

CITY OF SEATTLE
ORDINANCE 126812
COUNCIL BILL 120554

AN ORDINANCE relating to historic preservation; imposing controls upon The Fairfax, 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 May 5, 2021, voted to approve the nomination of the improvement located at 1508 10th Avenue E and the site on which the improvement is located (which are collectively referred to as “The Fairfax”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on June 16, 2021, the Board voted to approve the designation of The Fairfax under SMC Chapter 25.12; and

WHEREAS, on February 2, 2022, the Board and The Fairfax’s owner agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; 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. Under Seattle Municipal Code (SMC) 25.12.660, the designation by the Landmarks Preservation Board (“Board”) of the improvement located at 1508 10th

1 Avenue E and the site on which the improvement is located (which are collectively referred to as
2 “The Fairfax”) is acknowledged.

3 A. Legal Description. The Fairfax is located on the property legally described as:

4 All of Lot 5 and the west 17 feet of Lot 2 in Block 3 of the 1904 Hollywood Addition to
5 the city of Seattle according to the plat thereof, recorded in Volume 11 of plats, page 43,
6 in King County, State of Washington.

7 B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board
8 designated the following specific features or characteristics of The Fairfax:

- 9 1. The site.
- 10 2. The exterior of the building.
- 11 3. The main interior stairway.

12 C. Basis of Designation. The designation was made because The Fairfax is more than 25
13 years old; has significant character, interest, or value as a part of the development, heritage, or
14 cultural characteristics of the City, state, or nation; has integrity or the ability to convey its
15 significance; and satisfies the following SMC 25.12.350 provisions:

- 16 1. It embodies the distinctive visible characteristics of an architectural style, or
17 period, or of a method of construction (SMC 25.12.350.D).
- 18 2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

19 Section 2. Controls. The following controls are imposed on the features or characteristics
20 of The Fairfax that were designated by the Board for preservation:

21 A. Certificate of Approval Process.

- 22 1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the
23 owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter
24 25.12, or the time for denying a Certificate of Approval must have expired, before the owner

1 may make alterations or significant changes to the features or characteristics of The Fairfax that
2 were designated by the Board for preservation.

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

4 a. Any in-kind maintenance or repairs of the features or characteristics of
5 The Fairfax that were designated by the Board for preservation.

6 b. Removal of trees that are not included in any of the following
7 categories:

8 1) Significant to the property's history or design, as outlined in the
9 nomination application.

10 2) A designated Heritage Tree on the City of Seattle/Plant
11 Amnesty list.

12 3) An Exceptional Tree per City of Seattle regulations.

13 c. Planting of new trees in locations that will never obscure the view of
14 designated features of the landmark, or physically undermine a built feature of the landmark.

15 d. Planting or removal of shrubs, perennials, or annuals, in locations that
16 will never obscure the view of designated features of the landmark, or physically undermine a
17 built feature of the landmark.

18 e. Installation, removal, or alteration (including repair) of underground
19 irrigation and underground utilities, provided that the site is restored in kind.

20 f. Installation, removal, or alteration of the following site furnishings:
21 benches, chairs, tables, swings, movable planters, and trash/recycling receptacles.

22 g. Installation or removal of interior, temporary window shading devices
23 that are operable and do not obscure the glazing when in the open position.

1 B. City Historic Preservation Officer (CHPO) Approval Process.

2 1. The CHPO may review and approve alterations or significant changes to the
3 features or characteristics listed in subsection 2.B.3 of this ordinance according to the following
4 procedure:

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

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

11 2. If the CHPO does not approve the alterations or significant changes, the owner
12 may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval
13 under SMC Chapter 25.12. The CHPO shall transmit a written decision on the owner's request to
14 the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a
15 written decision constitutes approval of the request.

16 3. CHPO approval of alterations or significant changes to the features or
17 characteristics of The Fairfax that were designated by the Board for preservation is available for
18 the following:

19 a. The installation, removal, or alteration of ducts, conduits, HVAC vents,
20 grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters,
21 or other similar mechanical, electrical, and telecommunication elements necessary for the normal
22 operation of the building or site.

1 b. Removal of trees more than 6 inches in diameter measured 4-1/2 feet
2 above ground, when identified as a hazard by an International Society of Arboriculture (ISA)
3 Certified Arborist, and not already excluded from review in subsection 2.A.2.b of this ordinance.

4 c. Installation, removal, or alteration of exterior non-historic light fixtures,
5 exterior security lighting, and security system equipment. If proposed equipment is similar in
6 size and location to existing, staff may determine it to be in-kind maintenance, provided the
7 fixture or equipment does not obscure designated features and is attached to a material that is
8 easily repairable.

9 d. Installation, removal, or alteration of exterior building and site signage.

10 e. Installation of improvements for safety or accessibility compliance.

11 f. Installation, removal, or alteration of fire and life safety equipment.

12 g. Changes to exterior paint colors when painting a previously painted
13 material. If the proposed color is similar to the existing, staff may determine it to be in-kind
14 maintenance.

15 h. Replacement of non-original windows and doors when located in
16 original openings.

17 i. Replacement of original basement windows for improved security,
18 provided the appearance of the replacement windows is compatible with the designated features
19 of the building exterior.

20 j. Alterations to the designated interior features.

21 k. New fences in rear or side yards that are installed east of the front
22 facade of the building; and no review required if fence is determined to be located on adjacent
23 property.

1 l. Removal or alteration of the roof stair penthouse and non-historic
2 rooftop recreational deck, guardrails, skylights, and sauna. If changes are not substantial the staff
3 may determine them to be in-kind maintenance.

4 m. Installation of photovoltaic panels on the main roof.

5 n. Installation of new skylights on the main roof.

6 o. Installation, removal, or alteration of minor landscape features.

7 p. Emergency repairs or measures (including immediate action to secure
8 the area, install temporary equipment, and employ stabilization methods as necessary to protect
9 the public’s safety, health, and welfare) to address hazardous conditions with adverse impacts to
10 the building or site as related to a seismic or other unforeseen event. Following such an
11 emergency, the owner shall adhere to the following:

12 1) The owner shall immediately notify the City Historic
13 Preservation Officer and document the conditions and actions the owner took.

14 2) If temporary structural supports are necessary, the owner shall
15 make all reasonable efforts to prevent further damage to historic resources.

16 3) The owner shall not remove historic building materials from the
17 site as part of the emergency response.

18 4) In consultation with the City Historic Preservation Officer and
19 staff, the owner shall adopt and implement a long-term plan to address any damage through
20 appropriate solutions.

21 Section 3. Incentives. The following incentives are granted on the features or
22 characteristics of The Fairfax that were designated by the Board for preservation:

1 A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by
2 means of an administrative conditional use permit issued under SMC Title 23.

3 B. Exceptions to certain of the requirements of the Seattle Building Code and the Seattle
4 Energy Code, adopted by SMC Chapter 22.101, may be authorized according to the applicable
5 provisions.

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

8 D. Reduction or waiver, under certain conditions, of minimum accessory off-street
9 parking requirements for uses permitted in a designated landmark structure may be permitted
10 under SMC Title 23.

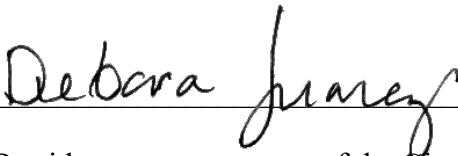
11 Section 4. Enforcement of this ordinance and penalties for its violation are as provided in
12 SMC 25.12.910.

13 Section 5. The Fairfax is added alphabetically to Section II, Buildings, of the Table of
14 Historical Landmarks contained in SMC Chapter 25.32.

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

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

4 Passed by the City Council the 9th day of _____ May _____, 2023,
5 and signed by me in open session in authentication of its passage this 9th day of
6 _____ May _____, 2023.

7 
8 _____
President _____ of the City Council

9 Approved / returned unsigned / vetoed this 17th day of May, 2023.

10 
11 _____
Bruce A. Harrell, Mayor

12 Filed by me this 17th day of May, 2023.

13 
14 _____
Anne Frantilla, Interim City Clerk

15 (Seal)

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