

**CITY OF SEATTLE**  
**ORDINANCE** \_\_\_\_\_  
COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to historic preservation, imposing controls upon the Yesler Terrace Steam Plant, 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 August 18, 2010, voted to approve the nomination of the improvement located at 120 8<sup>th</sup> Avenue (which is referred to as the “Yesler Terrace Steam Plant” for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 6, 2010, the Board voted to approve the designation of the Yesler Terrace Steam Plant under SMC Chapter 25.12; and

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

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

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

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board (Board) of the improvement located at 120 8<sup>th</sup> Avenue (which is referred to as the “Yesler Terrace Steam Plant” for the purposes of this ordinance) is hereby acknowledged.

1           A. Legal Description. The Yesler Terrace Steam Plant is located on the property  
2 legally described as:

3           Block 2, Lot 1, Yesler Terrace Community, according to the plat thereof recorded on  
4 December 9, 2014, as Instrument No. 20141209001425, in Volume 267 of Plats, Pages 59-75, in  
5 King County, Washington.

6           ~~A.~~

7           ~~Blocks 2 through 6 and 8, inclusive, Yesler Terrace Addition, according to the Plat~~  
8 ~~thereof recorded in Volume 37 of Plats, Page 21 through 22A, in King County,~~  
9 ~~Washington;~~

10           ~~Except that portion of said Blocks 2 and 8, thereof, condemned in United States District~~  
11 ~~Court Cause No. 6189 for primary State Highway No. 1;~~

12           ~~And Except that portion of said Block 4 conveyed to the City of Seattle for street~~  
13 ~~purposes by deed recorded under recording No. 420237;~~

14           ~~And Block A, Yesler Terrace Addition, according to the Plat thereof recorded in Volume~~  
15 ~~37 of Plats, Page 21 through 22A, in King County, Washington;~~

16           ~~Together with that portion of vacated 11<sup>th</sup> Avenue as vacated under Ordinance No. 71751~~  
17 ~~of the City of Seattle, which attached by operation of law;~~

18           ~~And Lot 1, Block 85, Terry's Second Addition to the Town of Seattle, according to the~~  
19 ~~Plat thereof recorded in Volume 1 of Plats, Page 87, in King County, Washington;~~

20           ~~And that portion of vacated 9<sup>th</sup> Avenue and the portion vacated alley between Lot 1,~~  
21 ~~Block 85, of said Plat of Terry's Second Addition to the Town of Seattle, and Block 4 of~~  
22 ~~said Yesler Terrace Addition, as vacated under Ordinance No. 109446 of the City of~~  
23 ~~Seattle.~~

24           B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2,  
25 the following specific features or characteristics of the Yesler Terrace Steam Plant are  
26 designated: the exterior of the building.  
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1 C. Basis of Designation. The designation was made because the Yesler Terrace  
2 Steam Plant is more than 25 years old, has significant character, interest or value as a part of the  
3 development, heritage or cultural characteristics of the City, state or nation, has integrity or the  
4 ability to convey its significance, and satisfies the following from SMC 25.12.350:

- 5 1. It embodies the distinctive visible characteristics of an architectural style, period,  
6 or a method of construction (SMC 25.12.350.D).  
7  
8 2. Because of its prominence of spatial location, contrasts of siting, age, or scale, it  
9 is an easily identifiable visual feature of its neighborhood or City and contributes  
10 to the distinctive quality or identity of such neighborhood or the City (SMC  
11 25.12.350.F).

12 Section 2. CONTROLS: The following controls are hereby imposed on the features or  
13 characteristics of the Yesler Terrace Steam Plant that were designated by the Board for  
14 preservation:  
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16 A. Certificate of Approval Process.

- 17 1. Except as provided in subsection 2.A.2 or subsection 2.B, the owner must obtain a  
18 Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or  
19 the time for denying a Certificate of Approval must have expired, before the  
20 owner may make alterations or significant changes to the following specific  
21 features or characteristics: the exterior of the building.  
22  
23 2. No Certificate of Approval is required for the following:  
24 a. Any in-kind maintenance or repairs of the features or characteristics listed in  
25 subsection 2.A.1.  
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1                   b. The installation, alteration, or removal of playground equipment or surfacing of  
2                   the play area located on the roof of the building.

3                   B. City Historic Preservation Officer Approval Process.

- 4                   1. The City Historic Preservation Officer (CHPO) may review and approve  
5                   alterations or significant changes to the features or characteristics listed in  
6                   subsection 2.B.3 according to the following procedure:  
7  
8                   a. The owner shall submit to the CHPO a written request for the alterations or  
9                   significant changes, including applicable drawings or specifications.  
10                  b. If the CHPO, upon examination of submitted plans and specifications,  
11                   determines that the alterations or significant changes are consistent with the  
12                   purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or  
13                   significant changes without further action by the Board.  
14  
15                  c. If the CHPO does not approve the alterations or significant changes, the  
16                   owner may submit revised materials to the CHPO, or apply to the Board for a  
17                   Certificate of Approval under SMC Chapter 25.12.  
18  
19                  2. The CHPO shall transmit a written decision on the owner's request to the owner  
20                   within 14 days of receipt of the request. Failure of the CHPO to timely transmit a  
21                   written decision constitutes approval of the request.  
22  
23                  3. CHPO approval of alterations or significant changes to the features or  
24                   characteristics listed in subsection 2.A.1 is available for the following:  
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- a. The installation, alteration or removal of exterior ducts 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 attached to the building.
- d. The removal or alteration of the accessibility ramp at the northeast side of the building.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of the Yesler Terrace Steam Plant 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.

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

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Section 5. The Yesler Terrace Steam Plant 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.

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 \_\_\_\_ day of \_\_\_\_\_, 2014, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Sarah Sodt/jom  
DON Yesler Terrace Steam Plant Landmark Designation ORD  
~~March 18~~[February 5, 2014](#)  
Version #12

Monica Martinez Simmons, City Clerk

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