

#6  
CB 117407

**ORDINANCE \_\_\_\_\_**

1  
2 AN ORDINANCE relating to historic preservation, imposing controls and granting incentives  
3 upon Pier 54, a landmark designated by the Landmarks Preservation Board under Chapter  
4 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks  
5 contained in Chapter 25.32 of the Seattle Municipal Code.

6 WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC),  
7 establishes a procedure for the designation and preservation of sites, improvements and  
8 objects that are more than 25 years old and have historical, cultural, architectural,  
9 engineering or geographic significance; and

10 WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on November  
11 7, 2007, voted to approve the nomination of the improvement known as Pier 54 located at  
12 1001 Alaskan Way, in Seattle (the improvement is referred to as Pier 54 for the purposes  
13 of this ordinance), for designation as a landmark under SMC Chapter 25.12; and

14 WHEREAS, after a public meeting on December 19, 2007, the Board voted to approve the  
15 designation of Pier 54 under SMC Chapter 25.12; and

16 WHEREAS, on May 21, 2008, the Board and the owner of the designated landmark agreed to  
17 controls and incentives, and the Board adopted the Central Waterfront Piers Design  
18 Guidelines (LPB 176/08) that apply to Piers 54, 55, 56, 57, and 59 for their use in  
19 reviewing and making decisions regarding Certificates of Approval applications and for  
20 the use of the City Historic Preservation Officer (CHPO) for this group of properties; and

21 WHEREAS, the Board and the CHPO acknowledge their particular responsibility pursuant to  
22 SMC 25.12.750.C to recognize that alteration may be necessary to meet requirements of  
23 applicable environmental law, statute, regulation code or ordinance, as well as the  
24 stewardship responsibilities of the Washington State Department of Natural Resources  
25 (DNR); and

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

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

28 Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the  
Landmarks Preservation Board (the Board) of the improvement known as Pier 54, located at



1 1001 Alaskan Way, in Seattle (the improvement is referred to as Pier 54 for the purposes of this  
2 ordinance), is hereby acknowledged.

3 A. Legal Description. Pier 54 is located on the property legally described as:

4 The southerly 10 feet of lot 8 and all of lots 9 through 12, inclusive, Block 181,  
5 Seattle Tide Lands, According to the Map thereof filed in the Office of the  
6 Commissioner of Public Lands at Olympia, Washington.

7 Commencing at the southwest corner of Lot 12, Block 181, being a portion of the  
8 Harbor Area in front of Lots 8 through 12 of Seattle Tide Lands, as shown on an  
9 official supplemental map, on file in the Office of the Commissioner of Public  
10 Lands in Olympia, Washington;

11 Thence North 25°21'44" west along the inner harbor line for 0.90 feet to a point  
12 1.0 foot south of the south edge of the concrete Pier 54 and the true point of  
13 beginning;

14 Thence north 88°46'51" west 1.0 foot south of and parallel with the said concrete  
15 pier for 69.19 feet;

16 Thence north 11°02'23" west being 1.0 foot west of and parallel with the said  
17 concrete pier for 24.93 feet;

18 Thence North 35°32'20" west 1.0 foot west of and parallel with said concrete pier  
19 for 177.58 feet;

20 Thence north 89°43'13" east 1.0 foot north of and parallel with said concrete pier  
21 for 96.16 feet to the said inner Harbor line;

22 Thence south 25°21'44" east, along said inner harbor line, for 189.14 feet to the  
23 true point of beginning.

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

25 25.12.660.A.2, the following specific features and/or characteristics of Pier 54 are designated: the  
26 pier pilings from the west edge of the right-of-way of Alaskan Way (the seawall) to the outer  
27 harbor line, and from the north edge of the pier pilings to the south edge of the pilings; the  
28 exterior pier shed; and the exposed interior truss system as it existed at the time of designation.

Pier 54 leases from DNR additional water west of its pier for docks and finger piers, and that



1 right shall not be eliminated nor altered by this document or the Landmarks Preservation Board  
2 review process.

3 C. Basis of Designation. The designation was made because Pier 54 is more than 25  
4 years old and has significant character, interest or value as a part of the development, heritage or  
5 cultural characteristics of the City, state or nation, it has integrity or the ability to convey its  
6 significance, and because it satisfies the following from SMC 25.12.350:  
7

- 8 1. It is associated in a significant way with a significant aspect of the cultural,  
9 political, or economic heritage of the community, City, state, or nation (SMC  
10 25.12.350.C);
- 11 2. It embodies the distinctive visible characteristics of an architectural style, period,  
12 or of a method of construction (SMC 25.12.350.D); and
- 13 3. Because of its prominence of spatial location, contrast of siting, age, or scale, it is  
14 an easily identifiable visual feature of the neighborhood or the city and contributes  
15 to the distinctive quality or identity of such neighborhood or city (SMC  
16 25.12.350.F).

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18  
19 Section 2. CONTROLS: The following controls are hereby imposed on the features and  
20 characteristics of Pier 54 that were designated by the Board for preservation:

21 A. Certificate of Approval Process.

- 22 1. Except as provided in Section 2.A.2 or Section 2.B of this ordinance, the owner  
23 must obtain a Certificate of Approval issued by the Board pursuant to SMC  
24 Chapter 25.12 and the Central Waterfront Piers Design Guidelines (LPB 176/08),  
25  
26



1 or the time for denying a Certificate of Approval must have expired, before the  
2 owner may make alterations or significant changes to the following specific  
3 features or characteristics: the pier pilings from the west edge of the right-of-way  
4 of Alaskan Way (the seawall) to the outer harbor line, and from the north edge of  
5 the pier pilings to the south edge of the pilings; the exterior pier shed; and the  
6 exposed interior truss system as it existed at the time of designation.

- 7
- 8 2. No Certificate of Approval or approval by the CHPO is required for the following:
- 9 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1;
- 10 b. The removal and/or addition of the following landscape elements: small trees
- 11 under 6 inches in caliper, shrubs, perennials and annuals;
- 12 c. The addition of safety and security lighting and cameras on the south, north,
- 13 east, and west elevations of the pier; or
- 14 d. The addition of street furniture, umbrellas, vendor carts, tents for temporary
- 15 events and bicycle racks that are not permanently affixed to the designated
- 16 features.
- 17
- 18

19 B. CHPO Approval Process.

- 20 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
- 21 ordinance according to the following procedure:
- 22 a. The owner shall submit to the CHPO a written request for the alterations,
- 23 including applicable drawings and/or specifications.
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- 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 and the Central Waterfront Piers Design Guidelines (LPB 176/08), 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 business 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. For the specified features and characteristics of the building, 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 changes that encourage energy efficiency and renewable energy efforts including but not limited to solar panels and sky lights;

- b. The replacement of deteriorated wood pier pilings and decking with other materials as necessary to meet requirements of applicable environmental



1 regulations. The Board and the CHPO recognize the unique maintenance  
2 challenges of the saltwater environment, and that state and federal regulations  
3 make it no longer possible to replace existing wood pier pilings and wood  
4 decking in-kind, but that it is important that the replacement be sympathetic.  
5 Specifically, the DNR does not authorize the use of treated wood for pilings or  
6 decking replacement of deteriorated wood. Treated wood includes wood  
7 treated with creosote, AZCA (Ammoniacal Copper Arsenate), and CCA Type  
8 C (Chromated Copper Arsenate). Acceptable alternative wood replacement  
9 products for pier pilings and decking are steel, concrete, and recycled plastic,  
10 as well as other materials that allow for light penetration through decking.

- 11
- 12 c. Alterations to the addition of the south elevation of Pier 54;
  - 13 d. New building signage where there is an approved signage plan in place; or
  - 14 e. Replacement of existing awnings, if not in-kind.
- 15

16 Section 3. INCENTIVES. The following incentives are hereby granted on the features  
17 and characteristics of Pier 54 that were designated by the Board for preservation:  
18

19 A. Uses not otherwise permitted in a zone may be authorized in a designated  
20 Landmark by means of an administrative conditional use permit issued pursuant to Seattle  
21 Municipal Code Title 23.

22 B. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter  
23 22.100, and the Energy Code of the City, SMC Chapter 22.700, may be authorized pursuant to  
24 the applicable provisions thereof.  
25  
26



1 C. Special tax valuation for historic preservation may be available under Chapter  
2 84.26 RCW upon application and compliance with the requirements of that statute.

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

5 Section 5. Pier 54 is hereby added alphabetically to Section II, Buildings, of the Table of  
6 Historical Landmarks contained in SMC Chapter 25.32.

7  
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



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

4 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2012, and  
5 signed by me in open session in authentication of its passage this

6  
7 \_\_\_\_ day of \_\_\_\_\_, 2012.

8  
9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11  
12 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

13  
14 \_\_\_\_\_  
15 Michael McGinn, Mayor

16  
17 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2012.

18  
19 \_\_\_\_\_  
20 Monica Martinez Simmons, City Clerk

21 (Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Department of Neighborhoods	Sarah Sodt/206-615-1786	Amanda Allen/206-684-8894

**Legislation Title:**

AN ORDINANCE relating to historic preservation, imposing controls and granting incentives upon Pier 54, 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 Pier 54 as a historic landmark by the Landmarks Preservation Board (the Board), imposes controls, grants incentives, and adds Pier 54 to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

**Background:**

Pier 54 was built in 1900 and is located in the Central Waterfront. A Controls and Incentives Agreement (Agreement) has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the Agreement apply to the pier pilings from the west edge of the right-of-way of Alaskan Way (the seawall) to the outer harbor line, and from the north edge of the pier pilings to the south edge of the pilings; the exterior pier shed; and the exposed interior truss system that existed at the time of designation, but do not apply to any in-kind maintenance or repairs of the designated features.

During the Controls and Incentives negotiation process, Central Waterfront Piers Design Guidelines that apply to Piers 54, 55, 56, 57, and 59 were developed in coordination between the property owners and Historic Preservation Program staff. The Board has adopted these Guidelines for their use in reviewing and making decisions regarding Certificates of Approval applications and for the use of the City Historic Preservation Officer for this group of properties.

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

**Other Implications:**

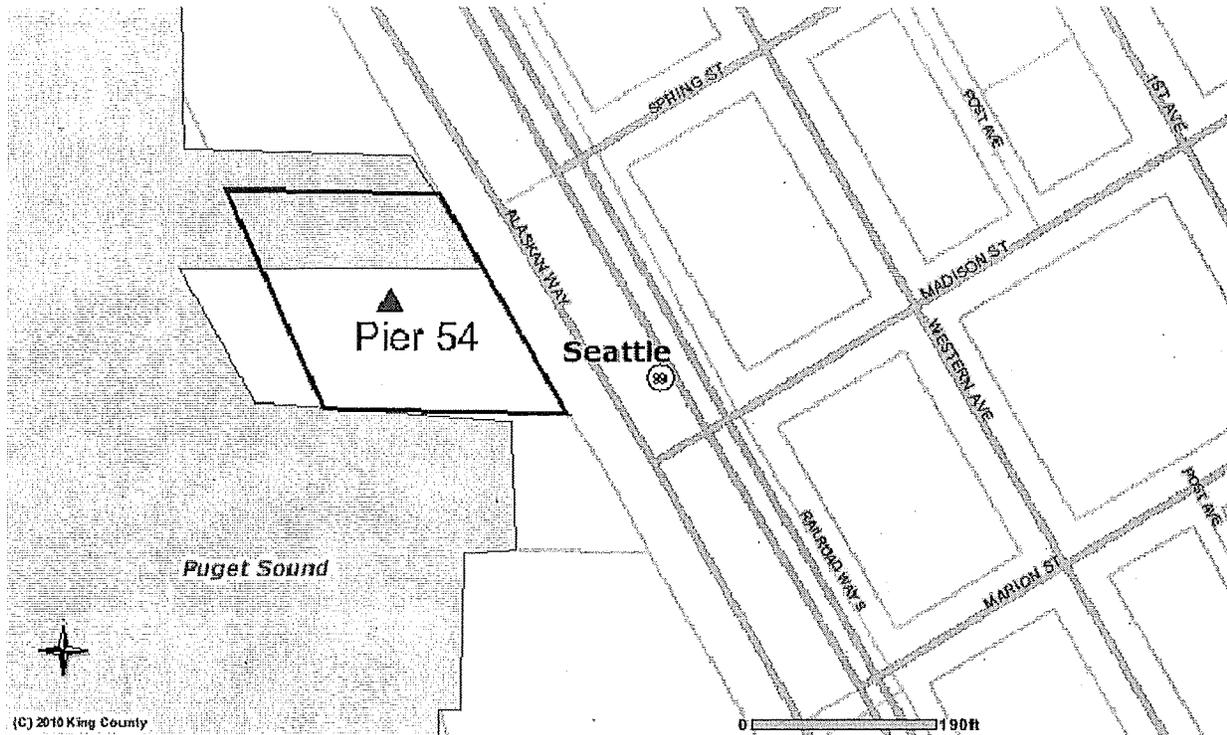
No.



- a) **What is the financial cost of not implementing the legislation?**  
None.
- b) **Does this legislation affect any departments besides the originating department?**  
No.
- c) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**  
None.
- d) **Is a public hearing required for this legislation?**  
No.
- e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No.
- f) **Does this legislation affect a piece of property?**  
Yes.
- g) **Other Issues:**  
None.

**List attachments to the fiscal note below:**  
Exhibit A – Vicinity Map of Pier 54

Sarah Sodt/jom  
DON Pier 54 FISC Exhibit A  
September 23, 2011  
Version #1



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

January 31, 2012

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 Pier 54 as a historic landmark, imposes controls, grants incentives, and adds Pier 54 to the Table of Historical Landmarks in the Seattle Municipal Code.

A Controls and Incentives Agreement (Agreement) has been signed by the owner and has been approved by the Landmarks Preservation Board. The controls in the Agreement apply to the pier pilings from the west edge of the right-of-way of Alaskan Way (the seawall) to the outer harbor line, and from the north edge of the pier pilings to the south edge of the pilings; the exterior pier shed; and the exposed interior truss system that existed at the time of designation, but do not apply to any in-kind maintenance or repairs of the designated features.

The Board has adopted the Central Waterfront Piers Design Guidelines (LPB 176/08) that apply to Piers 54, 55, 56, 57, and 59 for their use in reviewing and making decisions regarding Certificates of Approval applications and for the use of the City Historic Preservation Officer for this group of properties.

Thank you for your consideration of this legislation. Should you have questions, please contact Sarah Sordt, Department of Neighborhoods at 206-615-1786.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor  
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