

TERMINAL SALES  
Ordinance No. 122981

Council Bill No. 116499

AN ORDINANCE relating to historic preservation, imposing controls upon the Terminal Sales Annex, 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: \_\_\_\_\_

|  |  |
|--|--|
| Date Introduced and Referred:<br><u>4-13-09</u>                      | To: (committee):<br>Planning, Land Use & Neighborhoods (PLUNC) |
| Date Re-referred:  | To: (committee):   |
| Date Re-referred:  | To: (committee):   |
| Date of Final Action:<br><u>5.18.09</u>                              | Date Presented to Mayor:<br><u>5.18.09</u>                     |
| Date Signed by Mayor:<br><u>5-26-09</u>                              | Date Returned to City Clerk:<br><u>5-26-09</u>                 |
| Published by Title Only  | Date Vetoed by Mayor:  |
| Published in Full Text <input checked="" type="checkbox"/> <u>bp</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. Curran

Committee Action:

| Date           | Recommendation        | Vote       |
|----------------|-----------------------|------------|
| <u>5.13.09</u> | <u>APPROVE</u>        | <u>4-0</u> |
|                | <u>SC, TB, TR, DG</u> |            |

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

Full Council Action:

| Date           | Decision    | Vote                    |
|----------------|-------------|-------------------------|
| <u>5.18.09</u> | <u>Pass</u> | <u>8-0 (BH excused)</u> |

ORDINANCE 122981

1  
2 AN ORDINANCE relating to historic preservation, imposing controls upon the Terminal Sales  
3 Annex, a landmark designated by the Landmarks Preservation Board under Chapter 25.12  
4 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks  
contained in Chapter 25.32 of the Seattle Municipal Code.

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

8 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on December  
9 5, 2007, voted to approve the nomination of the improvement (the building) located at  
10 1931 Second Avenue in Seattle, which is referred to as the Terminal Sales Annex for the  
purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

11 WHEREAS, after a public meeting on January 16, 2008 the Board voted to approve the  
12 designation of the Terminal Sales Annex under SMC Chapter 25.12; and

13 WHEREAS, on March 4, 2009, the Board and the owner of the designated landmark agreed to  
14 controls and incentives; and

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

17 NOW, THEREFORE,

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

19 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the  
20 Landmarks Preservation Board (the Board) of the improvement (the building) located at 1931  
21 Second Avenue in Seattle, which is referred to as Terminal Sales Annex for the purposes of this  
22 ordinance, is hereby acknowledged.

23  
24 A. Legal Description. The Terminal Sales Annex is located on the property legally  
25 described as:



1           The southerly ½ of Lot 2 and the northerly 15 feet of Lot 3, Block 44, A.A.  
2           Denny's Addition to the Town of Seattle, according to Plat recorded in Volume 1 of  
3           Plats, Page 99, in King County, Washington.

4  
5           Except the northeasterly 12 feet of Lots 2 and 3 heretofore condemned for  
6           widening of 2<sup>nd</sup> Avenue in King County Superior Court Case No. 39151 as provided by  
7           Ordinance No. 9311 of the City of Seattle.

8  
9           B.     Specific Features and/or Characteristics Designated. Pursuant to SMC  
10          25.12.660A2, the following specific features and/or characteristics of Terminal Sales Annex are  
11          designated:

- 12                 1. The exterior of the improvement (the building).

13  
14           C.     Basis of Designation. The designation was made because the Terminal Sales  
15          Annex has significant character, interest or value as a part of the development, heritage or  
16          cultural characteristics of the City, state or nation, it has integrity or the ability to convey its  
17          significance, and because it satisfies the following from Section 25.12.350:

- 18                 1. It embodies the distinctive visible characteristics of an architectural style, period,  
19                 or of a method of construction. (SMC 25.12.350D)

20  
21           Section 2. CONTROLS: The following controls are hereby imposed on the features and  
22          characteristics of the Terminal Sales Annex that were designated by the Board for preservation:  
23



1           A. Certificate of Approval Process.

2           1.       Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a  
3 Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the time for  
4 denying a Certificate of Approval must have expired, before the owner may make alterations or  
5 significant changes to the following specific features or characteristics:

6                   a.   The exterior of the improvement (the building).

7  
8           2.   No Certificate of Approval or approval by the City Historic Preservation  
9 Officer(CHPO) is required for the following:

10                   a.   Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

11  
12           B. City Historic Preservation Officer (CHPO) Approval Process.

13           1.   The CHPO may review and approve the items listed in Section 2.B.3 of this  
14 Ordinance according to the following procedure:

15                   a.   The owner shall submit to the City Historic Preservation Officer (CHPO) a  
16 written request for the alterations, including applicable drawings and/or  
17 specifications.

18                   b.   If the CHPO, upon examination of submitted plans and specifications,  
19 determines that the alterations are consistent with the purposes of SMC  
20 chapter 25.12, the alterations shall be approved without further action by  
21 the Board.  
22  
23  
24  
25  
26  
27  
28



1 c. If the CHPO does not approve the alterations, the owner may submit  
2 revised materials to the CHPO, or apply to the Board for a Certificate of  
3 Approval under SMC chapter 25.12, as provided in Section 2.A.

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 approve or disapprove the  
6 request shall constitute approval of the request.

7 3. CHPO approval for changes or alterations to the designated features or  
8 characteristics of the landmark described in Section 1.B of this Ordinance, is available for the  
9 following:  
10

11 a. The addition or elimination of duct conduits, HVAC vents, grilles, fire  
12 escapes, pipes, and other similar wiring or mechanical elements necessary  
13 for the normal operation of the building.  
14

15 Section 3. INCENTIVES. The following incentives are hereby granted on the features  
16 and characteristics of the Terminals Sales Annex that were designated by the Board for  
17 preservation:  
18

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

23 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC chapter  
24 22.100, and the Energy Code of the City, SMC chapter 22.700, may be authorized pursuant to the  
25 applicable provisions thereof.  
26



1 C. Special tax valuation for historic preservation may be available under Chapter 84.26  
2 RCW upon application and compliance with the requirements of that statute.

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

5 Section 5. The Terminal Sales Annex is hereby added to the Table of Historical  
6 Landmarks contained in SMC Chapter 25.32.

7  
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 City Historic  
10 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
11 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
12 the landmark.  
13



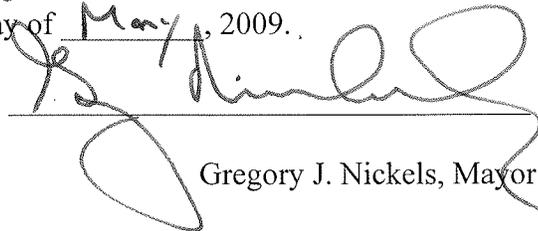
1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 18<sup>th</sup> day of May, 2009, and signed by me in open  
5 session in authentication of its passage this 18<sup>th</sup> day of May, 2009.

6 

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

9 Approved by me this 26<sup>th</sup> day of May, 2009.

10 

11  
12 Gregory J. Nickels, Mayor

13 Filed by me this 27<sup>th</sup> day of May, 2009.

14  
15  
16   
17 Acting City Clerk

18 (Seal)



**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 controls upon the Terminal Sales Annex, 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 Terminal Sales Annex as an historic landmark based upon a determination by the Landmarks Preservation Board and adds the building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The Terminal Sales Annex was built in 1915 in downtown Seattle. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. Features included in the landmark controls are the exterior of the building. Excluded from the controls are any in-kind maintenance or repairs of these features.

• *Please check one of the following:*

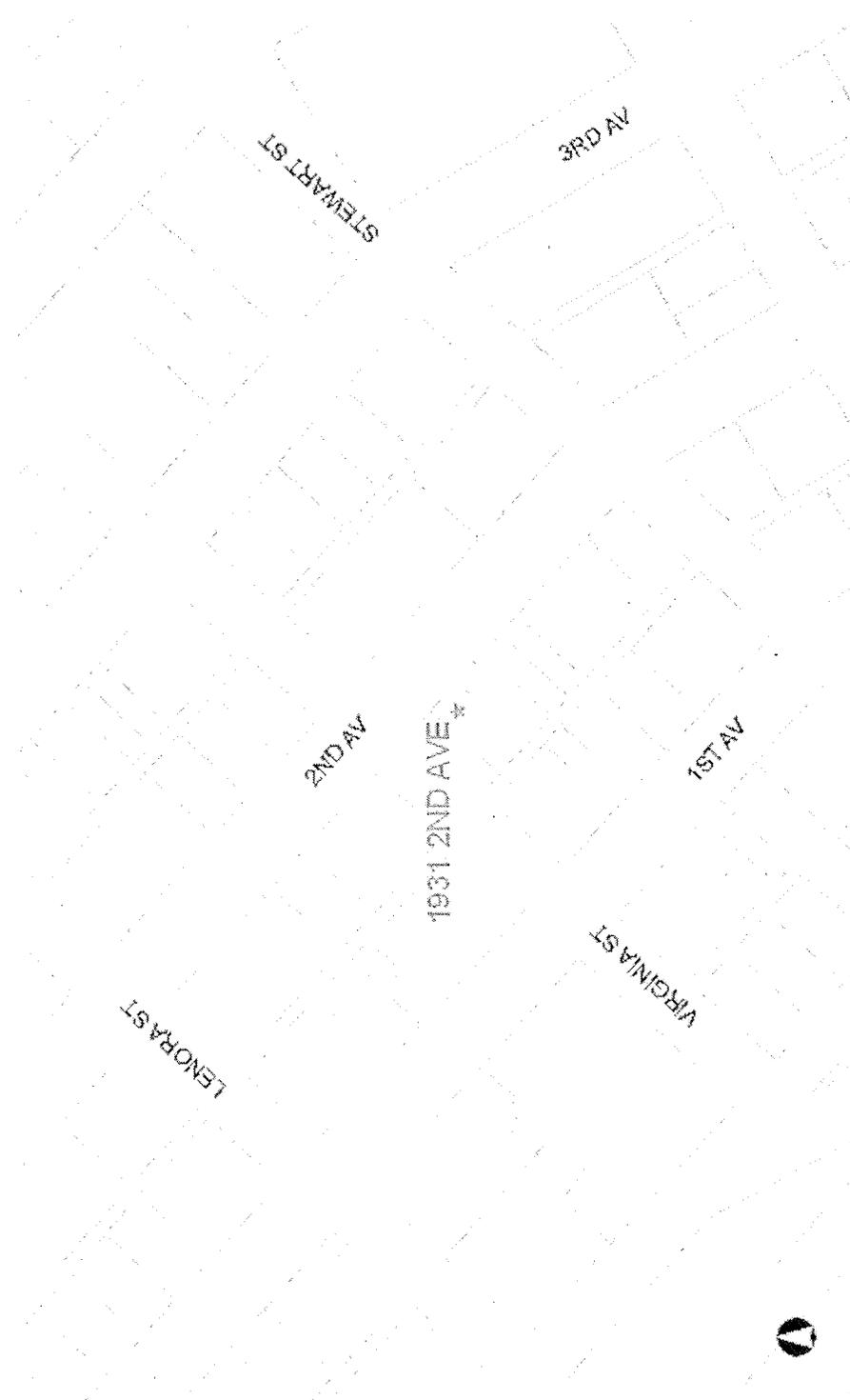
  x   **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

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

Attachments:

Exhibit A – Vicinity Map of the Terminal Sales Annex





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

### Terminal Sales Annex Vicinity Map





# City of Seattle

---

Gregory J. Nickels, Mayor

## Office of the Mayor

March 30, 2009

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

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that designates the Terminal Sales Annex located at 1931 Second Avenue as an historic landmark and adds it 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. Features included in the landmark controls are the exterior of the building. Excluded from the controls are any in-kind maintenance or repairs to these features.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a horizontal line.

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



---

**STATE OF WASHINGTON – KING COUNTY**

--SS.

---

239578  
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.

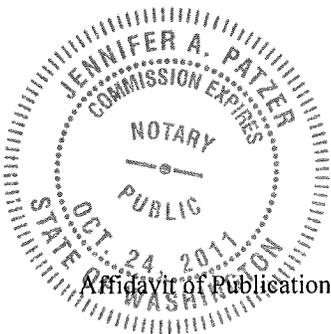
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122981 ORDINANCE

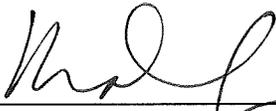
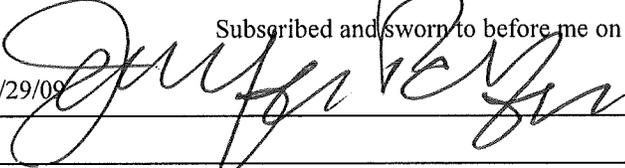
was published on

05/29/09

The amount of the fee charged for the foregoing publication is the sum of \$ 275.93, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
05/29/09   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

### ORDINANCE 122981

AN ORDINANCE relating to historic preservation, imposing controls upon the Terminal Sales Annex, a landmark desig-

nated 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 (the Board), after a public meeting on December 5, 2007, voted to approve the nomination of the improvement (the building) located at 1931 Second Avenue in Seattle, which is referred to as the Terminal Sales Annex for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on January 16, 2008 the Board voted to approve the designation of the Terminal Sales Annex under SMC Chapter 25.12; and

WHEREAS, on March 4, 2009, 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 (the Board) of the improvement (the building) located at 1931 Second Avenue in Seattle, which is referred to as Terminal Sales Annex for the purposes of this ordinance, is hereby acknowledged.

A. **Legal Description.** The Terminal Sales Annex is located on the property legally described as:

The southerly ¼ of Lot 2 and the northerly 15 feet of Lot 3, Block 44, A.A. Denny's Addition to the Town of Seattle, according to Plat recorded in Volume 1 of Plats, Page 99, in King County, Washington.

Except the northeasterly 12 feet of Lots 2 and 3 heretofore condemned for widening of 2nd Avenue in King County Superior Court Case No. 39161 as provided by Ordinance No. 9311 of the City of Seattle.

B. **Specific Features and/or Characteristics Designated.** Pursuant to SMC 25.12.660A2, the following specific features and/or characteristics of Terminal Sales Annex are designated:

1. The exterior of the improvement (the building).

C. **Basis of Designation.** The designation was made because the Terminal Sales Annex has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to convey its significance, and because it satisfies the following from Section 25.12.350:

1. It embodies the distinctive visible characteristics of an architectural style, period, or of a method of construction. (SMC 25.12.350D)

Section 2. **CONTROLS:** The following controls are hereby imposed on the features and characteristics of the Terminal Sales Annex that were designated by the Board for preservation:

#### A. Certificate of Approval Process.

1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

a. The exterior of the improvement (the building).

2. No Certificate of Approval or approval by the City Historic Preservation Officer (CHPO) is required for the following:

Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

#### B. City Historic Preservation Officer (CHPO) Approval Process.

1. The CHPO may review and approve the items listed in Section 2.B.3 of this Ordinance according to the following procedure:

a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC chapter 25.12, the alterations shall be approved without further action by the Board:

c. If the CHPO does not approve the alterations, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC chapter 25.12, as provided in Section 2.A.

2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to approve or disapprove the request shall constitute approval of the request.

3. CHPO approval for changes or alterations to the designated features or characteristics of the landmark described in Section 1.B of this Ordinance, is available for the following:

a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.

Section 3. **INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the Terminal Sales Annex that were designated by the Board for preservation:

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

B. Exceptions to certain of the requirements of the Seattle Building Code, SMC chapter 22.100, and the Energy Code of the City, SMC chapter 22.700, may be authorized pursuant to the applicable provisions thereof.

C. Special tax valuation for historic preservation may be available under Chapter 84.26 RCW upon application and compliance with the requirements of that statute.

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

Section 5. The Terminal Sales Annex is hereby added to the Table of Historical Landmarks contained in SMC Chapter 25.32.

Section 6. The City Clerk is directed to record a certified copy of this ordinance with the King County Director of Records and Elections, deliver two certified copies to the City Historic Preservation Officer, and deliver one copy to the Director of the Department of Planning and Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of the landmark.

Section 7. 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 18th day of May, 2009, and signed by me in open session in authentication of its passage this 18th day of May, 2009.

Richard Conlin

President of the City Council

Approved by me this 26th day of May, 2009.

Gregory J. Nickels, Mayor

Filed by me this 26th day of May, 2009.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 29, 2009.

5/29(239578)