



Legislation Details (With Text)

File #: CB 120312 **Version:** 2 **Name:** CB 120312
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk
On agenda: 1/10/2023
Final Action: 1/13/2023 **Ord. No.** Ord 126749
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.
Sponsors: Tammy J. Morales

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Summary Ex A - Vicinity Map of Seattle-First National Bank, 3. Landmarks Preservation Board Report, 4. Photos, 5. Central Staff Memo, 6. Presentation, 7. Proposed Substitute, 8. Proposed Amendment B2, 9. Proposed Amendment B, 10. Proposed Amendment C (added; 1/10/23), 11. Signed Ordinance 126749, 12. Affidavit of Publication

Date	Ver.	Action By	Action	Result
1/13/2023	2	City Clerk	attested by City Clerk	
1/13/2023	2	Mayor	returned	
1/13/2023	2	Mayor	Signed	
1/12/2023	2	City Clerk	submitted for Mayor's signature	
1/10/2023	1	City Council	passed as amended	Pass
1/3/2023	1	City Council	postponed	Pass
12/9/2022	1	Neighborhoods, Education, Civil Rights, and Culture Committee	do not pass	Pass
4/22/2022	1	Neighborhoods, Education, Civil Rights, and Culture Committee	postponed	
4/19/2022	1	City Council	referred	
4/13/2022	1	Council President's Office	sent for review	
4/13/2022	1	City Clerk	sent for review	
4/13/2022	1	Department of Neighborhoods	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

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 recommended that the City Council enact a designating ordinance approving the controls and incentives;

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

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

WHEREAS, since the original designation of the Building, the Uptown Urban Center has been rezoned, and the Seattle Mixed-Uptown 160 (SM-UP 160) zone that the Building is located in provides for incentives to preserve landmarks, including increased FAR for projects that preserve a landmark on-site, and provisions that allow for the transfer of development rights (TDR) and the transfer of development

potential (TDP) from designated landmarks to other sites in the SM-UP 160 zone (SMC 23.48.723); and WHEREAS, the Building is one of a number of buildings designed and built using the same prototype, many of which still stand; and

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

WHEREAS, if the surface parking lot to the north of the Building were to be redeveloped while preserving the landmarked Building, an additional 1 FAR would be allowed under the 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. It is associated in a significant way with a significant aspect of the cultural, political, or economic heritage of the community, City, state, or nation (SMC 25.12.350.C).
2. It embodies the distinctive visible characteristics of an architectural style, or period, or of a method of construction (SMC 25.12.350.D).
3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).
4. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or the city (SMC 25.12.350.F).

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 6th Avenue North:

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.
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.

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.

Section 3. Incentives. The following incentives are granted on the features or characteristics of the Seattle-First National Bank Building 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 under SMC Title 23.

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

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

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

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

Section 5. The Seattle-First National Bank Building is 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 Seattle-First National Bank Building's owner.

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 _____, 2022, and signed by
me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

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

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)