

CITY OF SEATTLE
ORDINANCE 124430
COUNCIL BILL 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.

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

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

WHEREAS, on August 7, 2013, 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 (Board) of the improvement located at 1301 Northeast 45th Street (which is referred to as the "Neptune Building" for the purposes of this ordinance) is hereby acknowledged.

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.
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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.
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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:
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- 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 2. No Certificate of Approval is required for the following:

- 14 a. Any in-kind maintenance or repairs of the features or characteristics listed in
15 subsection 2.A.1.
16 b. Installation, removal, or alteration of floor coverings that do not damage the
17 original floor.
18 c. Installation, removal, or alteration of temporary interior window coverings.
19 d. Removal of non-original building elements, including the air conditioning unit
20 at the northwest corner of the tenant space and the cloth building awnings.
21 e. Replacement of existing cloth awning covers, where awning frames currently
22 exist and are not being modified.
23 f. Replacement of windows at the two internal building lightcourts.
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B. City Historic Preservation Officer Approval Process.

1. The City Historic Preservation Officer (CHPO) may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 according to the following procedure:
 - a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.
 - b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.
 - c. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO or apply to the Board for a Certificate of Approval under SMC Chapter 25.12.
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 timely transmit a written decision constitutes approval of the request.
3. CHPO approval of alterations or significant changes to the features or characteristics listed in subsection 2.A.1 is available for the following:
 - a. The installation, alteration, or removal of ducts, conduits, HVAC vents, grilles, fire escapes, pipes, and other similar wiring or mechanical elements 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.


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

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

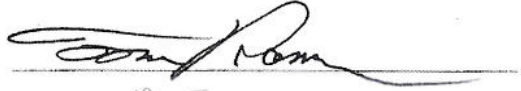
Section 5. The Neptune Building is hereby added alphabetically to Section II, Buildings, of the Table of Historical Landmarks contained in SMC Chapter 25.32.

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 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 SMC Section 1.04.020.

State of Washington
County of King
I, _____
certify that this is a true and correct
copy of _____
on file in the records
of the City Clerk
Signed by _____
Signature _____
Title _____
Date _____


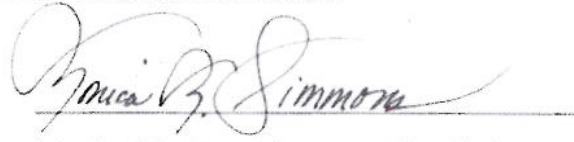
1 Passed by the City Council the 3rd day of March, 2014, and
2 signed by me in open session in authentication of its passage this
3 3rd day of March, 2014.

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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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11 Edward B. Murray, Mayor

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

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15 
16 Monica Martinez Simmons, City Clerk

17 (Seal)

18 **State of Washington,**
19 **County of King**

20 I, Tanet Polata certify that this is a true and correct
21 copy of Ordinance No 124430, on file in the records
22 of the City of Seattle, Office of the City Clerk



Signed by: WRA
Signature: WRA
Title: Legislative Information Specialist
Date: May 1, 2014