



# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119528

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Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125836

In Control: City Clerk

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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

Version:	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			



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

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

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

5 Lots 1 and 2, of the Replat of Block 4 in the plat of the addition to the City of Seattle, as  
6 laid out by A.A. Denny (commonly known as the replat of Block 4 of the A.A. Denny’s  
7 2nd Addition to the City of Seattle), according to the plat recorded in Volume 8 of Plats,  
8 Page 86, records of King County, Washington;

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

12 B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2,  
13 the Board designated the following specific features or characteristics of the Seattle Tower:

- 14 1. The exterior of the building.
- 15 2. The Third Avenue Lobby.

16 C. Basis of Designation. The designation was made because the Seattle Tower is  
17 more than 25 years old; has significant character, interest, or value as a part of the development,  
18 heritage, or cultural characteristics of the City, state, or nation; has integrity or the ability to  
19 convey its significance; and satisfies the following from SMC 25.12.350:

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

23 Section 2. CONTROLS: The following controls are hereby imposed on the features or  
24 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

1 request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely  
2 transmit a written decision constitutes approval of the request.

3           3.       CHPO approval of alterations or significant changes to the features or  
4 characteristics of the Seattle Tower that were designated by the Board for preservation is  
5 available for the following:

6                   a.       The installation, alteration, or removal of exterior ducts, conduits,  
7 HVAC vents, grilles, fire escapes, pipes, above-grade meters and utility connections, downspouts  
8 and gutters, and other similar wiring or mechanical elements necessary for the normal operation  
9 of the building.

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

12                   c.       The installation, alteration, or removal of signage.

13                   d.       The removal or application of exterior paint color.

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

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

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

20                   h.       The alteration of the rooftop flag poles.

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

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

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

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

7           Section 3. INCENTIVES: The following incentives are hereby granted on the features or  
8 characteristics of the Seattle Tower that were designated by the Board for preservation:

9           A.       Uses not otherwise permitted in a zone may be authorized in a designated  
10 landmark by means of an administrative conditional use permit issued pursuant to Seattle  
11 Municipal Code Title 23.

12           B.       Special tax valuation for historic preservation may be available under chapter  
13 84.26 RCW upon application and compliance with the requirements of that statute.

14           C.       Exceptions to certain requirements of the Seattle Building Code, SMC Chapter  
15 22.100, and the Seattle Energy Code, SMC Chapter 22.700, may be authorized pursuant to the  
16 applicable provisions thereof.

17           D.       The owner may be eligible to participate in the City's Landmark Transfer of  
18 Development Rights (TDR) Bank after obtaining a determination from the City concerning the  
19 quantity of unused development rights for the Seattle Tower that are eligible for transfer to  
20 receiving properties as Landmark TDR, pursuant to SMC 23.49.014.

21           Section 4. Enforcement of this ordinance and penalties for its violation are as provided in  
22 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.



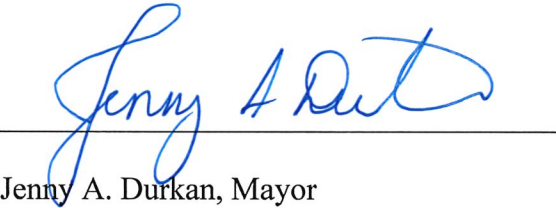
1 Section 7. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

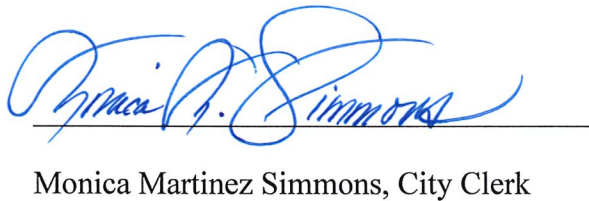
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8 President \_\_\_\_\_ of the City Council

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

10   
11 Jenny A. Durkan, Mayor

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

13   
14 Monica Martinez Simmons, City Clerk

15 (Seal)