

# SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor  
Seattle, WA 98104



## Journal of the Proceedings of the Seattle City Council

Tuesday, January 10, 2023

2:00 PM

**Council Chamber, City Hall**

**600 4th Avenue**

**Seattle, WA 98104**

**City Council**

*Debora Juarez, Council President*

*Lisa Herbold, Member*

*Andrew J. Lewis, Member*

*Tammy J. Morales, Member*

*Teresa Mosqueda, Member*

*Sara Nelson, Member*

*Alex Pedersen, Member*

*Kshama Sawant, Member*

*Dan Strauss, Member*

*Chair Info: 206-684-8805; [Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)*

**A. CALL TO ORDER**

The City Council of The City of Seattle met in the Council Chamber in Seattle, Washington, on January 10, 2023, pursuant to the provisions of the City Charter. The meeting was called to order at 2:00 p.m., with Council President Juarez presiding.

**B. ROLL CALL**

**Present:** 7 - Juarez, Herbold, Morales, Nelson, Pedersen, Sawant, Strauss

**Late Arrival:** 2 - Lewis, Mosqueda

**C. PRESENTATIONS**

There were none.

*Councilmember Lewis joined the Council meeting at 2:04 p.m.*

*Councilmember Mosqueda joined the Council meeting at 2:05 p.m.*

**D. PUBLIC COMMENT**

The following individuals addressed the Council:

- Alex Tsimmerman
- Saghar Amini
- Negheen Kankar
- Nasseem Ghazanfari
- Arezoo Bagau
- Sarrenaz Sheikh
- Tara Hedayati
- Koyd Moradi
- Michael Herschensohn
- Eugenia Woo
- Ali Nassersaeid
- Tom Rasmassen
- Deb Barker
- Patrick Benilez
- Karla Mohlashemi
- Hamid Janshidiat

By unanimous consent, the Council Rules were suspended to extend the Public Comment period for an additional 20 minutes.

- Colleen McAleer
- Mojgan Javadi
- Austin Johnson
- Thomas Dagley
- Doug Trumm
- Jed Jahani
- Jesse Simpson
- Ian Macleod
- Sanders Lauture
- Chris Moore
- David Peterson
- Ruth Danner

**E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:**

[IRC 375](#)

**January 10, 2022**

**Motion was made, duly seconded and carried, to adopt the Introduction & Referral Calendar (IRC) by the following vote:**

**In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**F. APPROVAL OF THE AGENDA**

ACTION 1:

Motion was made and duly seconded to adopt the proposed Agenda.

ACTION 2:

Motion was made by Councilmember Strauss and duly seconded, to postpone Agenda item 1, Resolution 32078, until the sponsors provide notice to the Council President that it is ready for placement on the City Council agenda.

[Res 32078](#) **A RESOLUTION affirming The City of Seattle’s support for the Iranian people engaged in peaceful protest for their fundamental human rights; condemning the Iranian security forces’ violation of the rights of women and girls; affirming the rights of local Iranian-American, immigrant, and refugee communities to assemble without fear of persecution; and calling on Governor Inslee, President Biden, and Seattle-based businesses to take specific actions to support the Iranian people.**

**The Motion carried, and Agenda item 1, Resolution 32078, was postponed until the sponsors provide notice to the Council President that it is ready for placement on the City Council agenda by the following vote:**

**In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

ACTION 3:

Motion was made, duly seconded and carried, to adopt the proposed Agenda as amended.

**G. APPROVAL OF CONSENT CALENDAR**

Motion was made, duly seconded and carried, to adopt the Consent Calendar.

**Journal:**

**1. [Min 408](#) January 3, 2023**

**The item was adopted on the Consent Calendar by the following vote, and the President signed the Minutes:**

**In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**Bills:**

**2. [CB 120490](#) AN ORDINANCE appropriating money to pay certain claims for the week of December 26, 2022 through December 30, 2022 and ordering the payment thereof; and ratifying and confirming certain prior acts.**

**The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:**

**In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

*Councilmember Nelson left the Council Chamber at 2:51 p.m.*

**RECONSIDERATION OF RESOLUTION 32078**

1. [Res 32078](#) **A RESOLUTION affirming The City of Seattle’s support for the Iranian people engaged in peaceful protest for their fundamental human rights; condemning the Iranian security forces’ violation of the rights of women and girls; affirming the rights of local Iranian-American, immigrant, and refugee communities to assemble without fear of persecution; and calling on Governor Inslee, President Biden, and Seattle-based businesses to take specific actions to support the Iranian people.**

*Councilmember Nelson entered the Council Chamber at 2:54 p.m.*

ACTION 1:

Motion was made by Councilmember Sawant, duly seconded and carried, to reconsider the postponement of Resolution 32078.

ACTION 2:

The Motion to postpone Resolution 32078 until the sponsors provide notice to the Council President that it is ready for placement on the City Council Agenda was before the City Council.

*Councilmember Nelson left the Council Chamber at 2:55 p.m.*

**The Resolution (RES) was postponed until the sponsors provide notice to the Council President that it is ready for placement on the City Council Agenda by the following vote:**

**In Favor:** 7 - Juarez, Herbold, Lewis, Morales, Mosqueda, Pedersen, Strauss

**Opposed:** 1 - Sawant

**Absent(NV):** 1 - Nelson

## **H. COMMITTEE REPORTS**

*Councilmember Nelson entered the Council Chamber at 2:58 p.m.*

## **NEIGHBORHOODS, EDUCATION, CIVIL RIGHTS, AND CULTURE COMMITTEE:**

2. [CB 120312](#) **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.**

**The Committee recommends that City Council do not pass the Council Bill (CB).**

**In Favor: 4 - Morales, Lewis, Nelson, Strauss**

**Opposed: None**

ACTION 1:

Motion was made by Councilmember Morales and duly seconded to pass Council Bill 120312.

ACTION 2:

Motion was made by Councilmember Morales and duly seconded, to amend Council Bill 120312 by substituting version 2 for version 1b, as shown on Attachment 1 to the Minutes.

ACTION 3:

Motion was made by Councilmember Herbold and duly seconded, to amend the substitute in Action 2, as shown on Attachment 2 to the Minutes.

ACTION 4:

By unanimous consent, the Council Rules were suspended to allow Lish Whitson from Council Central Staff to address the Council.

ACTION 5:

The Motion in Action 3 was restated and carried by the following vote:

In Favor: 7 - Herbold, Juarez, Lewis, Nelson, Pedersen, Sawant,  
Strauss

Opposed: 2 - Morales, Mosqueda

ACTION 6:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend Council Bill 120312, as shown on Attachment 3 to the Minutes.

ACTION 7:

Motion was made and duly seconded to pass Council Bill 120312 as amended.

**The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:**

3.     [CB 120489](#)     **AN ORDINANCE authorizing The City of Seattle, through Seattle Parks and Recreation, to enter into an agreement with the Arboretum Foundation for support of the Seattle Japanese Garden consistent with the Non-Government Agreement in Attachment 1 to this ordinance.**

**The Committee recommends that City Council pass the Council Bill (CB).**

**In Favor: 5 - Lewis, Mosqueda, Herbold, Juarez, Morales**

**Opposed: None**

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

**In Favor:** 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

4. [CB 120483](#) **AN ORDINANCE relating to current use taxation; approving applications for current use taxation of properties located at 8240 43rd Avenue NE and 711 NE 43rd Street under the King County Public Benefit Rating System, and ratifying and confirming certain prior acts.**

**The Committee recommends that City Council pass as amended the Council Bill (CB).**

**In Favor: 5 - Lewis, Mosqueda, Herbold, Juarez, Morales**

**Opposed: None**

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

**In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**

**Opposed: None**

**I. ITEMS REMOVED FROM CONSENT CALENDAR**

There were none.

**J. ADOPTION OF OTHER RESOLUTIONS**

There were none.

**K. OTHER BUSINESS**

Motion was made, duly seconded and carried, to excuse Councilmember Mosqueda from the January 24, 2023 and February 21, 2023 City Council meetings.

**L. ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 4:07 p.m.

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**Linda Barron, Deputy City Clerk**

**Signed by me in Open Session, upon approval of the Council, on January 31, 2023.**

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**Debora Juarez, Council President of the City Council**

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**Elizabeth M. Adkisson, Interim City Clerk**

**ATT 1 - Action 2 of CB 120312**

**ATT 2 - Action 3 of CB 120312**

**ATT 3 - Action 6 of CB 120312**

ATT 1 - ACTION 2 of CB 120312

Amendment A Version #1 to CB 120312  
DON Seattle-First National Bank Landmark Designation ORD

**Sponsor:** Councilmember Morales

Remove Controls and Incentives from Seattle-First National Bank

**Effect:** This amendment would substitute version 2 to CB 120312 for version 1b. Version 2 would remove the proposed controls and incentives from the bill. The building would be designated a landmark, but no controls would be applied, and significant changes to the structure or redevelopment of the site would be permitted without requiring a Certificate of Approval from the Seattle Landmarks Preservation Board. In addition, no financial or land use incentives would be available to the property owners to encourage them to retain the structure.

See the attached edits to the bill.

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

6 WHEREAS, the benefits of allowing development on this site outweigh the preservation of the  
7 Building; NOW, THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation  
10 by the Landmarks Preservation Board (“Board”) of the improvement located at 566 Denny Way  
11 and the site on which the improvement is located (which are collectively referred to as the  
12 “Seattle-First National Bank Building”) is acknowledged.

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

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

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

- 22 1. The site.
- 23 2. The exterior of the 1950 Building.

24 C. Basis of Designation. The designation was made because the Seattle-First National  
25 Bank Building is more than 25 years old; has significant character, interest, or value as a part of

1 the development, heritage, or cultural characteristics of the City, state, or nation; has integrity or  
2 the ability to convey its significance; and satisfies the following SMC 25.12.350 provisions:

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

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

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

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

11 Section 2. Controls. ~~((The following))~~ No controls are imposed on the features or  
12 characteristics of the Seattle-First National Bank Building ~~(((that were designated by the Board  
13 for preservation:~~

14 ~~A. Certificate of Approval Process.~~

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

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

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

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

3 ~~c. Installation, removal, alteration, maintenance, or repair of rooftop mechanical~~  
4 ~~equipment.~~

5 ~~d. The installation, alteration, or removal of exterior security lighting, video cameras, and~~  
6 ~~security system equipment.~~

7 ~~e. Removal of trees less than 6 inches in diameter measured 4 1/2 feet above ground.~~

8 ~~f. Removal or replacement, or both, of shrubs, perennials, annuals, and landscaping rocks~~  
9 ~~in existing locations.~~

10 ~~B. City Historic Preservation Officer (CHPO) Approval Process.~~

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

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

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

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

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

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

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

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

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

13           ~~e. Installation of improvements for safety or accessibility compliance.~~

14           ~~f. Installation of fire and life safety equipment.~~

15           ~~g. Replacement of non-original windows and doors.~~

16           ~~h. Changes to exterior paint colors.~~

17           ~~i. Alterations to drive through window and any related drive through equipment.~~

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

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

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

5 ~~3) The owner shall not remove historic building materials from the site as part of the~~  
6 ~~emergency response.~~

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

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

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

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

17 ~~C. Exceptions to certain of the requirements of the Seattle Building Code and the Seattle~~  
18 ~~Energy Code, adopted by SMC Chapter 22.101, may be authorized according to the applicable~~  
19 ~~provisions.~~

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

22 ~~Section 4. Enforcement of this ordinance and penalties for its violation are as provided in~~  
23 ~~SMC 25.12.910.))~~

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

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

1 Section ~~(7)~~ 6. 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)

ATT 2 - ACTION 3 of CB 120312

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

1 [on the site than could be built offsite through TDP or on the site if the building were not](#)  
2 [landmarked and were demolished; and](#)

3 [WHEREAS, an even larger building could be built on the site if an arts facility were incorporated](#)  
4 [into a future project on the site;](#) NOW, THEREFORE,

5 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

6 Section 1. Designation. Under Seattle Municipal Code (SMC) 25.12.660, the designation  
7 by the Landmarks Preservation Board (“Board”) of the improvement located at 566 Denny Way  
8 and the site on which the improvement is located (which are collectively referred to as the  
9 “Seattle-First National Bank Building”) is acknowledged.

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

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

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

- 19 1. The site.
- 20 2. The exterior of the 1950 Building.

21 C. Basis of Designation. The designation was made because the Seattle-First National  
22 Bank Building is more than 25 years old; has significant character, interest, or value as a part of  
23 the development, heritage, or cultural characteristics of the City, state, or nation; has integrity or  
24 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 6<sup>th</sup> 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)

ATT 3 - ACTION 6 of CB 120312

Amendment C Version #1 to CB 120312

DON Seattle-First National Bank Landmark Designation ORD

Sponsor: Councilmember Lewis

Remove the drive-through for the Seattle-First National Bank building from the designated features of the landmark

**Effect:** This amendment would amend CB 120312 as amended by Amendment B to remove the sign-post, the breezeway and the drive-through north of the building from the features of the Seattle-First National Bank Landmark that would be subject to controls. Development would be permitted in this area, but controls and incentives would continue to apply to the building and the portion of the site between the building and the street.

This would allow for a larger development site to facilitate the use of the landmark building FAR bonus, which allows for an additional FAR for development that preserves a landmark on the same site.

Notes:

This amendment should only be moved if Amendment B has passed.

Language added by Amendment C is shown in red with a single underline.

Language added by this amendment is shown in blue with a double underline.

Language added by Amendment B and subsequently removed by this amendment is shown in ~~blue with a double strikethrough~~.

Amend Section 2 to CB 120312 as follows:

Section 2. Controls. The following controls are imposed on the features or characteristics of the Seattle-First National Bank Building that were designated by the Board for preservation, provided that no controls are imposed on (1) the parking area to the north of the structure, (2) the signpost, (3) the drive-through, (4) the breezeway connecting the building to the sign-post, or (4) any other portion of the site between the surface parking area and 6<sup>th</sup> Avenue North (~~(= except for the drive-through on the east side of the building, the signpost, and the breezeway structure connecting the signpost to the Building))~~):

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 according 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-First National Bank Building subject to controls (~~(that were designated by the Board for preservation)~~).

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

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

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

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

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

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

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

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

1. The 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-First National Bank Building that were designated by the Board for preservation is available for the following:

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

b. For the specified features and characteristics of the landmark, the addition or elimination of ducts, conduits, HVAC vents, grills, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, and other similar mechanical,

electrical and telecommunications elements necessary for the normal operation of the building or site.

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

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

e. Installation of improvements for safety or accessibility compliance.

f. Installation of fire and life safety equipment.

g. Replacement of non-original windows and doors.

h. Changes to exterior paint colors.

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

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

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

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

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

Lish Whitson  
City Council  
January 9, 2023  
D#2

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

\* \* \*