Ordinance No. 124551

Council Bill No. 118143

AN ORDINANCE relating to historic preservation, imposing controls upon the RKO Distributing Company Building, 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 313884

Date Introduced and Referred: 7/7/14	To: (committee): Seattle Public Utilities and Neighborhoods
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 9/2/14	Date Presented to Mayor: 9/3/14
Date Signed by Mayor: 9/5/14	Date Returned to City Clerk: 9/5/14
Published by Title Only X Published in Full Text	Date Vetoed by Mayor:
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: [illegible]

Committee Action:

Date	Recommendation	Vote
8/12/14	pass	2-0 (SB, KS)

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

Full Council Action:

Date	Decision	Vote
9/2/14	Passed	9-0

Law Department

Sarah Sodt/jom
DON RKO Distributing Company Building Landmark Designation ORD
May 21, 2014
Version #2

CITY OF SEATTLE

ORDINANCE 124551

COUNCIL BILL 118143

AN ORDINANCE relating to historic preservation, imposing controls upon the RKO Distributing Company Building, 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 October 6, 2010, voted to approve the nomination of the improvement located at 2312 Second Avenue (which is referred to as the "RKO Distributing Company Building" for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on December 1, 2010, the Board voted to approve the designation of the RKO Distributing Company Building under SMC Chapter 25.12; and

WHEREAS, on December 21, 2011, 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 2312 Second Avenue (which is referred to as the "RKO Distributing Company Building" for the purposes of this ordinance) is hereby acknowledged.

THIS CITY CLERK

A. Legal Description. The RKO Distributing Company Building is located on the property legally described as:

Lot 3, Block 26, of the Second Addition to that part of the City of Seattle Laid off by A.A. Denny and W.M. Bell (Commonly known as Bell and Denny's 2nd Addition to the City of Seattle), according to the plat thereof recorded in Volume 1 of Plats, page 77, Records of King County, Washington;

Except that portion of said lots condemned for widening 2nd Avenue in King County Superior Court Cause Number 39151 under ordinance No. 9311 of the city of Seattle;

Situate in the City of Seattle, County of King, State of Washington.

B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2, the following specific features or characteristics of the RKO Distributing Company Building are designated: the exterior of the building.

C. Basis of Designation. The designation was made because the RKO Distributing Company Building is more than 25 years old, has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, has integrity or the ability to convey its significance, and satisfies the following from SMC 25.12.350: it embodies the distinctive visible characteristics of an architectural style, period, or a method of construction (SMC 25.12.350.D).

D. Section 2. CONTROLS: The following controls are hereby imposed on the features or characteristics of the RKO Distributing Company Building that were designated by the Board for preservation:

SEA CITY CLERK

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B, 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: the exterior of the building.

2. No Certificate of Approval is required for the following: any in-kind maintenance or repairs of the features or characteristics listed in subsection 2.A.1.

B. City Historic Preservation Officer Approval Process.

1. The City Historic Preservation Officer (CHPO) may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 according to the following procedure:

a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.

c. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12.

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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 timely transmit a written decision constitutes approval of the request.

3. CHPO approval of alterations or significant changes to the features or characteristics listed in subsection 2.A.1 is available for the following:

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

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

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

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of the RKO Distributing Company Building 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 permit issued pursuant to Seattle Municipal Code Title 23.

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

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

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D. The Owner may be eligible to participate in the City's Landmark Transfer of Development Rights (TDR) Bank after obtaining a determination from the City concerning the quantity of unused development rights for the Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to SMC 23.49.014.

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

Section 5. The RKO Distributing Company Building is hereby added alphabetically to Section II, Buildings, of 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 CHPO, 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.

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Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 2nd day of September, 2014, and signed by me in open session in authentication of its passage this 2nd day of September, 2014.

President of the City Council

Approved by me this 5th day of September, 2014.

Edward B. Murray, Mayor

Filed by me this 5th day of September, 2014.

Monica Martinez Simmons, City Clerk

(Seal)

2014 CITY CLERK

Form revised: February 26, 2014

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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 RKO Distributing Company Building, 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 RKO Distributing Company Building as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the RKO Distributing Company Building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

Background:
The RKO Distributing Company Building was built in 1928 and is located in the Belltown 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.

__X__ **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.

SEA CITY CLERK

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 RKO Distributing Company Building

SEA CITY CLERK

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

2015 CITY CLERK

City of Seattle
Edward B. Murray
Mayor

June 17, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill that designates the RKO Distributing Company Building as a historic landmark, imposes controls, grants incentives and adds the RKO Distributing Company Building 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,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Office of the Mayor
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Seattle, Washington 98124-4749

Tel (206) 684-4000
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Hearing Impaired use the Washington Relay Service (7-1-1)
www.seattle.gov/mayor

2014 CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--ss.

315798 No.

CITY OF SEATTLE,CLERKS OFFICE

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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

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

CT:124549-565 TITLE ONLY

was published on

09/26/14

The amount of the fee charged for the foregoing publication is the sum of $269.10 which amount has been paid in full.

Subscribed and sworn to before me on

09/26/2014

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. BORRERO NOTARY PUBLIC STATE OF WASHINGTON

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on September 2, 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. 124549

AN ORDINANCE relating to the 23rd Avenue Corridor Improvements project; transferring jurisdiction of a portion of Lot 1, Block 2, Sander-Boman Real Estate Co.'s 1st Addition to the City of Seattle, from the Department of Parks and Recreation to the Department of Transportation; laying-off, opening, widening, extending, establishing, and designating the property for street purposes; superseding requirements of Ordinance 118477; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124550

AN ORDINANCE relating to historic preservation, imposing controls upon the Metropolitan Printing Press Company Building, 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.

ORDINANCE NO. 124551

AN ORDINANCE relating to historic preservation, imposing controls upon the RKO Distributing Company Building, 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.

ORDINANCE NO. 124552

AN ORDINANCE relating to land use and zoning, extending a deadline for compliance with locational restrictions in Section 23.42.058 on the production, processing, selling, or delivery of marijuana; and repealing Section 7 of Ordinance 124326.

ORDINANCE NO. 124553

AN ORDINANCE relating to a pedestrian tunnel under and across East Thomas Street, east of 15th Avenue East; amending Ordinance 122597; updating the insurance and bond requirements; amending the annual fee and other terms and conditions of the permit; renewing the term of the permit to Group Health Cooperative, formerly known as Group Health Cooperative of Puget Sound; providing for the acceptance of the permit and conditions; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124554

AN ORDINANCE relating to the Department of Finance and Administrative Services, declaring the property located at 3205 13th Avenue West, commonly known as former Fire Station 20, surplus to the City's needs and authorizing the Director of the Department of Finance and Administrative Services to sell the site and building through an open competitive process.

ORDINANCE NO. 124555

AN ORDINANCE relating to the State Route 520 Project; authorizing the Director of the Department of Transportation to acquire, accept, and record on behalf of the City of Seattle, a statutory warranty deed for a portion of Lot 1, Block 1, Glenwilde Addition to the City of Seattle, from Michael Leigh, a single person; placing the real property conveyed by such deed under the jurisdiction of the Department of Transportation and designating the property for street purposes; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124556

AN ORDINANCE authorizing, in 2014, acceptance of funding from non-City sources; authorizing the heads of the Executive Department, Department of Planning and Development, Department of Parks and Recreation, Seattle Police Department and the Seattle Department of Transportation to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124557

AN ORDINANCE relating to the 2014 Budget; amending Ordinance 124349, which adopted the 2014 Budget, including the 2014-2019 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; adding new projects; revising project allocations for certain projects in the 2014-2019 CIP; creating positions; creating exempt positions; modifying positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

ORDINANCE NO. 124558

AN ORDINANCE relating to enforcement and timely payment of parking infractions; providing authority to provide notice through use of a vehicle notification sticker that a vehicle may be immobilized; correcting a conflicting provision with regard to the time to request administrative review; providing that any person who unlawfully removes an immobilization device and is immobilized a second time is not eligible for a payment plan; and amending Seattle Municipal Code Sections 11.35.010 and 11.35.020.

ORDINANCE NO. 124559

AN ORDINANCE relating to the Department of Finance and Administrative Services, declaring the property located at 620 South Main Street as surplus to the City's needs; and authorizing the Director of Finance and Administrative Services to negotiate and execute all documents for the sale and transfer of the property to the InterIm Community Development Authority.

ORDINANCE NO. 124560

AN ORDINANCE relating to Seattle Public Utilities; declaring the real property at 5560 South Holly Street surplus to the City's needs and authorizing the Director of Seattle Public Utilities to sell the property through an open competitive process.

ORDINANCE NO. 124561

AN ORDINANCE relating to Seattle Public Utilities; declaring certain real property rights relating to sewer facility easements within the campus of the University of Washington as being surplus to City utility needs; authorizing the Director of Seattle Public Utilities to relinquish such easement rights and accept a new easement grant from the University of Washington for a City-owned sanitary sewer facility; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124562

AN ORDINANCE relating to the City Light Department, declaring the former Greenlake, Beverly, and Boulevard Park Substation properties as surplus to the City's needs and no longer required for providing public utility service or other municipal purpose; authorizing the sale of said properties through brokered sales to be managed by the Department of Finance and Administrative Services; and authorizing the General Manager and Chief Executive Officer of the City Light Department to execute all necessary documents to accomplish such property sales.

ORDINANCE NO. 124563

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

ORDINANCE NO. 124564

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

ORDINANCE NO. 124565

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

Date of publication in the Seattle Daily Journal of Commerce, September 26, 2014.

9/26(315798)