

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
COUNCIL BILL 118021

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3  
4 AN ORDINANCE relating to historic preservation, imposing controls upon the Neptune  
5 Building, a landmark designated by the Landmarks Preservation Board under Chapter  
6 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks  
7 contained in Chapter 25.32 of the Seattle Municipal Code.

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

12 WHEREAS, the Landmarks Preservation Board (Board), after a public meeting on October 3,  
13 2012, voted to approve the nomination of the improvement located at 1301 Northeast  
14 45th Street (which is referred to as the "Neptune Building" for the purposes of this  
15 ordinance) for designation as a landmark under SMC Chapter 25.12; and

16 WHEREAS, after a public meeting on November 14, 2012, the Board voted to approve the  
17 designation of the Neptune Building under SMC Chapter 25.12; and

18 WHEREAS, on August 7, 2013, the Board and the owner of the designated landmark agreed to  
19 controls and incentives; and

20 WHEREAS, the Board recommends that the City Council enact a designating ordinance  
21 approving the controls and incentives; NOW, THEREFORE,

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

23 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the  
24 Landmarks Preservation Board (Board) of the improvement located at 1301 Northeast 45th  
25 Street (which is referred to as the "Neptune Building" for the purposes of this ordinance) is  
26 hereby acknowledged.  
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1           A.    Legal Description. The Neptune Building is located on the property legally  
2 described as:

3                       Lots 22, 23 and 24 of Block 2, of Brooklyn Addition, according to the plat thereof  
4 recorded in Volume 7 of Plats, page 32, records of King County, Washington;  
5 except the northerly portion of Lot 24 taken by the City of Seattle in the widening  
6 of NE 45<sup>th</sup> Street (Ordinance No. 10568); situated in the City of Seattle, King  
7 County, State of Washington.  
8

9           B.    Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2,  
10 the following specific features or characteristics of the Neptune Building are designated:

- 11                   1. The exterior of the improvement known as the Neptune Building.  
12                   2. The interior upper and lower ramps, and the auditorium in the improvement  
13 known as the Neptune Building.  
14

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

- 19                   1. It is associated in a significant way with a significant aspect of the cultural,  
20 political, or economic heritage of the community, City, state, or nation (SMC  
21 25.12.350.C).  
22                   2. It embodies the distinctive visible characteristics of an architectural style, period,  
23 or a method of construction (SMC 25.12.350.D).  
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1 Section 2. CONTROLS: The following controls are hereby imposed on the features or  
2 characteristics of the Neptune Building that were designated by the Board for preservation:

3 A. Certificate of Approval Process.

- 4 1. Except as provided in subsection 2.A.2 or subsection 2.B, the owner must obtain a  
5 Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or  
6 the time for denying a Certificate of Approval must have expired, before the  
7 owner may make alterations or significant changes to the following specific  
8 features or characteristics:  
9  
10 a. The exterior of the improvement known as the Neptune Building.  
11 b. The interior upper and lower ramps, and the auditorium in the improvement  
12 known as the Neptune Building.  
13  
14 2. No Certificate of Approval is required for the following:  
15  
16 a. Any in-kind maintenance or repairs of the features or characteristics listed in  
17 subsection 2.A.1.  
18  
19 b. Installation, removal, or alteration of floor coverings that do not damage the  
20 original floor.  
21  
22 c. Installation, removal, or alteration of temporary interior window coverings.  
23  
24 d. Removal of non-original building elements, including the air conditioning unit  
25 at the northwest corner of the tenant space and the cloth building awnings.  
26  
27 e. Replacement of existing cloth awning covers, where awning frames currently  
28 exist and are not being modified.  
f. Replacement of windows at the two internal building lightcourts.



1           B.     City Historic Preservation Officer Approval Process.

- 2           1. The City Historic Preservation Officer (CHPO) may review and approve  
3           alterations or significant changes to the features or characteristics listed in  
4           subsection 2.B.3 according to the following procedure:
- 5           a. The owner shall submit to the CHPO a written request for the alterations or  
6           significant changes, including applicable drawings or specifications.
- 7           b. If the CHPO, upon examination of submitted plans and specifications,  
8           determines that the alterations or significant changes are consistent with the  
9           purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or  
10          significant changes without further action by the Board.
- 11          c. If the CHPO does not approve the alterations or significant changes, the  
12          owner may submit revised materials to the CHPO or apply to the Board for a  
13          Certificate of Approval under SMC Chapter 25.12.
- 14          2. The CHPO shall transmit a written decision on the owner's request to the owner  
15          within 14 days of receipt of the request. Failure of the CHPO to timely transmit a  
16          written decision constitutes approval of the request.
- 17          3. CHPO approval of alterations or significant changes to the features or  
18          characteristics listed in subsection 2.A.1 is available for the following:
- 19          a. The installation, alteration, or removal of ducts, conduits, HVAC vents,  
20          grilles, fire escapes, pipes, and other similar wiring or mechanical elements  
21          necessary for the normal operation of the building.
- 22          a. The installation, alteration, or removal of ducts, conduits, HVAC vents,  
23          grilles, fire escapes, pipes, and other similar wiring or mechanical elements  
24          necessary for the normal operation of the building.
- 25          a. The installation, alteration, or removal of ducts, conduits, HVAC vents,  
26          grilles, fire escapes, pipes, and other similar wiring or mechanical elements  
27          necessary for the normal operation of the building.
- 28          a. The installation, alteration, or removal of ducts, conduits, HVAC vents,  
29          grilles, fire escapes, pipes, and other similar wiring or mechanical elements  
30          necessary for the normal operation of the building.



- b. The installation, alteration, or removal of exterior light fixtures, exterior security lighting, and security system equipment.
- c. New interior lighting at the auditorium and interior ramps, with the exception of a new auditorium chandelier which will require a Certificate of Approval.
- d. Repainting building trim and storefronts.
- e. Painting the south exterior masonry wall.
- f. Modifications to the sidewalk-level stair guardrail and handrail on the west side of the building.
- g. Building and tenant signage.
- h. Modifications to the balcony-level floor to apply steps over the top of existing concrete ramped aisles, and handrails as needed. The proposed strategy will also require approval by Seattle Department of Planning and Development (DPD).

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

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued pursuant to SMC Title 23.

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

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



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 SMC Title 23.

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

6 Section 5. The Neptune Building is hereby added alphabetically to Section II, Buildings,  
7 of the Table of Historical Landmarks contained in SMC Chapter 25.32.

8 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the  
9 King County Director of Records and Elections, deliver two certified copies to the CHPO, and  
10 deliver one copy to the Director of the Department of Planning and Development. The CHPO is  
11 directed to provide a certified copy of the ordinance to the owner of the landmark.  
12

13 Section 7. This ordinance shall take effect and be in force 30 days after its approval by  
14 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
15 shall take effect as provided by SMC Section 1.04.020.  
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1 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2014, and  
2 signed by me in open session in authentication of its passage this  
3 \_\_\_\_ day of \_\_\_\_\_, 2014.

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

7  
8 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 Edward B. Murray, Mayor

12  
13 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2014.

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 Monica Martinez Simmons, City Clerk

17 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Neighborhoods	Erin Doherty/206-684-0380	Forrest Longman/206-684-0331

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing controls upon the Neptune 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:**

The attached legislation acknowledges the designation of the Neptune Building as a historic landmark by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Neptune Building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

**Background:**

The Neptune Building was built in 1921 and is located in the University District neighborhood. 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 and portions of the interior, but do not apply to any in-kind maintenance or repairs of the designated features.

X  **This legislation does not have any financial implications.**

**Other Implications:**

- a) **Does the legislation have indirect financial implications, or long-term implications?**  
No.
- b) **What is the financial cost of not implementing the legislation?**  
None.
- c) **Does this legislation affect any departments besides the originating department?**  
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**  
None.



**e) Is a public hearing required for this legislation?**

No.

**f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**g) Does this legislation affect a piece of property?**

Yes.

**h) Other Issues:**

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

Exhibit A – Vicinity Map of the Neptune Building





Note: This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.



City of Seattle  
Office of the Mayor

December 10, 2013

Honorable Sally J. Clark  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that designates the Neptune Building as a historic landmark, imposes controls, grants incentives and adds the Neptune Building 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, and portions of the interior but do not apply to any in-kind maintenance or repairs of the designated features.

Thank you for your consideration of this legislation. Should you have questions, please contact Erin Doherty, Department of Neighborhoods, at 206-684-0380.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

