



SEATTLE CITY COUNCIL

Legislative Summary

CB 119540

Record No.: CB 119540

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125853

In Control: City Clerk

File Created: 04/23/2019

Final Action: 07/09/2019

Title: AN ORDINANCE relating to historic preservation; imposing controls upon the Ainsworth & Dunn 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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A - Map of Components of the Designated Interior Heavy Timber Structural System

Drafter: sarah.sodt@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	05/21/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	05/21/2019	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
1	Council President's Office	05/24/2019	sent for review	Finance and Neighborhoods Committee			
Action Text: The Council Bill (CB) was sent for review. to the Finance and Neighborhoods Committee							
1	City Council	06/10/2019	referred	Finance and Neighborhoods Committee			

Legislative Summary Continued (CB 119540)

1	Finance and Neighborhoods Committee	06/26/2019	pass	Pass
	Action Text: The Committee recommends that City Council pass the Council Bill (CB).			
		In Favor:	5	Chair Bagshaw, Vice Chair González , Member Harrell, Alternate O'Brien, Pacheco
		Opposed:	0	
1	City Council	07/01/2019	passed	Pass
	Action Text: The Council Bill (CB) passed by the following vote, and the President signed the Bill:			
		In Favor:	7	Councilmember Bagshaw, Councilmember González , Councilmember Herbold, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant
		Opposed:	0	
		Absent(NV):	1	Councilmember Juarez
1	City Clerk	07/05/2019	submitted for Mayor's signature	Mayor
1	Mayor	07/09/2019	Signed	
1	Mayor	07/09/2019	returned	City Clerk
1	City Clerk	07/09/2019	attested by City Clerk	
	Action Text: The Ordinance (Ord) was attested by City Clerk.			

CITY OF SEATTLE

ORDINANCE 125853

COUNCIL BILL 119540

AN ORDINANCE relating to historic preservation; imposing controls upon the Ainsworth & Dunn 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 Preservation 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 July 2, 2014, voted to approve the nomination of the improvement located at 2815 Elliott Avenue and a portion of the site on which the improvement is located (collectively referred to as the "Ainsworth & Dunn Warehouse" for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on August 20, 2014, the Board voted to approve the designation of the Ainsworth & Dunn Warehouse under SMC Chapter 25.12; and

WHEREAS, on February 21, 2018, 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 Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board ("Board") of the improvement located at 2815

Elliott Avenue and a portion of the site on which the improvement is located (collectively referred to as the “Ainsworth & Dunn Warehouse” for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. The Ainsworth & Dunn Warehouse is located on the property legally described as:

Lots 1, 2, 3 and 4, Block 169A, Supplemental Plat of Seattle Tidelands, in King County, Washington, except the southwesterly 8 feet in width thereof; Also Lots 5, 6, 7, and 8, Block 13, of the Town of Seattle, as laid out on the land claim of Wm. H. Bell, and the northwesterly extremity of the claim of A. A. Denny (commonly known as Bell & Denny’s Addition to the City of Seattle), according to the Plat thereof recorded in Volume 1 of Plats, Page 29, in King County, Washington.

B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of the Ainsworth & Dunn Warehouse:

1. The exterior of the building.
2. The exposed interior heavy timber structural system on the first floor, consisting of originally exposed heavy timber beams, columns, and knee braces. A map of the components of the designated interior heavy timber structural system is attached to this ordinance as Attachment A.
3. The portion of the site between the southwest side of the building and property line.

C. Basis of Designation. The designation was made because the Ainsworth & Dunn Warehouse 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:

1 1. It is associated in a significant way with a significant aspect of the
2 cultural, political, or economic heritage of the community, City, state, or nation (SMC
3 25.12.350.C).

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

6 3. Because of its prominence of spatial location, contrasts of siting, age, or
7 scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to
8 the distinctive quality or identity of such neighborhood or the City (SMC 25.12.350.F).

9 Section 2. CONTROLS: The following controls are hereby imposed on the features or
10 characteristics of the Ainsworth & Dunn Warehouse that were designated by the Board for
11 preservation:

12 A. Certificate of Approval Process.

13 1. Except as provided in subsection 2.A.2 or subsection 2.B of this
14 ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC
15 Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the
16 owner may make alterations or significant changes to the features or characteristics of the
17 Ainsworth & Dunn Warehouse that were designated by the Board for preservation.

18 2. No Certificate of Approval is required for the following:

19 a. Any in-kind maintenance or repairs of the features or
20 characteristics of the Ainsworth & Dunn Warehouse that were designated by the Board for
21 preservation.

22 b. Installation, removal, or alteration of temporary site furnishings.

c. Installation or repair of below-grade utilities provided that the site is restored in-kind.

d. Interior improvements that do not constitute alterations to the protected features listed in Section 1.B of this ordinance.

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 of this ordinance 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.

2. 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. 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 of the Ainsworth & Dunn Warehouse that were designated by the Board for preservation is available for the following:

1 a. The installation, alteration, or removal of exterior ducts, conduits,
2 HVAC vents, grilles, fire escapes, pipes, above-grade meters and utility connections, downspouts
3 and gutters, and other similar wiring or mechanical elements necessary for the normal operation
4 of the building.

5 b. The installation, alteration, or removal of exterior signage.

6 c. The installation, alteration, or removal of exterior lighting.

7 d. The installation, alteration, or removal of security lighting, video
8 cameras, and security system equipment.

9 e. The installation of and alterations to penetrations of the southeast
10 elevation.

11 f. Installation, alteration, or removal of improvements to the roof of
12 the existing building relating to a green roof and rooftop tenant amenities.

13 g. Interior tenant improvements that partially obscure or attach to the
14 interior heavy timber structural system on the first floor, but do not alter or destroy a component
15 of that system.

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

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

22 B. Special tax valuation for historic preservation may be available under chapter
23 84.26 RCW upon application and compliance with the requirements of that statute.

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

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

10 Section 5. The Ainsworth & Dunn Warehouse is hereby added alphabetically to Section
11 II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

12 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
13 King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy
14 to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed
15 to provide a certified copy of this ordinance to the owner of the landmark.

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 1st day of July, 2019,
and signed by me in open session in authentication of its passage this 1st day of July, 2019.

[Signature]
President Pro Tem of the City Council

Approved by me this 9th day of July, 2019.

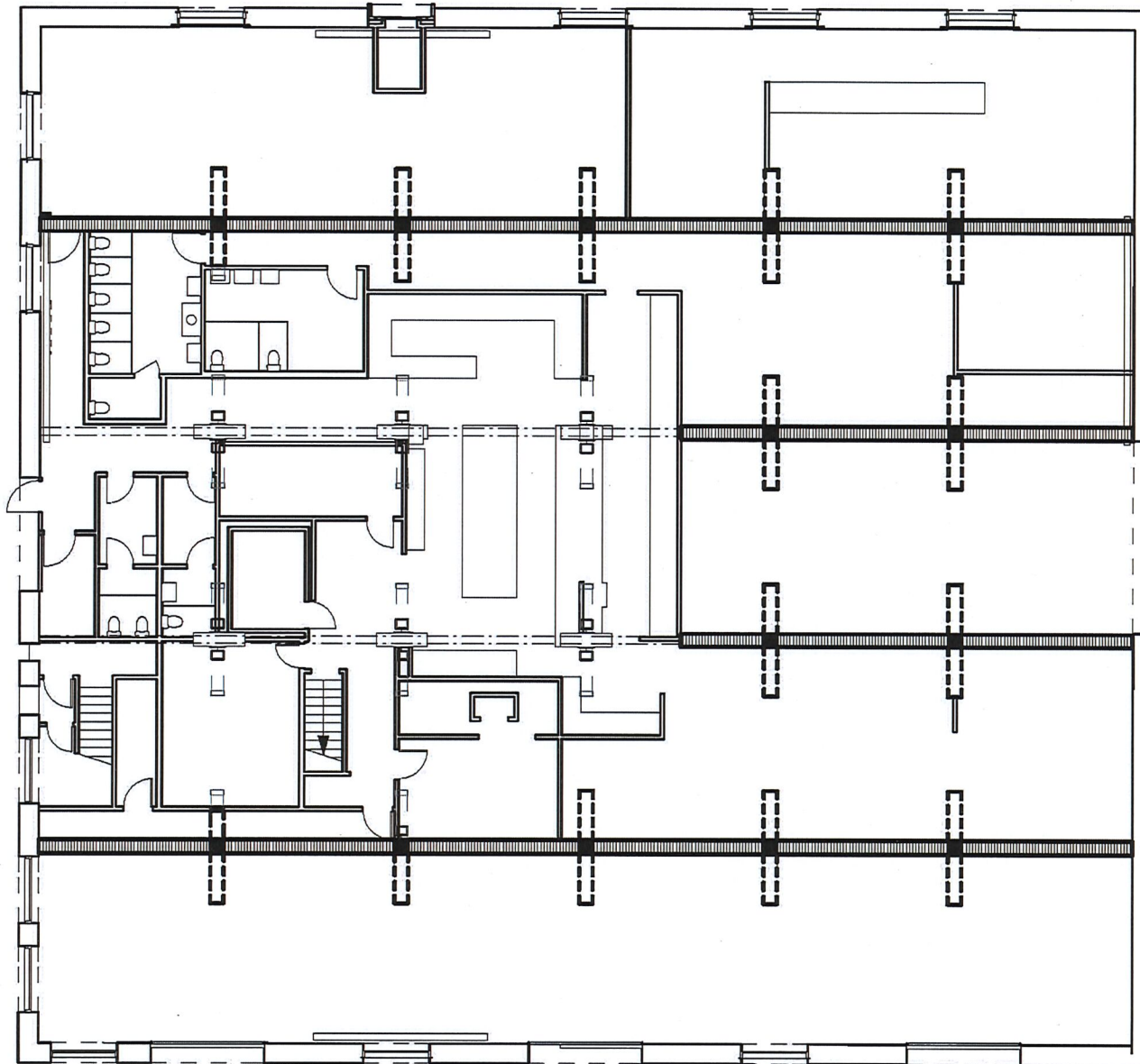
[Signature]
Jenny A. Durkan, Mayor

Filed by me this 9th day of JULY, 2019.

[Signature]
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Attachment A – Map of Components of Designated Interior Heavy Timber Structural System



First Floor Existing Plan

LEGEND

-  ORIGINALLY EXPOSED
HEAVY TIMBER BEAMS
-  ORIGINALLY EXPOSED
HEAVY TIMBER COLUMNS
-  ORIGINALLY EXPOSED
HEAVY TIMBER KNEE
BRACES

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Neighborhoods	Sarah Sodt/206-615-1786	Waslala Miranda/206-233-5044

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to historic preservation; imposing controls upon the Ainsworth & Dunn 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 and background of the Legislation:

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

The Ainsworth & Dunn Warehouse was built in 1902 and is located on the Downtown Waterfront. 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; the exposed interior heavy timber structural system on the first floor, consisting of originally exposed heavy timber beams, columns, and knee braces; and the portion of the site between the southwest side of the building and property line.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No.

Is there financial cost or other impacts of *not* implementing the legislation?
No.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?**
No.
- b. **Is a public hearing required for this legislation?**
No.
- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**
Yes. There is a city review process for changes to a landmark. Landmark controls are in perpetuity. The designating landmark ordinance is recorded with King County and associated with the parcel number in the County's records.
- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- e. **Does this legislation affect a piece of property?**
Yes, see attached map.
- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**
No.
- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**
No new initiative or programmatic expansion.

List attachments/exhibits below:

Summary Exhibit A – Vicinity Map of the Ainsworth & Dunn Warehouse

STATE OF WASHINGTON -- KING COUNTY

--SS.

375870

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:125853-859 TITLE ONLY

was published on

07/16/19

The amount of the fee charged for the foregoing publication is the sum of \$146.63.



Affidavit of Publication

A handwritten signature in blue ink, likely of the notary public, positioned above the signature line.

Subscribed and sworn to before me on

07/16/2019

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 July 01, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125853

Council Bill 119540

AN ORDINANCE relating to historic preservation; imposing controls upon the Ainsworth & Dunn 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.

Ordinance 125854

Council Bill 119544

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.011, 23.44.014, 23.44.017, 23.44.020, 23.44.041, 23.45.545, 23.84A.002, 23.84A.032, 23.84A.038, and 23.86.007 of the Seattle Municipal Code to remove barriers to the creation of attached and detached accessory dwelling units and add a floor area ratio requirement in certain single-family zones.

Ordinance 125855

Council Bill 119547

AN ORDINANCE relating to a Community Service Officer program; amending Ordinance 125724, which adopted the 2019 budget; lifting a proviso; and ratifying and confirming certain prior acts.

Ordinance 125856

Council Bill 119552

AN ORDINANCE related to Yesler Crescent Improvements; amending Ordinance 125724, which adopted the 2019 budget including the 2019-2024 Capital Improvement Program (CIP); lifting a proviso imposed on the Department of Parks and Recreation's Building for the Future Budget Summary Level in 2019 for improvements to the Yesler Crescent Corridor adopted in the 2019 budget; changing appropriations to various departments and budget control levels, and from various funds in the Budget; and revising project allocations for certain projects in the 2019-2024 CIP; and ratifying and confirming certain prior acts.

Ordinance 125857

Council Bill 119553

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the International Brotherhood of Electrical Workers Local Union No. 77 Power Marketers Unit to be effective January 1, 2017 to December 31, 2020; and ratifying and confirming certain prior acts.

Ordinance 125858

Council Bill 119558

AN ORDINANCE relating to City streets; changing the name of the designated Festival Street portion of East Denny Way between Broadway East and 10th Avenue East to East Barbara Bailey Way; and superseding the relevant portions of Ordinance 4044, Ordinance 89910, Ordinance 102981, and any other ordinance to the extent inconsistent.

Ordinance 125859

Council Bill 119559

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

Date of publication in the Seattle Daily Journal of Commerce, July 16, 2019.

7/16(375870)