

Ordinance No. 122316

Council Bill No. 115796

AN ORDINANCE relating to historic preservation, imposing controls upon the Medical Dental 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.

CF No. \_\_\_\_\_

Date Introduced:	<u>12.4.06</u>	
Date 1st Referred:	To: (committee)	
	<u>12.4.06</u>	<u>Urban Devel. + Planning</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote:	
<u>12/11/06</u>	<u>9-0</u>	
Date Presented to Mayor:	Date Approved:	
<u>12/12/06</u>	<u>12-21-06</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/>
<u>12.21.06</u>	<u>4</u>	F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Pat Intrans

Councilmember

Passed 2-0  
PS, SC

## Committee Action:

FC 12/11/06 PASSED 9-0

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_ (Initial/Date)

*Law Department*

Law Dept. Review
OMP Review
City Clerk Review
Electronic Copy Loaded
Indexed

12.22.06

ORDINANCE 122316

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AN ORDINANCE relating to historic preservation, imposing controls upon the Medical Dental 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 ("the Board"), after a public meeting on December 21, 2005, voted to approve the nomination of the Medical Dental Building ("the Site") located at 509 Olive Way, in Seattle, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on February 1, 2006 the Board voted to approve the designation of the Medical Dental Building as a landmark under SMC Chapter 25.12; and

WHEREAS, on August 16, 2006, 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 known as Medical Dental Building is hereby acknowledged.

A. Legal Description. Medical Dental Building ("the Site") is located on property that is legally described as:



1 All of Lot 6, except that portion condemned by the City of Seattle for Westlake  
2 Avenue; all of Lot 7; all of Lot 5, except the South 20 feet thereof; and all of Lot  
3 8, except the South 20 feet thereof;

4  
5 together with that portion of the vacated alley lying between said portion of Lots 5  
6 and 6 on the West, and Lot 7 and said portion of Lot 8 on the East; all in Block 2,  
7 addition to the town of Seattle as laid off by the heirs of Sarah A. Bell, deceased,  
8 (commonly known as heirs of Sarah A. Bell's addition the City of Seattle)  
9 according to the plat thereof, recorded in Volume 1 of Plats, page 103, in King  
10 County, Washington.

11  
12 B. Specific Features and/or Characteristics Designated. Pursuant to SMC

13 25.12.660A2, the following specific features and/or characteristics of Medical Dental Building  
14 are designated:

- 15 1. The exterior of the building, including the 1950 addition.

16  
17 C. Basis of Designation. The designation was made because Medical Dental Building  
18 has significant character, interest or value as a part of the development, heritage or cultural  
19 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,  
20 and because it satisfies the following from Section 25.12.350:

- 21 1. It is associated in a significant way with a significant aspect of the cultural,  
22 political or economic heritage of the community, city, state or nation. (SMC  
23 25.12.350C)  
24



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

3 3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is  
4 an easily identifiable visual feature of its neighborhood or the City and contributes  
5 to the distinctive quality or identity of such neighborhood or the City. (SMC  
6 25.12.350F)  
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8  
9 Section 2. CONTROLS: The following controls are hereby imposed on the features and  
10 characteristics of the Medical Dental Building, which were designated by the Board for  
11 preservation:

12 A. Certificate of Approval Process.

13 1. Except as provided in Section 2A2 below, the owner must obtain a Certificate of  
14 Approval, issued by the Board pursuant to SMC chapter 25.12, or the time for denying a  
15 Certificate of Approval must have expired, before the owner may make alterations or significant  
16 changes to the following specific features or characteristics:

17 a. The exterior of the building, including the 1950 addition.  
18

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

21 a. Any in-kind maintenance or repairs of the features listed in Section 2. A. 1.  
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23 B. City Historic Preservation Officer (CHPO) Approval Process.

24 1. The CHPO may review and approve the items listed in Section 2 A.1. according  
25 to the following procedure:  
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- 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 Subsection 2A.

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 the designated areas of the landmark described in Section 1.B. is available for the following:

- a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, wiring, and other similar mechanical elements necessary for the normal operation of the building, including generator exhaust pipes.
- b. The addition or elimination of parking garage warning signs (visual and audible) and mirrors.
- c. The addition or elimination of building security equipment.



1 Section 3. INCENTIVES. The following incentives are hereby granted on the features  
2 and characteristics of Medical Dental Building, which were designated by the Board for  
3 preservation:

4 A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark  
5 by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title  
6 23.  
7

8 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC chapter  
9 22.100 and the Energy Code of the City, SMC chapter 22.700 may be authorized pursuant to the  
10 applicable provisions thereof.  
11

12 C. Historic Preservation Special Tax Valuation pursuant to Chapter 84.26 RCW may be  
13 granted upon application and compliance with the requirements of that statute.

14 Section 4. Enforcement of this ordinance and penalties for its violation shall be as  
15 provided in SMC 25.12.910.  
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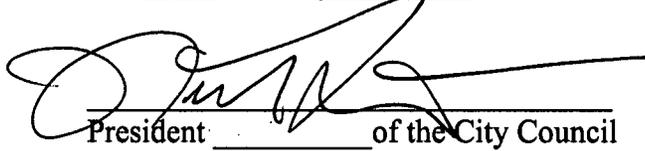
17 Section 5. Medical Dental Building is hereby added to the Table of Historical Landmarks  
18 contained in SMC Chapter 25.32.

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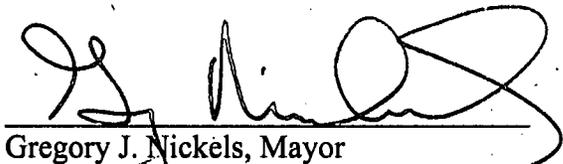


1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

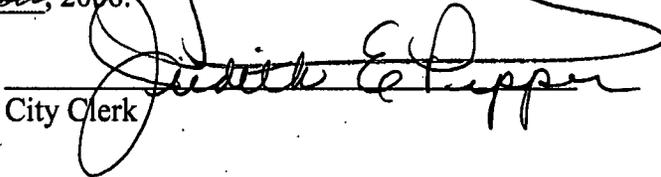
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5 Passed by the City Council the 11<sup>th</sup> day of December, 2006, and signed by me in  
6 open session in authentication of its passage this 11<sup>th</sup> day of December, 2006.

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

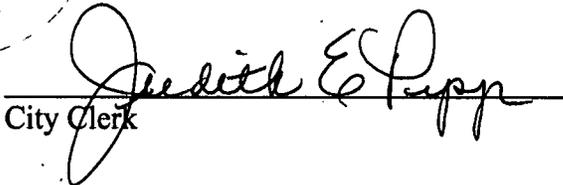
9 Approved by me this 21<sup>st</sup> day of December, 2006.

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11   
12 Gregory J. Nickels, Mayor

13 Filed by me this 21<sup>st</sup> day of December, 2006.

14  
15   
16 City Clerk

17 (Seal)

18  
19   
20 City Clerk

21 (Seal)





# City of Seattle

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Gregory J. Nickels, Mayor

## Office of the Mayor

November 7, 2006

Honorable Nick Licata  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

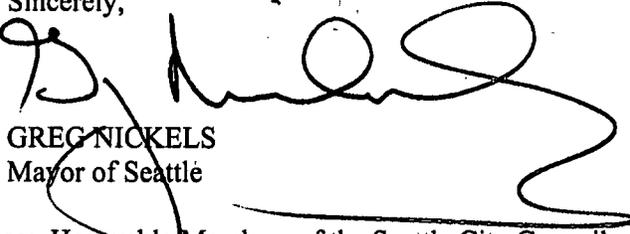
Dear Council President Licata:

I am pleased to transmit the attached proposed Council Bill for your consideration. The Medical Dental Building, 509 Olive Way, was recently designated as an historic landmark by the Seattle Landmarks Preservation Board. The nomination was prepared and submitted by the GRE Mezzanine, LLC.

A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. Included in the landmark controls are the exterior of the building, including the 1950 addition. Excluded from the controls are any in-kind maintenance or repairs to the exterior of the building or to the 1950 addition.

Thank you for your consideration of this legislation. Should you have questions, please contact Elizabeth Chave, Department of Neighborhoods, at 684-0380.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Department of Neighborhoods	Beth Chave/684-0380	Kristi Beattie/684-5266

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing controls upon the Medical Dental 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 Medical Dental Building as an historic landmark based upon a determination by the Landmarks Preservation Board; imposes controls on the exterior of the building and the 1950 addition, and adds the building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have financial implications.

• **Background:**

The Medical Dental Building was built in 1925, and an addition was added in 1950. Each of the two distinct halves of the building reflects its respective architectural era although the first and second floors were altered significantly with the 1950 addition.

A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. Included in the landmark controls are the site and the exterior of the 1925 building and the 1950 additions. Excluded from the controls are in-kind maintenance or repairs on included features and minor landscaping.

• *Please check one of the following:*

**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.)*

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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205810  
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.

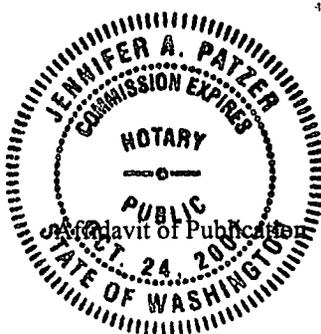
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 122316

was published on

12/28/06

The amount of the fee charged for the foregoing publication is the sum of \$ 296.70, which amount has been paid in full.



*Samuel Oglesby*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
12/28/06  
*[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 122816

AN ORDINANCE relating to historic preservation; imposing controls upon the Medical Dental 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 ("the Board") after a public meeting on December 21, 2005, voted to approve the nomination of the Medical Dental Building ("the Site") located at 509 Olive Way, in Seattle, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on February 1, 2006 the Board voted to approve the designation of the Medical Dental Building as a landmark under SMC Chapter 25.12; and

WHEREAS, on August 16, 2006, 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 known as Medical Dental Building is hereby acknowledged.

A. Legal Description. Medical Dental Building ("the Site") is located on property that is legally described as:

All of Lot 6, except that portion condemned by the City of Seattle for Westlake Avenue; all of Lot 7; all of Lot 5, except the South 20 feet thereof; and all of Lot 8, except the South 20 feet thereof;

together with that portion of the vacated alley lying between said portion of Lots 5 and 6 on the West, and Lot 7 and said portion of Lot 8 on the East; all in Block 2, addition to the town of Seattle as laid off by the heirs of Sarah A. Bell, deceased, (commonly known as heirs of Sarah A. Bell's addition the City of Seattle) according to the plat thereof, recorded in Volume 1 of Plate, page 103, in King County, Washington.

B. Specific Features and/or Characteristics Designated. Pursuant to SMC 25.12.660A2, the following specific features and/or characteristics of Medical Dental Building are designated:

1. The exterior of the building, including the 1950 addition.

C. Basis of Designation. The designation was made because Medical Dental Building 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 is associated in a significant way with a significant aspect of the cultural, political or economic heritage of the community, city, state or nation. (SMC 25.12.350C)
2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction. (SMC 25.12.350D)
3. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or the City. (SMC 25.12.350F)

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Medical Dental Building, which were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in Section 2A2 below, 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 building, including the 1950 addition.
2. No certificate of approval or approval by the City Historic Preservation Officer (CHPO) is required for the following:
a. 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 A.1. 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 Subsection 2A.
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 the designated areas of the landmark described in Section 1.B. is available for the following:
a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, wiring, and other similar mechanical elements necessary for the normal operation of the building, including generator exhaust pipes.
b. The addition or elimination of parking garage warning signs (visual and audible) and mirrors.
c. The addition or elimination of building security equipment.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of Medical Dental Building, which 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. Historic Preservation Special Tax Valuation pursuant to Chapter 84.28 RCW may be granted upon application and compliance with the requirements of that statute.

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

Section 5. Medical Dental Building 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 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 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 11th day of December, 2006, and signed by me in open session in authentication of its passage this 11th day of December, 2006.

NICK LICATA,

President of the City Council.

Approved by me this 21st day of December, 2006.

GREGORY J. NICKELS,

Mayor.

Filed by me this 21st day of December, 2006.

(Seal) JUDITH E. PIPPIN,

City Clerk.

Publication ordered by JUDITH PIPPIN, City Clerk. Date of publication in the Seattle Daily Journal of Commerce, December 28, 2006. 12/28(205810)

non-water-dependent uses.

Section 17. Section 23.60.660 of the Seattle Municipal Code, which Section was last amended by Ordinance 120927, amended as follows:

**SMC 23.60.660 Uses permitted outright on waterfront lots in the UH Environment.**

The following uses shall be permitted on waterfront or on dry-land portions of waterfront lots in the Urban Harborfront environment as either principal or accessory uses:

**A. The following commercial uses:**

- 1. ~~((Personal and household retail))~~ ~~General sales and services,~~
- 2. Marine ~~(retail)~~ sales and services,
- 3. Eating and drinking establishments
- 4. Existing hotels, provided that expansion of the hotel use shall be prohibited and expansion only for public access shall be permitted,
- ~~((5) Parking over water when accessory to a water-dependent or water-related use;~~
- ~~6. Parking on dry land when accessory to a permitted use;~~
- ~~((7))~~ ~~E. Offices when located above wharf level.~~
- ~~((8))~~ ~~Entertainment uses,~~
- ~~((9) Passenger terminals, water-dependent;~~
- ~~10. Breakbulk cargo terminals;~~
- ~~((11))~~ ~~Z. Research and development laboratories, water-dependent, and~~
- ~~((12))~~ ~~B. Food processing and craft works uses;~~

**B. The following transportation facilities:**

- 1. ~~Parking over water when accessory to a water-dependent or water-related use.~~
- 2. ~~Parking on dry land when accessory to a permitted use.~~
- 3. ~~Passenger terminals, water-dependent, and~~
- 4. ~~Breakbulk cargo terminals;~~
- ~~((B))~~ ~~C. Light manufacturing uses, water-dependent or water-related;~~
- ~~((C))~~ ~~D. Streets, railroads and bridges;~~
- ~~((D))~~ ~~E. The following institutions:~~
  - 1. Institutes for advanced study, water-dependent or water-related,
  - 2. Maritime museums,
  - 3. Colleges that have water-dependent or water-related facilities,
  - 4. Community centers,
  - 5. Vocational schools, water-dependent or water-related,
  - 6. Community yacht, boat, and beach clubs, and
  - 7. Child care centers when located above wharf level;
- ~~((E))~~ ~~F. The following public facilities:~~
  - 1. Public facilities, water-dependent or water-related, and
  - 2. Public facilities that are part of an approved public improvement plan for the Harbor front adopted by the Council;
- ~~((F))~~ ~~G. Shoreline Recreation;~~
- ~~((G))~~ ~~H. Aquaculture; and~~
- ~~((H))~~ ~~I. Minor communication utilities except freestanding transmission towers.~~

Section 18. Section 23.60.664 of the Seattle Municipal Code, which Section was last amended by Ordinance 118793, amended as follows:

**SMC 23.60.664 Administrative conditional uses permitted on waterfront lots in the UH Environment.**

The following uses may be authorized on waterfront or on dry-land portions of waterfront lots in the UH Environment by the Director with the concurrence of the Department of Ecology, as either principal or accessory uses if the criteria for conditional uses in WAC 173-27-160 are satisfied:

**A. The following commercial uses:**

- ~~((1) Outdoor storage, water-related or water-dependent;~~
- ~~2. Warehouses, water-related or water-dependent;~~
- ~~3))~~ ~~1. Wholesale showrooms, and~~
- ~~((4))~~ ~~2. Research and development laboratories, non-water-dependent;~~

**B. The following storage uses:**

- 1. ~~Outdoor storage, water-related or water-dependent, and~~
- 2. ~~Warehouses, water-related or water-dependent;~~

**((B)) C. Non-water-dependent commercial uses on historic ships:**

- 1. The following uses may be permitted on an historic ship when meeting the criteria in subsection C2 below:
  - a. ~~Sale and rental of small boats, boat parts and ((or)) accessories,~~
  - b. ~~((Personal and household retail)) General sales and services,~~
  - c. ~~Major durables retail sales, and~~
  - ~~((c))~~ ~~d. Eating and drinking establishments,~~
- 2. a. The ship is designated as historic by the Landmarks Preservation Board or listed on the National Register of Historic Places,
  - b. The use is compatible with the existing design and/or construction of the ship without significant alteration,
  - c. Uses permitted outright are not practical because of ship design and/or cannot provide adequate financial support necessary to