

Ordinance No. 105462

AN ORDINANCE creating the Ballard Avenue Landmark District; specifying its boundaries and the criteria for designation thereof, prohibiting certain changes in buildings, structures and other visible property therein without a Certificate of Approval, establishing the Ballard Avenue Landmark District Board, and providing for administration and enforcement.

3/31 Pass

COMPTROLLER
FILE NUMBER **282759**

Council Bill No. 97253

INTRODUCED MAR 3 1976	BY KRAABEL
REFERRED MAR 8 1976	TO PLANNING & URBAN DEV.
REFERRED:	
REFERRED:	
REPORTED: APR 5 1976	SECOND READING: APR 5 1976
THIRD READING: APR 5 1976	SIGNED: APR 5 1976
PRESENTED TO MAYOR: APR 6 1976	APPROVED: APR 12 1976
RETD. TO CITY CLERK: APR 12 1976	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

Unanimous Vote

YES _____ NO _____

See Book

- CF-285534 -POLICY, MEETING, & PROCEDURE GUIDELINES FOR THE BALLARD LANDMARK DISTRICT.
- CF-285535 -FINAL DECLARATION OF NON-SIGNIFICANCE FOR BALLARD LANDMARK DISTRICT; FILED PURSUANT TO WA STATE ENVIRONMENTAL POLICY ACT.
- CF-285536 -RULES & PROCEDURES FOR CONDUCT OF ELECTIONS.
- CF-286533 -BYLAWS & PROCEDURES OF THE BALLARD AVE LANDMARKS BRD; ADOPTED AT A PUBLIC HEARING MAY 4, 1978, PURSUANT TO THE ADMINISTRATIVE PROCEDURES ORD. 102228.
- CF-286633 -ELECTION PROCEDURES FOR HISTORIC DISTRICTS WITH ELECTED BOARDS.
- Ord. 109125 -Amends Sec's 5 & 8 re the Mayor's Reorganization Project to reflect name & title changes in the Bldg & Engr Dept's.

ORDINANCE 105462

1
2
3 AN ORDINANCE creating the Ballard Avenue Landmark District;
4 specifying its boundaries and the criteria for designation
5 thereof, prohibiting certain changes in buildings,
6 structures and other visible property therein without a
Certificate of Approval, establishing the Ballard
Avenue Landmark District Board, and providing for
administration and enforcement.

7 WHEREAS, pursuant to the Landmarks Preservation Ordinance
8 (102229) the Landmarks Preservation Board has proposed
9 the establishment of a Ballard Avenue Landmark District
10 and after public hearings on May 21, 1975 and June 25,
11 1975 reported its recommendation that the same be
12 formed to the City of Seattle Planning Commission; and
13 said Commission after a public hearing pursuant to
14 notice as provided in Section 7(c) of Ordinance 102229
15 and upon due consideration, has found that the proposed
16 designation would not be in conflict with the Comprehensive
17 Plan of Seattle and would be in accord with the purposes
18 and standards of Ordinance 102229 and has approved the
19 proposed designation with certain recommended modifications
20 and transmitted the proposal, together with a copy of
21 its report to the Council; and after public hearings
22 pursuant to notice on November 5, 1975 and December 10,
23 1975, the Planning and Urban Development Committee has
24 recommended approval of the proposed designation and
25 enactment of legislation creating a Ballard Avenue
26 Landmark District; Now, therefore,

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

28
Section 1. Legislative Findings and Purposes. Throughout
the City there are a few areas that retain individual identity
through consistent historical or architectural character.
The protection, enhancement, and perpetuation of such areas
is in the interest of the prosperity, civic pride, and
general welfare of the citizens of Seattle. The aesthetic
standing of this City cannot be maintained or enhanced by
disregarding the heritage of its communities or by allowing
the destruction or defacement of these cultural assets.
Ballard Avenue is an area of historical significance to the
community of Ballard and the City of Seattle. The purposes
for the creation of a Ballard Avenue Landmark District are:

- 1 (1) to preserve, protect, enhance, and perpetuate those
2 elements of the District's cultural, social, economic,
3 architectural, historic, or other heritage;
- 4 (2) to foster civic pride in the significance and accomplishments
5 of the past;
- 6 (3) to stabilize or improve the aesthetic and economic
7 vitality and values of the District;
- 8 (4) to promote and encourage continued private ownership
9 and utilization of such buildings and other structures
10 now so owned and used; and
- 11 (5) to promote the local identity of the area to the extent
12 that the objectives previously listed can be reasonably
13 attained under such a policy.

13 Section 2. Legal Description of the Ballard Avenue

14 Landmark District. There is hereby established the Ballard
15 Avenue Landmark District whose boundaries are as follows:

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

1 Gilman Park Addition, thence northeasterly along
2 said southeasterly margin of said Lot 22, to the
3 easternmost corner of said Lot 22, thence north-
4 westerly along the northeasterly margin of said
5 Lot 22 to its intersection with southeasterly
6 margin of Northwest Dock Place, thence across
7 Northwest Dock Place to the intersection of
8 northwesterly margin of Northwest Dock Place and
9 the midblock line of Block 75, Gilman Park Addition
10 (said midblock line being that line which separates
11 lots 14 through 23, from lots 2 through 13 in said
12 block 75), thence northwesterly along said mid-
13 block line to the easterly margin of 20th Avenue
14 Northwest, thence across 20th Avenue Northwest to
15 intersection of the westerly margin of 20th Avenue
16 Northwest and the midblock line of Block 74 Gilman
17 Park Addition (said midblock line being that line
18 which separates Lots 21 through 37 from Lots 2
19 through 19), thence northwesterly along said
20 midblock line to the easterly margin of 22nd
21 Avenue Northwest, thence across 22nd Avenue
22 Northwest to the intersection of the westerly
23 margin of 22nd Avenue Northwest and the midblock
24 line of Block 73, Gilman Park Addition (said
25 midblock line being that line which separates Lots
26 5 through 8 from Lots 1 through 3 in said Block
27 73), thence northwesterly along said midblock line
28 and its northwesterly projection to the centerline
of Northwest Market Street, thence westerly along
said centerline to the point of beginning.

all in Seattle, King County, Washington, and illustrated on
a map attached hereto as Exhibit "A" which is hereby made a
part of this ordinance; and the custodian of the Official
Zoning Map of the City of Seattle is hereby directed to add
said district to said official zoning map. All property
within said district shall be subject to the controls,
procedures and standards hereinafter set forth or provided
for.

Section 3. Criteria for Designation of the District.

(a) Ballard Avenue has significant interest and value
as part of the development of Seattle. Lumber and other
mills located in Ballard contributed significantly to the
rebuilding of Seattle following the 1889 fire. Certain
commercial buildings on Ballard Avenue dating from the same
era as those lumber and shingle industries are all that

1
2 remain of the early "boomtown". Ballard Avenue therefore
3 represents the early history and heritage of the Ballard
4 community which has contributed greatly to the development
5 of Seattle.

6 (b) Ballard Avenue exemplifies the historic heritage
7 of the Ballard community. It was the location of the first
8 commercial development in Ballard before business interests
9 moved further north to Northwest Market Street.

10 (c) A significant number of buildings within the
11 Ballard Avenue Landmark District embody the distinctive
12 characteristics of turn-of-the-century modest commercial
13 architecture. They possess integrity of location, compatibility
14 of design, scale, and use of materials, and impart a feeling
15 of association and sense of place.

16 Section 4. Ballard Avenue Landmark District Board.

17 (a) There is hereby created the Ballard Avenue Landmark
18 District Board (hereinafter called the District Board),
19 which shall consist of seven members, five of whom shall be
20 chosen at annual elections called and conducted by the
21 Director of the Department of Community Development (hereinafter
22 called the Director) for such purpose and at which all
23 residents, tenants, persons who operate businesses and
24 property owners of the Ballard Avenue Landmark District, of
25 legal voting age, shall be eligible to vote. The elected
26 membership of the District Board shall include two property
27 owners, two property owner - district business persons, and
28 one tenant or resident. The remaining two members of the
District Board shall be appointed by the Mayor and approved
by the City Council, and shall be an architect and a Ballard

1 historian or a person having a demonstrated interest in the
2 Ballard community. Initial terms for two of the elected and
3 one of the appointed members shall be for one year, and
4 initial terms for the remaining four persons shall be for
5 two years; thereafter all terms shall be for two years. In
6 the event of a vacancy an appointment shall be made by the
7 Mayor subject to Council confirmation for the remainder of
8 the unexpired term. The Director shall consult with the
9 District Board regarding the scheduling and conduct of
10 elections and shall adopt rules and procedures regarding the
11 conduct of elections and shall file the same with the City
12 Clerk.

12 (b) The District Board shall elect its own chairman
13 and adopt in accordance with the Administrative Code (Ordinance
14 102228) such rules of procedure as shall be necessary in the
15 conduct of its business, including (i) a code of ethics,
16 (ii) rules for reasonable notification of public hearings on
17 applications for Certificates of Approval and applications
18 for permits requiring Certificates of Approval in accordance with
19 Section 5 hereof, and (iii) rules for reasonable notification
20 of public hearings on development and design review guidelines
21 and amendment thereof. A majority of the currently qualified
22 and acting members of the District Board shall constitute a
23 quorum necessary for the purpose of transacting business.
24 All decisions shall be made by majority vote of those members
25 present, and in case of a tie vote, the motion shall be
26 lost. The District Board shall keep minutes of all of its
27 official meetings, which shall be filed with the Director.
28

1 (c) The District Board shall receive administrative
2 assistance from the Director of Community Development, who
3 shall assign a member of his staff to provide such assistance.
4 Such staff member shall be the custodian of the records of
5 the District Board, shall conduct official correspondence,
6 and organize and supervise the clerical and technical work
7 of the District Board as required to administer this Ordinance.

8 Section 5. Approval of changes to buildings, structures
9 and other visible property within Ballard Avenue Landmark
10 District.

11 (a) No person shall make any change (including but not
12 limited to alteration, demolition, construction, reconstruction,
13 restoration, remodeling, painting, or signing) to the external
14 appearance of any building or structure in the district, or
15 to the external appearance of any other property in the
16 district which is visible from a public street, alley or
17 way, nor construct a new building or structure in the district,
18 nor shall any permit for such be issued, except pursuant to
19 a Certificate of Approval issued by the Director pursuant to
20 this ordinance.

21 (b) All applications for a Certificate of Approval,
22 and all applications for any permit requiring such a certificate
23 of approval, (hereinafter both included in the words "such
24 application") shall be submitted to the District Board.
25 Within thirty (30) days after receipt of each such application
26 the District Board shall hold a public hearing thereon and
27 by duly approved motion recommend that the same be granted,
28 denied or be referred to the Landmarks Preservation Board.
Within thirty (30) days after such referral of any such
application, the Landmarks Preservation Board shall hold a
public hearing thereon and recommend that the same be granted

1 or denied.

2 (c) In considering such application, the District
3 Board or the Landmarks Preservation Board shall each keep in
4 mind the purpose of this ordinance, the criteria specified
5 in Section 3 above, and the guidelines promulgated pursuant
6 to this ordinance, and among other things, the historical
7 and architectural value and significance; architectural
8 style and the general design; arrangement, texture, material
9 and color of the building or structure in question and its
10 appurtenant fixtures, including signs; the relationship of
11 such features to similar features of other buildings within
12 the Ballard Avenue Landmark District; and the position of such
13 building or structure in relation to the street or public
way and to other buildings and structures.

14 (d) If after such hearing and upon consideration of
15 the foregoing, the District Board or the Landmarks Preservation
16 Board determines that the changes and any new construction
17 proposed in any such application are consistent with the
18 purpose of this ordinance, the criteria specified in section
19 3 above, and the guidelines promulgated pursuant to this
20 ordinance, it shall recommend that a Certificate of Approval
21 be granted and the Director shall forthwith issue such in
22 accordance with such Board's recommendation. If the Board's
23 recommendation is to deny such application, the Director
24 shall issue a written notice of denial. If such Board does
25 not recommend granting, denial or referral of any such
26 application within the time provided for such recommendation,
27 such application shall be deemed approved and the Director
28 shall forthwith issue the Certificate of Approval in accordance
with such application, unless the Board's action has been
deferred in accordance with an agreement for consultation as

1 follows: Before issuing a recommendation of denial, the
2 Board may, upon agreement with the applicant, defer such
3 action and consult with the applicant for the purpose of
4 considering means of modifying the application and considering
5 alternatives in keeping with the aforesaid purpose, criteria
6 and guidelines. If at the end of an agreed upon period time
7 no acceptable solution has been reached, such application
8 shall be finally denied and the applicant shall be so notified
9 by letter.

10 Whenever an applicant is denied, the Director shall
11 send copies of the notice of denial to the property owner,
12 the Superintendent, and to the District Board if such application
13 has been referred to the Landmarks Preservation Board and
14 recommendation of denial made by that Board.

15 (e) The applicant may appeal the final denial of any
16 such application to the Hearing Examiner within twenty (20)
17 days of the date of notice of such denials, and the Hearing
18 Examiner after a public hearing in accordance with the
19 procedure for hearings in contested cases in the Seattle
20 Administrative Code (unless all parties of record affected
21 by such Board's decision consent to such review and decision
22 without a public hearing) may affirm, reverse or modify such
23 denial, but may reverse or modify only if he finds that:

- 24 (1) such denial violates the terms of this ordinance
25 or guidelines adopted pursuant to the authority of
26 this ordinance, or
- 27 (2) such denial is based upon a recommendation made in
28 violation of the procedures set forth in this
ordinance or procedures adopted pursuant to the
authority of this ordinance and such procedural
violation operates unfairly against the applicant.

1 The decision of the Hearing Examiner shall be final and
2 copies thereof shall be mailed to all parties of record and
3 transmitted to the Director, the District Board, the Landmarks
4 Preservation Board if it considered such application, and
5 the property owner if he is not a party of record.

6 Section 6. Development and Design Review Guidelines.

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

13 (b) The development and design review guidelines shall
14 identify the unique values of the District, shall include a
15 statement of purpose and intent, and shall be consistent
16 with the purposes of this Ordinance and the criteria specified
17 in section 3 above. The guidelines shall identify design
18 characteristics which have either a positive or negative
19 effect upon such unique values of the District and shall
20 specify the materials, colors, signage, planting and other
21 design-related considerations which will be allowed, encouraged,
22 limited, or excluded from the District. If such design
23 considerations are limited, the guidelines shall state
24 either the reasons for such limitation or conditions under
25 which such considerations will be permitted.

26 Section 7. Advice and Guidance to Property Owners.

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

(To be used for all Ordinances except Emergency.)

Section 8. Enforcement and Penalties.

The Superintendent of Buildings shall enforce this Ordinance and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding \$500.00. Each day's violation or failure to comply shall constitute a separate offense.

Section 9. In case of conflict between this ordinance and the Landmarks Preservation Ordinance (Ordinance 102229), the provisions of this ordinance shall govern the Ballard Avenue Landmark District.

Section 10 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 5 day of April, 1976
and signed by me in open session in authentication of its passage this 5 day of April, 1976.

[Signature]
President of the City Council.

Approved by me this 12 day of April, 1976
[Signature]
Mayor.

Filed by me this 12 day of April, 1976.

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

[Signature]
Deputy Clerk.

(SEAL)

Published.....

ASSISTANT CORPORATION COUNSEL

JAMES M. TAYLOR
GORDON F. CRANDALL
G. GRANT WILCOX
THOMAS J. WETZEL
ARTHUR T. LANE
CHARLES R. NELSON
LAWRENCE K. MCDONELL
J. ROGER NOWELL
JORGEN G. BADER
E. NEAL KING
JAMES B. HOWE, JR.
DONALD H. STOUT
MYRON L. CORNELIUS
PHILIP M. KING
RICHARD E. MANN
RICHARD S. OETTINGER
JAMES G. BLAIR
W. FREDERICK GREENLEE
WALTER L. WILLIAMS
ELIZABETH A. HUNEKE
CHARLES D. BROWN
DONA M. CLOUD

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING • SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 583-2304

JOHN P. HARRIS, CORPORATION COUNSEL

February 25, 1976

CITY PROSECUTORS
ROBERT M. ELIAS
JACK B. REGAN
ROBERT B. JOHNSON
JOSEPH T. SCHLOSSER
ROSS A. RADLEY

CLAIMS MANAGER
V. L. PORTER

Re: C.F. 282759

RECEIVED
FEB 26 1976

PAUL KRAABEL
SEATTLE CITY COUNCILMAN

Paul Kraabel
Chairman, Planning & Urban Development Committee
City Council
City of Seattle

Dear Sir:

By City Council Transmittal dated January 8, 1976 you requested that we prepare legislation in accordance with a rough draft of an ordinance forwarded with C.F. 282759 entitled:

"Recommendation of The City Planning Commission
For Creation of A Ballard Avenue Landmark District,
Etc."

We have accordingly prepared and forward herewith such proposed legislation, which we have revised as follows:

Section 2 was revised in form, to add a legal description and a new Exhibit A (which uses a City quarter-section map as a base) both based on the map of the proposed district in C.F. 282759. Section 5 of the Landmarks Ordinance (102229) specifies that the designating ordinance must include a legal description. We note however that no attempt has been made to ascertain whether these boundaries sever or bisect any building, structure or ownership.

Former subsection 4(a) has been omitted because it was inconsistent with the more specific provisions of section 5. Former subsection 4(b) has been renumbered 4(a) and a new subsection 4(b) has been added to provide for the operation and rules of the District Board. Subsection 4(c) has been revised to make the responsibility for staff and administrative assistance conform more closely with Section 4 of Ordinance 102229 which governs such matters pertaining to the Landmarks Preservation Board.

Mr. Paul Kraabel
Page Two
February 25, 1976

Section 5 includes revisions to clarify its applicability and procedure: -eg. specifying the manner of notice of board hearings on applications for certificates of approval (see subsection 5(c); designating the Director - rather than his subordinate - as the official responsible for issuing Certificates of Approval; specifying that if after notice has been given of a public hearing, a board fails to recommend grant or denial of an application within the time allowed for such recommendation, the application shall be deemed denied; requiring that copies of each letter of final denial be transmitted to the Director, the Superintendent and to the District Board if such application had been referred to the Landmarks Preservation Board; providing for similar distribution of the Hearing Examiner's decision; and specifying that if the Hearing Examiner determines a Certificate of Approval shall issue, that he order the Director to do so.

Subsection 6(a) has been clarified to provide that the District Board's hearing upon its draft guidelines shall be pursuant to notice as specified for hearings on applications for Certificates of Approval. Subsection 6(b) was modified by deletion of the sentence: "No pressure shall be exerted to stifle the initiative and ingenuity of the District, merely to channel it along desirable directions."

section 7 was modified by deletion of the "Landmarks Preservation Board" which has existing authority under Section 11 of Ordinance 102229 to give "advice and guidance with respect to any proposed work on a landmark or in a landmark district."

Section 9 has been added to resolve any conflicts between this ordinance and the Landmarks Preservation Ordinance, by making the provisions of this ordinance govern the Ballard Avenue Landmark District.

Very truly yours,

JOHN P. HARRIS
Corporation Counsel

By


JAMES B. HOWE, JR.
Assistant

JBH:rl

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported
and Adopted

Your Committee on

PLANNING & URBAN DEVELOPMENT

APR 5 1976

to which was referred

C.B. 97253

Creating the Ballard Avenue Landmark District; specifying its boundaries and the criteria for designation thereof, prohibiting certain changes in buildings, structures and other visible property therein without a Certificate of Approval, establishing the Ballard Avenue Landmark District Board, and providing for administration and enforcement.

RECOMMEND THAT THE SAME DO PASS



P&UD

Chairman

Chairman

Committee

Committee

TIME AND DATE STAMP

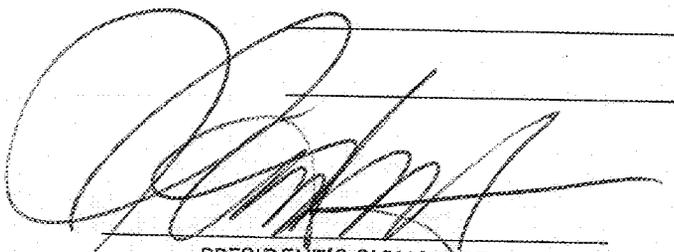
SPONSORSHIP

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:

_____  _____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: P+UD

_____  _____
PRESIDENT'S SIGNATURE

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 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 105462

was published on April 14, 1976



Subscribed and sworn to before me on

April 14, 1976



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

ORDINANCE 106462

AN ORDINANCE creating the Ballard Avenue Landmark District, specifying its boundaries and the criteria for designation thereof, prohibiting certain changes in buildings, structures and other visible property therein without a Certificate of Approval, establishing the Ballard Avenue Landmark District Board, and providing for administration and enforcement.

WHEREAS, pursuant to the Landmarks Preservation Ordinance (102229) the Landmarks Preservation Board has proposed the establishment of a Ballard Avenue Landmark District and after public hearings on May 21, 1975 and June 25, 1975 reported its recommendation that the same be formed to the City of Seattle Planning Commission; and said Commission after a public hearing pursuant to notice as provided in Section 7(c) of Ordinance 102229 and upon due consideration, has found that the proposed designation would not be in conflict with the Comprehensive Plan of Seattle and would be in accord with the purposes and standards of Ordinance 102229 and has approved the proposed designation with certain recommended modifications and transmitted the proposal, together with a copy of its report to the Council; and after public hearings pursuant to notice on November 5, 1975 and December 10, 1975, the Planning and Urban Development Committee has recommended approval of the proposed designation and enactment of legislation creating a Ballard Avenue Landmark District. Now, therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS AND PURPOSES. Through-out the City there are a few areas that retain individual identity through consistent historical or architectural character. The protection, enhancement, and perpetuation of such areas is in the interest of the prosperity, civic pride, and general welfare of the citizens of Seattle. The aesthetic standing of this City cannot be maintained or enhanced by disregarding the heritage of its communities or by allowing the destruction or defacement of these cultural assets. Ballard Avenue is an area of historical significance to the community of Ballard and the City of Seattle. The purposes for the creation of a Ballard Avenue Landmark District area:

- (1) to preserve, protect, enhance, and perpetuate those elements of the District's cultural, social, economic, architectural, historic, or other heritage.
- (2) to foster civic pride in the significance and accomplishments of the past;
- (3) to stabilize or improve the aesthetic and economic vitality and values of the district.
- (4) to promote and encourage continued private ownership and utilization of such buildings and other structures now so owned and used; and
- (5) to promote the local identity of the area to the extent that the objectives previously listed can be reasonably attained under such a policy.

Section 2. LEGAL DESCRIPTION OF THE BALLARD AVENUE LANDMARK DISTRICT. There is hereby established the Ballard Avenue Landmark District whose boundaries are as follows:

Beginning at the intersection of the centerline of Northwest Market Street with the projection northwesterly of the southwestern margin of the alley in Block 73 Gilman Park Addition, thence southeasterly along said projection and margin to the west margin of 22nd Avenue Northwest, thence easterly across 22nd Avenue Northwest to the intersection of the east margin of 22nd Avenue Northwest and the midblock line of Block 71 Gilman Park Addition (said midblock line being that line which separates lots 5 through 13 from lots 21 through 37 in said Block 71), thence southeasterly along said midblock line through said block 71 to the westerly margin of 20th Avenue Northwest, thence across 20th Avenue Northwest to the intersection of the easterly margin of 20th Avenue Northwest and the midblock line of Block 70 Gilman Park Addition (said midblock line being that line which separates lots 2 through 8, from lots 31 through 35 in said block 70), thence southeasterly along said midblock line to the southernmost corner of Lot 8, Block 70, Gilman Park Addition, thence northeasterly along the southeasterly margin of said Lot 8 to the southwesterly margin of Ballard Avenue Northwest, thence easterly across Ballard Avenue Northwest to the intersection of the northeasterly margin of Ballard Avenue Northwest and the southeasterly margin of Lot 22, Block 76 Gilman Park Addition, thence northeasterly along said southeasterly margin of said Lot 22 to the easternmost corner of said Lot 22, thence northwesterly along the northeasterly margin of said Lot 22 to its intersection with southeasterly margin of Northwest Dock Place, thence across Northwest Dock Place to the intersection of northwesterly margin of Northwest Dock Place and the midblock line of Block 75 Gilman Park Addition (said midblock line being that line which separates lots 14 through 22 from lots 2 through 13 in said block 75), thence northwesterly along said midblock line to the easterly margin of 23rd Avenue Northwest, thence across 20th Avenue Northwest to intersection of the westerly margin of 20th Avenue Northwest and the midblock line of Block 74 Gilman Park Addition (said midblock line being that line which separates Lots 21 through 37 from Lots 2 through 19), thence northwesterly along said midblock line to the easterly margin of 22nd Avenue Northwest, thence across 22nd Avenue Northwest to the intersection of the westerly margin of 22nd Avenue Northwest and the midblock line of Block 73 Gilman Park Addition (said midblock line being that line which separates Lots 5 through 13 from Lots 1 through 37 in said Block 73), thence northwesterly along said midblock line and its northwesterly projection to the centerline of Northwest Market Street, thence westerly along said centerline to the point of beginning.

all in Seattle, King County, Washington, and illustrated on a map attached hereto as Exhibit "A" which is hereby made a part of this ordinance; and the custodian of the Official Zoning Map of the City of Seattle is hereby directed to add said district to said official zoning map. All property within said district shall be subject to the controls, procedures and standards hereinafter set forth or provided for.

Section 3. CRITERIA FOR DESIGNATION OF THE DISTRICT.

(a) Ballard Avenue has significant interest and value as part of the development of Seattle. The lumber and other mills located in Ballard contributed significantly to the rebuilding of Seattle following the 1918 fire.

moved further north to Northwest Market Street.

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

Section 4. BALLARD AVENUE LANDMARK DISTRICT BOARD.

(a) There is hereby created the Ballard Avenue Landmark District Board (hereinafter called the District Board), which shall consist of seven members, five of whom shall be chosen at annual elections called and conducted by the Director of the Department of Community Development (hereinafter called the Director) for such purpose and at which all residents, tenants, persons who operate businesses and property owners of the Ballard Avenue Landmark District shall be eligible to vote. The elected membership of the District Board shall include two property owners, two property owner-district business persons, and one tenant or resident. The remaining two members of the District Board shall be appointed by the Mayor and approved by the City Council, and shall be an architect and a Ballard historian or a person having a demonstrated interest in the Ballard community. Initial terms for two of the elected and one of the appointed members shall be for one year, and initial terms for the remaining four persons shall be for two years. The Director shall consult with the District Board regarding the scheduling and conduct of elections and shall adopt rules and procedures regarding the conduct of elections.

(b) The District Board shall elect its own chairman and adopt such rules of procedure as shall be necessary to the conduct of its business, including a code of ethics. A majority of the currently qualified and acting members of the District Board shall constitute a quorum for the purpose of transacting business. All decisions shall be made by majority vote of those members present, and in case of a tie vote, the motion shall be lost. The District Board shall keep minutes of all of its official meetings, which shall be filed with the City Clerk together with a copy of the rules of said District Board.

(c) The District Board shall receive administrative assistance from the Director of Community Development, who shall assign a member of his staff to provide such assistance for the District Board. Such staff member shall, under the direction of the District Board, be the custodian of the records of the District Board, shall conduct official correspondence, and organize and supervise the clerical and technical work of the District Board as required to administer this Ordinance.

Section 5. APPROVAL OF CHANGES TO BUILDINGS, STRUCTURES AND OTHER VISIBLE PROPERTY WITHIN BALLARD AVENUE LANDMARK DISTRICT.

(a) No person shall make any change (including but not limited to alteration, demolition, construction, reconstruction, restoration, or remodeling) in the external appearance of any building or structure in the district, or in the external appearance of any other property in the district which is visible from a public street, alley or way, nor construct a new building or structure in the district, nor shall any permit for such be issued, except pursuant to a Certificate of Approval issued by the Director pursuant to this ordinance.

(b) All applications for a Certificate of Approval, and all applications for any permit required...

(c) When any such application has been received by the District Board or the Landmarks Preservation Board, the head of the administrative staff of such Board shall set a date for hearing the same. Notice of such hearing shall be given not less than ten (10) days prior to the date of such hearing by posting not less than four (4) placards in conspicuous public places within the District within three hundred (300) feet of the property concerned and by mailing written notice to the owners, tenants and occupants of all property in the District, using for this purpose property ownership records of the County Treasurer, and to the applicant and the Superintendent of Buildings personally or by mail. Such placards and notices shall be in the form prescribed by such Board and shall set forth the time, place and purpose of such hearing. Failure to send notice by mail to any property owner, tenant or occupant where the address of such owner, tenant or occupant is not included in the County records, shall not invalidate any proceedings in connection with such application.

(d) In considering such application, the District Board and the Landmarks Preservation Board shall each keep in mind the purpose of this ordinance, the criteria specified in Section 3 above, and the guidelines promulgated pursuant to this ordinance, and among other things, the historical and architectural value and significance, architectural style and the general design, arrangement, texture, material and color of the building or structure in question and its appurtenant fixtures, including signs, the relationship of such features to similar features of other buildings within the Ballard Landmark District, and the position of such building or structure in relation to the street or public way and to other buildings and structures.

(e) If after such hearing and upon consideration of the foregoing, the District Board or the Landmarks Preservation Board determines that the changes and any new construction proposed in any such application are consistent with the purpose of this ordinance, the criteria specified in section 3 above, and the guidelines promulgated pursuant to this ordinance, it shall recommend that a Certificate of Approval be granted and the Director shall forthwith issue such in accordance with such Board's recommendation. If after notice has been given of a hearing upon any such application, such Board does not recommend either the grant, denial or referral of any such application within the time provided for such recommendation, such application shall be deemed denied. In the event any such application is denied, the Board shall request that the applicant consult with it for a period not to exceed ninety (90) days for the purpose of considering alternatives in keeping with the aforesaid purpose, criteria and guidelines. If at the end of that time no acceptable solution has been reached, such application shall be finally denied, and the applicant shall be so notified by letter. A copy of such letter shall also be transmitted to the property owner, the Director, the Superintendent and to the District Board if such application had been referred to the Landmarks Preservation Board.

(f) The applicant may appeal the final denial of any such application to the Hearing Examiner within twenty (20) days of the date of such letter, and the Hearing Examiner after a public hearing in accordance with the procedure for hearings in contested cases in the Seattle Ad-

Administrative Code unless all parties of record affected by such Board's decision consent to such review and decision without a public hearing; may affirm, reverse or modify such denial, but may reverse or modify only if he finds that:

(1) every reasonable effort has been made by the applicant to comply with the requirements of this ordinance, the guidelines promulgated pursuant thereto and the Board which reviewed such application, and

(2) owing to special conditions pertaining to the specific piece of property, denial of the Certificate of Approval will cause undue and unnecessary hardship.

In which case the Hearing Examiner may order the Director to issue a Certificate of Approval notwithstanding such prior denial or determination. The decision of the Hearing Examiner shall be final and copies thereof shall be mailed to all parties of record and transmitted to the Director, the Landmarks Preservation Board if it considered such application, and the District Board.

Section 6. DEVELOPMENT AND DESIGN REVIEW GUIDELINES.

(a) The District Board shall draft, and after consideration and review at least one public hearing held pursuant to notice as specified for hearings upon applications for certificates of approval, shall adopt development and design review guidelines and amendments therent, which shall become effective upon filing with the City Clerk.

(b) The development and design review guidelines shall identify the unique values of the District, shall include a statement of purpose and intent, and shall be consistent with the purposes of this Ordinance and the criteria specified in section 3 above. The guidelines shall identify design characteristics which either have a positive or negative effect upon such unique values of the District and shall specify the materials, colors, signage, planting and other design-related considerations which will be allowed, encouraged, limited, or excluded from the District. If such design considerations are limited, the guidelines shall state either the reasons for such limitation or conditions under which such considerations will be permitted.

Section 7. ADVICE AND GUIDANCE TO PROPERTY OWNERS.

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

Section 8. ENFORCEMENT AND PENALTIES.

The Superintendent of Buildings shall enforce this Ordinance and anyone violating or failing to comply with its provisions shall, upon conviction thereof, be fined in any sum not exceeding \$500.00. Each day's violation or failure to comply shall constitute a separate offense.

Section 9. In case of conflict between this ordinance and the Landmarks Preservation Ordinance (Ordinance 182229), the provisions of this ordinance shall govern the Ballard Avenue Landmark District.

Section 10. 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 21st day of April, 1976, and signed by me in open session in authentication of its passage this 21st day of April, 1976.

SAM SMITH,
President of the City Council.

Approved by me this 12th day of April, 1976.

WES UHLMAN,
Mayor.

Filed by me this 12th day of April, 1976.

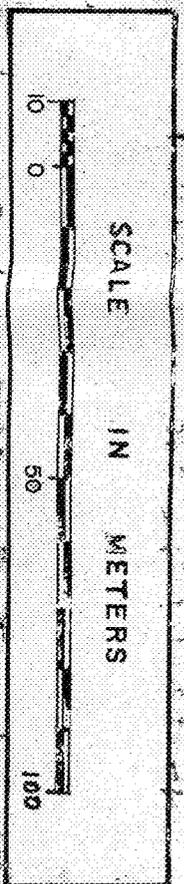
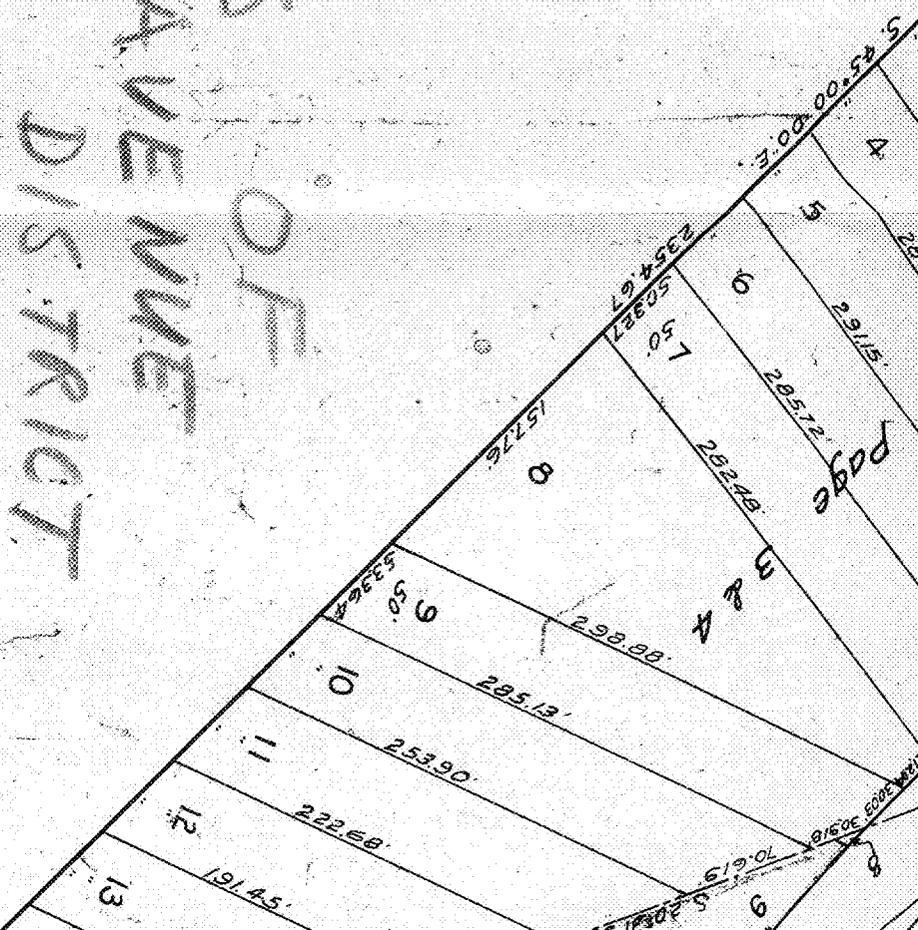
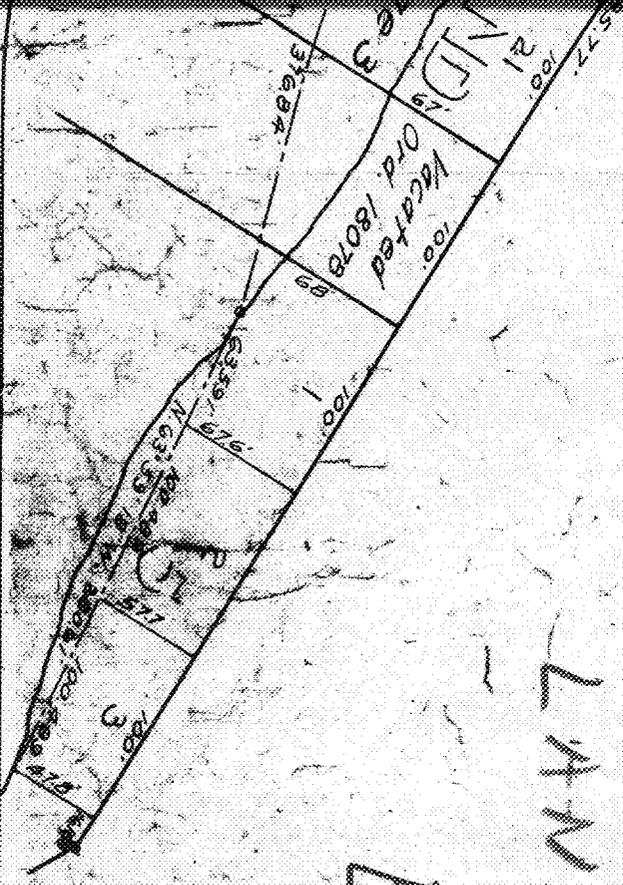
Attest: E. L. KIDD,
City Comptroller and
City Clerk.

(Seal) By W. ANGEVINE,
Deputy Clerk.

Publication ordered by E. L. KIDD, Comptroller and City Clerk.

Date of Official Publication in the Daily Journal of Commerce, Seattle, April 14, 1976. (C-442)

BOUNDARIES OF
 BALLARD AVENUE
 LANDMARK DISTRICT
 EXHIBIT A



NE 4 14-25-3