

Ordinance No. 123203

Council Bill No. 116710  
~~123203~~

AN ORDINANCE relating to historic preservation, imposing controls upon the William Tell Hotel, 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>11-2-09</u>	To: (committee): <u>Parks + Seattle Center</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>12-14-09</u>	Date Presented to Mayor: <u>12-15-09</u>
Date Signed by Mayor: <u>12-21-09</u>	Date Returned to City Clerk: <u>12-22-09</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
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: Tom Rasmussen

#### Committee Action:

Date	Recommendation	Vote
<u>12-8-09</u>	<u>pass as amended</u> <u>(E)</u>	<u>300 TR, RC, JD</u>

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

#### Full Council Action:

Date	Decision	Vote
<u>12-14-09</u>	<u>Passed</u>	<u>9-0</u>

*Law Department*

ORDINANCE 123203

1  
2 AN ORDINANCE relating to historic preservation, imposing controls upon the William Tell  
3 Hotel, a landmark designated by the Landmarks Preservation Board under Chapter 25.12  
4 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks  
5 contained in Chapter 25.32 of the Seattle Municipal Code.

6 WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),  
7 establishes a procedure for the designation and preservation of sites, improvements and  
8 objects having historical, cultural, architectural, engineering or geographic significance;  
9 and

10 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on February  
11 18, 2009, voted to approve the nomination of the improvement (the building) located at  
12 2327 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the  
13 purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

14 WHEREAS, after a public meeting on April 1, 2009 the Board voted to approve the designation  
15 of the William Tell Hotel under SMC Chapter 25.12; and

16 WHEREAS, on June 17, 2009, the Board and the owner of the designated landmark agreed to  
17 controls and incentives; and

18 WHEREAS, the Board recommends that the City Council enact a designating ordinance  
19 approving the controls and incentives;

20 NOW, THEREFORE,  
21 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the  
23 Landmarks Preservation Board (the Board) of the improvement (the building) located at 2327  
24 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the purposes of this  
25 ordinance, is hereby acknowledged.

26 A. Legal Description. The William Tell Hotel is located on the property legally  
27 described as:  
28



1 Lot 8 of supplemental plat of Block 27 to Bell & Denny's first addition to the City  
2 of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 83, in King  
3 County, Washington; except the northeasterly 12 feet thereof condemned for widening  
4 2nd Avenue.

5 B. Specific Features and/or Characteristics Designated. Pursuant to SMC  
6 25.12.660.A.2, the following specific features and/or characteristics of William Tell Hotel are  
7 designated:  
8

- 9 1. The exterior of the improvement (the building).

10 C. Basis of Designation. The designation was made because the William Tell Hotel  
11 has significant character, interest or value as a part of the development, heritage or cultural  
12 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,  
13 and because it satisfies the following from Section 25.12.350:  
14

- 15 1. It is associated in a significant way with a significant aspect of the cultural,  
16 political, or economic heritage of the community, city, state or nation (SMC  
17 25.12.350.C).  
18 2. It embodies the distinctive visible characteristics of an architectural style, or  
19 period, or of a method of construction (SMC 25.12.350.D).  
20 3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

21 Section 2. CONTROLS: The following controls are hereby imposed on the features and  
22 characteristics of the William Tell Hotel that were designated by the Board for preservation:  
23

24 A. Certificate of Approval Process.  
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1           1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a  
2           Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or  
3           the time for denying a Certificate of Approval must have expired, before the  
4           owner may make alterations or significant changes to the following specific  
5           features or characteristics:

6           a. The exterior of the improvement (the building).

7  
8           2. No Certificate of Approval or approval by the City Historic Preservation  
9           Officer(CHPO) is required for the following:

10          a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

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

12          1. The CHPO may review and approve the items listed in Section 2.B.3 of this  
13          Ordinance according to the following procedure:

14          a. The owner shall submit to the City Historic Preservation Officer (CHPO) a  
15          written request for the alterations, including applicable drawings and/or  
16          specifications.

17          b. If the CHPO, upon examination of submitted plans and specifications,  
18          determines that the alterations are consistent with the purposes of SMC  
19          chapter 25.12, the alterations shall be approved without further action by the  
20          Board.

21          c. If the CHPO does not approve the alterations, the owner may submit revised  
22          materials to the CHPO, or apply to the Board for a Certificate of Approval  
23          under SMC chapter 25.12, as provided in Section 2.A.  
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1           2. The CHPO shall transmit a written decision on the owner's request to the owner  
2           within 14 days of receipt of the request. Failure of the CHPO to approve or  
3           disapprove the request shall constitute approval of the request.

4           3. CHPO approval for changes or alterations to the designated features or  
5           characteristics of the landmark described in Section 1.B of this Ordinance, is  
6           available for the following:

- 7
- 8           a. The addition or elimination of duct conduits, HVAC vents, grilles, fire  
9           escapes, pipes, and other similar wiring or mechanical elements necessary for  
10          the normal operation of the building.
- 11          b. Exterior signage.
- 12          c. Exterior painting.
- 13

14          Section 3. INCENTIVES. The following incentives are hereby granted on the features  
15          and characteristics of the William Tell Hotel that were designated by the Board for preservation:

16          A. Uses not otherwise permitted in a zone may be authorized in a designated  
17          Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal  
18          Code Title 23.

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

22          C. Special tax valuation for historic preservation may be available under Chapter  
23          84.26 RCW upon application and compliance with the requirements of that statute.

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1           D.     Reduction or waiver, under certain conditions, of minimum accessory off-street  
2 parking requirements for uses permitted in a designated Landmark structure, may be permitted  
3 pursuant to Seattle Municipal Code Title 23.

4           E.     The Owner may participate in the City's Landmark TDR Bank after obtaining a  
5 determination from the City concerning the quantity of unused development rights for the  
6 Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to  
7 Seattle Municipal Code Section 23.49.014, Transfer of Development Rights (TDR).  
8

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

11           Section 5. The William Tell Hotel is hereby added to the Table of Historical Landmarks  
12 contained in SMC Chapter 25.32.

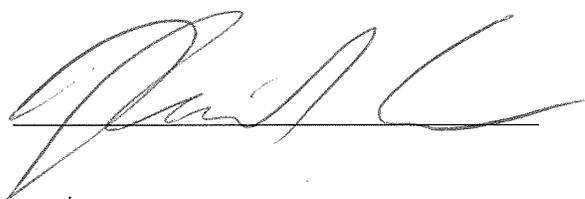
13           Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
14 King County Director of Records and Elections, deliver two certified copies to the City Historic  
15 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
16 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
17 the landmark.  
18

19           Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
20 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
21 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
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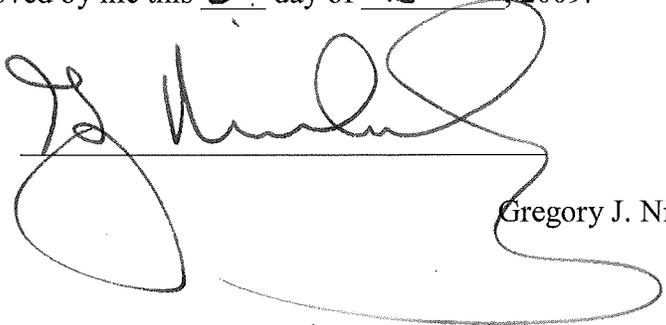
Passed by the City Council the 14<sup>th</sup> day of December, 2009, and signed by me in open session in authentication of its passage this 14<sup>th</sup> day of December, 2009.



President \_\_\_\_\_ of the City

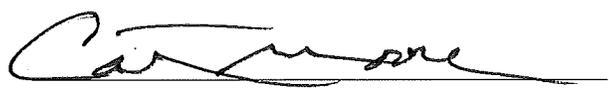
Council

Approved by me this 21<sup>st</sup> day of December, 2009.



Gregory J. Nickels, Mayor

Filed by me this 22<sup>nd</sup> day of December, 2009.



City Clerk

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Department of Neighborhoods	Sarah Sodt/206-615-1786	Amy Williams/206-233-2651

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing controls upon the William Tell Hotel, 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:**

The attached legislation acknowledges the designation of the William Tell Hotel as an historic landmark based upon a determination by the Landmarks Preservation Board and adds the building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The William Tell Hotel was built in 1924 in Belltown. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. Features included in the landmark controls are the exterior of the building. Excluded from the controls are any in-kind maintenance or repairs of these features.

• *Please check one of the following:*

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

**This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

Attachments:

Exhibit A – Vicinity Map of the William Tell Hotel





(C) 2008 King County

0 130ft

William Tell Hotel Vicinity Map





# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

October 27, 2009

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

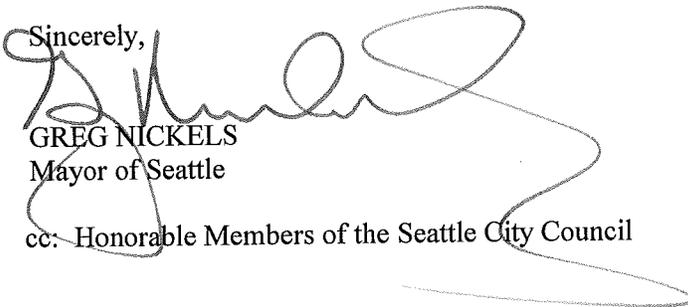
Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that designates the William Tell Hotel located at 2327 Second Avenue as an historic landmark and adds it to the Table of Historical Landmarks in the Seattle Municipal Code.

A Controls and Incentives Agreement has been signed by the owner and has been approved by the Landmarks Preservation Board. Features included in the landmark controls are the exterior of the building. Excluded from the controls are any in-kind maintenance or repairs to these features.

Thank you for your consideration of this legislation. Should you have questions, please contact Sarah Sodt, Department of Neighborhoods at 206-615-1786.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



ORDINANCE \_\_\_\_\_

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8 objects having historical, cultural, architectural, engineering or geographic significance;  
9 and

10 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on February  
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12 2327 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the  
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14 WHEREAS, after a public meeting on April 1, 2009 the Board voted to approve the designation  
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16 WHEREAS, on June 17, 2009, the Board and the owner of the designated landmark agreed to  
17 controls and incentives; and

18 WHEREAS, the Board recommends that the City Council enact a designating ordinance  
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11 has significant character, interest or value as a part of the development, heritage or cultural  
12 characteristics of the City, state or nation, it has integrity or the ability to convey its significance,  
13 and because it satisfies the following from Section 25.12.350:  
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- 15 1. It is associated in a significant way with a significant aspect of the cultural,  
16 political, or economic heritage of the community, city, state or nation (SMC  
17 25.12.350.C).  
18 2. It embodies the distinctive visible characteristics of an architectural style, or  
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1           1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a  
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8           2. No Certificate of Approval or approval by the City Historic Preservation  
9           Officer(CHPO) is required for the following:

10           a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

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

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13           Ordinance according to the following procedure:

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18           b. If the CHPO, upon examination of submitted plans and specifications,  
19           determines that the alterations are consistent with the purposes of SMC  
20           chapter 25.12, the alterations shall be approved without further action by the  
21           Board.  
22

23           c. If the CHPO does not approve the alterations, the owner may submit revised  
24           materials to the CHPO, or apply to the Board for a Certificate of Approval  
25           under SMC chapter 25.12, as provided in Section 2.A.  
26



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

4           3. CHPO approval for changes or alterations to the designated features or  
5           characteristics of the landmark described in Section 1.B of this Ordinance, is  
6           available for the following:

- 7           a. The addition or elimination of duct conduits, HVAC vents, grilles, fire  
8           escapes, pipes, and other similar wiring or mechanical elements necessary for  
9           the normal operation of the building.  
10           b. Exterior signage.  
11           c. Exterior painting.

12           Section 3. INCENTIVES. The following incentives are hereby granted on the features  
13           and characteristics of the William Tell Hotel that were designated by the Board for preservation:  
14           and characteristics of the William Tell Hotel that were designated by the Board for preservation:

15           A. Uses not otherwise permitted in a zone may be authorized in a designated  
16           Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal  
17           Code Title 23.

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

21           C. Special tax valuation for historic preservation may be available under Chapter  
22           84.26 RCW upon application and compliance with the requirements of that statute.



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

3 Section 5. The William Tell Hotel is hereby added to the Table of Historical Landmarks  
4 contained in SMC Chapter 25.32.

5 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
6 King County Director of Records and Elections, deliver two certified copies to the City Historic  
7 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
8 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
9 the landmark.  
10

11 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
12 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
13 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
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THIS VERSION IS NOT ADOPTED



Sarah Sodt/jom  
DON, William Tell Hotel, ORD  
October 6, 2009  
Version #3

1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2009, and  
2 signed by me in open session in authentication of its passage this  
3 \_\_\_\_ day of \_\_\_\_\_, 2009.

6 \_\_\_\_\_  
President \_\_\_\_\_ of the City Council

8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

11 \_\_\_\_\_  
Gregory J. Nickels, Mayor

13 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2009.

15 \_\_\_\_\_  
City Clerk

16 (Seal)

**THIS VERSION IS NOT ADOPTED**



**Return Address:**

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



20091223001129

SEATTLE CITY C ORD  
PAGE-001 OF 007  
12/23/2009 14:04  
KING COUNTY, WA

68.00

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Please print or type information

**Document Title(s)** (or transaction contained therein): (Insert Ordinance or Resolution Number Here)

1. Ordinance 123203

FILED  
CITY OF SEATTLE  
10/18/09 11:00 AM  
CITY CLERK

AN ORDINANCE relating to historic preservation, imposing controls upon the William Tell Hotel, 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..

**Grantor(s)**

- 1. City of Seattle
- Additional names on page \_\_\_ of document.

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

- 1. N/A *Public*
- 2.
- 3.

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

Additional reference #'s on page \_\_\_ of document

- N/A

**Assessor's Property Tax Parcel/Account Number**

- #
- Assessor Tax # not yet assigned.
  - N/A

Sarah Sodrjorn  
DON, William Tell Hotel, ORD  
December 8, 2009  
Version #4

ORDINANCE 123203

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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 (the Board), after a public meeting on February 18, 2009, voted to approve the nomination of the improvement (the building) located at 2327 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on April 1, 2009 the Board voted to approve the designation of the William Tell Hotel under SMC Chapter 25.12; and

WHEREAS, on June 17, 2009, 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 SMC 25.12.660, the designation by the Landmarks Preservation Board (the Board) of the improvement (the building) located at 2327 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the purposes of this ordinance, is hereby acknowledged.

A. Legal Description. The William Tell Hotel is located on the property legally described as:



Sarah Sodd/jom  
DON, William Tell Hotel, ORD  
December 8, 2009  
Version #4

1 Lot 8 of supplemental plat of Block 27 to Bell & Denny's first addition to the City  
2 of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 83, in King  
3 County, Washington; except the northeasterly 12 feet thereof condemned for widening  
4 2nd Avenue.

5 B. Specific Features and/or Characteristics Designated. Pursuant to SMC  
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9 1. The exterior of the improvement (the building).

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a. The exterior of the improvement (the building).

2. No Certificate of Approval or approval by the City Historic Preservation Officer(CHPO) is required for the following:

a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

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

1. The CHPO may review and approve the items listed in Section 2.B.3 of this Ordinance according to the following procedure:

a. The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.

b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC chapter 25.12, the alterations shall be approved without further action by the Board.

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



Sarah Soddjorn  
DON, William Tell Hotel, ORD  
December 8, 2009  
Version #4

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2. 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 approve or disapprove the request shall constitute approval of the request.

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

- a. The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.
- b. Exterior signage.
- c. Exterior painting.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of the William Tell Hotel 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 issued pursuant to Seattle Municipal Code Title 23.

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

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



Sarah Sodrjorn  
DON, William Tell Hotel, ORD  
December 8, 2009  
Version #4

1 D. Reduction or waiver, under certain conditions, of minimum accessory off-street  
2 parking requirements for uses permitted in a designated Landmark structure, may be permitted  
3 pursuant to Seattle Municipal Code Title 23.

4 E. The Owner may participate in the City's Landmark TDR Bank after obtaining a  
5 determination from the City concerning the quantity of unused development rights for the  
6 Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to  
7 Seattle Municipal Code Section 23.49.014, Transfer of Development Rights (TDR).  
8

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

11 Section 5. The William Tell Hotel is hereby added to the Table of Historical Landmarks  
12 contained in SMC Chapter 25.32.

13 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
14 King County Director of Records and Elections, deliver two certified copies to the City Historic  
15 Preservation Officer, and deliver one copy to the Director of the Department of Planning and  
16 Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of  
17 the landmark.  
18

19 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
20 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
21 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
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State of Washington,  
County of King

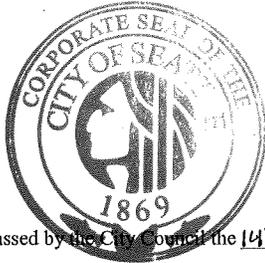
Sarah Sadt/jom  
DON, William Tell Hotel, ORD  
December 8, 2009  
Version #4

*Janet Polata*  
*[Signature]*

certify that this is a true and correct

copy of Ordinance No. 123203, on file in the records

of the City of Seattle, Office of the City Clerk



Signed by:

Signature *[Signature]*

Title: Information Specialist

Date: December 23, 2009

Passed by the City Council the 14<sup>th</sup> day of December, 2009, and signed by me in open

session in authentication of its passage this 14<sup>th</sup> day of December, 2009.

*[Signature]*

President \_\_\_\_\_ of the City

Council

Approved by me this 21<sup>st</sup> day of December, 2009.

*[Signature]*

Gregory J. Nickels, Mayor

Filed by me this 22<sup>nd</sup> day of December, 2009.

*[Signature]*

City Clerk

(Seal)



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

248676  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

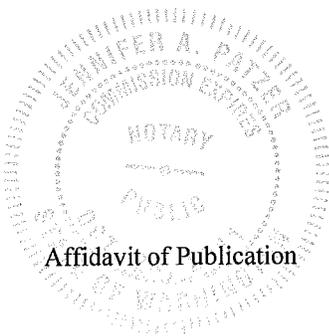
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123203 ORDINANCE

was published on

12/24/09

The amount of the fee charged for the foregoing publication is the sum of \$ 297.15, which amount has been paid in full.



Affidavit of Publication

*[Signature]*  
\_\_\_\_\_  
Subscribed and sworn to before me on  
12/24/09 *[Signature]*  
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 123203

AN ORDINANCE relating to historic preservation, imposing controls upon the William Tell Hotel, 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 (the Board), after a public meeting on February 18, 2009, voted to approve the nomination of the improvement (the building) located at 2327 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on April 1, 2009 the Board voted to approve the designation of the William Tell Hotel under SMC Chapter 25.12; and

WHEREAS, on June 17, 2009, 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 SMC 25.12.660, the designation by the Landmarks Preservation Board (the Board) of the improvement (the building) located at 2327 Second Avenue in Seattle, which is referred to as the William Tell Hotel for the purposes of this ordinance, is hereby acknowledged.

**Legal Description.** The William Tell Hotel is located on the property legally described as:

Lot 8 of supplemental plat of Block 27 to Bell & Denny's first addition to the City of Seattle, according to the plat thereof recorded in Volume 2 of Plats, Page 83, in King County, Washington; except the northeasterly 12 feet thereof condemned for widening 2nd Avenue.

**Specific Features and/or Characteristics Designated.** Pursuant to SMC 25.12.660.A.2, the following specific features and/or characteristics of William Tell Hotel are designated:

The exterior of the improvement (the building).

**Basis of Designation.** The designation was made because the William Tell Hotel has significant character, interest or value as a part of the development, heritage or cultural characteristics of the City, state or nation, it has integrity or the ability to convey its significance, and because it satisfies the following from Section 25.12.350:

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).

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

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

Section 2. **CONTROLS:** The following controls are hereby imposed on the features and characteristics of the William Tell Hotel that were designated by the Board for preservation:

### Certificate of Approval Process.

Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant 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 following specific features or characteristics:

The exterior of the improvement (the building).

No Certificate of Approval or approval by the City Historic Preservation Officer (CHPO) is required for the following:

Any in-kind maintenance or repairs of the features listed in Section 2.A.1.

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

The CHPO may review and approve the items listed in Section 2.B.3 of this Ordinance according to the following procedure:

The owner shall submit to the City Historic Preservation Officer (CHPO) a written request for the alterations, including applicable drawings and/or specifications.

If the CHPO, upon examination of submitted plans and specifications, determines that the alterations are consistent with the purposes of SMC chapter 25.12, the alterations shall be approved without further action by the Board.

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

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 approve or disapprove the request shall constitute approval of the request.

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

The addition or elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.

Exterior signage.

Exterior painting.

Section 3. **INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the William Tell Hotel that were designated by the Board for preservation:

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

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

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

Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to Seattle Municipal Code Title 23.

The Owner may participate in the City's Landmark TDR Bank after obtaining a determination from the City concerning the quantity of unused development rights for the Landmark that are eligible for transfer to receiving properties as Landmark TDR, pursuant to Seattle Municipal Code Section 23.49.014, Transfer of Development Rights (TDR).

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

Section 5. The William Tell Hotel is hereby added to 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 Director of Records and Elections, deliver two certified copies to the City Historic Preservation Officer, and deliver one copy to the Director of the Department of Planning and Development. The CHPO is directed to provide a certified copy of the ordinance to the owner of the landmark.

Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 14th day of December, 2009, and signed by me in open session in authentication of its passage this 14th day of December, 2009.

Richard Conlin

President of the City Council

Approved by me this 21st day of December, 2009.

Gregory J. Nickels, Mayor

Filed by me this 22nd day of December, 2009.

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily Journal of Commerce, December 24, 2009.

1 of Com. 12/24(248676)

ton, King

affidavit