



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119528

Record No.: CB 119528

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125836

In Control: City Clerk

File Created: 04/23/2019

Final Action: 06/17/2019

**Title:** AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Tower, 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:

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	05/14/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	05/14/2019	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	05/16/2019	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	05/20/2019	referred	Finance and Neighborhoods Committee			

**Legislative Summary Continued (CB 119528)**

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1 Finance and Neighborhoods Committee 05/23/2019 pass Pass

Action Text: The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 1 Chair Bagshaw

Opposed: 0

1 City Council 06/03/2019 passed Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Pacheco, Councilmember Sawant

Opposed: 0

1 City Clerk 06/07/2019 submitted for Mayor  
Mayor's signature

1 Mayor 06/17/2019 Signed

1 Mayor 06/17/2019 returned City Clerk

1 City Clerk 06/17/2019 attested by City Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

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**CITY OF SEATTLE**

**ORDINANCE** 125836

**COUNCIL BILL** 119528

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Tower, 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 December 18, 1974, voted to approve the nomination of the improvement located at 1218 Third Avenue (referred to as the "Seattle Tower" for the purposes of this ordinance) for designation as a landmark under Ordinance 102229; and

WHEREAS, after a public meeting on June 15, 1977, the Board voted to approve the designation of the Seattle Tower under Ordinance 106348, which is now codified as SMC Chapter 25.12; and

WHEREAS, on January 17, 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 1218

Third Avenue (referred to as the “Seattle Tower” for the purposes of this ordinance) is hereby acknowledged.

A. Legal Description. The Seattle Tower is located on the property legally described as:

Lots 1 and 2, of the Replat of Block 4 in the plat of the addition to the City of Seattle, as laid out by A.A. Denny (commonly known as the replat of Block 4 of the A.A. Denny’s 2nd Addition to the City of Seattle), according to the plat recorded in Volume 8 of Plats, Page 86, records of King County, Washington;

Except the westerly 9 feet thereof heretofore condemned in King County Superior Court Cause No. 54133 for widening of Third Avenue, as provided by Ordinance No. 14345 of the City of Seattle.

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 Seattle Tower:

1. The exterior of the building.
2. The Third Avenue Lobby.

C. Basis of Designation. The designation was made because the Seattle Tower 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. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

Section 2. CONTROLS: The following controls are hereby imposed on the features or characteristics of the Seattle Tower that were designated by the Board for preservation:

1           A.     Certificate of Approval Process.

2                   1.     Except as provided in subsection 2.A.2 or subsection 2.B of this  
3 ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC  
4 Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the  
5 owner may make alterations or significant changes to the features or characteristics of the Seattle  
6 Tower that were designated by the Board for preservation.

7                   2.     No Certificate of Approval is required for the following: any in-kind  
8 maintenance or repairs of the features or characteristics of the Seattle Tower that were designated  
9 by the Board for preservation.

10           B.     City Historic Preservation Officer Approval Process.

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

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

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

20                   2.     If the CHPO does not approve the alterations or significant changes, the  
21 owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of  
22 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 Seattle Tower that were designated by the Board for preservation is available for the following:

a. The installation, alteration, or removal of exterior ducts, conduits, HVAC vents, grilles, fire escapes, pipes, above-grade meters and utility connections, downspouts and gutters, 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.

d. The removal or application of exterior paint color.

e. The relocation, replacement, or restoration of exterior doors at the ground level if necessary in connection with the demising of retail space.

f. The installation, alteration, or removal of exterior architectural lighting.

g. The installation, alteration, or replacement of landscaping on the western and northern first floor, and on the roof deck.

h. The alteration of the rooftop flag poles.

i. The alteration or replacement of non-original windows and exterior doors, and railings at the fourth-floor patio decks.

j. The alteration or replacement of non-original windows and exterior doors, and railings at the sixth-floor patio decks.

k. The alteration or replacement of non-original windows and exterior doors, and railings of upper level balconies.

l. The installation, alteration, or removal of the drapery or curtain behind the security desk in the lobby, if not attached to historic building materials.

Section 3. INCENTIVES: The following incentives are hereby granted on the features or characteristics of the Seattle Tower 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 chapter 84.26 RCW 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.

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 Seattle Tower 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.

1           Section 5. The Seattle Tower is hereby added alphabetically to Section II, Buildings, of  
2 the Table of Historical Landmarks contained in SMC Chapter 25.32.

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



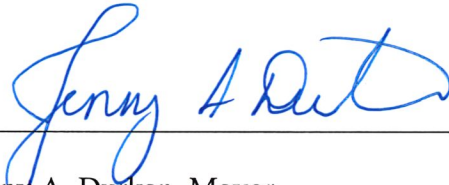
Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 3rd day of June, 2019,  
and signed by me in open session in authentication of its passage this 3rd day of  
June, 2019.



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

Approved by me this 17th day of June, 2019.

  
Jenny A. Durkan, Mayor

Filed by me this 17th day of June, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
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 Seattle Tower, 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 Seattle Tower as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Seattle Tower to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

The Seattle Tower was built in 1928 and is located in Downtown. 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, and the interior of the Third Avenue Lobby, but do not apply to any in-kind maintenance or repairs of the designated features.

### **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 Seattle Tower

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STATE OF WASHINGTON -- KING COUNTY

--SS.

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375354

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

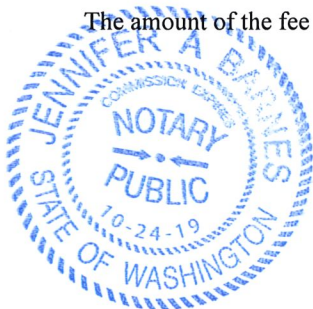
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125833-838 TITLE ONLY

was published on

06/27/19

The amount of the fee charged for the foregoing publication is the sum of \$114.71.



Affidavit of Publication

A handwritten signature in blue ink, likely of the subscriber, written over a horizontal line.

Subscribed and sworn to before me on

06/27/2019

A handwritten signature in blue ink, likely of the notary, written over a horizontal line.

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 June 03, 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 125833**

#### **Council Bill 119536**

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

### **Ordinance 125834**

#### **Council Bill 119513**

AN ORDINANCE relating to the City of Seattle's Paid Family Care Leave program; amending Sections 4.29.010, 4.29.020, 4.29.030, and 4.29.070 of the Seattle Municipal Code.

### **Ordinance 125835**

#### **Council Bill 119500**

AN ORDINANCE related to land use and zoning; amending Ordinance 125791 to correct map errors contained in Map A for 23.58B.050 (Section 94), Map A for 23.58C.050 (Section 97), and Attachment 1 to Ordinance 125791.

### **Ordinance 125836**

#### **Council Bill 119528**

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle Tower, 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 125837**

#### **Council Bill 119529**

AN ORDINANCE relating to historic preservation; imposing controls upon the Mount Baker Community Club Clubhouse, 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 125838**

#### **Council Bill 119530**

AN ORDINANCE relating to historic preservation; imposing controls upon the University of Washington Parrington Hall, 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 of publication in the Seattle Daily Journal of Commerce, June 27, 2019.

6/27(375354)