

Ordinance No. 100475

AN ORDINANCE TO PRESERVE, IMPROVE, AND RESTORE THE PIKE PLACE MARKETS, CREATING THE PIKE PLACE MARKET HISTORICAL DISTRICT, PROHIBITING ALTERATION, DEMOLITION, CONSTRUCTION, RECONSTRUCTION, RESTORATION, REMODELING OR MODIFICATION OF STRUCTURES THEREIN WITHOUT A CERTIFICATE OF APPROVAL, ESTABLISHING AN HISTORICAL PRESERVATION COMMISSION, AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT.

INITIATIVE PETITION NO. 270105, WHICH RECEIVED MAJORITY OF VOTES AT ELECTION ON NOVEMBER 2, 1971.

COMPTROLLER
FILE NUMBER _____

Council Bill No. _____

INTRODUCED:	BY:
REFERRED:	TO:
REFERRED:	
REFERRED:	
REPORTED:	SECOND READING:
THIRD READING:	SIGNED:
PRESENTED TO MAYOR:	APPROVED: <i>Mayor's Proclamation</i>
RETD. TO CITY CLERK:	PUBLISHED: DEC 1 1971
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

#271529 - Mayor's Proclamation

SEE ORD. 100218

Unanimous Vote	
YES.....	NO.....

BPG.

ORDINANCE NO. 100475
(INITIATIVE PETITION No. 270105)

AN ORDINANCE TO PRESERVE, IMPROVE, AND RESTORE THE PIKE PLACE MARKETS, CREATING THE PIKE PLACE MARKET HISTORICAL DISTRICT, PROHIBITING ALTERATION, DEMOLITION, CONSTRUCTION, RECONSTRUCTION, RESTORATION, REMODELING OR MODIFICATION OF STRUCTURES THEREIN WITHOUT A CERTIFICATE OF APPROVAL, ESTABLISHING AN HISTORICAL PRESERVATION COMMISSION, AND PROVIDING FOR ADMINISTRATION AND ENFORCEMENT.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. PURPOSE. IN ORDER TO PROMOTE THE EDUCATIONAL, CULTURAL, FARMING, MARKETING, OTHER ECONOMIC RESOURCES, AND THE GENERAL WELFARE; AND TO ASSURE THE HARMONIOUS, ORDERLY, AND EFFICIENT GROWTH AND DEVELOPMENT OF THE MUNICIPALITY, IT IS DEEMED ESSENTIAL BY THE PEOPLE OF THE CITY OF SEATTLE THAT THE CULTURAL, ECONOMIC, AND HISTORICAL QUALITIES RELATING TO THE PIKE PLACE MARKETS AND THE SURROUNDING AREA, AND AN HARMONIOUS OUTWARD APPEARANCE AND MARKET USES WHICH PRESERVE PROPERTY VALUES AND ATTRACTS RESIDENTS AND TOURISTS BE PRESERVED AND ENCOURAGED; SOME OF THE QUALITIES BEING: THE CONTINUED EXISTENCE AND PRESERVATION OF HISTORICAL AREAS AND BUILDINGS; CONTINUED CONSTRUCTION AND USE OF BUILDINGS FOR MARKET ACTIVITIES, ESPECIALLY ON STREET LEVELS; AND A GENERAL HARMONY AS TO STYLE, FORM, COLOR, PROPORTION, TEXTURE, MATERIAL, OCCUPANCY AND USE BETWEEN EXISTING BUILDINGS AND NEW CONSTRUCTION.

SECTION 2. HISTORICAL DISTRICT. THERE IS HEREBY CREATED A PIKE PLACE MARKET HISTORICAL DISTRICT (HEREAFTER CALLED HISTORICAL DISTRICT) WHOSE PHYSICAL BOUNDARIES ARE ILLUSTRATED ON A MAP HERETO ATTACHED AS EXHIBIT "A" WHICH IS HEREBY MADE A PART OF THIS ORDINANCE.

SECTION 3. RESPONSIBLE AGENCY. THERE IS HEREBY CREATED A MARKET HISTORICAL COMMISSION (HEREAFTER CALLED "COMMISSION") APPOINTED BY THE MAYOR WITH THE CONSENT OF A MAJORITY OF THE CITY COUNCIL AND TO BE COMPOSED OF TWO REPRESENTATIVES EACH FROM THE FRIENDS OF THE MARKET, INC., ALLIED ARTS OF SEATTLE, INC., AND THE SEATTLE CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS; AND TWO OWNERS OF PROPERTY WITHIN THE HISTORICAL DISTRICT, TWO MERCHANTS OF THE MARKETS, AND TWO RESIDENTS OF THE HISTORICAL DISTRICT. THE MAYOR SHALL MAKE HIS APPOINTMENTS OF THE REPRESENTATIVES OF FRIENDS OF THE MARKET, ALLIED ARTS, AND THE SEATTLE CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS, FROM A LIST OF FOUR NOMINEES SUBMITTED BY EACH OF THE SAID ORGANIZATIONS. THE MEMBERS SHALL SERVE THREE YEAR TERMS WITH THE TERMS OF THE FIRST COMMISSION TO BE STAGGERED. THE SAID COMMISSION SHALL HAVE FOR ITS PURPOSE THE PRESERVATION, RESTORATION, AND IMPROVEMENT OF SUCH BUILDINGS AND CONTINUANCE OF USES IN THE HISTORICAL DISTRICT, AS

IN THE OPINION OF THE COMMISSION SHALL BE DEEMED TO HAVE ARCHITECTURAL, CULTURAL, ECONOMIC, AND HISTORICAL VALUE AS DESCRIBED IN SECTION 4, AND WHICH BUILDINGS SHOULD BE PRESERVED FOR THE BENEFIT OF THE PEOPLE OF SEATTLE. THE COMMISSION SHALL ALSO MAKE RULES, REGULATIONS, AND GUIDELINES ACCORDING TO THE CRITERIA AS CONTAINED IN THIS ORDINANCE FOR THE GUIDANCE OF PROPERTY OWNERS WITHIN THE HISTORICAL DISTRICT. THE COMMISSION SHALL ALSO DEVELOP PLANS FOR THE ACQUISITION AND PERPETUATION OF THE PIKE PLACE MARKETS AND OF MARKET ACTIVITIES THROUGH EITHER PUBLIC OWNERSHIP OR OTHER MEANS AND SHALL MAKE RECOMMENDATIONS TO THE CITY COUNCIL FROM TIME TO TIME CONCERNING THEIR PROGRESS. STAFF ASSISTANCE AND OTHER SERVICES SHALL BE PROVIDED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO THE COMMISSION AS REQUESTED.

SECTION 4. CRITERIA. IN CARRYING OUT ITS FUNCTION, THE COMMISSION SHALL CONSIDER THE PURPOSES OF THIS ORDINANCE AS OUTLINED IN THE ORDINANCE AND THE NATURE, FUNCTION, AND HISTORY OF THE DISTRICT AS DESCRIBED HEREIN.

- A. THE HISTORICAL DISTRICT HAS PLAYED AND CONTINUES TO PLAY A SIGNIFICANT ROLE IN THE DEVELOPMENT OF SEATTLE AND THE PUGET SOUND REGION SINCE THE INCEPTION OF THE PUBLIC MARKET IN 1907. IT HAS SERVED AS THE CENTER OF LOCAL FARM MARKETING, AND OTHER MARKETING BUSINESSES THROUGH VARIED ECONOMIC TIMES. IT IS SIGNIFICANT IN THE CULTURE OF THE REGION DRAWING TOGETHER A BROAD SPECTRUM OF PEOPLE FROM ALL ETHNIC, NATIONAL, ECONOMIC, AND SOCIAL BACKGROUNDS AS A PROTOTYPE OF TRULY COSMOPOLITAN URBAN LIFE. IT PROMOTES LOCAL FARMING WHILE MAKING AVAILABLE LOCAL PRODUCE TO SHOPPERS AND OTHERS. THE DISTRICT PROVIDES CONSIDERABLE HOUSING FOR A COMMUNITY OF LOW-INCOME RESIDENTS WHO ARE PART OF THE LIFE AND COLOR OF THE MARKET. IT HAS ACHIEVED WORLD-WIDE FAME AS AN UNIQUELY AMERICAN MARKET AND SERVES AS THE SOURCE OF INSPIRATION FOR MARKETS ELSEWHERE.
- B. THE HISTORICAL DISTRICT IS ASSOCIATED WITH THE LIVES OF MANY SEATTLE AND PUGET SOUND REGION FAMILIES AND PERSONS AS FARMERS, MERCHANTS, AND SHOPPERS THROUGH MARKETING ACTIVITIES. IT IS AN OUTSTANDING EXAMPLE OF SMALL INDEPENDENT BUSINESSES OPERATING IN THE BEST TRADITION OF AMERICAN ENTERPRISE.
- C. THE BUILDINGS WITH THEIR MARKETING ACTIVITIES AND RESIDENTIAL USES COMBINE TO FORM A DISTINCTIVE AREA FOCUSING ON THE CENTRAL MARKET BUILDINGS WHICH ALTHOUGH HUMBLE AND ANONYMOUS IN CHARACTER ARE AN

EXAMPLE OF INTRIGUING, DRAMATIC ARCHITECTURAL SPACE SERVICING AND ADJUSTING TO THE VARIED AND VARYING CHARACTERISTIC MARKETING ACTIVITIES. THE CENTRAL BUILDING SPACES ARE PARTICULARLY UNIQUE IN FORM AND CHARACTER HAVING GROWN TO THEIR PRESENT FORM THROUGH YEARS OF ANONYMOUS AND FUNCTIONAL CREATION TO CONFORM TO THE CHANGING MARKET ACTIVITIES ALWAYS SERVING LOW-INCOME CONSUMERS ALONG WITH OTHER SPECIAL NEEDS OF THE PUBLIC. THE DISTRICT POSSESSES INTEGRITY OF LOCATION, ORIGINAL CONSTRUCTION, USE, AND OF FEELING AND ASSOCIATION.

- D. THE PRESERVATION OF THE HISTORICAL DISTRICT WILL YIELD INFORMATION OF EDUCATIONAL SIGNIFICANCE REGARDING OUR CULTURE AND OUR ECOLOGY AS WELL AS RETAINING ITS COLOR, ATTRACTION, AND INTEREST FOR THE CITY. PRESERVATION OF THE DISTRICT WILL RETAIN A CHARACTERISTIC ENVIRONMENT OF A PERIOD OF SEATTLE'S HISTORY WHILE CONTINUING A VITAL CULTURAL AND ECONOMIC ASPECT OF THE CITY.

SECTION 5. COMMISSION PROCEDURE. THE COMMISSION SHALL ADOPT RULES AND REGULATIONS FOR ITS OWN GOVERNMENT, NOT INCONSISTENT WITH THE PROVISIONS OF THIS OR ANY OTHER ORDINANCE OF THE CITY OF SEATTLE. MEETINGS OF THE COMMISSION SHALL BE OPEN TO THE PUBLIC AND SHALL BE HELD AT THE CALL OF THE CHAIRMAN AND AT SUCH OTHER TIMES AS THE COMMISSION MAY DETERMINE. ALL OFFICIAL MEETINGS OF THE COMMISSION SHALL KEEP MINUTES OF ITS PROCEEDINGS, SHOWING THE ACTION OF THE COMMISSION UPON EACH QUESTION, AND SHALL KEEP RECORDS OF ITS PROCEEDINGS AND OTHER OFFICIAL ACTIONS TAKEN BY IT, ALL OF WHICH SHALL BE IMMEDIATELY FILED IN THE OFFICE OF COMMUNITY DEVELOPMENT AND SHALL BE A PUBLIC RECORD. ALL ACTIONS OF THE COMMISSION SHALL BE BY RESOLUTION WHICH SHALL INCLUDE THE REASONS FOR EACH DECISION. A MAJORITY VOTE SHALL BE NECESSARY TO DECIDE IN FAVOR OF AN APPLICANT ON ANY MATTER UPON WHICH IT IS REQUIRED TO RENDER A DECISION UNDER THIS ORDINANCE.

SECTION 6. APPROVAL OF CHANGES TO BUILDINGS, STRUCTURES AND OTHER VISIBLE ELEMENTS WITHIN THE HISTORICAL DISTRICT. NO STRUCTURE OR PART THEREOF SHALL BE ERECTED, ALTERED, EXTENDED, OR RECONSTRUCTED; NO STRUCTURE OR LOT SHALL BE USED OR OCCUPIED EXCEPT PURSUANT TO A CERTIFICATE OF APPROVAL AUTHORIZED BY THE COMMISSION. HOWEVER, NO REGULATION NOR ANY AMENDMENT THEREOF SHALL APPLY TO EXISTING BUILDINGS OR STRUCTURE, OR OF LAND TO THE EXTENT TO WHICH IT IS USED AT THE TIME OF THE ADOPTION OF SUCH REGULATION OR AMENDMENT OR ANY EXISTING DIVISION OF LAND, EXCEPT THAT SUCH REGULATION OR AMENDMENT MAY REGULATE NON-USE OR A NON-CONFORMING USE SO AS NOT TO

UNDULY PROLONG THE LIFE THEREOF. APPLICATIONS FOR PERMITS INVOLVING STRUCTURES OR SITES WITHIN THE HISTORICAL DISTRICT SHALL BE FORWARDED IMMEDIATELY BY THE SUPERINTENDENT OF BUILDINGS TO THE COMMISSION FOR REVIEW. THE COMMISSION SHALL REVIEW AND MAKE RECOMMENDATIONS REGARDING APPROPRIATENESS OF EACH PROPOSED CHANGE OR ADDITION AND A CERTIFICATE OF APPROVAL SHALL BE ISSUED BY THE COMMISSION AS HEREINAFTER PROVIDED. THE COMMISSION, IN CONSIDERING THE APPROPRIATENESS OF ANY ALTERATION, DEMOLITION, NEW CONSTRUCTION, RECONSTRUCTION, RESTORATION, REMODELING, OR OTHER MODIFICATION OF ANY BUILDING SHALL REFER TO THE PURPOSE OF THIS ORDINANCE AND SHALL CONSIDER AMONG OTHER THINGS THE HISTORICAL AND ARCHITECTURAL VALUE AND SIGNIFICANCE, ARCHITECTURAL STYLE, THE GENERAL DESIGN, ARRANGEMENT, TEXTURE, MATERIAL, OCCUPANCY AND USE, AND COLOR OF THE BUILDING OR STRUCTURE IN QUESTION OR ITS APPURTENANT FIXTURES, INCLUDING SIGNS, THE RELATIONSHIP OF SUCH FEATURES TO SIMILAR FEATURES OF THE OTHER BUILDINGS WITHIN THE HISTORICAL DISTRICT AND THE POSITION OF SUCH BUILDING OR STRUCTURE IN RELATION TO THE STREET, PUBLIC WAY, OR SEMI-PUBLIC WAY AND TO OTHER BUILDINGS AND STRUCTURES. THE COMMISSION SHALL ALSO MAKE NO RECOMMENDATIONS OR REQUIREMENTS EXCEPT FOR THE PURPOSE OF PREVENTING DEVELOPMENTS INCONSISTENT WITH THE CRITERIA OF THIS ORDINANCE. WHERE MODIFICATION OF THE APPEARANCE OF A STRUCTURE WITHIN THE HISTORICAL DISTRICT DOES NOT REQUIRE A BUILDING OR DEMOLITION PERMIT, NOTICE OF SUCH INTENTION SHALL NONETHELESS BE FILED WITH THE SUPERINTENDENT OF BUILDINGS, WHO SHALL NOTIFY THE COMMISSION.

THE COMMISSION SHALL CONSIDER AND APPROVE OR DISAPPROVE APPLICATIONS FOR A CERTIFICATE OF APPROVAL AS CONTEMPLATED HEREIN NOT LATER THAN 30 DAYS AFTER RECEIPT OF ANY SUCH APPLICATION, AND A PUBLIC HEARING SHALL BE HELD ON EACH SUCH APPLICATION. IF AFTER SUCH HEARING AND UPON REVIEW OF THE COMMISSION IT DETERMINES THAT THE PROPOSED CHANGES ARE CONSISTENT WITH THE CRITERIA FOR HISTORIC PRESERVATION AS SET FORTH IN SECTION 4, THE COMMISSION SHALL ISSUE THE CERTIFICATE OF APPROVAL AT THIS TIME AND AFTER SUCH A DECISION, THE SUPERINTENDENT OF BUILDINGS IS THEN AUTHORIZED TO ISSUE A PERMIT. IN THE EVENT OF A DETERMINATION TO DENY A CERTIFICATE OF APPROVAL THE OWNER MAY REQUEST A HEARING FROM THE CITY COUNCIL WITHIN A PERIOD OF 20 DAYS FOR THE PURPOSE OF APPEALING THE COMMISSION'S DECISION. THE COUNCIL SHALL THEN HOLD A PUBLIC HEARING TO DETERMINE THE APPROPRIATENESS OF THE COMMISSION'S DECISION TAKING INTO CONSIDERATION THE CRITERIA OF SECTION 4 HEREIN. AT THE END OF THIS TIME, THE COUNCIL SHALL DENY THE APPEAL UNLESS IT FINDS THAT OWING TO SPECIAL CONDITIONS PERTAINING TO THE OWNER'S SPECIFIC PIECE OF PROPERTY, THE FULL DENIAL WILL CAUSE UNDUE AND UNNECESSARY HARDSHIP, IN WHICH CASE THE CERTIFICATE OF APPROVAL SHALL BE ISSUED NOTWITHSTANDING SUCH PRIOR DETERMINATION.

SECTION 7. ENFORCEMENT. THE PROVISIONS OF THIS ORDINANCE SHALL BE ENFORCED BY THE SUPERINTENDENT OF BUILDINGS.

SECTION 8. PENALTY FOR VIOLATIONS. ANYONE FAILING TO COMPLY WITH ANY PROVISIONS OF THIS ORDINANCE SHALL UPON CONVICTION THEREOF BE SUBJECT TO THE PENALTIES AS PROVIDED BY THE LAWS OF THE CITY OF SEATTLE FOR FAILURE TO OBTAIN A USE PERMIT FROM THE SUPERINTENDENT OF BUILDINGS.

SECTION 9. SEVERABILITY. IF ANY SECTION, PARAGRAPH, SUBDIVISION, CLAUSE, PHRASE OR PROVISION OF THIS TITLE SHALL BE ADJUDGED TO BE INVALID OR HELD UNCONSTITUTIONAL, THE SAME SHALL NOT AFFECT THE VALIDITY OF THIS TITLE AS A WHOLE OR ANY PART OR PROVISION THEREOF OTHER THAN THE PART SO DECIDED TO BE INVALID OR UNCONSTITUTIONAL.

SAID INITIATIVE, INITIATIVE MEASURE No. 1, RECEIVED A MAJORITY VOTE AT THE GENERAL ELECTION ON NOVEMBER 2, 1971, AS FOLLOWS:

YES	76,369
NO	53,264

(MAYOR'S PROCLAMATION, DATED - DECEMBER 1, 1971 AND PUBLISHED ON DECEMBER 2, 1971)

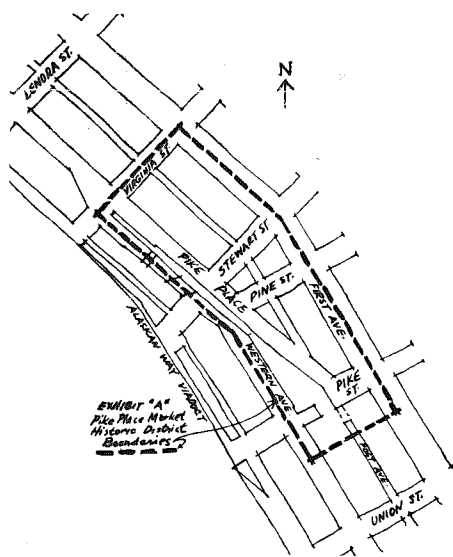


EXHIBIT "A"

PROCLAMATION

I, Wes Uhlman, Mayor of The City of Seattle, do hereby certify and declare that the initiative measure contemplated by voters' petition (C. F. 270105) relating to preservation of the Pike Place Market and entitled:

"AN ORDINANCE to preserve, improve, and restore the Pike Place Markets, creating the Pike Place Market Historical District, prohibiting alteration, demolition, construction, reconstruction, restoration or modification of structures therein without a certificate of approval, establishing an Historical Preservation Commission, and providing for administration and enforcement."

was submitted to the qualified voters of The City of Seattle by Ordinance 100218 for their approval or rejection at the general municipal election held in said City on November 2, 1971 pursuant to Section 1, Article IV of the City Charter, and the result of the vote thereon having been duly certified, I do hereby proclaim that said initiative measure, having received in its favor a majority of all votes cast for and against the same, has become and is in full force and effect as an ordinance of The City of Seattle as provided in said Charter Article IV.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of The City of Seattle to be affixed hereto and attested by the City Comptroller and Clerk of said City this 1st day of December, 1971.

WES UHLMAN,
Mayor of The City of Seattle.

(Seal)
Attest: C. G. ERLANDSON,
City Comptroller and Clerk
of The City of Seattle.

Publication ordered by C. G. ERLANDSON, Comptroller and City Clerk.

Published December 2, 1971.
(C-499)

Affidavit of Publication

STATE OF WASHINGTON, KING COUNTY—SS.

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.....

.....
.....
.....
was published on December 2, 1971

.....
.....

Mr. Brown

Subscribed and sworn to before me on

December 2, 1971

James Brown

Notary Public for the State of Washington,
residing in Seattle.

(Note: RCW 42.23.060 states—"It shall not be necessary for a notary public in certifying an oath to be used in any of the courts in this state, to append an impression of his official seal—")

ORD.#99187

35MM

1MAP