

ORDINANCE No. 111874

COUNCIL BILL No. 104275

Law Department
WEP

The City of

AN ORDINANCE amending Sections 25.28.220 and 25.28.230.B of the Seattle Municipal Code (Sections 1.03 and 3.02 of Ordinance 107323) to reinstate and revise the geographic area for minimum maintenance of historic buildings in Pioneer Square which was inadvertently eliminated by the repeal of Sections 25.28.010-25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended) and to eliminate the Burlington Northern tunnel from the definition of the word "building".

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced:	MAY 14 1984	By:	Street
Referred:	MAY 14 1984	To:	Land Use
Referred:		To:	
Referred:		To:	
Reported:	SEP 4 1984	Second Reading:	SEP 4 1984
Third Reading:	SEP 4 1984	Signed:	SEP 4 1984
Presented to Mayor:	SEP 5 1984	Approved:	SEP 13 1984
Returned to City Clerk:		Published:	
Vetoed by Mayor:		Veto Published:	
Passed over Veto:		Veto Sustained:	

MAY 14 1984
SEP 4 1984
SEP 13 1984



Amendment

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

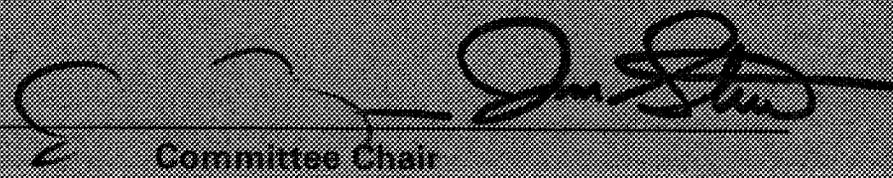
Land Use

was referred the within Council Bill No.

104275

we have considered the same and respectfully recommend that the same:

Do Pass



Committee Chair

EAE:fmg
4/17/84
iii-ord2.

ORDINANCE 111874

AN ORDINANCE amending Sections 25.28.220 and 25.28.230.B of the Seattle Municipal Code (Sections 1.03 and 3.02 of Ordinance 107323) to reinstate and revise the geographic area for minimum maintenance of historic buildings in Pioneer Square which was inadvertently eliminated by the repeal of Sections 25.28.010 - 25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended), and to eliminate the Burlington Northern tunnel from the definition of the word "building".

WHEREAS, Section 25.28.220 of the Seattle Municipal Code (Pioneer Square Minimum Maintenance Ordinance, Ordinance 107323, Section 1.03) refers to the geographic boundaries of the Pioneer Square Historic District established by Ordinance 98852, as amended; and

WHEREAS, Ordinance 110058 which consolidated the Pioneer Square Historical and Pioneer Square Special Review Districts repealed Sections 25.28.010 - 25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended); and

WHEREAS, the repeal of Sections 25.28.010 - 25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended), was not intended to affect buildings or structures located in the geographic area designated by Section 25.28.220 of the Seattle Municipal Code for minimum maintenance; and

WHEREAS, the Burlington Northern tunnel should not be subject to the minimum maintenance requirements; Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 25.28.220 of the Seattle Municipal Code (Section 1.03 of Ordinance 107323) is hereby amended to read as follows:

25.28.220 Scope.

The subchapter shall apply to the buildings or structures within the following geographic boundaries: (~~of the Pioneer Square Historic District established by Ordinance 98852, as amended.~~)

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

1 west line of Alaskan Way South; then northwest to the center
2 line of Columbia Street; then northeast to the east line of
3 the alley between First Avenue and Second Avenue; then south-
4 west to the center line of Cherry Street; then northeast to
5 the east line of the alley between Second Avenue and Third
6 Avenue; then southeast to the north line of James Street;
7 then northeast to the east line of Third Avenue; then
8 southeast to the north line of Jefferson Street; then
9 northeast to the east line of Fourth Avenue; then southeast to
10 the north line of Terrace Street; then northeast to the center
11 line of Fifth Avenue; then southeast and south to the south
12 line of Yesler Way; then west to a line midblock between
13 Fourth Avenue South and Fifth Avenue South; then south to the
14 south line of South Washington Street; then west to the center
15 line of Fourth Avenue South; then south to the north line of
16 South Jackson Street, then east to the center line of Fifth
17 Avenue South; then south to a line one hundred twenty feet
18 south of and parallel with the production east of the south
19 line of South King Street; then west to the production south
20 of the west line of Third Avenue South; then north to the
21 south side of South King Street, then west to the point of
22 beginning; all in Seattle, King County, Washington, and
23 illustrated on a map attached hereto as Exhibit "A."

24 Section 2. That Section 25.28.230B of the Seattle
25 Municipal Code (Section 3.02 of Ordinance 107323) is hereby
26 amended to read as follows:

27 25.28.230 Definitions.

28 * * *

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

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 4th day of September, 1984,
and signed by me in open session in authentication of its passage this 4th day of
September, 1984.

[Signature]
President of the City Council.

Approved by me this 13th day of September, 1984.

[Signature]
Mayor.

Filed by me this 13th day of September, 1984.

Attest: *[Signature]*
City Comptroller and City Clerk.

(SEAL)

Published

By *[Signature]*
Deputy Clerk.



Seattle City Council

Memorandum

Date: August 23, 1984
To: Land Use Committee
From: Frank Kirk
Subject: C.B. 104275

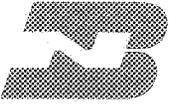
This legislation is a revised version of bills which were considered by the Land Use Committee in December 1983. It sets the geographic area for minimum maintenance of historic buildings in Pioneer Square. It would reinstate provisions which were inadvertently eliminated in the repeal of related sections of the Municipal Code in 1981.

The Committee deferred action in December 1983 to allow time to investigate potential impacts on the Burlington Northern tunnel. C.B. 104275 embodies changes which exclude the tunnel from the maintenance requirements. Its provisions have been reviewed and not objected to by DCLU, DCD's Office of Urban Conservation and Burlington Northern.

Recommendation

The requirement for minimum maintenance is an important tool for the preservation of historic structures. It should be restored to the code. Recommend do pass.

FK:gm



BURLINGTON NORTHERN RAILROAD

2100 First Interstate Center
999 Third Avenue
Seattle, Washington 98104

WILLIAM A. BRASHER (206) 467-3200
General Counsel - Seattle Region

CITY ATTORNEY
RECEIVED
APR 5 1984
RECEIVED
Assigned to _____

LAWRENCE D. SILVERNALE (206) 467-3210
Associate General Counsel
GEORGE C. INMAN, JR. (206) 467-3201
ROBERT C. WILLIAMS (206) 467-3202
Assistant General Counsel
MICHAEL HOLLAND (206) 467-3204
CHARLES D. BROWN (206) 467-3203
Attorneys

JACK J. LAMBRECHT (206) 467-3211
General Manager, Claims
GLENN E. McDONALD (206) 467-3212
Assistant General Manager, Claims

April 4, 1984

Ms. Elizabeth A. Edmonds
Law Department
The City of Seattle
Municipal Building
Seattle, Washington 98104

RE: Proposed Amendments to Chapter 25.28
of the Seattle Municipal Code

Dear Ms. Edmonds:

Refer to your letter of March 27, 1984, with which you forwarded a draft of an ordinance amending the Seattle historic preservation area for minimum maintenance. Burlington Northern has no objection to this draft ordinance.

Very truly yours,

Lawrence D. Silvernale
Lawrence D. Silvernale

LDS/mb,al

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

April 17, 1984

Jim Street
Chairman
Land Use Committee
The City of Seattle

Re: Proposed Amendments to Chapter 25.28
of the Seattle Municipal Code

Dear Sir:

On December 6, 1983, the Land Use Committee considered proposed amendments to Section 25.28.220 of the Seattle Municipal Code which were intended to reinstate and perhaps revise the geographic area for minimum maintenance of historic buildings in Pioneer Square. (C.B. 102740, C.B. 103066). During the Committee hearing it was stated that the proposed revision of the geographic area would create the same geographic area as already existed for the Pioneer Square Preservation District. However, it also was determined that the revision would include a portion of the Burlington Northern railroad tunnel. Accordingly, the undersigned Assistant was directed to contact Burlington Northern about the revision.

Subsequent investigations disclosed that a portion of the Burlington Northern railroad tunnel had been included in the geographic area, which had existed before it had been inadvertently repealed, and that Burlington Northern preferred to be excluded from the area. (See attached letters) The undersigned Assistant then conferred with Katy Chaney and Sandy Watson in the Department of Construction and Land Use and with Ann Alexander in the Department of Community Development who expressed no objection to the exclusion of the tunnel.

Based on the foregoing, the undersigned Assistant has prepared a revised proposed ordinance for your consideration. This proposal describes geographic boundaries which are the same as the boundaries for the Pioneer Square Preservation District (Section 1); however, it specifically

Jim Street
April 17, 1984
Page two

excludes the Burlington Northern railroad tunnel by defining the word "building" to include any structure other than the Burlington Northern railroad tunnel (Section 2).

Please contact the undersigned Assistant at 625-2288 if you have any questions regarding this matter and/or if you wish our office to provide further information at the Committee hearing.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By

Elizabeth A. Edmonds
ELIZABETH A. EDMONDS
Assistant

EAE:nd

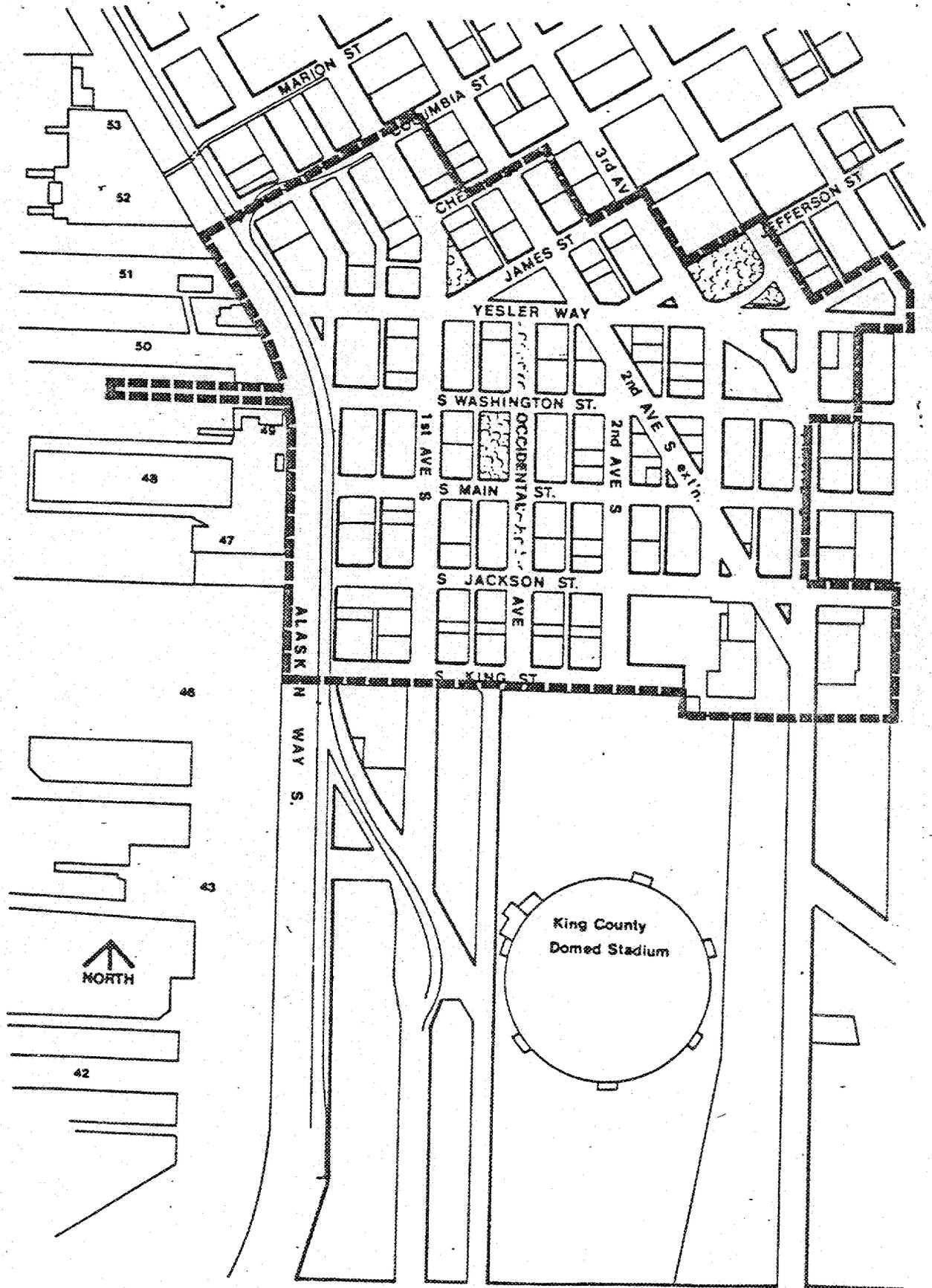


EXHIBIT "A"

January 20, 1984

Charles D. Brown
Law Department
Burlington Northern Railroad
2100 First Interstate Center
999 Third Avenue
Seattle, WA 98104

Re: Chapter 25.28 of the Seattle Municipal Code

Dear Mr. Brown:

In 1981, Seattle Ordinance 110058 was enacted to consolidate the Pioneer Square Historic and Pioneer Square Special Review Districts. As part of the consolidation, The City of Seattle repealed Section 25.28.030 of the Seattle Municipal Code. The repeal of this section inadvertently eliminated the description of the geographic area used for the Pioneer Square Minimum Maintenance Ordinance. (Sections 25.28.200-360 of the Seattle Municipal Code).

At the request of the Department of Community Development and the Department of Construction and Land Use, the Law Department prepared an amendment to reinstate and to insignificantly revise the geographic area for the Pioneer Square Minimum Maintenance Ordinance. The insignificant revision makes the geographic area the same for the historic core of the Pioneer Square Preservation District and the Pioneer Square Minimum Maintenance Ordinance.

It appears that the Burlington Northern tunnel may be included in the District, and that this revision would include a larger portion of the tunnel.

Paul Kraboel, Chair, Land Use Committee, Seattle City Council requested the undersigned Assistant to notify Burlington Northern Railroad of this ordinance and to obtain its comments before the Committee recommended any specific action on this bill. A copy of the proposed and previous geographic area has been enclosed for your consideration.

Charles D. Brown
January 20, 1984
Letter - Page Two

Please contact the undersigned Assistant at 625-2288 regarding the tunnel location and Burlington Northern's position on this matter.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By

ELIZABETH A. EDMONDS
Assistant

EAE:jrs

cc: Katy Chaney
Ann Alexander

IV:LETTERS.



BURLINGTON NORTHERN RAILROAD

2100 First Interstate Center
999 Third Avenue
Seattle, Washington 98104

WILLIAM A. BRASHER (206) 467-3200
General Counsel - Seattle Region

COPY OF WITHIN RECEIVED

FEB 1 1984

Douglas N. Jewett
CITY ATTORNEY

January 31, 1984

LAWRENCE D. SILVERNALE	(206) 467-3210
Associate General Counsel	
GEORGE C. INMAN, JR.	(206) 467-3201
ROBERT C. WILLIAMS	(206) 467-3202
Assistant General Counsel	
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Attorneys	

JACK J. LAMBRECHT	(206) 467-3211
General Manager, Claims	
GLENN E. McDONALD	(206) 467-3212
Assistant General Manager, Claims	

Ms. Elizabeth A. Edmonds
Assistant City Attorney
City of Seattle Municipal Building
Seattle, Washington 98104

RE: Chapter 25.28 Seattle Municipal Code

Dear Ms. Edmonds:

Your letter of January 20, 1984, was referred to me. As I understand it, you are asking our views on whether some expanded portion of Burlington Northern's Seattle tunnel may be included within the Pioneer Square Minimum Maintenance Ordinance. We very strongly oppose the addition of any Burlington Northern properties within this geographic area. We do not believe that the portions of the tunnel which are now sought to be included within this area have any significance to either the Historic Preservation District or the Minimum Maintenance Ordinance. We therefore request that the tunnel be exempted from coverage under the proposed ordinance.

I am available to discuss this matter with you at your convenience.

Very truly yours,


Lawrence D. Silvernale

LDS/mb,b1

March 27, 1984

Lawrence D. Silvernale
Associate General Counsel
Burlington Northern Railroad
2100 First Interstate Center
999 Third Avenue
Seattle, WA 98104

Re: Proposed amendments to Chapter 25.28 of the Seattle
Municipal Code

Dear Mr. Silvernale:

Enclosed please find a copy of the latest proposed amendment to Chapter 25.28 of the Seattle Municipal Code. This amendment provides the same geographic boundaries for the minimum maintenance ordinance as exist for the Pioneer Square Preservation District; however it explicitly excludes the Burlington Northern Railroad tunnel from the definition of building in order to exclude the tunnel from minimum maintenance requirements.

Please review this proposed ordinance and provide written approval of the exclusion. After I receive your approval, I will refer this matter to the Land Use Committee of the Seattle City Council for their consideration.

Thank you for your assistance.

Very truly yours,

DOUGLAS N. JEWETT
City Attorney

By
ELIZABETH A. EDMONDS
Assistant

EAE:mc

Enclosure

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

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

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

Ordinance No. 111874

was published on September 15, 1984

B. Blair
Subscribed and sworn to before me on
September 15, 1984

Therese Summers
Notary Public for the State of Washington,
residing in Seattle.

City of Seattle

ORDINANCE 110874

AN ORDINANCE amending Sections 25.28.220 and 25.28.230.B of the Seattle Municipal Code (Sections 1.03 and 3.02 of Ordinance 107323) to reinstate and revise the geographic area for minimum maintenance of historic buildings in Pioneer Square which was inadvertently eliminated by the repeal of Sections 25.28.010 - 25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended), and to eliminate the Burlington Northern tunnel from the definition of the word "building".

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WHEREAS, Ordinance 110058 which consolidated the Pioneer Square Historical and Pioneer Square Special Review Districts repealed Sections 25.28.010 - 25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended); and

WHEREAS, the repeal of Sections 25.28.010 - 25.28.150 of the Seattle Municipal Code (Ordinance 98852, as amended), was not intended to affect buildings or structures located in the geographic area designated by Section 25.28.220 of the Seattle Municipal Code for minimum maintenance; and

WHEREAS, the Burlington Northern tunnel should not be subject to the minimum maintenance requirements; Now Therefore,

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line of Fifth Avenue; then southeast and south to the south line of vesler Way; then west to a line midline 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 illustrated on a map attached hereto as Exhibit "A."

Section 2. That Section 25.28.230B of the Seattle Municipal Code (Section 3.02 of Ordinance 107323) is hereby amended to read as follows:

25.28.230 Definitions.

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

Section 3. This ordinance shall be effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council this 14th day of September, 1984,

and signed by me in open session in authentication of its passage this 14th day of September, 1984.

Approved by me this 13th day of September, 1984.

Filed by me this 13th day of September, 1984.

Attest: Tim Hill
City Comptroller and City Clerk.

By: Scott Delle
Deputy Clerk.

Publication ordered by TIM HILL, City Comptroller and City Clerk.
Date of official publication is Daily Journal of Commerce, Seattle, September 17, 1984.
(C-985)

TIME AND DATE STAMP

SPONSORSHIP

*Juan ~~Moncada~~
Moncada
2271*

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Liz Edmonds
2288*

[Signature]

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: Land Use

PRESIDENT'S SIGNATURE