

Norton
Ordinance No. 122947

Council Bill No. 116320

AN ORDINANCE relating to historic preservation, imposing controls upon the Norton 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: 9.8.08	To: (committee):
Date Re-referred:	To: (<u>Planning, Land Use & Neighborhoods (PLUNC)</u>)
Date Re-referred:	To: (committee):
Date of Final Action: 4.6.09	Date Presented to Mayor: 4.7.09
Date Signed by Mayor: 4-15-09	Date Returned to City Clerk: 4-15-09
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/> 7	
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: Samy S. ...

Committee Action:

Date	Recommendation	Vote
3.22.9	APPROVE	2-0
		SC, 16

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

Full Council Action:

Date	Decision	Vote
4.6.09	Pass	9-0

Law Department

ORDINANCE ~~#6509~~ 122947
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2 AN ORDINANCE relating to historic preservation, imposing controls upon the Norton Building,
3 a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the
4 Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in
Chapter 25.32 of the Seattle Municipal Code.

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

8 WHEREAS, the Landmarks Preservation Board (“the Board”), after a public meeting on
9 November 7, 2007, voted to approve the nomination of both the improvement (the
10 building) and the parcel of property located at 801 Second Avenue in Seattle, which
11 improvement and property are collectively referred to as the “Norton Building” for the
purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

12 WHEREAS, after a public meeting on January 2, 2008 the Board voted to approve the
13 designation of the Norton Building under SMC Chapter 25.12; and

14 WHEREAS, on March 19, 2008, the Board and the owner of the designated landmark agreed to
15 controls and incentives; and

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

18 NOW, THEREFORE,

19 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

20 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the
21 Landmarks Preservation Board (“the Board”) of both the improvement (the building) and the
22 parcel of property located at 801 Second Avenue in Seattle, which improvement and property are
23 collectively referred to as the “Norton Building” for the purposes of this ordinance, is hereby
24 acknowledged.

25 A. Legal Description. The Norton Building site is legally described as:
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1 Lots 5, 6, 7 and 8, Block 8, Town of Seattle, as laid out on the claims of C.D.
2 Boren and A.A. Denny (commonly known as Boren & Denny's addition to the City of
3 Seattle), according to the Plat thereof recorded in Volume 1 of Plats, Page 27, records of
4 King County, Washington;

5 Except the westerly 9 feet of said Lots 5 and 8 heretofore condemned in District
6 Court Cause No. 7092 for widening of First Avenue, as provided by Ordinance No. 1129
7 of the City of Seattle;

8 And except the easterly 12 feet of said Lots 6 and 7, condemned in District Court
9 Cause No. 7097 for widening of Second Avenue, as provided by Ordinance No. 1107 of
10 the City of Seattle;

11 Together with the west half of vacated alley adjoining said Lots 5 and 8 vacated
12 by Ordinance No. 56715 of said City;

13 Together with the east half of vacated alley adjoining said Lots 6 and 7, vacated
14 by Ordinance No. 56715 of said City.

15 Situated in the County of King, State of Washington.

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17 B. Specific Features and/or Characteristics Designated. Pursuant to SMC

18 25.12.660A2, the following specific features and/or characteristics of the Norton Building are
19 designated:

- 20 1. The exterior of the improvement (the building).
21 2. The parcel of property legally described above, located at 801 Second Avenue in
22 Seattle, on which the improvement is located.

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

- 3 1. It is associated in a significant way with a significant aspect of the cultural,
4 political, or economic heritage of the community, City, state or nation. (SMC
5 25.12.350C)
- 6 2. It embodies the distinctive visible characteristics of an architectural style, or
7 period, or of a method of construction. (SMC 25.12.350D)
- 8 3. It is an outstanding work of a designer or builder. (SMC 25.12.350E)
- 9 4. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is
10 an easily identifiable visual feature of its neighborhood or the City and contributes
11 to the distinctive quality or identity of such neighborhood or City. (SMC
12 25.12.350F)
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16 Section 2. CONTROLS: The following controls are hereby imposed on the features and
17 characteristics of the Norton Building that were designated by the Board for preservation:

18 A. Certificate of Approval Process.

- 19 1. Except as provided in Section 2.A.2 of this Ordinance, the owner must obtain a
20 Certificate of Approval issued by the Board pursuant to SMC chapter 25.12, or the
21 time for denying a Certificate of Approval must have expired, before the owner
22 may make alterations or significant changes to the following specific features or
23 characteristics:
24
25 a. The exterior of the improvement (the building).
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1 b. The parcel of property legally described above, located at 801 Second
2 Avenue in Seattle, on which the improvement is located.

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

- 6 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
7 b. The removal and/or addition of the following landscape elements: shrubs,
8 perennials and annuals.
9 c. The removal of the planters on the western portion of the site, which are
10 currently obscured by the lobby and are not visible from the public right-
11 of-way.
12 d. The removal and replacement of the tile decking on the non-public areas
13 of the plaza underneath the tower shaft.

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

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

- 17 a. The owner shall submit to the City Historic Preservation Officer (CHPO) a
18 written request for the alterations, including applicable drawings and/or
19 specifications.
20 b. If the CHPO, upon examination of submitted plans and specifications,
21 determines that the alterations are consistent with the purposes of SMC
22 chapter 25.12, the alterations shall be approved without further action by
23 the Board.
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1 c. If the CHPO does not approve the alterations, the owner may submit
2 revised materials to the CHPO, or apply to the Board for a Certificate of
3 Approval under SMC chapter 25.12, as provided in Section 2.A.

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

7 3. CHPO approval for changes or alterations to the designated features or
8 characteristics of the landmark described in Section 1.B of this Ordinance, is
9 available for the following:
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11 a. The addition or elimination of duct conduits, HVAC vents, grilles, fire
12 escapes, pipes, and other similar wiring or mechanical elements necessary
13 for the normal operation of the building and site.
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15 Section 3. INCENTIVES. The following incentives are hereby granted on the features
16 and characteristics of the Norton Building that were designated by the Board for preservation:
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18 A. Uses not otherwise permitted in a zone may be authorized in a designated Landmark
19 by means of an administrative conditional use issued pursuant to Seattle Municipal Code Title
20 23.

21 B. Exceptions to certain of the requirements of the Seattle Building Code, SMC chapter
22 22.100 and the Energy Code of the City, SMC chapter 22.700 may be authorized pursuant to the
23 applicable provisions thereof.
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25 C. Special tax valuation for historic preservation may be available under Chapter 84.26
26 RCW upon application and compliance with the requirements of that statute.
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Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

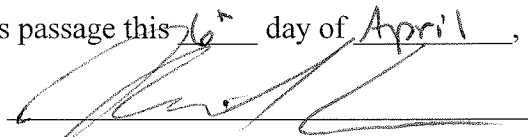
Section 5. The Norton Building is hereby added to the Table of Historical Landmarks contained in SMC Chapter 25.32.

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.



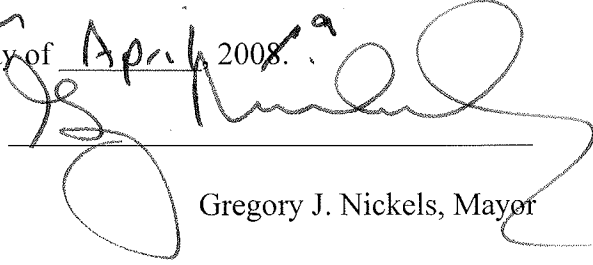
1 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 6th day of April, 2008⁹, and signed by me in open
5 session in authentication of its passage this 6th day of April, 2008⁹.

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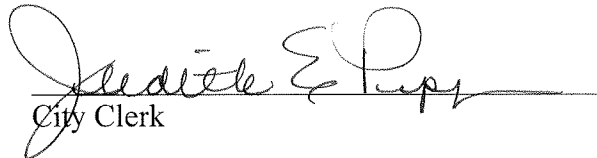
8 President _____ of the City Council

9 Approved by me this 15th day of April, 2008⁹.

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11 Gregory J. Nickels, Mayor

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13 Filed by me this 15th day of April, 2008⁹.

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16 City Clerk

17 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

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

Legislation Title:

AN ORDINANCE relating to historic preservation, imposing controls upon the Norton 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 Norton Building as an historic landmark based upon a determination by the Landmarks Preservation Board, imposes controls, grants incentives, and adds the Norton Building to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

• **Background:**

The Norton Building was built in 1959 in downtown Seattle. A Controls and Incentives Agreement has been signed by the owners and has been approved by the Landmarks Preservation Board. Included in the landmark controls is the exterior of the building, including the site. Excluded from the controls are any in-kind maintenance or repairs of the features listed in Section A.1., as well as the removal and/or addition of the following landscape elements: shrubs, perennials and annuals; the removal of the planters on the western portion of the site, which are currently obscured by the lobby and are not visible from the public right-of-way; and the removal and replacement of the tile decking on the non-public areas of the plaza underneath the tower shaft.

- *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.)*





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 19, 2008

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 Norton Building, which is located at 801 Second Avenue, as an historic landmark. The legislation also imposes controls, grants incentives, and adds the Norton Building to the Table of Historical Landmarks in the Seattle Municipal Code.

A Controls and Incentives Agreement has been signed by the owner and approved by the Landmarks Preservation Board. Included in the landmark controls are the exterior of the building and the site. Excluded from the controls are any in-kind maintenance or repairs to the exterior of the building and the site, as well as the removal and/or addition of the following landscape elements: shrubs, perennials and annuals; the removal of the planters on the western portion of the site, which are currently obscured by the lobby and are not visible from the public right-of-way; and the removal and replacement of the tile decking on the non-public areas of the plaza underneath the tower shaft.

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

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

237514
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.

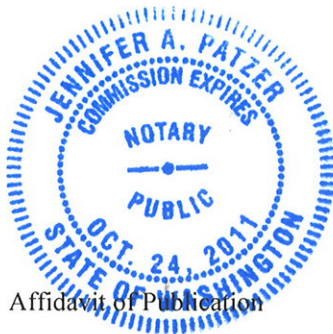
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122947 ORDINANCE

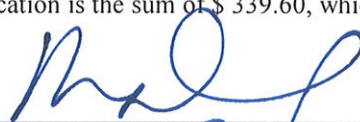
was published on

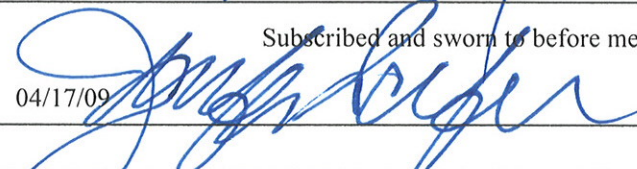
04/17/09

The amount of the fee charged for the foregoing publication is the sum of \$ 339.60, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
04/17/09 

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 122947

AN ORDINANCE relating to historic preservation, imposing controls upon the Norton 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 ("the Board"), after a public meeting on November 7, 2007, voted to approve the nomination of both the improvement (the building) and the parcel of property located at 801 Second Avenue in Seattle, which improvement and property are collectively referred to as the "Norton Building" for the purposes of this ordinance, for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on January 2, 2008 the Board voted to approve the designation of the Norton Building under SMC Chapter 25.12; and

WHEREAS, on March 19, 2008, 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 both the improvement (the building) and the parcel of property located at 801 Second Avenue in Seattle, which improvement and property are collectively referred to as the "Norton Building" for the purposes of this ordinance, is hereby acknowledged.

A. Legal Description. The Norton Building site is legally described as:

Lots 5, 6, 7 and 8, Block 8, Town of Seattle, as laid out on the claims of C.D. Boren and A.A. Denny (commonly known as Boren & Denny's addition to the City of Seattle), according to the Plat thereof recorded in Volume 1 of Plate, Page 27, records of King County, Washington;

Except the westerly 9 feet of said Lots 5 and 8 heretofore condemned in District Court Cause No. 7092 for widening of First Avenue, as provided by Ordinance No. 1129 of the City of Seattle;

And except the easterly 12 feet of said Lots 6 and 7, condemned in District Court Cause No. 7097 for widening of Second Avenue, as provided by Ordinance No. 1107 of the City of Seattle;

Together with the west half of vacated alley adjoining said Lots 5 and 8 vacated by Ordinance No. 56715 of said City;

Together with the east half of vacated alley adjoining said Lots 6 and 7, vacated by Ordinance No. 56715 of said City.

Situated in the County of King, State of Washington.

B. Specific Features and/or Characteristics Designated. Pursuant to SMC 25.12.660A2, the following specific features and/or characteristics of the Norton Building are designated:

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

2. The parcel of property legally described above, located at 801 Second Avenue in Seattle, on which the improvement is located.

C. Basis of Designation. The designation was made because the Norton Building 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 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 25.12.350C)

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

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

4. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visual feature of its neighborhood or the City and contributes to the distinctive quality or identity of such neighborhood or City. (SMC 25.12.350F)

Section 2. CONTROLS: The following controls are hereby imposed on the features and characteristics of the Norton Building 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:

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

b. The parcel of property legally described above, located at 801 Second Avenue in Seattle, on which the improvement is located.

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. The removal and/or addition of the following landscape elements: shrubs, perennials and annuals.

c. The removal of the planters on the western portion of the site, which are currently obscured by the lobby and are not visible from the public right-of-way.

d. The removal and replacement of the tile decking on the non-public areas of the plaza underneath the tower shaft.

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.

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 and site.

Section 3. INCENTIVES. The following incentives are hereby granted on the features and characteristics of the Norton 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 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 Norton Building 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 6th day of April, 2008, and signed by me in open session in authentication of its passage this 6th day of April, 2009.

Richard Conlin
President of the City Council
Approved by me this 15th day of April, 2009.

Gregory J. Nickels, Mayor
Filed by me this 15th day of April, 2009.
(seal) Judith Pippin
City Clerk

Publication ordered by JUDITH PIPPIN,
City Clerk
Date of publication in the Seattle Daily
Journal of Commerce, April 17, 2009.
4/17(237514)