

#7
CB
117408

ORDINANCE _____

1
2 AN ORDINANCE relating to historic preservation, imposing controls and granting incentives
3 upon Pier 55, 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 55 located at
12 1101 Alaskan Way, in Seattle (the improvement is referred to as Pier 55 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 55 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,

28 **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 the improvement known as Pier 55, located at



1 1101 Alaskan Way, in Seattle (the improvement is referred to as Pier 55 for the purposes of this
2 ordinance), is hereby acknowledged.

3 A. Legal Description. Pier 55 is located on the property legally described as:

4
5 Lots 1-8, except the south 10 feet of said Lot 8, all in Block 181 of Seattle Tide
6 Lands, according to the map thereof filed in the Office of the Commissioner of
7 Public Lands at Olympia, Washington; Situate in the City of Seattle, County of
8 King, State of Washington.

9 That portion of the Harbor Area in front of Lots 1 through 8, inclusive, in Block
10 181 of Supplemental Maps of Seattle Tide Lands, included in a tract described as
11 follows:

12 Beginning at the northwest corner of said Lot 1; thence west 332.002 feet to the
13 outer Harbor Line; Thence south 25°21'48" East 292.120 feet along said outer
14 Harbor Line; Thence east 232.02 feet; Thence south 148.38 feet; Thence east
15 170.34 feet to the inner Harbor Line; Thence north 25°21'48" west 456.325 feet
16 along said Inner Harbor line to the point of beginning, all as shown on the official
17 supplemental maps of Seattle Tide Lands on file in the Office of the
18 Commissioner of Public Lands at Olympia, Washington. Situate in the City of
19 Seattle, County of King, State of Washington.

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

21 25.12.660.A.2, the following specific features and/or characteristics of Pier 55 are designated: the
22 pier pilings from the west edge of the right-of-way of Alaskan Way (the seawall) to the outer
23 harbor line, and from the north edge of the pier pilings to the south edge of the pilings; the
24 exterior pier shed; and the exposed interior truss system as it existed at the time of designation.
25 The accessory docking facilities and associated building (known as Pier 55 ½) on the north and
26 west side of Pier 55 that lie within the site as described in Section 1.A. are excluded from the
27 designation.
28



1 C. Basis of Designation. The designation was made because Pier 55 is more than 25
2 years old and has significant character, interest or value as a part of the development, heritage or
3 cultural characteristics of the City, state or nation, it has integrity or the ability to convey its
4 significance, and because it satisfies the following from SMC 25.12.350:

- 5 1. It is associated in a significant way with a significant aspect of the cultural,
6 political, or economic heritage of the community, City, state, or nation (SMC
7 25.12.350.C);
8
9 2. It embodies the distinctive visible characteristics of an architectural style, period,
10 or of a method of construction (SMC 25.12.350.D); and
11
12 3. Because of its prominence of spatial location, contrast of siting, age, or scale, it is
13 an easily identifiable visual feature of the neighborhood or the city and contributes
14 to the distinctive quality or identity of such neighborhood or city (SMC
15 25.12.350.F).

16 Section 2. CONTROLS: The following controls are hereby imposed on the features and
17 characteristics of Pier 55 that were designated by the Board for preservation:
18

19 A. Certificate of Approval Process.

- 20 1. Except as provided in Section 2.A.2 or Section 2.B of this ordinance, the owner
21 must obtain a Certificate of Approval issued by the Board pursuant to SMC
22 Chapter 25.12 and the Central Waterfront Piers Design Guidelines (LPB 176/08),
23 or the time for denying a Certificate of Approval must have expired, before the
24 owner may make alterations or significant changes to the following specific
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1 features or characteristics: the pier pilings from the west edge of the right-of-way
2 of Alaskan Way (the seawall) to the outer harbor line, and from the north edge of
3 the pier pilings to the south edge of the pilings; the exterior pier shed; and the
4 exposed interior truss system as it existed at the time of designation. The
5 accessory docking facilities and associated building (known as Pier 55 ½) on the
6 north and west side of Pier 55 that lie within the site as described in Section 1.A.
7 are excluded from the designation.
8

- 9 2. No Certificate of Approval or approval by the CHPO is required for the following:
- 10 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
 - 11 b. The removal and/or addition of the following landscape elements: small trees
12 under 6 inches in caliper, shrubs, perennials and annuals.
 - 13 c. The addition of safety and security lighting and cameras on the south, north,
14 east, and west elevations of the pier.
 - 15 d. The addition of street furniture, umbrellas, vendor carts, tents for temporary
16 events and bicycle racks that are not permanently affixed to the designated
17 features.
18 features.
 - 19

20 B. CHPO Approval Process.

- 21 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
22 ordinance according to the following procedure:
- 23 a. The owner shall submit to the CHPO a written request for the alterations,
24 including applicable drawings and/or specifications.
25
26



- 1 b. If the CHPO, upon examination of submitted plans and specifications,
2 determines that the alterations are consistent with the purposes of SMC
3 Chapter 25.12 and the Central Waterfront Piers Design Guidelines, the
4 alterations shall be approved without further action by the Board.
- 5 c. If the CHPO does not approve the alterations, the owner may submit revised
6 materials to the CHPO, or apply to the Board for a Certificate of Approval
7 under SMC Chapter 25.12, as provided in Section 2.A.
- 8
- 9 2. The CHPO shall transmit a written decision on the owner's request to the owner
10 within 14 business days of receipt of the request. Failure of the CHPO to approve
11 or disapprove the request shall constitute approval of the request.
- 12
- 13 3. CHPO approval for changes or alterations to the designated features or
14 characteristics of the landmark described in Section 1.B of this ordinance, is
15 available for the following:
16 a. For the specified features and characteristics of the building, the addition or
17 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
18 other similar wiring or mechanical elements necessary for the normal
19 operation of the building; and changes that encourage energy efficiency and
20 renewable energy efforts including but not limited to solar panels and sky
21 lights.
22 b. The replacement of deteriorated wood pier pilings and decking with other
23 materials as necessary to meet requirements of applicable environmental
24 materials as necessary to meet requirements of applicable environmental
25 materials as necessary to meet requirements of applicable environmental
26 materials as necessary to meet requirements of applicable environmental
27 materials as necessary to meet requirements of applicable environmental
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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 three-sided bay addition on the west elevation of Pier 55.
 - 13 d. New building signage where there is an approved signage plan in place.
 - 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 55 that were designated by the Board for preservation:
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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.
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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 55 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.
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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

Department:	Contact Person/Phone:	CBO Analyst/Phone:
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 55, 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 55 as a historic landmark by the Landmarks Preservation Board (the Board), imposes controls, grants incentives, and adds Pier 55 to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

Background:

Pier 55 was built between 1900 and 1902 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 currently exposed interior truss system, but do not apply to any in-kind maintenance or repairs of the designated features. The accessory docking facilities and associated building (known as Pier 55 1/2) on the north and west sides of Pier 55 and that lie within the site are excluded from the designation.

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:

- 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:**
None.

List attachments to the fiscal note below:
Exhibit A – Vicinity Map of Pier 55

Sarah Sadt/jom
DON Pier 55 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, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that designates Pier 55 as a historic landmark, imposes controls, grants incentives and adds Pier 55 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 accessory docking facilities and associated building (known as Pier 55 ½) on the north and west side of Pier 55 that lie within the site are excluded from the designation.

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

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