



Legislation Details (With Text)

**File #:** CB 119528    **Version:** 1    **Name:** CB 119528  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 6/3/2019

**Final Action:** 6/17/2019    **Ord. No.** Ord 125836

**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.

**Sponsors:** Sally Bagshaw

**Indexes:**

**Attachments:** 1. Summary and Fiscal Note, 2. Summary Ex A - Vicinity Map of Seattle Tower, 3. Landmarks Preservation Board Report, 4. Photos, 5. Presentation, 6. Signed Ordinance 125836, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
6/17/2019	1	City Clerk	attested by City Clerk	
6/17/2019	1	Mayor	returned	
6/17/2019	1	Mayor	Signed	
6/7/2019	1	City Clerk	submitted for Mayor's signature	
6/3/2019	1	City Council	passed	Pass
5/23/2019	1	Finance and Neighborhoods Committee	pass	Pass
5/20/2019	1	City Council	referred	
5/16/2019	1	Council President's Office	sent for review	
5/14/2019	1	City Clerk	sent for review	
5/14/2019	1	Mayor	Mayor's leg transmitted to Council	

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

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:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, 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 features or characteristics of the Seattle Tower that were designated by the Board for preservation.
2. No Certificate of Approval is required for the following: any in-kind maintenance or repairs of the features or characteristics of the Seattle Tower that were designated by the Board for preservation.

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 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.

Section 5. The Seattle Tower 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 Recorder's Office, deliver two certified copies to the CHPO, and deliver one copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is directed 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 \_\_\_\_\_ day of \_\_\_\_\_, 2019, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)