

Ordinance No. 124430

Council Bill No. 118021

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.

Related Legislation File: CF 313415

Date Introduced and Referred: <u>1.6.14</u>	To: (committee): <u>Seattle Public Utilities and Neighborhoods</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>3/3/14</u>	Date Presented to Mayor: <u>3/4/14</u>
Date Signed by Mayor: <u>3/11/14</u>	Date Returned to City Clerk: <u>3/13/14</u>
Published by Title Only <u>X</u>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: [Signature]
[Signature]

Committee Action:

Date	Recommendation	Vote
<u>2/25/14</u>	<u>pass</u>	<u>3-0 (SB, KS, BH)</u>

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

Full Council Action:

Date	Decision	Vote
<u>March 3, 2014</u>	<u>Passed</u>	<u>6-0 (excused: Bagshaw, Burgess, Harrell)</u>

Leg. Department

CITY OF SEATTLE

ORDINANCE 124430

COUNCIL BILL 118021

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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 45th 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 a. Any in-kind maintenance or repairs of the features or characteristics listed in
16 subsection 2.A.1.
17 b. Installation, removal, or alteration of floor coverings that do not damage the
18 original floor.
19 c. Installation, removal, or alteration of temporary interior window coverings.
20 d. Removal of non-original building elements, including the air conditioning unit
21 at the northwest corner of the tenant space and the cloth building awnings.
22 e. Replacement of existing cloth awning covers, where awning frames currently
23 exist and are not being modified.
24
25 f. Replacement of windows at the two internal building lightcourts.
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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
8 b. If the CHPO, upon examination of submitted plans and specifications,
9 determines that the alterations or significant changes are consistent with the
10 purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or
11 significant changes without further action by the Board.
12
13 c. If the CHPO does not approve the alterations or significant changes, the
14 owner may submit revised materials to the CHPO or apply to the Board for a
15 Certificate of Approval under SMC Chapter 25.12.
- 16 2. The CHPO shall transmit a written decision on the owner's request to the owner
17 within 14 days of receipt of the request. Failure of the CHPO to timely transmit a
18 written decision constitutes approval of the request.
- 19
20 3. CHPO approval of alterations or significant changes to the features or
21 characteristics listed in subsection 2.A.1 is available for the following:
- 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.
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- 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

9 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
10 King County Director of Records and Elections, deliver two certified copies to the CHPO, and
11 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
12 directed to provide a certified copy of the ordinance to the owner of the landmark.
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14 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
15 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
16 shall take effect as provided by SMC Section 1.04.020.
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1 Passed by the City Council the 3rd day of March, 2014, and
2 signed by me in open session in authentication of its passage this
3 3rd day of March, 2014.

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5 
6 President Pro Tem of the City Council

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8 Approved by me this 11 day of March, 2014.

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10 
11 Edward B. Murray, Mayor

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13 Filed by me this 13 day of March, 2014.

14
15 
16 Monica Martinez Simmons, City Clerk

17 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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, 2nd 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,

A handwritten signature in black ink, appearing to read "Michael McGinn", written over a horizontal line.

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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600 Fourth Avenue, 7th Floor
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FILED
CITY OF SEATTLE
2014 APR -3 PM 4:07
CITY CLERK

STATE OF WASHINGTON -- KING COUNTY

--SS.

309175

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.

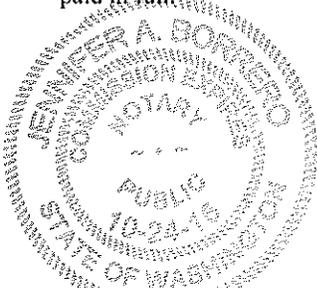
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:124430-35 TITLE ONLY

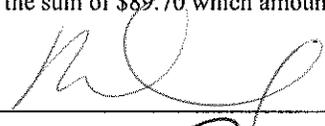
was published on

03/26/14

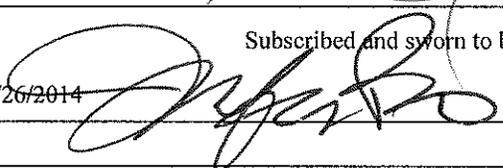
The amount of the fee charged for the foregoing publication is the sum of \$89.70 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

03/26/2014


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on March 3, 2014, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

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ORDINANCE NO. 124431

AN ORDINANCE relating to the business license tax, amending the definitions of "agricultural product" and "farmer," and amending Section 6.30.020 of the Seattle Municipal Code in connection therewith.

ORDINANCE NO. 124432

AN ORDINANCE vacating the alley in Blocks 5 and 6, Plat of West Seattle by U.R. Niesz and Ada B. Niesz, on the petition of Safeway Stores, Inc., a Delaware corporation, and accepting a Property Use and Development Agreement as reflected in Clerk File 310161.

ORDINANCE NO. 124433

AN ORDINANCE vacating the south 115.07 feet of the alley abutting Lots 5, 6, 19, and 20 and portions of Lots 4 and 21, Block 20, Gilman's Addition to the City of Seattle; accepting a deed for street/alley purposes and placing the real property conveyed by the deed under the jurisdiction of the Seattle Department of Transportation; laying off, opening, widening, extending, and establishing that portion of Block 20, Gilman's Addition to the City of Seattle; and accepting a Property Use and Development Agreement as reflected in Clerk File 311420.

ORDINANCE NO. 124434

AN ORDINANCE relating to the West Duwamish Trail project; and authorizing the Director of Transportation to sign a lease with the Washington State Department of Transportation for City construction, operation, and maintenance of a portion of the West Duwamish Trail on State property.

ORDINANCE NO. 124435

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

Date of publication in the Seattle Daily Journal of Commerce, March 26, 2014.

3/26/30#9175