

Ordinance No. 123534

Council Bill No. 117092

AN ORDINANCE relating to historic preservation, imposing controls upon the Eitel 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.

Related Legislation File: _____

Date Introduced and Referred: <u>1.18.11</u>	To: (committee): <u>Full Council</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>1/31/11</u>	Date Presented to Mayor: <u>1/31/11</u>
Date Signed by Mayor: <u>2.4.11</u>	Date Returned to City Clerk: <u>2.7.11</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Sunny V. Levine

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote
<u>1/31/11</u>	<u>PASSED</u>	<u>9-0</u>

Law Department

1 WHEREAS, on January 12, 2011, COBE recommended that the Full Council deny the appeal by
2 the Owner and impose controls and incentives recommended by the Board and Examiner.

3 NOW, THEREFORE,

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

5 Section 1. DESIGNATION: Pursuant to Seattle Municipal Code (SMC) 25.12.660, the
6 designation by the Landmarks Preservation Board (Board) of the improvement known as the
7 Eitel Building, located at 1501 Second Avenue in Seattle, is hereby acknowledged.

8 A. Legal Description. The Eitel Building is located on the property legally described
9 as:

10 LOTS 10 AND 11, BLOCK 26, AN ADDITION TO THE TOWN OF SEATTLE AS LAID OUT BY A.A. DENNY
11 (COMMONLY KNOWN AS A.A. DENNY'S 3RD ADDITION TO THE CITY OF SEATTLE). ACCORDING TO
12 THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 33, IN KING COUNTY, WASHINGTON. EXCEPT
13 THE WESTERLY 80 FEET THEREOF; AND EXCEPT THE SOUTHERLY 3.5 FEET OF SAID LOT 11
14 APPROPRIATED BY THE CITY OF SEATTLE UNDER THE PROVISIONS OF ORDINANCE 11417 OF THE
15 CITY OF SEATTLE FOR THE WIDENING OF PIKE STREET; AND EXCEPT THE EASTERLY 12 FEET OF SAID
16 LOTS 10 AND 11 APPROPRIATED BY THE CITY OF SEATTLE UNDER THE PROVISIONS OF ORDINANCE
17 1107 OF THE CITY OF SEATTLE AND AS CONDEMNED IN WASHINGTON TERRITORY DISTRICT COURT
18 CAUSE NO. 7097, FOR THE WIDENING OF SECOND STREET (NOW 2ND AVENUE).

19
20
21 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
22 25.12.660.A.2, the following specific features and/or characteristics of the Eitel Building are
23 designated: the exterior of the building.

24 C. Basis of Designation. The designation was made because the Eitel Building has
25 significant character, interest or value as a part of the development, heritage or cultural
26



1 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,
2 and because it satisfies the following from Section 25.12.350: it embodies the distinctive visible
3 characteristics of an architectural style, period, or of a method of construction (SMC
4 25.12.350.D).

5
6 Section 2. CONTROLS: The following controls are hereby imposed on the features and
7 characteristics of the Eitel Building that were designated by the Board for preservation:

8
9 A. Certificate of Approval Process.

- 10 1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a
11 Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or
12 the time for denying a Certificate of Approval must have expired, before the
13 owner may make alterations or significant changes to the following specific
14 features or characteristics: the exterior of the building, provided that this
15 Certificate of Approval requirement shall not preclude elimination of the light
16 well on the west elevation.
- 17 2. No Certificate of Approval or approval by the City Historic Preservation Officer
18 (CHPO) is required for the following: any in-kind maintenance or repairs of the
19 features listed in Section 2.A.1.

20 B. City Historic Preservation Officer Approval Process.

- 21 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
22 Ordinance according to the following procedure:
- 23 a. The owner shall submit to the CHPO a written request for the alterations,
24 including applicable drawings and/or specifications.
- 25 b. If the CHPO, upon examination of submitted plans and specifications,
26 determines that the alterations are consistent with the purposes of SMC
27



1 chapter 25.12, the alterations shall be approved without further action by the
2 Board.

3 c. If the CHPO does not approve the alterations, the owner may submit revised
4 materials to the CHPO, or apply to the Board for a Certificate of Approval
5 under SMC chapter 25.12, as provided in Section 2.A.

6 2. The CHPO shall transmit a written decision on the owner's request to the owner
7 within 14 days of receipt of the request. Failure of the CHPO to approve or
8 disapprove the request shall constitute approval of the request.

9 3. CHPO approval for changes or alterations to the designated features or
10 characteristics of the landmark described in Section 1.B of this Ordinance is
11 available for the following:

12 a. For the specified features and characteristics of the building, the addition or
13 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
14 other similar wiring or mechanical elements necessary for the normal
15 operation of the building.

16 b. Installation, alteration, and removal of signage.

17 c. Installation, alteration, and removal of exterior security lighting, video
18 cameras, and security systems equipment.

19 Section 3. INCENTIVES. The following incentives are hereby granted on the features
20 and characteristics of the Eitel Building that were designated by the Board for preservation:

21 A. Uses not otherwise permitted in a zone may be authorized in a designated
22 landmark by means of an administrative conditional use issued pursuant to Seattle Municipal
23 Code Title 23.
24



1 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC
2 chapter 22.100, and the Energy Code of the City, SMC chapter 22.700, may be authorized
3 pursuant to the applicable provisions thereof.

4 C. Special tax valuation for historic preservation may be available under Chapter
5 84.26 RCW upon application and compliance with the requirements of that statute.

6 D. The owner may participate in the City's Landmark Transfer of Development
7 Rights (TDR) Bank after obtaining a determination from the City concerning the quantity of
8 unused development rights for the landmark that are eligible for transfer to receiving properties
9 as Landmark TDR, pursuant to SMC Section 23.49.014.

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

12 Section 5. The Eitel Building is hereby added to the Table of Historical Landmarks
13 contained in SMC Chapter 25.32.

14 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
15 King County Director of Records and Elections, deliver two certified copies to the CHPO, and
16 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
17 directed to provide a certified copy of the ordinance to the owner of the landmark.
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1 Section 7. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 31st day of January, 2011, and
5 signed by me in open session in authentication of its passage this
6 31st day of January, 2011.

7
8
9 _____
10 President _____ of the City Council

11 Approved by me this 4th day of February, 2011.

12
13
14 _____
15 Michael McGinn, Mayor

16 Filed by me this 7th day of February, 2011.

17
18
19 _____
20 City Clerk

21 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Ketil Freeman, 684.8178	NA

Legislation Title:

AN ORDINANCE relating to historic preservation, imposing controls upon the Eitel 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.

• **Summary of the Legislation:**

This legislation establishes controls and incentives for the historic landmark Eitel Building, located at 1501 Second Avenue.

• **Background:**

This legislation is a companion to the Council's decision on a controls and incentives appeal contained in Clerks File 310914. That appeal was filed by 1507 Group, L.L.C. (Owner) from the Hearing Examiner's recommendation for controls and incentive for the Eitel Building. The Eitel Building is located at the northwest corner of the intersection of Pike Street and Second Avenue. The seven-story building was purchased by the Owner in 1975. In August 2006, the Landmarks Preservation Board (Board) designated the building as a landmark based on the designation criterion that it "embodies the distinctive visual characteristics of an architectural style, period, or of a method of construction." The building was nominated for designation by Historic Seattle. In January 2010, the Board recommended controls and incentives. In February 2010, the Owner filed a timely objection to the Board's recommended controls and incentives. The Hearing Examiner conducted a hearing on April 13, 14, and 15 and briefly reconvened on May 12, 2010. On June 9, 2010, the Hearing Examiner recommended that the Council accept the Board's recommendation. On June 23, 2010, the Owner filed an appeal from the Hearing Examiner's recommendation with the City Council. On December 8, 2010, the Council's Committee on the Built Environment (COBE) heard oral argument from the Owner and the Board. On January 12, 2010, COBE recommended that the Council affirm the Hearing Examiner's recommendation and deny the appeal.

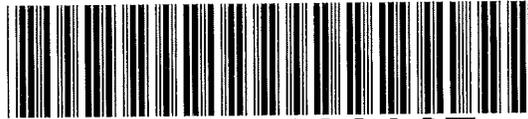
- *Please check one of the following:*

X **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)



Return Address:

Seattle City Clerk's Office
600 4th Avenue, Floor 3
P O Box 94728
Seattle, WA 98124 - 4728



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SEATTLE CITY C ORD 68.00
PAGE-001 OF 007
02/11/2011 10:20
KING COUNTY, WA

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

Document Title(s) (or transaction contained therein):

1. Ordinance No. 123534, relating to historic preservation, imposing controls upon the Eitel Building.

Grantor(s)

City of Seattle

Additional names on page ___ of document.

Grantee(s) (Last name first, then first name and initials)

Public

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

Lots 10 and 11, Block 26, A.A. Denny's 3rd addition to the City of Seattle.

Additional legal on page 2 of document

N/A

Assessor's Property Tax Parcel/Account Number

1975700645

Assessor Tax # not yet assigned.

N/A

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party

ORDINANCE 123534

AN ORDINANCE relating to historic preservation, imposing controls upon the Eitel 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 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 August 2, 2006, voted to approve the nomination of the Eitel Building, located at 1501 Second Avenue in Seattle, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, the Board and the owner of the Building, 1507 Group L.L.C. (Owner), agreed to negotiate controls and incentives under SMC Chapter 25.12; and

WHEREAS, on January 12, 2010, the City's Historic Preservation Officer declared an impasse to the controls and incentives negotiation under SMC 25.12.500; and

WHEREAS, on January 20, 2010, the Board adopted recommended controls and incentives requiring the Owner to obtain a Certificate of Approval under SMC Chapter 25.12 before making any alteration or significant change to the exterior of the Eitel Building; and

WHEREAS, on February 9, 2010 the Owner timely filed a Statement of Objections to the Board's recommended controls and incentives with the Hearing Examiner (Examiner), under SMC 25.12.535; and

WHEREAS, on April 13, 14, 15 and May 12, 2010, the Examiner held a public hearing on imposing controls and incentives; and

WHEREAS, on June 9, 2010, the Examiner recommended that the City Council impose the Board's recommended controls and incentives on the Eitel Building; and

WHEREAS, on June 23, 2010 the Owner timely filed a notice of appeal with the Council; and

WHEREAS, the Council's Committee on the Built Environment (COBE) heard oral argument from representatives of the Owner and the Board on December 8, 2010; and



1 WHEREAS, on January 12, 2011, COBE recommended that the Full Council deny the appeal by
2 the Owner and impose controls and incentives recommended by the Board and Examiner.

3 NOW, THEREFORE,

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

5 Section 1. DESIGNATION: Pursuant to Seattle Municipal Code (SMC) 25.12.660, the
6 designation by the Landmarks Preservation Board (Board) of the improvement known as the
7 Eitel Building, located at 1501 Second Avenue in Seattle, is hereby acknowledged.

8 A. Legal Description. The Eitel Building is located on the property legally described
9 as:

10 LOTS 10 AND 11, BLOCK 26, AN ADDITION TO THE TOWN OF SEATTLE AS LAID OUT BY A.A. DENNY
11 (COMMONLY KNOWN AS A.A. DENNY'S 3RD ADDITION TO THE CITY OF SEATTLE). ACCORDING TO
12 THE PLAT RECORDED IN VOLUME 1 OF PLATS, PAGE 33, IN KING COUNTY, WASHINGTON. EXCEPT
13 THE WESTERLY 80 FEET THEREOF; AND EXCEPT THE SOUTHERLY 3.5 FEET OF SAID LOT 11
14 APPROPRIATED BY THE CITY OF SEATTLE UNDER THE PROVISIONS OF ORDINANCE 11417 OF THE
15 CITY OF SEATTLE FOR THE WIDENING OF PIKE STREET; AND EXCEPT THE EASTERLY 12 FEET OF SAID
16 LOTS 10 AND 11 APPROPRIATED BY THE CITY OF SEATTLE UNDER THE PROVISIONS OF ORDINANCE
17 1107 OF THE CITY OF SEATTLE AND AS CONDEMNED IN WASHINGTON TERRITORY DISTRICT COURT
18 CAUSE NO. 7097, FOR THE WIDENING OF SECOND STREET (NOW 2ND AVENUE).

19 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
20 25.12.660.A.2, the following specific features and/or characteristics of the Eitel Building are
21 designated: the exterior of the building.

22 C. Basis of Designation. The designation was made because the Eitel Building has
23 significant character, interest or value as a part of the development, heritage or cultural
24



1 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,
2 and because it satisfies the following from Section 25.12.350: it embodies the distinctive visible
3 characteristics of an architectural style, period, or of a method of construction (SMC
4 25.12.350.D).

5
6 Section 2. CONTROLS: The following controls are hereby imposed on the features and
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9 A. Certificate of Approval Process.

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15 Certificate of Approval requirement shall not preclude elimination of the light
16 well on the west elevation.
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18 (CHPO) is required for the following: any in-kind maintenance or repairs of the
19 features listed in Section 2.A.1.

20 B. City Historic Preservation Officer Approval Process.

- 21 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
22 Ordinance according to the following procedure:
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24 including applicable drawings and/or specifications.
- 25 b. If the CHPO, upon examination of submitted plans and specifications,
26 determines that the alterations are consistent with the purposes of SMC
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1 chapter 25.12, the alterations shall be approved without further action by the
2 Board.

3 c. If the CHPO does not approve the alterations, the owner may submit revised
4 materials to the CHPO, or apply to the Board for a Certificate of Approval
5 under SMC chapter 25.12, as provided in Section 2.A.

6 2. The CHPO shall transmit a written decision on the owner's request to the owner
7 within 14 days of receipt of the request. Failure of the CHPO to approve or
8 disapprove the request shall constitute approval of the request.

9 3. CHPO approval for changes or alterations to the designated features or
10 characteristics of the landmark described in Section 1.B of this Ordinance is
11 available for the following:

12 a. For the specified features and characteristics of the building, the addition or
13 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
14 other similar wiring or mechanical elements necessary for the normal
15 operation of the building.

16 b. Installation, alteration, and removal of signage.

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18 cameras, and security systems equipment.

19 Section 3. INCENTIVES. The following incentives are hereby granted on the features
20 and characteristics of the Eitel Building that were designated by the Board for preservation:

21 A. Uses not otherwise permitted in a zone may be authorized in a designated
22 landmark by means of an administrative conditional use issued pursuant to Seattle Municipal
23 Code Title 23.
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1 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC
2 chapter 22.100, and the Energy Code of the City, SMC chapter 22.700, may be authorized
3 pursuant to the applicable provisions thereof.

4 C. Special tax valuation for historic preservation may be available under Chapter
5 84.26 RCW upon application and compliance with the requirements of that statute.

6 D. The owner may participate in the City's Landmark Transfer of Development
7 Rights (TDR) Bank after obtaining a determination from the City concerning the quantity of
8 unused development rights for the landmark that are eligible for transfer to receiving properties
9 as Landmark TDR, pursuant to SMC Section 23.49.014.

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

12 Section 5. The Eitel Building is hereby added to the Table of Historical Landmarks
13 contained in SMC Chapter 25.32.

14 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
15 King County Director of Records and Elections, deliver two certified copies to the CHPO, and
16 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
17 directed to provide a certified copy of the ordinance to the owner of the landmark.
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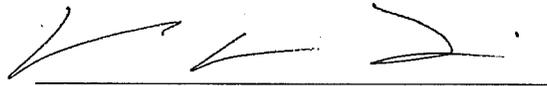


1 Section 7. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 31st day of January, 2011, and
5 signed by me in open session in authentication of its passage this
6 31st day of January, 2011.

7
8
9 
10 President _____ of the City Council

11 Approved by me this 4th day of February, 2011.

12
13 
14 Michael McGinn, Mayor

15
16 Filed by me this 7th day of February, 2011.

17
18 
19 City Clerk

20 (Seal)

21 State of Washington,
22 County of King

23 I, Janet Polaty, certify that this is a true and correct
24 copy of Ordinance No. 123534, on file in the records
of the City of Seattle, Office of the City Clerk



25 Signed by: 
26 Signature _____
27 Title: Information Specialist
Date: 2/10/2011



STATE OF WASHINGTON – KING COUNTY

--SS.

267059
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123532-123535

was published on

02/11/11

The amount of the fee charged for the foregoing publication is the sum of \$ 68.25, which amount has been paid in full.



Affidavit of Publication

[Handwritten Signature]

Subscribed and sworn to before me on
02/11/11
[Handwritten Signature]

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on January 31, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123532

AN ORDINANCE relating to the City's solid waste system; providing for the issuance of a temporary license and establishing a time frame for action on yellow pages phone book distributor license applications; removing the component of the recovery fee for yellow pages phone books associated with the cost of collecting and recycling yellow pages phone books; and amending Seattle Municipal Code Sections 6.202.280, 6.255.050 and 6.255.100.

ORDINANCE NO. 123533

AN ORDINANCE vacating the alley in Block 9, Waddel's Madrona Park Addition, on the petition of Epiphany School; and accepting a Property Use and Development Agreement related herein (Clerk File 309199).

ORDINANCE NO. 123534

AN ORDINANCE relating to historic preservation, imposing controls upon the Eitel 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.

ORDINANCE NO. 123535

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, February 11, 2011.
2/11(267059)