd Center	4647 Sunnyside North	111882
J. S. Graham Store/Doyle Building	119 Pine Street	113987
Guiry Hotel	2101 — 2105-½ First Avenue	113422
Hillcrest Apartment Building	1616 East Howell Street	109733
Hoge Building	705 Second Avenue	111889
Holyoke Building	107 Spring Street	107521
Langston Hughes Cultural Arts Center	104 17th Avenue South	110354
Hull Building	2401 — 05 1st Avenue	108518
Jolly Roger Roadhouse	8721 Lake City Way Northeast	108730
Lake Union Steam Plant and Hydro House and its site	1179 Eastlake Avenue East	117251
Leamington Hotel and Apartments	317 Marion Street	117398
Liggett Building	1424 Fourth Avenue	113426
Log House Museum	3003 61st Avenue S.W.	118237
Louisa Building	5220 20th Avenue Northwest	113424
Lyon Building	607 Third Avenue	118236
Mann Building	1411 Third Avenue	115037
Old Georgetown City Hall	6202 13th Avenue South	111302
Olympic Tower/United Shopping Tower	217 Pine Street	113425
Olympic Warehouse and Cold Storage Building	1203 — 1207 Western Avenue	113429
Pacific Medical Center/ U. S. Marine Hospital	1200 12th Avenue South	116055
Paramount Theater	901 Pine Street	117507
Puget Sound Bank (Bank of California)	815 Second Avenue	113602
Rainier Cold Storage and Ice/ Seattle Brewing and Malting Company Building and its site	6000 — 6004 Airport Way South	116973
Schillestad Building	2111 First Avenue	113460
Seattle Times Building	1120 John Street	118046
Shafer Building	515 Pine Street	113430
L. C. Smith Building (Smith Tower)	502 — 508 Second Avenue	113427
Times Square Building	414 Olive Way	111883
Troy Laundry Building	311 — 329 Fairview Avenue North (also known as 307 Fairview Avenue North)	118047
United States Assay Office/ German House	613 Ninth Avenue	111712
Wintonia Hotel	1431 Minor Avenue	118048
YMCA Central Branch (South Building)	909 Fourth Avenue	116056

III Churches	**Address**	**Ord. No.**
Beacon Hill First Baptist Church	1607 South Forest Street	110349
Bethany Presbyterian Church	1818 Queen Anne Avenue North	112801
Capitol Hill United Methodist Church	128 16th Avenue East	106144
Church of the Blessed Sacrament, Rectory and Grounds	5041 9th Avenue Northeast	
Epiphany Chapel	3719 East Denny Way	107756
Fauntleroy Community Church	9260 California Avenue Southwest	110348
First African Methodist Episcopal Church	1522 14th Avenue	111928

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First Church of Christ, Scientist	1519 East Denny Way	106145
First Covenant Church	1500 Bellevue Avenue	112425
Immaculate Conception Church	820 18th Avenue	106142
Immanuel Lutheran Church	1215 Thomas Street	
New Age Christian Church	1763 Northwest 62nd Street	110352
St. James Cathedral, Rectory and site	Ninth Avenue and Marion Streets	111579
St. Nicholas Cathedral	1714 13th Avenue	106098
St. Spiridon Cathedral	402 Yale North	106099
Seattle Buddhist Church	4277 South Main Street	106100
Seattle First Baptist Church	1121 Harvard Avenue	110351
Seattle Hebrew Academy	1617 Interlaken Drive East	108519
Temple de Hirsch Sinai; Old Sanctuary	15th Avenue and East Union Street	109731
Trinity Parish Episcopal Church	609 8th Avenue	106087
University Methodist Episcopal Church	4142 and 4138 Brooklyn Avenue Northeast	110350
University Presbyterian Church "Inn"	4555 16th Avenue Northeast	112089

IV Schools	**Address**	**Ord. No.**
Martha Washington School	6612 65th Avenue South	114074
Old Broadway High School	Block bounded by Broadway, East Pine Street, Harvard Avenue and East Olive Street	103459
Old Main Street School	307 6th Avenue	106147
Queen Anne High School	215 Galer Street	112274
St. Nicholas/Lakeside School	1501 10th Avenue East	111881
Summit School/Northwest School	1415 Summit Avenue	114994
West Queen Anne Elementary School	515 West Galer	106146

V Firehouses	**Address**	**Ord. No.**
Fire Station #2	2318 Fourth Avenue	113089
Old Firehouse #3	301 Terry Avenue	106051
Old Firehouse #18	5429 Russell Northwest	106052
Old Firehouse #23	722 18th Avenue	106050
Old Firehouse #25	1400 Harvard Avenue	106054
Old Firehouse #33	Rainier Beach	106053
Wallingford Fire and Police Station	1629 North 45th Street	111888

VI Bridges and Waterways	**Address**	**Ord. No.**
Arboretum Aqueduct	Lake Washington Boulevard	106070
Cowan Park Bridge	15th Avenue Northeast between Northeast 62nd Street and Cowan Park Northeast	110344
Fremont Bridge	Fremont Avenue North over Lake Washington Ship Canal	110347
Montlake Bridge and Montlake Cut	24th East and Montlake Boulevard	107995
Lacey V. Murrow Bridge, West Plaza, Mt. Baker Tunnels, and East Tunnel Portals (Mercer Island Floating Bridge)		108270
North Queen Anne Drive Bridge	North Queen Anne Drive over Wolf Creek Canyon	110343

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(Seattle 12-97)

Salmon Bay Burlington Northern Bridge, Bridge No. 4	Between West Commodore Way and Northwest 54th Street	109738
Schmitz Park Bridge	Admiral Way over Schmitz Park Ravine	110346
20th Avenue Northeast Bridge	20th Avenue Northeast and Northeast 62nd	106143
George Washington Memorial "Aurora" Bridge	Aurora Avenue North over Lake Washington Ship Canal	110345

VII Boats		**Ord. No.**
Duwamish Fireboat		113428
Arthur Foss Tug		106276
W.T. Preston Snagboat		106277
Relief Lightship		106275
San Mateo Steam Ferry		106273
Virginia V Excursion Boat		106278
Wawona Schooner		106274

VIII Miscellaneous	**Address**	**Ord. No.**
Brill Trolley #798		107621
Chinese Community Bulletin Board	511 7th Avenue South	106072
East Republican Street Stairway	Between Melrose Avenue East and Bellevue Avenue East	109320
Fort Lawton Landmark District		114011
Fremont Trolley Barn/Red Hook Ale Brewery	3400 Phinney Avenue North	116054
Hiawatha Playfield	2700 California Avenue Southwest	113090
Jensen Block	601 — 611 Eastlake Avenue East	118045
McGraw Square (McGraw Place)	Intersection of Fifth Avenue, Westlake Avenue and Stewart Street	112271
Parsons Memorial Gardens	7th Avenue West and West Highland Drive	109319
Rainier Club	810 Fourth Avenue	113459
Statue, "Seattle, Chief of Suquamish"	Intersection of Fifth Avenue, Denny Way and Cedar Street (Tillicum Place)	112273
West Queen Anne Walls		106069

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