

ORDINANCE No. 113426

COUNCIL BILL No. 106097

AN ORDINANCE relating to historic preservation, imposing controls upon the Liggett Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code (Ordinance 106348).

The City of

Honorable President:

Your Committee on \_\_\_\_\_

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

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>April 13, 1987</u>	By: <u>J. Street</u>
Referred: <u>April 13, 1987</u>	To: <u>LAND USE</u>
Referred:	To:
Referred:	To:
Reported: <u>MAY 11 1987</u>	Second Reading: <u>MAY 11 1987</u>
Third Reading: <u>MAY 11 1987</u>	Signed: <u>MAY 11 1987</u>
Presented to Mayor:	Approved: <u>MAY 18 1987</u>
Returned to City Clerk: <u>MAY 18 1987</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D ONE MAY 17 1987

*vote*  
*M-C*

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

President:

Committee on

Land Use

was referred the within Council Bill No.

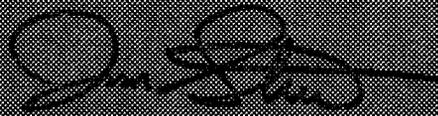
106 097

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

Pass

5/1/87

vote  
7-0



Committee Chair

#43

CB 106097

ORDINANCE 113426

1  
2 AN ORDINANCE relating to historic preservation, imposing  
3 controls upon the Liggett Building, a Landmark designated  
4 by the Landmarks Preservation Board under Chapter 25.12 of  
the Seattle Municipal Code (Ordinance 106348).

5 WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle  
6 Municipal Code (SMC), establishes a procedure for the  
7 designation and preservation of structures and areas having  
8 historical, cultural, architectural, engineering or  
9 geographic importance; and

10 WHEREAS, the Landmarks Preservation Board after a public  
11 hearing on December 4, 1985, voted to approve the nomina-  
12 tion of the Liggett Building at 1424 Fourth Avenue in  
13 Seattle as a Landmark under SMC Chapter 25.12; and

14 WHEREAS, after a public hearing on February 6, 1986, the Board  
15 voted to approve the designation of the Liggett Building as  
16 a Landmark under SMC Chapter 25.12; and

17 WHEREAS, on October 8, 1986, the Board and the owners of the  
18 designated property agreed to controls and incentives; and

19 WHEREAS, the Board recommends to the City Council approval of  
20 controls and incentives; Now, Therefore,

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

22 Section 1. That the designation by the Landmarks Preser-  
23 vation Board of the Liggett Building more particularly  
24 described as:

25 Lot 1, Block 20, A.A. Denny's Third  
26 Addition to the Plat of Seattle,

27 as a Landmark based upon satisfaction of the following criteria  
28 of SMC Section 25.12.350:

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

is hereby acknowledged.

Section 2. The following controls upon alteration of the  
landmark are hereby imposed:

A Certificate of Approval, issued by the City of  
Seattle's Landmarks Preservation Board pursuant to City  
Ordinance 106348, 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 the  
specified features that follow, to the extent that control

1 of these features is authorized by Ordinance 106348, and  
2 the specific provisions of this document: the north, west,  
3 and east exterior walls above the watertable; the roof; the  
4 main entry; the vestibule and first floor lobby, exclusive  
5 of the interior of the office opening onto the lobby.

6 The storefronts on the Liggett Building have been  
7 modified, and need not be restored to their original state.  
8 Alterations to existing storefronts shall incorporate a new  
9 design that is compatible with the size, scale, material,  
10 and color of the historic building. Such new design should  
11 generally be flush with the facade. The treatment of  
12 secondary design elements, such as awnings, canopies,  
13 signs, or other decorative or functional features, should  
14 be kept as simple as possible. For example, new signs  
15 should fit flush with the existing features of the facade,  
16 such as fascia board or cornice.

17 All new storefronts shall be at least 60% transparent,  
18 unless it can be demonstrated that this requirement inter-  
19 feres with functional or security needs of the tenant.  
20 Only clear or lightly tinted glass will qualify as  
21 transparent material.

22 The Landmarks Preservation Board and owner will adopt  
23 as part of this agreement a storefront design system that  
24 satisfies the criteria of this agreement and the Secretary  
25 of the Interior's Standards, adopted by the Landmarks  
26 Board. The system will incorporate a storefront design  
27 system for proposed storefronts, and will be part of this  
28 agreement. The agreement is on file in the Office of Urban  
Conservation.

Conceptual approval is granted for changes to the roof  
of the building. These changes shall not be visible to a  
pedestrian at street level from the following locations:

(i) from the entry of the 1411 Fourth Avenue Building  
north along the west side of Fourth Avenue to the  
northeast corner of Century Square and

(ii) directly across from the building on Pike Street.

Any changes which would be visible from either of the  
foregoing locations may be made only if the Landmarks Pre-  
servation Board has granted a Certificate of Approval for  
such change(s).

Material changes may not be made to the window ope-  
nings and terra cotta finials on the east elevation without  
further approval from the Board or its staff. Addition or  
elimination of ducts, conduit, or other similar or utility  
type elements on the east elevation and changes to the  
loading dock to satisfy Article 93 requirements may be made  
without further approval by the City Historic Preservation  
Officer. Display window(s) at street level on the east  
elevation may be added if in accordance with the storefront  
design system incorporated herein. Changes from the  
approved design system must be approved by the Landmarks  
Preservation Board.

1 Administrative Review of Storefront Changes

2 The owner shall submit to the City Historic Preser-  
3 vation Officer (CHPO) any changes from the approved  
4 storefront design system, and a written request for review  
5 and approval of the proposed change. The CHPO shall review  
6 the proposed change, and approve said change if it meets  
7 the standards for storefronts incorporated and referenced  
8 in this agreement. The CHPO shall disapprove any proposed  
9 change, which, in the Officer's opinion, fails to meet the  
10 standards, and shall provide the owner with a written  
11 explanation of her or his findings.

12 The CHPO shall complete her or his review, and notify  
13 the owner of the results of the review no later than the  
14 fourteenth day following the date of application. Failure  
15 of the CHPO to approve or disapprove the request within  
16 that period shall constitute approval of the request.

17 If the CHPO disapproves a request for approval, the  
18 owner may submit revised material to the CHPO, or submit  
19 the request to the Board for review under the standards  
20 approved or referenced herein. Board action shall follow  
21 in accordance with the Certificate of Approval procedure  
22 contained in Ordinance 106348.

23 Any in-kind maintenance and repair of the above features  
24 and characteristics shall be excluded from the Certificate of  
25 Approval requirement.

26 Section 3. The following incentives are hereby noted as  
27 potentially available to the owner on an application basis:

28 1) SMC Section 24.74.020 entitled Special Excep-  
tions, and SMC Sections 23.44.26 and 23.45.124, Administra-  
tive Conditional Uses, authorize, under certain  
circumstances, uses in a designated Landmark that are not  
otherwise permitted in the zone the Landmark is located.

2) Building and Energy Code exceptions on an appli-  
cation basis.

3) The benefits available to Seattle landmarks pur-  
suant to RCW Chapter 84.26, Special Valuation of Historic  
Property.

Section 4. Enforcement of this Ordinance and penalties for  
its violation shall be as provided in Section 25.12.910 of the  
Seattle Municipal Code.

Section 5. The City Clerk is hereby directed to record  
this Ordinance with the King County Director of Records and  
Elections, deliver two copies to the City Historic Preservation  
Officer, 400 Yesler Building, and deliver one copy to the  
Director of the Department of Construction and Land Use.

(To be used for all Ordinances except Emergency.)

Section...6.. 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 11<sup>th</sup> day of May, 1987 and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of May, 1987.

*[Signature]*  
President..... of the City Council.

Approved by me this 18<sup>th</sup> day of May, 1987.  
*[Signature]*  
Mayor.

Filed by me this 18<sup>th</sup> day of May, 1987.

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

(SEAL)

Published.....

By *[Signature]*  
Deputy Clerk.

PUBLISH  DO NOT PUBLISH

CITY ATTORNEY \_\_\_\_\_

RECEIVED THIS DAY

#43

CB 106097

MAY 29 3 20 PM '87

BY THE CLERK OF  
RECORDS & COMMUNICATIONS  
KING COUNTY

ORDINANCE 113426

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AN ORDINANCE relating to historic preservation, imposing controls upon the Liggett Building, a Landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code (Ordinance 106348).

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

WHEREAS, the Landmarks Preservation Board after a public hearing on December 4, 1985, voted to approve the nomination of the Liggett Building at 1424 Fourth Avenue in Seattle as a Landmark under SMC Chapter 25.12; and

WHEREAS, after a public hearing on February 6, 1986, the Board voted to approve the designation of the Liggett Building as a Landmark under SMC Chapter 25.12; and

WHEREAS, on October 8, 1986, the Board and the owners of the designated property agreed to controls and incentives; and

WHEREAS, the Board recommends to the City Council approval of controls and incentives; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the designation by the Landmarks Preservation Board of the Liggett Building more particularly described as:

Lot 1, Block 20, A.A. Denny's Third Addition to the Plat of Seattle,

as a Landmark based upon satisfaction of the following criteria of SMC Section 25.12.350:

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

is hereby acknowledged.

Section 2. The following controls upon alteration of the landmark are hereby imposed:

A Certificate of Approval, issued by the City of Seattle's Landmarks Preservation Board pursuant to City Ordinance 106348, 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 the specified features that follow, to the extent that control

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CASHSL \*\*\*\*\*0.00

1 of these features is authorized by Ordinance 106348, and  
2 the specific provisions of this document: the north, west,  
3 and east exterior walls above the watertable; the roof; the  
main entry; the vestibule and first floor lobby, exclusive  
of the interior of the office opening onto the lobby.

4 The storefronts on the Liggett Building have been  
5 modified, and need not be restored to their original state.  
6 Alterations to existing storefronts shall incorporate a new  
7 design that is compatible with the size, scale, material,  
8 and color of the historic building. Such new design should  
generally be flush with the facade. The treatment of  
secondary design elements, such as awnings, canopies,  
signs, or other decorative or functional features, should  
be kept as simple as possible. For example, new signs  
should fit flush with the existing features of the facade,  
such as fascia board or cornice.

9 All new storefronts shall be at least 60% transparent,  
10 unless it can be demonstrated that this requirement inter-  
11 feres with functional or security needs of the tenant.  
Only clear or lightly tinted glass will qualify as  
transparent material.

12 The Landmarks Preservation Board and owner will adopt  
13 as part of this agreement a storefront design system that  
14 satisfies the criteria of this agreement and the Secretary  
15 of the Interior's Standards, adopted by the Landmarks  
Board. The system will incorporate a storefront design  
system for proposed storefronts, and will be part of this  
agreement. The agreement is on file in the Office of Urban  
Conservation.

16 Conceptual approval is granted for changes to the roof  
17 of the building. These changes shall not be visible to a  
pedestrian at street level from the following locations:

- 18 (i) from the entry of the 1411 Fourth Avenue Building  
19 north along the west side of Fourth Avenue to the  
northeast corner of Century Square and  
20 (ii) directly across from the building on Pike Street.

21 Any changes which would be visible from either of the  
22 foregoing locations may be made only if the Landmarks Pre-  
servation Board has granted a Certificate of Approval for  
such change(s).

23 Material changes may not be made to the window ope-  
24 nings and terra cotta finials on the east elevation without  
25 further approval from the Board or its staff. Addition or  
26 elimination of ducts, conduit, or other similar or utility  
27 type elements on the east elevation and changes to the  
loading dock to satisfy Article 93 requirements may be made  
without further approval by the City Historic Preservation  
Officer. Display window(s) at street level on the east  
elevation may be added if in accordance with the storefront  
design system incorporated herein. Changes from the  
approved design system must be approved by the Landmarks  
Preservation Board.

1 Administrative Review of Storefront Changes

2 The owner shall submit to the City Historic Preser-  
3 vation Officer (CHPO) any changes from the approved  
4 storefront design system, and a written request for review  
5 and approval of the proposed change. The CHPO shall review  
6 the proposed change, and approve said change if it meets  
7 the standards for storefronts incorporated and referenced  
8 in this agreement. The CHPO shall disapprove any proposed  
9 change, which, in the Officer's opinion, fails to meet the  
10 standards, and shall provide the owner with a written  
11 explanation of her or his findings.

12 The CHPO shall complete her or his review, and notify  
13 the owner of the results of the review no later than the  
14 fourteenth day following the date of application. Failure  
15 of the CHPO to approve or disapprove the request within  
16 that period shall constitute approval of the request.

17 If the CHPO disapproves a request for approval, the  
18 owner may submit revised material to the CHPO, or submit  
19 the request to the Board for review under the standards  
20 approved or referenced herein. Board action shall follow  
21 in accordance with the Certificate of Approval procedure  
22 contained in Ordinance 106348.

23 Any in-kind maintenance and repair of the above features  
24 and characteristics shall be excluded from the Certificate of  
25 Approval requirement.

26 Section 3. The following incentives are hereby noted as  
27 potentially available to the owner on an application basis:

28 1) SMC Section 24.74.020 entitled Special Excep-  
tions, and SMC Sections 23.44.26 and 23.45.124, Administra-  
tive Conditional Uses, authorize, under certain  
circumstances, uses in a designated Landmark that are not  
otherwise permitted in the zone the Landmark is located.

2) Building and Energy Code exceptions on an appli-  
cation basis.

3) The benefits available to Seattle landmarks pur-  
suant to RCW Chapter 84.26, Special Valuation of Historic  
Property.

Section 4. Enforcement of this Ordinance and penalties for  
its violation shall be as provided in Section 25.12.910 of the  
Seattle Municipal Code.

Section 5. The City Clerk is hereby directed to record  
this Ordinance with the King County Director of Records and  
Elections, deliver two copies to the City Historic Preservation  
Officer, 400 Yesler Building, and deliver one copy to the  
Director of the Department of Construction and Land Use.

(To be used for all Ordinances except Emergency.)

STATE OF WASHINGTON )  
COUNTY OF KING ) SS  
CITY OF SEATTLE )

I, NORWARD J. BROOKS, Comptroller and City Clerk of the City of Seattle, do hereby certify that the within and foregoing is a true and correct copy of the original instrument as the same appears on file, and of record in this department.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of The City of Seattle, this **MAY 18 1987**

NORWARD J. BROOKS  
Comptroller and City Clerk

By: Theresa Dunbar  
Deputy Clerk

8705291423

Section...6.. 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 11<sup>th</sup> day of May, 1987  
and signed by me in open session in authentication of its passage this 11<sup>th</sup> day of  
May, 1987.

[Signature]  
President of the City Council.

Approved by me this 18<sup>th</sup> day of May, 1987.

[Signature]  
Mayor.

Filed by me this 18<sup>th</sup> day of May, 1987.

Norward J. Brooks  
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By: Theresa Dunbar  
Deputy Clerk.

PUBLISH  DO NOT PUBLISH

CITY ATTORNEY \_\_\_\_\_

ORDINANCE relating to historic preservation, imposing controls upon the Liggett Building, a Landmark Designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code (Ordinance 106348).

AS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of structures and areas having historical, cultural, architectural, engineering or geographic importance; and

WHEREAS, the Landmarks Preservation Board after a public hearing on December 4, 1985, voted to approve the nomination of the Liggett Building at 1414 Fourth Avenue in Seattle as a Landmark under SMC Chapter 25.12; and

WHEREAS, after a public hearing on February 6, 1986, the Board voted to approve the designation of the Liggett Building as a Landmark under SMC Chapter 25.12; and

WHEREAS, on October 2, 1986, the Board and the owners of the designated property agreed to controls and incentives; and

WHEREAS, the Board recommends to the City Council approval of the controls and incentives; Now, Therefore,

BE IT ENACTED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1.

That the City Council hereby approves the designation of the Liggett Building as a Landmark based upon satisfaction of the following criteria of SMC Section 25.12.350:

1. The Liggett Building, 1414 Fourth Avenue, Addition to the Plat of Seattle,

is hereby acknowledged.

Section 2. The following controls upon alteration of the landmark are hereby imposed:

A Certificate of Approval, issued by the City of Seattle's Landmarks Preservation Board pursuant to City Ordinance 106348, 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 the specified features that follow, to the extent that control of these features is authorized by Ordinance 106348, and the specific provisions of this document: the north, west, and east exterior walls above the water table; the roof; the main entry; the vestibule and first floor lobby, exclusive of the interior of the office opening onto the lobby.

The storefronts on the Liggett Building have been modified, and need not be restored to their original state. Alterations to existing storefronts shall incorporate a new design that is compatible with the size, scale, material, and color of the historic building. Such new design should generally be flush with the facade. The treatment of secondary design elements, such as awnings, canopies, signs, or other decorative or functional features, should be kept as simple as possible. For example, new signs should fit flush with the existing features of the facade, such as fascia board or cornice.

All new storefronts shall be at least 60% transparent, unless it can be demonstrated that this requirement interferes with functional or security needs of the tenant. Only clear or lightly tinted glass will qualify as transparent material.

The Landmarks Preservation Board and owner will adopt as part of this agreement a storefront design system that satisfies the criteria of this agreement and the Secretary of the Interior's Standards, adopted by the Landmarks Board. The system will incorporate a storefront design system for proposed storefronts, and will be part of this agreement. The agreement is on file in the Office of Urban Conservation.

Conceptual approval is granted for changes to the roof of the building. These changes shall not be visible to a pedestrian at street level from the following locations:

(i) from the entry of the 1411 Fourth Avenue Building north along the west side of Fourth Avenue to the northeast corner of Century Square and

(ii) directly across from the building on Pike Street.

Any changes which would be visible from either of the foregoing locations may be made only if the Landmarks Preservation Board has granted a Certificate of Approval for such change(s).

Material changes may not be made to the window openings and terra cotta finials on the east elevation without further approval from the Board or its staff. Addition or elimination of ducts, conduit, or other similar or utility type elements on the east elevation and changes to the loading dock to satisfy Article 23 requirements may be made without further approval by the City Historic Preservation Officer. Display window(s) at street level on the east elevation may be added if in accordance with the storefront design system incorporated herein. Changes from the approved design system must be approved by the Landmarks Preservation Board.

Administrative Review of Storefront Changes

The owner shall submit to the City Historic Preservation Officer (CHPO) any changes from the approved storefront design system, and a written request for review and approval of the proposed change. The CHPO shall review the proposed change, and approve said change if it meets the standards for storefronts incorporated and referenced in this agreement. The CHPO shall disapprove any proposed change, which, in the Officer's opinion, fails to meet the standards, and shall provide the owner with a written explanation of her or his findings.

The CHPO shall complete her or his review, and notify the owner of the results of the review no later than the fourteenth day following the date of application. Failure of the CHPO to approve or disapprove the request within that period shall constitute approval of the request.

If the CHPO disapproves a request for approval, the owner may submit revised material to the CHPO, or submit the request to the Board for review under the standards approved or referenced herein. Board action shall follow in accordance with the Certificate of Approval procedure contained in Ordinance 106348.

Any in-kind maintenance and repair of the above features and characteristics shall be excluded from the Certificate of Approval requirement.

Section 3. The following incentives are hereby noted as potentially available to the owner on an application basis:

1) SMC Section 24.74.020 entitled Special Exceptions, and SMC Sections 23.44.26 and 23.45.124, Administrative Conditional Uses, authorize, under certain circumstances, uses in a designated Landmark that are not otherwise permitted in the zone the Landmark is located.

2) Building and Energy Code exceptions on an application basis.

3) The benefits available to Seattle landmarks pursuant to RCW Chapter 84.26, Special Valuation of Historic Property.

Section 4. Enforcement of this Ordinance and penalties for its violation shall be as provided in Section 25.12.910 of the Seattle Municipal Code.

Section 5. The City Clerk is hereby directed to record this Ordinance with the King County Director of Records and Elections, deliver two copies to the City Historic Preservation Officer, 400 Yesler Building, and deliver one copy to the Director of the Department of Construction and Land Use.

Section 6. 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 11th day of May, 1987, and signed by me in open session in authentication of its passage this 11th day of May, 1987.

SAM SMITH,  
President of the City Council

Approved by me this 18th day of May, 1987.

SAM SMITH,  
Acting Mayor.

Filed by me this 18th day of May, 1987.

Attest: NORWARD J. BROOKS,  
City Comptroller and City Clerk

(Seal) By THERESA DUNBAR,  
Deputy Clerk

Published under the authority of NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, May 23, 1987.

C-854X

of Sec / **avit 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 .....  
Notice of Ordinance No. 113426

.....  
was published on .....  
May 21, 1987

.....  
*R. Spivey*

Subscribed and sworn to before me on  
May 21, 1987

.....  
*Yvonne Summers*

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