

WESTERN AVENUE BUILDING  
 Ordinance No. 122995

Council Bill No. 116492

AN ORDINANCE relating to historic preservation, imposing no controls upon the 2315 Western Avenue Building, a landmark designated by the Landmarks Preservation Board (Board), under Chapter 25.12 of the Seattle Municipal Code (SMC).

Related Legislation File:

Date Introduced and Referred: <u>4-6-09</u>	To: (committee): Planning, Land Use & Neighborhoods (PLUNC)
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6-1-09</u>	Date Presented to Mayor: <u>6-2-09</u>
Date Signed by Mayor: <u>6-4-09</u>	Date Returned to City Clerk: <u>6-8-09</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/> <u>4p</u>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Samy's Council

Committee Action:

Date	Recommendation	Vote
<u>5/27/09</u>	<u>ADOPT</u>	<u>2-0 SCTR</u>

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

Full Council Action:

Date	Decision	Vote
<u>6-1-09</u>	<u>Passed</u>	<u>8-0 (Excused: McIver)</u>

*Law Department*

ORDINANCE 122995

1  
2  
3  
4 AN ORDINANCE relating to historic preservation, imposing no controls upon the 2315 Western  
5 Avenue Building, a landmark designated by the Landmarks Preservation Board (Board),  
under Chapter 25.12 of the Seattle Municipal Code (SMC).

6 WHEREAS, the Landmarks Ordinance, Chapter 25.12 SMC, establishes a procedure for  
7 designating and preserving sites, improvements, and objects having historical, cultural,  
8 architectural, engineering, or geographic significance; and

9 WHEREAS, on December 5, 2007, the Board, after a public meeting, approved the nomination  
10 of the exterior of the building at 2315 Western Avenue (the Building), for designation as  
a landmark under Chapter 25.12 SMC; and

11 WHEREAS, on January 16, 2008, the Board, after a public meeting, approved the designation of  
12 the exterior of the Building as a landmark based on SMC 25.12.350 D; and

13 WHEREAS, the Board and the owner of the Building, Sunrise Investment Company (Sunrise),  
14 agreed to negotiate controls and incentives under Chapter 25.12 SMC; and

15 WHEREAS, on September 10, 2008, the City's Historic Preservation Officer declared an  
16 impasse to the controls and incentives negotiation under SMC 25.12.500; and

17 WHEREAS, on September 17, 2008, the Board passed recommended controls and incentives  
18 requiring Sunrise to obtain a Certificate of Approval under Chapter 25.12 SMC before  
making any alteration or significant change to the exterior of the Building; and

19 WHEREAS, on October 2, 2008, Sunrise timely filed a Statement of Objections to the Board's  
20 recommended controls and incentives with the Hearing Examiner (Examiner), under  
SMC 25.12.535; and

21 WHEREAS, on December 2 and 3, 2008, the Examiner held a public hearing on imposing  
22 controls and incentives; and

23 WHEREAS, on December 16, 2008, the Examiner concluded that imposing controls would  
24 prevent Sunrise from realizing a reasonable return on the Building under SMC 25.12.570  
25 and recommended the City Council not impose controls on the Building; and  
26  
27  
28



1 WHEREAS, no appeals of the Examiner's decision were filed with the City Clerk as allowed by  
SMC 25.12.620.

2 NOW, THEREFORE,

3  
4 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

5 Section 1. Designation. As provided for in SMC 25.12.660, the City Council  
6 acknowledges the Board's designation of the 2315 Western Avenue Building as a City of Seattle  
7 landmark. As provided below, however, the Building is not subject to landmark controls.

8 A. Legal Description. As provided for in SMC 25.12.660 A.1., the legal description of  
9 the property is: Lot 10, Block 29, a Plat of the First Addition to that part of the town of Seattle  
10 laid off by Wm. N. Bell and A. A. Denny (commonly known as Bell & Denny's 1st Addition to  
11 the City of Seattle), according to the Plat recorded in Volume 1 of the Plats, Page 61, in King  
12 County, Washington.

13 B. Specific Features and/or Characteristics Designated. As provided for in SMC  
14 25.12.660 A.2., the exterior of the building is the specific feature or characteristic that the Board  
15 designated.

16 C. Standards for Designation. As provided for in SMC 25.12.660 A.3., the Board  
17 designated the exterior of the building because the building embodies the distinctive visible  
18 characteristics of an architectural style, or period, or a method of construction.

19 Section 2. Controls. The City Council adopts the Examiner's recommendation that there  
20 be no controls imposed on the Building, thereby allowing demolition or modification of the  
21 Building.



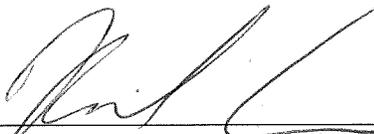
1 Section 3. Termination. As provided for in SMC 25.12.850, by this action, all  
2 proceedings under SMC 25.12 are terminated and no new proceeding with respect to the  
3 Building may be commenced within five years of the date of this ordinance without written  
4 agreement of the owner.

5 Section 4. The City Clerk is directed to record a certified copy of this ordinance with the  
6 King County Director of Records and Elections and deliver: two certified copies of the  
7 ordinance to the City Historic Preservation Officer, one certified copy to the Director of the  
8 Department of Planning and Development, and one certified copy to the building owner, Sunrise  
9 Investment Company.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

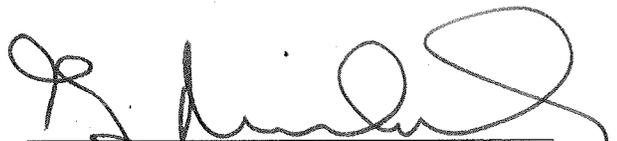


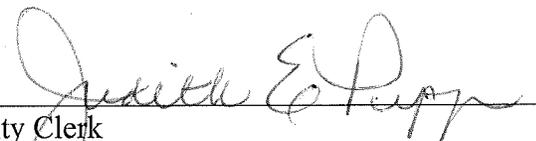
1 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 12<sup>th</sup> day of June, 2009, and  
5 signed by me in open session in authentication of its passage this  
6 12<sup>th</sup> day of June, 2009.

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

11 Approved by me this 4<sup>th</sup> day of June, 2009.

14  
15  
16   
Gregory J. Nickels, Mayor  
17  
18 Filed by me this 8<sup>th</sup> day of June, 2009.

19  
20   
City Clerk

21 (Seal)



**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



**20090615001438**

SEATTLE CITY C ORD  
PAGE 001 OF 005  
06/15/2009 14:21  
KING COUNTY, WA

46.00

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

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

- 1. Ordinance No. 122995
- 2.

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

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

**Grantor(s)**

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

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

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

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

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

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

# \_\_\_\_\_

- Assessor Tax # not yet assigned.

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

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

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

ORDINANCE 122995

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

AN ORDINANCE relating to historic preservation, imposing no controls upon the 2315 Western Avenue Building, a landmark designated by the Landmarks Preservation Board (Board), under Chapter 25.12 of the Seattle Municipal Code (SMC).

WHEREAS, the Landmarks Ordinance, Chapter 25.12 SMC, establishes a procedure for designating and preserving sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, on December 5, 2007, the Board, after a public meeting, approved the nomination of the exterior of the building at 2315 Western Avenue (the Building), for designation as a landmark under Chapter 25.12 SMC; and

WHEREAS, on January 16, 2008, the Board, after a public meeting, approved the designation of the exterior of the Building as a landmark based on SMC 25.12.350 D; and

WHEREAS, the Board and the owner of the Building, Sunrise Investment Company (Sunrise), agreed to negotiate controls and incentives under Chapter 25.12 SMC; and

WHEREAS, on September 10, 2008, the City's Historic Preservation Officer declared an impasse to the controls and incentives negotiation under SMC 25.12.500; and

WHEREAS, on September 17, 2008, the Board passed recommended controls and incentives requiring Sunrise to obtain a Certificate of Approval under Chapter 25.12 SMC before making any alteration or significant change to the exterior of the Building; and

WHEREAS, on October 2, 2008, Sunrise timely filed a Statement of Objections to the Board's recommended controls and incentives with the Hearing Examiner (Examiner), under SMC 25.12.535; and

WHEREAS, on December 2 and 3, 2008, the Examiner held a public hearing on imposing controls and incentives; and

WHEREAS, on December 16, 2008, the Examiner concluded that imposing controls would prevent Sunrise from realizing a reasonable return on the Building under SMC 25.12.570 and recommended the City Council not impose controls on the Building; and



Sarah Sodt/jom  
DON, 2315 Western Avenue Landmark Designation, ORD  
February 9, 2009  
Version #1

1 WHEREAS, no appeals of the Examiner's decision were filed with the City Clerk as allowed by  
SMC 25.12.620.

2 NOW, THEREFORE,

3  
4 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

5 Section 1. Designation. As provided for in SMC 25.12.660, the City Council  
6 acknowledges the Board's designation of the 2315 Western Avenue Building as a City of Seattle  
7 landmark. As provided below, however, the Building is not subject to landmark controls.

8 A. Legal Description. As provided for in SMC 25.12.660 A.1., the legal description of  
9 the property is: Lot 10, Block 29, a Plat of the First Addition to that part of the town of Seattle  
10 laid off by Wm. N. Bell and A. A. Denny (commonly known as Bell & Denny's 1st Addition to  
11 the City of Seattle), according to the Plat recorded in Volume 1 of the Plats, Page 61, in King  
12 County, Washington.

13 B. Specific Features and/or Characteristics Designated. As provided for in SMC  
14 25.12.660 A.2., the exterior of the building is the specific feature or characteristic that the Board  
15 designated.

16 C. Standards for Designation. As provided for in SMC 25.12.660 A.3., the Board  
17 designated the exterior of the building because the building embodies the distinctive visible  
18 characteristics of an architectural style, or period, or a method of construction.

19 Section 2. Controls. The City Council adopts the Examiner's recommendation that there  
20 be no controls imposed on the Building, thereby allowing demolition or modification of the  
21 Building.



Sarah Sodt/jom  
DON, 2315 Western Avenue Landmark Designation, ORD  
February 9, 2009  
Version #1

1           Section 3. Termination. As provided for in SMC 25.12.850, by this action, all  
2 proceedings under SMC 25.12 are terminated and no new proceeding with respect to the  
3 Building may be commenced within five years of the date of this ordinance without written  
4 agreement of the owner.

5           Section 4. The City Clerk is directed to record a certified copy of this ordinance with the  
6 King County Director of Records and Elections and deliver: two certified copies of the  
7 ordinance to the City Historic Preservation Officer, one certified copy to the Director of the  
8 Department of Planning and Development, and one certified copy to the building owner, Sunrise  
9 Investment Company.  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



Sarah Sodt/Jom  
DON, 2315 Western Avenue Landmark Designation, ORD  
February 9, 2009  
Version #1

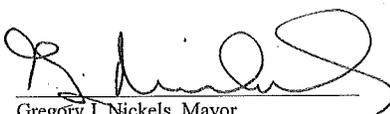
1 Section 5. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 12<sup>th</sup> day of June, 2009, and  
5 signed by me in open session in authentication of its passage this

6 15<sup>th</sup> day of June, 2009.

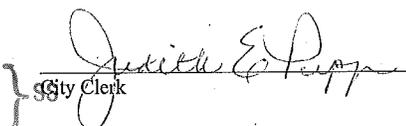
7  
8  
9  
10   
11 President of the City Council

12 Approved by me this 4<sup>th</sup> day of June, 2009.

13  
14  
15   
16 Gregory J. Nickels, Mayor

17 Filed by me this 8<sup>th</sup> day of June, 2009.

18  
19  
20  
21 (Seal) STATE OF WASHINGTON  
22 COUNTY OF KING  
23 CITY OF SEATTLE

24 }   
25 City Clerk

26 I, JUDITH E. PIPPIN, CITY CLERK OF THE CITY OF SEATTLE DO HEREBY  
27 CERTIFY THAT THE WITHIN AND FOREGOING IS A TRUE AND CORRECT  
28 COPY OF Ordinance 122995

AS THE SAME APPEARS ON FILE AND OF RECORD IN THIS DEPARTMENT

Form Last Revised on December 31, 2007

4

IN WITNESS WHEREOF I HAVE HERETOFORE SET MY HAND AND AFFIXED  
THE SEAL OF THE CITY OF SEATTLE, THIS 15<sup>th</sup> day of June, 2009

JUDITH E. PIPPIN  
CITY CLERK

BY Emilia M. Sanchez  
DEPUTY CLERK



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

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

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing no controls upon the 2315 Western Avenue Building, a landmark designated by the Landmarks Preservation Board (Board), under Chapter 25.12 of the Seattle Municipal Code (SMC).

• **Summary of the Legislation:**

The attached legislation acknowledges the designation of the 2315 Western Avenue Building as an historic landmark based upon a determination by the Landmarks Preservation Board but imposes no controls upon the Building. The legislation does not have a financial impact.

• **Background:**

The Board and the owner of the building, Sunrise Investment Company, agreed to negotiate controls and incentives, however, on September 10, 2008, the City's Historic Preservation Officer declared an impasse to the controls and incentives negotiation under SMC 25.12.500. On September 17, 2008, the Board passed a recommended Controls and Incentives Agreement requiring Sunrise to obtain a Certificate of Approval under Chapter 25.12 SMC before making any alteration or significant change to the exterior of the building. Sunrise subsequently filed an appeal with the Hearing Examiner, who held a hearing on December 2 and 3, 2008 and concluded that imposing controls would prevent Sunrise from realizing a reasonable return on the building under SMC 25.12.570. The Hearing Examiner then recommended that the City Council not impose controls on the building. No subsequent appeals were filed. The attached legislation designates the 2315 Western Avenue Building as an historic landmark based upon a determination by the Landmarks Preservation Board but imposes no controls upon the Building.

• *Please check one of the following:*

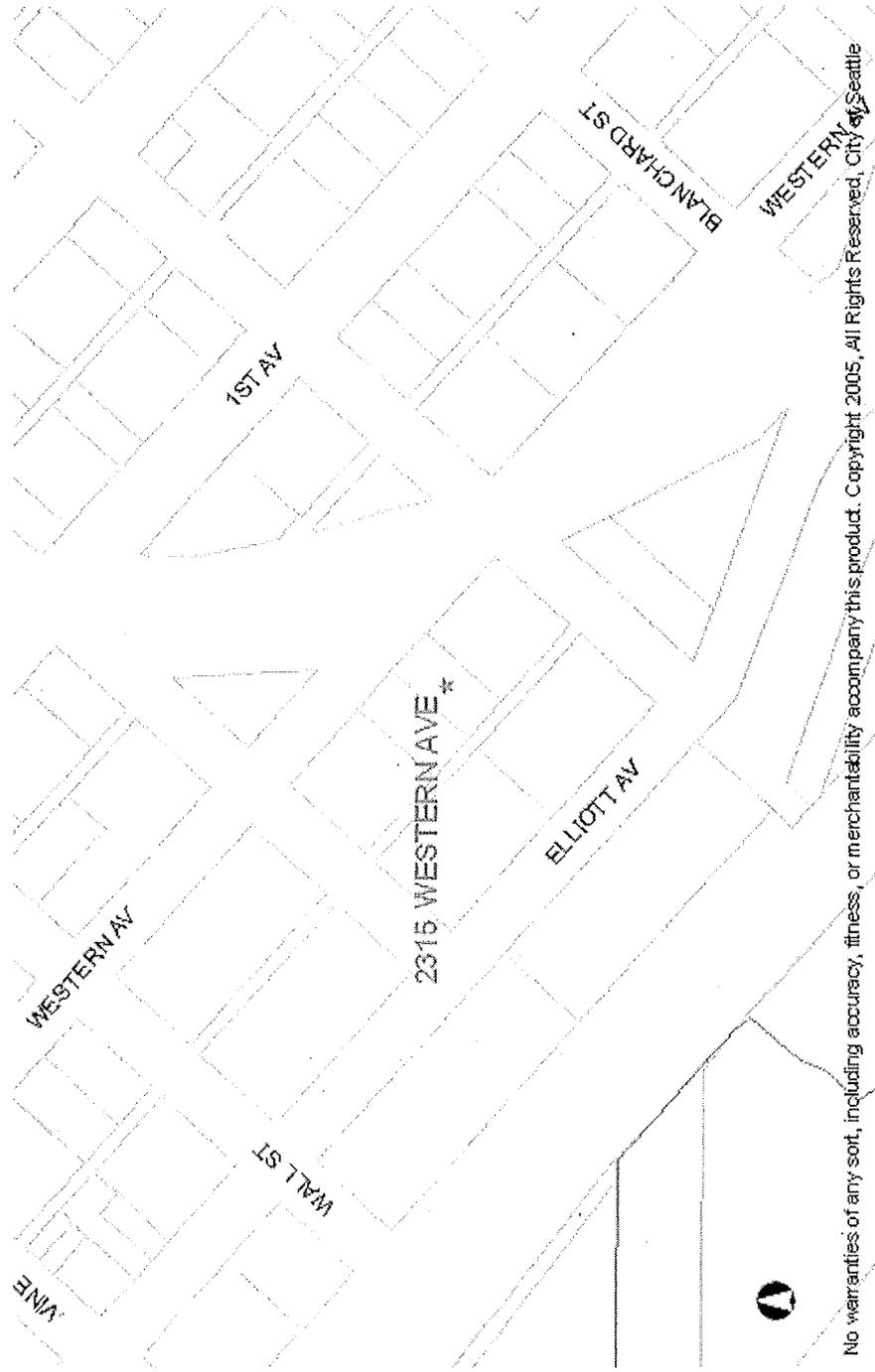
**This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

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

Exhibit A – Vicinity Map of the 2315 Western Avenue Building



Vicinity Map of 2315 Western Avenue



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product. Copyright 2005, All Rights Reserved. City of Seattle





# City of Seattle

---

Gregory J. Nickels, Mayor

## Office of the Mayor

March 24, 2009

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

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill imposing no controls upon the 2315 Western Avenue Building, a landmark designated by the Landmarks Preservation Board, under Chapter 25.12 of the Seattle Municipal Code.

In this circumstance, the Landmarks Board initially imposed certain controls and incentives that the owner of the building, Sunrise Investment Company, objected to. Sunrise subsequently appealed the Board's decision to the Hearing Examiner, who determined that the recommended controls would prevent Sunrise from realizing a reasonable return on its building under SMC 25.12.570. The attached legislation designates the 2315 Western Avenue Building as a City of Seattle landmark, and honors the Hearing Examiner's determination by not imposing any future controls.

Thank you for your consideration of this legislation. Should you have questions, please contact Karen Gordon with the Department of Neighborhoods at 206-684-0381.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', written over a circular stamp that is partially obscured.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

240129  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

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

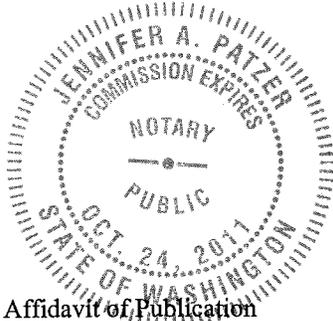
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122995 ORDINANCE

was published on

06/11/09

The amount of the fee charged for the foregoing publication is the sum of \$ 183.95, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

06/11/09

Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 122995

AN ORDINANCE relating to historic preservation, imposing no controls upon the 2315 Western Avenue Building, a landmark designated by the Landmarks Preservation Board (Board), under Chapter 25.12 of the Seattle Municipal Code (SMC).

WHEREAS, the Landmarks Ordinance, Chapter 25.12 SMC, establishes a procedure for designating and preserving sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, on December 5, 2007, the Board, after a public meeting, approved the nomination of the exterior of the building at 2315 Western Avenue (the Building), for designation as a landmark under Chapter 25.12 SMC; and

WHEREAS, on January 16, 2008, the Board, after a public meeting, approved the designation of the exterior of the Building as a landmark based on SMC 25.12.350 D; and

WHEREAS, the Board and the owner of the Building, Sunrise Investment Company (Sunrise), agreed to negotiate controls and incentives under Chapter 25.12 SMC; and

WHEREAS, on September 10, 2008, the City's Historic Preservation Officer declared an impasse to the controls and incentives negotiation under SMC 25.12.500; and

WHEREAS, on September 17, 2008, the Board passed recommended controls and incentives requiring Sunrise to obtain a Certificate of Approval under Chapter 25.12 SMC before making any alteration or significant change to the exterior of the Building; and

WHEREAS, on October 2, 2008, Sunrise timely filed a Statement of Objections to the Board's recommended controls and incentives with the Hearing Examiner (Examiner), under SMC 25.12.535; and

WHEREAS, on December 2 and 3, 2008, the Examiner held a public hearing on imposing controls and incentives; and

WHEREAS, on December 16, 2008, the Examiner concluded that imposing controls would prevent Sunrise from realizing a reasonable return on the Building under SMC 25.12.570 and recommended the City Council not impose controls on the Building; and

WHEREAS, no appeals of the Examiner's decision were filed with the City Clerk as allowed by SMC 25.12.620.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Designation. As provided for in SMC 25.12.660, the City Council acknowledges the Board's designation of the 2315 Western Avenue Building as a City of Seattle landmark. As provided below, however, the Building is not subject to landmark controls.

A. Legal Description. As provided for in SMC 25.12.660 A.1., the legal description of the property is: Lot 10, Block 29, a Plat of the First Addition to that part of the town of Seattle laid off by Wm. N. Bell and A. A. Denny (commonly known as Bell & Denny's 1st Addition to the City of Seattle), according to the Plat recorded in Volume 1 of the Plats, Page 61, in King County, Washington.

B. Specific Features and/or Characteristics Designated. As provided for in SMC 25.12.660 A.2., the exterior of the building is the specific feature or characteristic that the Board designated.

C. Standards for Designation. As provided for in SMC 25.12.660 A.3., the Board designated the exterior of the building because the building embodies the distinctive visible characteristics of an architectural style, or period, or a method of construction.

Section 2. Controls. The City Council adopts the Examiner's recommendation that there be no controls imposed on the Building, thereby allowing demolition or modification of the Building.

Section 3. Termination. As provided for in SMC 25.12.850, by this action, all proceedings under SMC 25.12 are terminated and no new proceeding with respect to the Building may be commenced within five years of the date of this ordinance without written agreement of the owner.

Section 4. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections and deliver: two certified copies of the ordinance to the City Historic Preservation Officer, one certified copy to the Director of the Department of Planning and Development, and one certified copy to the building owner, Sunrise Investment Company.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not

approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 1st day of June, 2009, and signed by me in open session in authentication of its passage this 1st day of June, 2009.

Richard Conlin

President of the City Council

Approved by me this 4th day of June, 2009.

Gregory J. Nickels, Mayor

Filed by me this 8th day of June, 2009.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, June 11, 2009.

6/11(240129)