

Ordinance No. 124494

Council Bill No. 118088

AN ORDINANCE relating to historic preservation, imposing controls upon the Boren Investment Company Warehouse, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

Related Legislation File: CF 313796

Date Introduced and Referred: <u>5/12/14</u>	To: (committee): <u>Seattle Public Utilities and Neighborhoods</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>6/9/14</u>	Date Presented to Mayor: <u>6/10/14</u>
Date Signed by Mayor: <u>6/13/14</u>	Date Returned to City Clerk: <u>6/13/14</u>
Published by Title Only <u>X</u>	Date Vetoed by Mayor:
Published in Full Text	
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: Ego Bagheri

## Committee Action:

Date	Recommendation	Vote
<u>5/30/14</u>	<u>pass</u>	<u>1-0 (SB)</u>

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

## Full Council Action:

Date	Decision	Vote
<u>6/9/14</u>	<u>Passed</u>	<u>7-0 (excused: Clark, O'Brien)</u>

*Law Department*

**CITY OF SEATTLE**  
**ORDINANCE** 124494  
**COUNCIL BILL** 118088

AN ORDINANCE relating to historic preservation, imposing controls upon the Boren Investment Company Warehouse, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

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

WHEREAS, the Landmarks Preservation Board (Board), after a public meeting on September 7, 2011, voted to approve the nomination of the improvement located at 334 Boren Avenue (which is referred to as the "Boren Investment Company Warehouse" for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 19, 2011, the Board voted to approve the designation of the Boren Investment Company Warehouse under SMC Chapter 25.12; and

WHEREAS, on January 15, 2014, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives; NOW, THEREFORE,

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

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board (Board) of the improvement located at 334 Boren Avenue (which is referred to as the "Boren Investment Company Warehouse" for the purposes of this ordinance) is hereby acknowledged.



1 A. Legal Description. The Boren Investment Company Warehouse is located on the  
2 property legally described as:

3 Lots 1 and 2, Block 109, D. T. Denny's 5th Addition to North Seattle, according to the  
4 plat recorded in Volume 1 of Plats, Page 202, in King County, Washington; together with  
5 that portion of vacated alley adjoining, vacated under Ordinance No. 92708, of the City  
6 of Seattle, that would attach by operation of law, except the east 21 feet thereof  
heretofore condemned in King County Superior Court Cause No. 204496, for street  
purposes, as provided by Ordinance No. 51975 of the City of Seattle.

7 B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2,  
8 the following specific features or characteristics of the Boren Investment Company Warehouse  
9 are designated: the exterior of the building.

10 C. Basis of Designation. The designation was made because the Boren Investment  
11 Company Warehouse is more than 25 years old, has significant character, interest or value as a  
12 part of the development, heritage or cultural characteristics of the City, state or nation, has  
13 integrity or the ability to convey its significance, and satisfies the following from SMC  
14 25.12.350:  
15

- 16 1. It is associated in a significant way with a significant aspect of the cultural,  
17 political, or economic heritage of the community, City, state or nation (SMC  
18 25.12.350.C).
  - 19 2. It embodies the distinctive visible characteristics of an architectural style, or  
20 period, or of a method of construction (SMC 25.12.350.D).
  - 21 3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
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1 Section 2. CONTROLS: The following controls are hereby imposed on the features or  
2 characteristics of the Boren Investment Company Warehouse that were designated by the Board  
3 for preservation:

4 A. Certificate of Approval Process.

- 5 1. Except as provided in subsection 2.A.2 or subsection 2.B, the owner must obtain a  
6 Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or  
7 the time for denying a Certificate of Approval must have expired, before the  
8 owner may make alterations or significant changes to the following specific  
9 features or characteristics: the exterior of the building.  
10  
11 2. No Certificate of Approval is required for any in-kind maintenance or repairs of  
12 the features or characteristics listed in subsection 2.A.1.

13 B. City Historic Preservation Officer Approval Process.

- 14 1. The City Historic Preservation Officer (CHPO) may review and approve  
15 alterations or significant changes to the features or characteristics listed in  
16 subsection 2.B.3 according to the following procedure:  
17  
18 a. The owner shall submit to the CHPO a written request for the alterations or  
19 significant changes, including applicable drawings or specifications.  
20  
21 b. If the CHPO, upon examination of submitted plans and specifications,  
22 determines that the alterations or significant changes are consistent with the  
23 purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or  
24 significant changes without further action by the Board.  
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1 c. If the CHPO does not approve the alterations or significant changes, the  
2 owner may submit revised materials to the CHPO, or apply to the Board for a  
3 Certificate of Approval under SMC Chapter 25.12.

4 2. The CHPO shall transmit a written decision on the owner's request to the owner  
5 within 14 days of receipt of the request. Failure of the CHPO to timely transmit a  
6 written decision constitutes approval of the request.

7 3. CHPO approval of alterations or significant changes to the features or  
8 characteristics listed in subsection 2.A.1 is available for the following:  
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10 a. The installation, alteration or removal of exterior ducts conduits, HVAC  
11 vents, grilles, fire escapes, pipes, and other similar wiring or mechanical  
12 elements necessary for the normal operation of the building.

13 b. The installation, alteration, or removal of exterior security lighting, video  
14 cameras, and security system equipment.

15 c. The installation, alteration, or removal of signage.

16 Section 3. INCENTIVES: The following incentives are hereby granted on the features or  
17 characteristics of the Boren Investment Company Warehouse that were designated by the Board  
18 for preservation:  
19

20 A. Uses not otherwise permitted in a zone may be authorized in a designated  
21 landmark by means of an administrative conditional use permit issued pursuant to Seattle  
22 Municipal Code Title 23.

23 B. Special tax valuation for historic preservation may be available under RCW  
24 Chapter 84.26 upon application and compliance with the requirements of that statute.  
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1 C. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter  
2 22.100, and the Seattle Energy Code, SMC Chapter 22.700, may be authorized pursuant to the  
3 applicable provisions thereof.

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

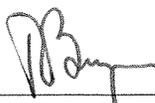
6 Section 5. The Boren Investment Company Warehouse is hereby added alphabetically to  
7 Section II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

8 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
9 King County Director of Records and Elections, deliver two certified copies to the CHPO, and  
10 deliver one copy to the Director of the Department of Planning and Development. The CHPO is  
11 directed to provide a certified copy of the ordinance to the owner of the landmark.  
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1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 9<sup>th</sup> day of June, 2014, and  
5 signed by me in open session in authentication of its passage this  
6 9<sup>th</sup> day of June, 2014.

7   
8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this 13 day of June, 2014.

12   
13 \_\_\_\_\_  
14 Edward B. Murray, Mayor

15  
16 Filed by me this 13<sup>th</sup> day of June, 2014.

17   
18 \_\_\_\_\_

19 Monica Martinez Simmons, City Clerk

20 (Seal)

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Neighborhoods	Sarah Sodt/206-615-1786	Tim Wolfe/206-684-0535

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing controls upon the Boren Investment Company Warehouse, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

**Summary of the Legislation:**

The attached legislation acknowledges the designation of the Boren Investment Company Warehouse as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Boren Investment Company Warehouse to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

**Background:**

The Boren Investment Company Warehouse was built in 1925 and is located in the South Lake Union neighborhood. A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the exterior of the building, but do not apply to any in-kind maintenance or repairs of the designated features.

Please check one of the following:

**This legislation does not have any financial implications.**

**This legislation has financial implications.**

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
None.
- c) **Does this legislation affect any departments besides the originating department?**



No.

**d) What are the possible alternatives to the legislation that could achieve the same or similar objectives? None.**

**e) Is a public hearing required for this legislation?**

No.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

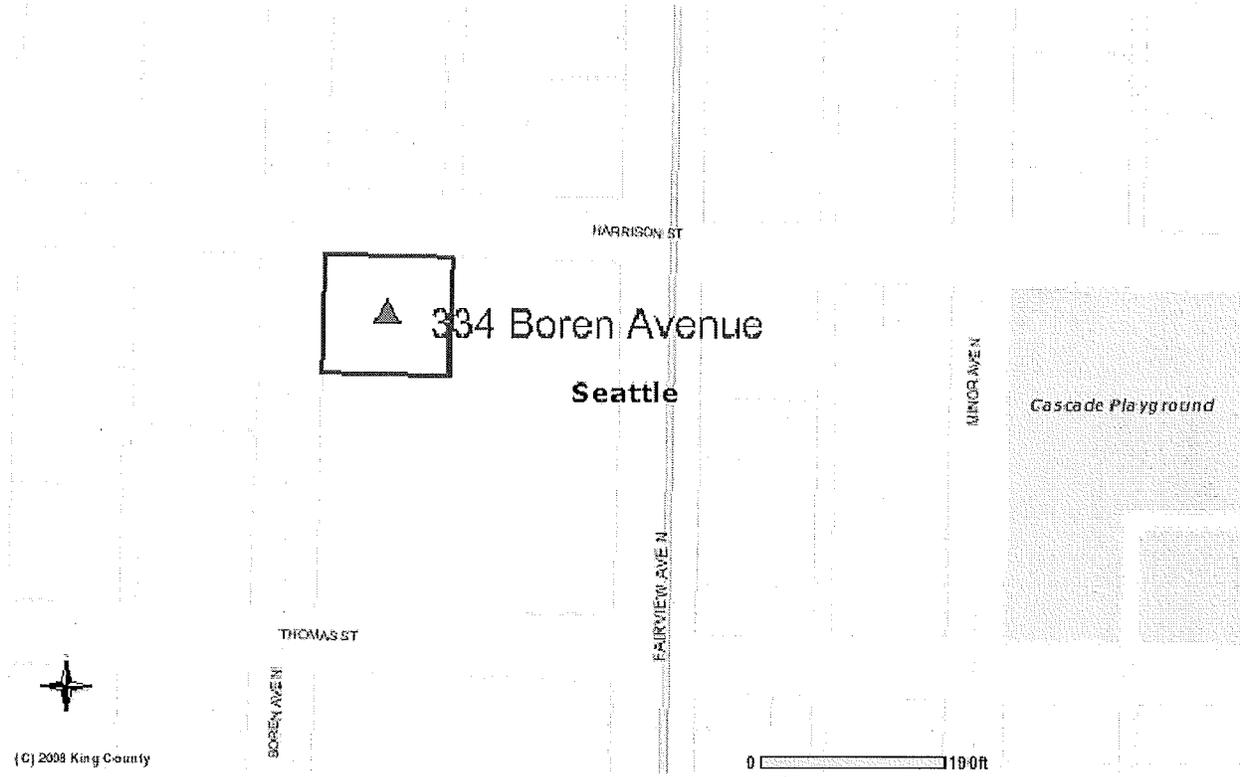
**g) Does this legislation affect a piece of property?**

Yes.

**h) Other Issues:**

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

Exhibit A – Vicinity Map of the Boren Investment Company Warehouse



Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.





**City of Seattle**  
Edward B. Murray  
Mayor

April 15, 2014

Honorable Tim Burgess  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that designates the Boren Investment Company Warehouse as a historic landmark, imposes controls, grants incentives and adds the Boren Investment Company Warehouse to the Table of Historical Landmarks in the Seattle Municipal Code.

A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the exterior of the building, but do not apply to any in-kind maintenance or repairs of the designated features.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Edward B. Murray", written over a horizontal line.

Edward B. Murray  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



**20140711000577**

SEATTLE CITY C ORD 78.00  
PAGE-001 OF 007  
07/11/2014 13:24  
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

**Document Title(s)** (or transaction contained therein):

Ordinance 124494

**Grantor(s)**

City of Seattle

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

Public

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

Additional legal on page 2 of document

Lots 1 and 2, Block 109, D.T. Denny's 5<sup>th</sup> Addition to North Seattle....

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

# 1986200515

Assessor Tax # not yet assigned.

N/A

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

**CITY OF SEATTLE**

**ORDINANCE** 124494

**COUNCIL BILL** 118088

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24 B. Special tax valuation for historic preservation may be available under RCW  
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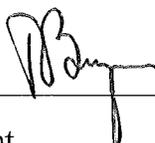
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2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 9<sup>th</sup> day of June, 2014, and  
5 signed by me in open session in authentication of its passage this  
6 9<sup>th</sup> day of June, 2014.

7  
8   
9 President \_\_\_\_\_ of the City Council

10  
11 Approved by me this 13 day of June, 2014.

12  
13   
14 Edward B. Murray, Mayor

15  
16 Filed by me this 13<sup>th</sup> day of June, 2014.

17  
18   
19 Monica Martinez Simmons, City Clerk

20 (Seal)

21 State of Washington,  
22 County of King

23 I, Larry Brooks certify that this is a true and correct  
24 copy of Ordinance 124494, on file in the records  
25 of the City of Seattle, Office of the City Clerk



Signed by:   
Signature: \_\_\_\_\_  
Title: Information Specialist  
Date: 7/7/14



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STATE OF WASHINGTON -- KING COUNTY

--SS.

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313132  
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.

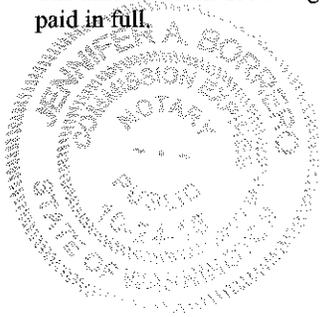
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124494-98 TITLE ONLY

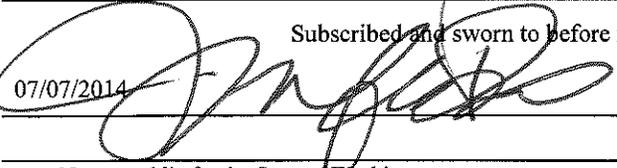
was published on

07/07/14

The amount of the fee charged for the foregoing publication is the sum of \$119.60 which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
07/07/2014   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle

The full text of the following legislation, passed by the City Council on June 9, 2014, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

#### ORDINANCE NO. 124498

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 124497

AN ORDINANCE relating to the Pontedera condominium project, amending provisions of Ordinance 122099, which authorized the sale by the City for multi-family development of property known as Dearborn-Hiawatha Parcels 2a & 2b, at Hiawatha Place South and South Charles Street in the I-90 Redevelopment Project area, to HomeSight or its designee; authorizing the Director of Housing to cancel without payment or further performance the remaining balances of certain loans to the purchaser and HomeSight and to accept from the purchaser certain subordinate notes from home buyers; authorizing the Director of Housing to release remaining unsold units from income restrictions and long-term affordability covenants; authorizing the Director of Housing to make down-payment assistance loans to any low-income buyers of units in that property; and modifying Housing Funding Policies adopted in Ordinance 124298 for any such loans; and ratifying and confirming prior acts.

#### ORDINANCE NO. 124496

AN ORDINANCE relating to funding for housing and community development programs; adopting the City of Seattle 2014 - 2017 Consolidated Plan for Housing and Community Development and authorizing its submission to the United States Department of Housing and Urban Development; authorizing acceptance of grant funds from that department for programs and activities included in that plan; amending Ordinance 124349, which adopted the 2014 Budget; amending the 2012 Annual Allocation Plan component of the 2012 Update to the prior Consolidated Plan, as previously amended by Ordinance 123686; to reallocate federal HOME funds between activities; increasing appropriations to various departments and budget control levels; and from various funds in the Budget; and ratifying and confirming prior acts, all by a three-fourths vote of the City Council.

#### ORDINANCE NO. 124495

AN ORDINANCE relating to historic preservation, imposing controls upon Union Stables, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

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Date of publication in the Seattle Daily Journal of Commerce, July 7, 2014.

7/7(813132)