

Lish Whitson
City Council
January 6, 2022
D#1

Amendment B Version #2 to CB 120312
DON Seattle-First National Bank Landmark Designation ORD

Sponsor: Councilmember Herbold

Add Controls and Incentives to the Seattle-First National Bank, excluding the surface parking lot

Effect: This amendment would substitute version 3a to CB 120312 for version 2, as proposed under Amendment A. Version 3 would return the proposed controls and incentives to the bill, but would exclude the surface parking lot and areas between the surface parking and the street from those controls. The building would be designated a landmark and significant changes to the structure or redevelopment of the included site would require a Certificate of Approval from the Seattle Landmarks Preservation Board. In addition, financial or land use incentives would be available to the property owners to encourage them to retain the structure, including the ability to transfer development rights and transfer development potential; or to receive an additional 1 FAR for development that incorporates the landmark on-site.

See the attached edits to the bill.

Note:

In the following attachment, the following combinations of color and underlining have the following meanings:

Red single underline or single strikethrough: amendment in substitute version 1 that is carried forward under this amendment

Red dotted underline: language that is deleted in substitute version 1 that is retained under this amendment

Blue double underline: new language under this amendment

Blue double strikethrough: new language in substitute version 1 that is deleted under this amendment

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to historic preservation; imposing controls upon the Seattle-First National Bank 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.

..body

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 September 20, 2006, voted to approve the nomination of the improvement located at 566 Denny Way and the site on which the improvement is located (which are collectively referred to as the “Seattle-First National Bank Building”) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on November 1, 2006, the Board voted to approve the designation of the Seattle-First National Bank Building (“Building”) under SMC Chapter 25.12; and

WHEREAS, on November 17, 2021, the Board and the Seattle-First National Bank Building’s owner agreed to controls and incentives to be applied to specific features or characteristics of the designated landmark; and

WHEREAS, the Board (~~recommends~~) recommended that the City Council enact a designating ordinance approving the controls and incentives;

1 WHEREAS, since the original designation of the Building, the Uptown Urban Center has been
2 rezoned, and the area that the Building is located in has been rezoned to allow
3 significantly larger buildings, including residential development; and

4 WHEREAS, the Uptown Urban Center rezone included a specific objective to “Retain
5 landmarks and other historic buildings by allowing transfer of development rights in
6 exchange for funding to support building preservation.” (Uptown Rezone
7 Recommendation Director’s Report, p. 5, July 12, 2017); and

8 WHEREAS, since the original designation of the Building, the Uptown Urban Center has been
9 rezoned, and the Seattle Mixed-Uptown 160 (SM-UP 160) zone that the Building is
10 located in provides for incentives to preserve landmarks, including increased FAR for
11 projects that preserve a landmark on-site, and provisions that allow for the transfer of
12 development rights (TDR) and the transfer of development potential (TDP) from
13 designated landmarks to other sites in the SM-UP 160 zone (SMC 23.48.723); and

14 WHEREAS, the Building is one of a number of buildings designed and built using the same
15 prototype, many of which still stand; and

16 ~~((WHEREAS, the benefits of allowing development on this site outweigh the preservation of the~~
17 ~~Building))~~

18 WHEREAS, the City Council wishes to achieve the goal of maximizing the potential for housing
19 in this neighborhood and supports the landmarking of this Building; and

20 WHEREAS, if the surface parking lot to the north of the Building were to be redeveloped while
21 preserving the landmarked Building, an additional 1 FAR would be allowed under the
22 SM-UP 160 zone, providing for more housing or non-residential development to be built

on the site than could be built offsite through TDP or on the site if the building were not
landmarked and were demolished; and

WHEREAS, an even larger building could be built on the site if an arts facility were incorporated
into a future project on the site; 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 566 Denny Way and the site on which the improvement is located (which are collectively referred to as the “Seattle-First National Bank Building”) is acknowledged.

A. Legal Description. The Seattle-First National Bank Building is located on the property legally described as:

Lots 3, 4, 5 and 6, Block 68, of D.T. Denny’s Park Addition to the City of Seattle, as per plat recorded in Volume 2 of Plats, page 46, records of King County. Except the East 12 feet condemned in King County Superior Court, Cause No. 193437 for Sixth Avenue, as provide by City of Seattle Ordinance No. 50890.

B. Specific Features or Characteristics Designated. Under SMC 25.12.660.A.2, the Board designated the following specific features or characteristics of the Seattle-First National Bank Building:

1. The site.
2. The exterior of the 1950 Building.

C. Basis of Designation. The designation was made because the Seattle-First National Bank Building 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 SMC 25.12.350 provisions:

1 1. It is associated in a significant way with a significant aspect of the cultural,
2 political, or economic heritage of the community, City, state, or nation (SMC 25.12.350.C).

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

5 3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

6 4. Because of its prominence of spatial location, contrasts of siting, age, or scale,
7 it is an easily identifiable visual feature of its neighborhood or the city and contributes to the
8 distinctive quality or identity of such neighborhood or the city (SMC 25.12.350.F).

9 Section 2. Controls. ~~((No))~~ The following controls are imposed on the features or
10 characteristics of the Seattle-First National Bank Building that were designated by the Board for
11 preservation, provided that no controls are imposed on the parking area to the north of the
12 structure or any portion of the site between the surface parking area and 6th Avenue North, except
13 for the drive-through on the east side of the building, the signpost, and the breezeway structure
14 connecting the signpost to the Building;

15 A. Certificate of Approval Process.

16 1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the
17 owner must obtain a Certificate of Approval issued by the Board according to SMC Chapter
18 25.12, or the time for denying a Certificate of Approval must have expired, before the owner
19 may make alterations or significant changes to the features or characteristics of the Seattle-First
20 National Bank Building, subject to controls ~~((that were designated by the Board for~~
21 ~~preservation))~~.

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

1 a. Any in-kind maintenance or repairs of the features or characteristics of
2 the Seattle-First National Bank Building that were designated by the Board for preservation.

3 b. Installation, removal, or alteration (including repair) of underground
4 irrigation and underground utilities, provided that the site is restored in kind.

5 c. Installation, removal, alteration, maintenance, or repair of rooftop
6 mechanical equipment.

7 d. The installation, alteration, or removal of exterior security lighting,
8 video cameras, and security system equipment.

9 e. Removal of trees less than 6 inches in diameter measured 4-1/2 feet
10 above ground.

11 f. Removal or replacement, or both, of shrubs, perennials, annuals, and
12 landscaping rocks in existing locations.

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

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

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

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

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

6 3. CHPO approval of alterations or significant changes to the features or
7 characteristics of the Seattle-First National Bank Building that were designated by the Board for
8 preservation is available for the following:

9 a. Removal of trees more than 6 inches in diameter measured 4-1/2 feet
10 above ground, identified as a hazard by an International Society of Arboriculture (ISA) Certified
11 Arborist.

12 b. For the specified features and characteristics of the landmark, the
13 addition or elimination of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads,
14 wiring, meters, utility connections, downspouts and gutters, and other similar mechanical,
15 electrical and telecommunications elements necessary for the normal operation of the building or
16 site.

17 c. Installation, removal, or alteration of exterior light fixtures, other than
18 lighting excluded in subsection 2.A.2.d of this ordinance.

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

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

22 f. Installation of fire and life safety equipment.

23 g. Replacement of non-original windows and doors.

1 h. Changes to exterior paint colors.

2 i. Alterations to drive-through window and any related drive-through
3 equipment.

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

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

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

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

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

18 Section 3. Incentives. ~~((No))~~ The following incentives are granted on the features or
19 characteristics of the Seattle-First National Bank Building that were designated by the Board for
20 preservation:

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

1 B. Certain exceptions to or exemptions from regulations in SMC Title 23 may be
2 available, either by virtue of the zoning designation applicable to the Landmark or its status as a
3 Landmark.

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

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

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

11 Section ~~((4))~~5. The Seattle-First National Bank Building is added alphabetically to
12 Section II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

13 Section ~~((5))~~6. The City Clerk is directed to record a certified copy of this ordinance with
14 the King County Recorder's Office, deliver two certified copies to the CHPO, and deliver one
15 copy to the Director of the Seattle Department of Construction and Inspections. The CHPO is
16 directed to provide a certified copy of this ordinance to the Seattle-First National Bank
17 Building's owner.

1 Section ~~(6)~~7. This ordinance shall take effect and be in force 30 days after its approval
2 by the Mayor, but if not approved and returned by the Mayor within ten days after presentation,
3 it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2022,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2022.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2022.

10 _____
11 Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2022.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)