

Ordinance No. 123487

Council Bill No. 116990

AN ORDINANCE relating to historic preservation, imposing controls upon the Baroness Apartment 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>Oct. 11, 2010</u>	To: (committee): Built Environment
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>11-29-10</u>	Date Presented to Mayor: <u>11-30-10</u>
Date Signed by Mayor: <u>Dec. 7, 2010</u>	Date Returned to City Clerk: <u>Dec. 7, 2010</u>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *Samuel Johnson*

Committee Action:

Date	Recommendation	Vote
<u>11/7/10</u>	<u>PASS</u>	<u>3-0 SC, TB, STB</u>

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

Full Council Action:

Date	Decision	Vote
<u>11-29-10</u>	<u>Passed</u>	<u>8-0 Excused: Mo</u>

1 Block 103, Lot 1, Terry's 2nd Addition to the town of Seattle according to the plat
2 thereof, recorded in Volume 1 of Plats, Page 87, in King County, Washington.

3
4 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
5 25.12.660.A.2, the following specific features and/or characteristics of the Baroness Apartment
6 Hotel are designated: the exterior of the building.

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

- 12 1. It embodies the distinctive visible characteristics of an architectural style, period,
13 or of a method of construction (SMC 25.12.350.D).
14
15 2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

16 Section 2. CONTROLS: The following controls are hereby imposed on the features and
17 characteristics of the Baroness Apartment Hotel that were designated by the Board for
18 preservation:
19

20 A. Certificate of Approval Process.

- 21 1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a
22 Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the
23 time for denying a Certificate of Approval must have expired, before the owner
24 may make alterations or significant changes to the following specific features or
25 characteristics: the exterior of the building.
26



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

- 3 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
4 b. Installation of exterior security lighting, video cameras, and security system
5 equipment.
6

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

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

- 10 a. The owner shall submit to the CHPO a written request for the alterations,
11 including applicable drawings and/or specifications.
12 b. If the CHPO, upon examination of submitted plans and specifications,
13 determines that the alterations are consistent with the purposes of SMC
14 chapter 25.12, the alterations shall be approved without further action by the
15 Board.
16 c. If the CHPO does not approve the alterations, the owner may submit revised
17 materials to the CHPO, or apply to the Board for a Certificate of Approval
18 under SMC chapter 25.12, as provided in Section 2.A.

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

22 3. CHPO approval for changes or alterations to the designated features or
23 characteristics of the landmark described in Section 1.B of this Ordinance, is
24 available for the following:
25
26
27
28

- 1 a. For the specified features and characteristics of the building, the addition or
- 2 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
- 3 other similar wiring or mechanical elements necessary for the normal
- 4 operation of the building.
- 5 b. Signage.
- 6 c. Exterior painting.
- 7 d. Installation of exterior light fixtures not excluded under Section 2.A.2.b.
- 8 e. Alterations to the canopies on the South elevation.

9 Section 3. INCENTIVES. The following incentives are hereby granted on the features
10 and characteristics of the Baroness Apartment Hotel that were designated by the Board for
11 preservation:

12 A. Uses not otherwise permitted in a zone may be authorized in a designated
13
14 Landmark by means of an administrative conditional use issued pursuant to Seattle Municipal
15 Code Title 23.

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

19 C. Special tax valuation for historic preservation may be available under Chapter
20
21 84.26 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
24 SMC 25.12.910.



1 Section 5. The Baroness Apartment Hotel is hereby added to the Table of Historical
2 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 Director of Records and Elections, deliver two certified copies to the CHPO, and
5 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
6 directed to provide a certified copy of the ordinance to the owner of the landmark.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



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 29th day of November, 2010, and
5 signed by me in open session in authentication of its passage this

6
7 29th day of November, 2010.

8
9 
10 President _____ of the City Council

11 Approved by me this 7th day of December, 2010.

12
13 
14 Michael McGinn, Mayor

15
16 Filed by me this 7th day of December, 2010.

17
18 
19 City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
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 Baroness Apartment 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 Baroness Apartment Hotel as a 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 Baroness Apartment Hotel was built in 1930-31 on First Hill in downtown Seattle. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. The controls in the agreement apply to the exterior of the building. However, the controls do not apply to the following: the installation of exterior security lighting, video cameras, security system equipment, and any in-kind maintenance or repairs of the designated features.

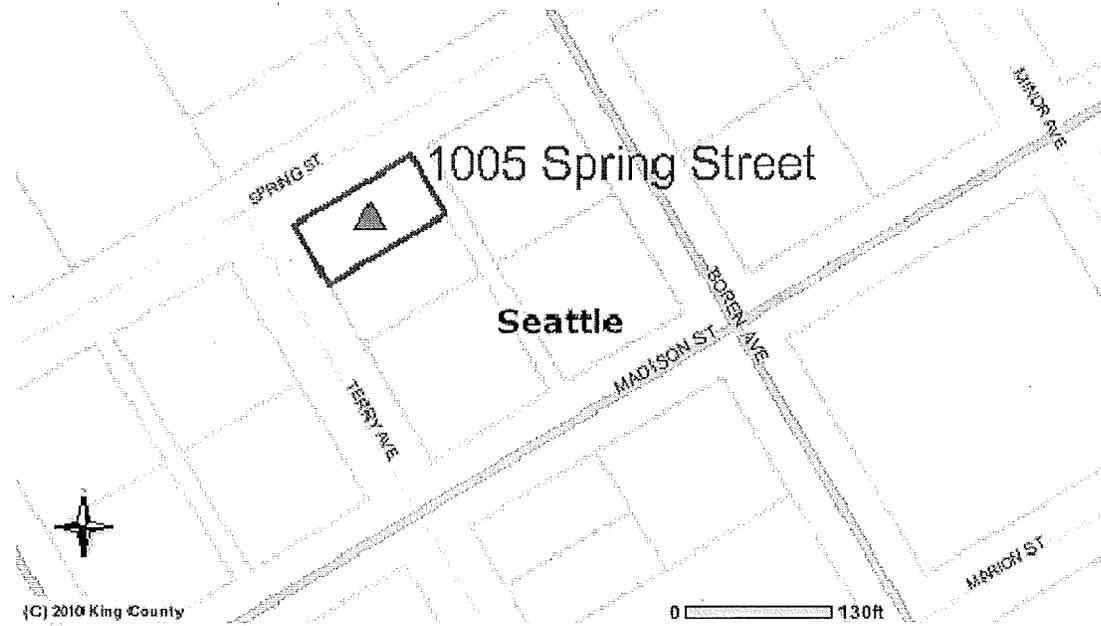
- *Please check one of the following:*

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

- **List attachments to the fiscal note below:**

Exhibit A – Vicinity Map of the Baroness Apartment Hotel







City of Seattle
Office of the Mayor

September 14, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that designates the Baroness Apartment Hotel located at 1005 Spring Street as a 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. The controls in the agreement apply to the exterior of the building. However, the controls do not apply to the following: the installation of exterior security lighting, video cameras, security system equipment, and any in-kind maintenance or repairs of the designated 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,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

264602

No.

CITY OF SEATTLE, CLERKS OFFICE

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:123487 ORDINANCE

was published on

12/17/10

The amount of the fee charged for the foregoing publication is the sum of \$ 273.00, which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on

12/17/10

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123487

AN ORDINANCE relating to historic preservation, imposing controls upon the Baroness Apartment 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 August 19, 2009, voted to approve the nomination of the improvement known as the Baroness Apartment Hotel located at 1005 Spring Street in Seattle (the improvement is referred to as the Baroness Apartment Hotel for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 7, 2009, the Board voted to approve the designation of the Baroness Apartment Hotel under SMC Chapter 25.12; and

WHEREAS, on December 12, 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 known as the Baroness Apartment Hotel located at 1005 Spring Street in Seattle is hereby acknowledged.

A. **Legal Description.** The Baroness Apartment Hotel is located on the property legally described as:

Block 103, Lot 1, Terry's 2nd Addition to the town of Seattle according to the plat thereof, recorded in Volume 1 of Plats, Page 87, in King County, Washington.

B. **Specific Features and/or Characteristics Designated.** Pursuant to SMC 25.12.660.A.2, the following specific features and/or characteristics of the Baroness Apartment Hotel are designated: the exterior of the building.

C. **Basis of Designation.** The designation was made because the Baroness Apartment 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:

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

2. 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 Baroness Apartment Hotel that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. 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 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. Installation of exterior security lighting, video cameras, and security system equipment.

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 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.

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. For the specified features and characteristics of the building, 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. Signage.

c. Exterior painting.

d. Installation of exterior light fixtures not excluded under Section 2.A.2.b.

e. Alterations to the canopies on the South elevation.

Section 3. **INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the Baroness Apartment 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.

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

Section 5. The Baroness Apartment 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 CHPO, 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 30 days from and 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 29th day of November, 2010, and signed by me in open session in authentication of its passage this 29th day of November, 2010.

Richard Conlin

President of the City Council

Approved by me this 7th day of December, 2010.

Michael McGinn, Mayor

Filed by me this 7th day of December, 2010.

(Seal) Monica Martinez-Simmons

City Clerk

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, December 17, 2010.
12/17(264602)

311352

Return Address:

Seattle City Clerk's Office

600 4th Avenue, Floor 3

P O Box 94728

Seattle, WA 98124 - 4728



20101216000830

SEATTLE CITY C ORD
PAGE-001 OF 007
12/16/2010 15:04
KING COUNTY, WA

68.00

WASHINGTON STATE RECORDER'S Cover Sheet (RCW 65.04)

Document Title(s) and corresponding number (or transaction contained therein)

1. Ordinance No. 123487

2.

Reference Number(s) of Documents assigned or released:

1. Additional reference #'s on page ____ of document

Grantor(s)

- 1. City of Seattle
- Additional names on page ____ of document.

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

- 1. Public
- 2. Additional names on page ____ of document

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)
Block 103, Lot 1, Terry's 2nd Addition to the town of Seattle according to the plat thereof, recorded in Volume 1 of Plats, Page 87, in King County, Washington

Additional reference #'s on page ____ of document

Assessor's Property Tax Parcel/Account Number

8590901030

Assessor Tax # not yet assigned.

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

FILED
CITY OF SEATTLE
2011 FEB -4 AM 9:23
CITY CLERK

1 Block 103, Lot 1, Terry's 2nd Addition to the town of Seattle according to the plat
2 thereof, recorded in Volume 1 of Plats, Page 87, in King County, Washington.

3 B. Specific Features and/or Characteristics Designated. Pursuant to SMC
4 25.12.660.A.2, the following specific features and/or characteristics of the Baroness Apartment
5 Hotel are designated: the exterior of the building.

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

- 10
11
12 1. It embodies the distinctive visible characteristics of an architectural style, period,
13 or of a method of construction (SMC 25.12.350.D).
14
15 2. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

16 Section 2. CONTROLS: The following controls are hereby imposed on the features and
17 characteristics of the Baroness Apartment Hotel that were designated by the Board for
18 preservation:

19 A. Certificate of Approval Process.

- 20
21 1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a
22 Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the
23 time for denying a Certificate of Approval must have expired, before the owner
24 may make alterations or significant changes to the following specific features or
25 characteristics: the exterior of the building.
26



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

- 3 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
4 b. Installation of exterior security lighting, video cameras, and security system
5 equipment.

6
7 B. City Historic Preservation Officer (CHPO) Approval Process.

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

- 10 a. The owner shall submit to the CHPO a written request for the alterations,
11 including applicable drawings and/or specifications.
12 b. If the CHPO, upon examination of submitted plans and specifications,
13 determines that the alterations are consistent with the purposes of SMC
14 chapter 25.12, the alterations shall be approved without further action by the
15 Board.
16 c. If the CHPO does not approve the alterations, the owner may submit revised
17 materials to the CHPO, or apply to the Board for a Certificate of Approval
18 under SMC chapter 25.12, as provided in Section 2.A.

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

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

- 1 a. For the specified features and characteristics of the building, the addition or
- 2 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
- 3 other similar wiring or mechanical elements necessary for the normal
- 4 operation of the building.
- 5 b. Signage.
- 6 c. Exterior painting.
- 7 d. Installation of exterior light fixtures not excluded under Section 2.A.2.b.
- 8 e. Alterations to the canopies on the South elevation.

9 Section 3. INCENTIVES. The following incentives are hereby granted on the features
10 and characteristics of the Baroness Apartment Hotel that were designated by the Board for
11 preservation:

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

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

18 C. Special tax valuation for historic preservation may be available under Chapter
19 84.26 RCW upon application and compliance with the requirements of that statute.

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



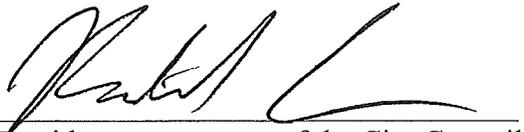
1 Section 5. The Baroness Apartment Hotel is hereby added to the Table of Historical
2 Landmarks contained in SMC Chapter 25.32.

3 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
4 King County Director of Records and Elections, deliver two certified copies to the CHPO, and
5 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
6 directed to provide a certified copy of the ordinance to the owner of the landmark.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26



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 29th day of November, 2010, and
5 signed by me in open session in authentication of its passage this
6 29th day of November, 2010.

8 
9 _____
10 President _____ of the City Council

11 Approved by me this 7th day of December, 2010.

12 
13 _____
14 Michael McGinn, Mayor

15 Filed by me this 7th day of December, 2010.

16 State of Washington,
17 County of King

18 
19 _____
20 City Clerk

21 (Seal), Jaret Polata certify that this is a true and correct
22 copy of Ordinance No. 123457, on file in the records
23 of the City of Seattle Office of the City Clerk



25 Signed by: _____
26 Signature JH/lt
27 Title: Information Specialist
28 Date: December 15, 2010



STATE OF WASHINGTON – KING COUNTY

--SS.

264602
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 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

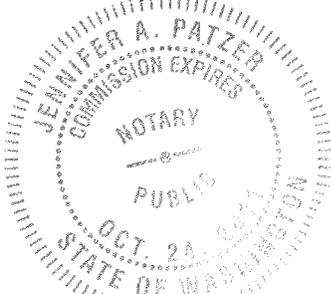
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123487 ORDINANCE

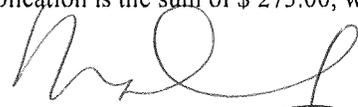
was published on

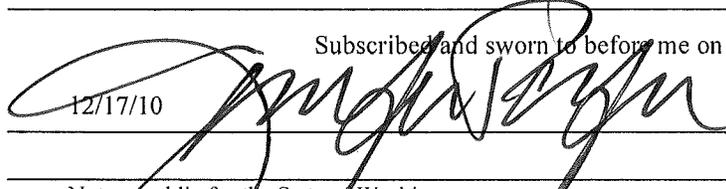
12/17/10

The amount of the fee charged for the foregoing publication is the sum of \$ 273.00, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
12/17/10 

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 123487

AN ORDINANCE relating to historic preservation, imposing controls upon the Baroness Apartment 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 August 19, 2009, voted to approve the nomination of the improvement known as the Baroness Apartment Hotel located at 1005 Spring Street in Seattle (the improvement is referred to as the Baroness Apartment Hotel for the purposes of this ordinance) for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on October 7, 2009, the Board voted to approve the designation of the Baroness Apartment Hotel under SMC Chapter 25.12; and

WHEREAS, on December 12, 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 known as the Baroness Apartment Hotel located at 1005 Spring Street in Seattle is hereby acknowledged.

A. **Legal Description.** The Baroness Apartment Hotel is located on the property legally described as:

Block 103, Lot 1, Terry's 2nd Addition to the town of Seattle according to the plat thereof, recorded in Volume 1 of Plats, Page 87, in King County, Washington.

B. **Specific Features and/or Characteristics Designated.** Pursuant to SMC 25.12.660.A.2, the following specific features and/or characteristics of the Baroness Apartment Hotel are designated: the exterior of the building.

C. **Basis of Designation.** The designation was made because the Baroness Apartment 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:

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

2. 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 Baroness Apartment Hotel that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. 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 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. Installation of exterior security lighting, video cameras, and security system equipment.

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 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.

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. For the specified features and characteristics of the building, 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. Signage.

c. Exterior painting.

d. Installation of exterior light fixtures not excluded under Section 2.A.2.b.

e. Alterations to the canopies on the South elevation.

Section 3. **INCENTIVES.** The following incentives are hereby granted on the features and characteristics of the Baroness Apartment 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.

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

Section 5. The Baroness Apartment 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 CHPO, 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 30 days from and 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 29th day of November, 2010, and signed by me in open session in authentication of its passage this 29th day of November, 2010.

Richard Conlin

President of the City Council

Approved by me this 7th day of December, 2010.

Michael McGinn, Mayor

Filed by me this 7th day of December, 2010.

(Seal) Monica Martinez-Simmons

City Clerk

Publication ordered by the City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, December 17, 2010.

12/17(264602)