

#9
CB 117410

Sarah Sodt/jom
DON Pier 59 Landmark Designation ORD
January 13, 2012
Version #7a

ORDINANCE _____

AN ORDINANCE relating to historic preservation, imposing controls and granting incentives upon Pier 59, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code, and repealing Ordinance No. 121270.

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 that are more than 25 years old and have historical, cultural, architectural, engineering or geographic significance; and

WHEREAS, the Landmarks Preservation Board (the Board), after a public meeting on November 7, 2007, voted to approve the nomination of the improvement known as Pier 59 located at 1421 Alaskan Way, in Seattle (the improvement is referred to as Pier 59 for the purposes of this ordinance), for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on December 19, 2007, the Board voted to approve the designation of Pier 59 under SMC Chapter 25.12; and

WHEREAS, on May 21, 2008, the Board and the owner of the designated landmark agreed to controls and incentives, and the Board 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 (CHPO) for this group of properties; and

WHEREAS, the Board and the CHPO acknowledge their particular responsibility pursuant to SMC 25.12.750.C to recognize that alteration may be necessary to meet requirements of applicable environmental law, statute, regulation code or ordinance, as well as the stewardship responsibilities of the Washington State Department of Natural Resources (DNR); 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 (the Board) of the improvement known as Pier 59, located at



1 1421 Alaskan Way, in Seattle (the improvement is referred to as Pier 59 for the purposes of this
2 ordinance), is hereby acknowledged.

3 A. Legal Description. Pier 59 is located on the property legally described as:

4 That portion of Block 176, Seattle tidelands and vacated portion of Pike Street
5 adjoining, described as follows:

6 Beginning at a point on the inner harbor line which is north 48°49'51" west
7 42.480 feet from a point marked "81," being a point in the inner harbor line, as
8 shown on the replat of Seattle tidelands, supplemental sheet 27, filed in the office
9 of the commissioner of public lands at Olympia, Washington;

10 Thence south 48°49'51" east 42.480 feet to said point marked "81" on said replat;

11 Thence south 25°21'48" east 80.0 feet along said inner harbor line;

12 Thence due east to the westerly line of Railroad Avenue as established by replat of
13 Seattle tidelands;

14 Thence northerly along said westerly line to a point due east of point of beginning;
15 thence due west to a point of beginning and that portion of the harbor area lying
16 west of tract described above, described by metes and bounds as follows:

17 Beginning at point "81," being an angle point in the inner harbor line and running
18 thence south 25°21'48" east 80.0 feet, along said inner harbor line, thence west
19 407.33 feet to the outer harbor line, thence north 48°49'51" west 152.29 feet
20 along said outer harbor line, thence east 455.730 feet to the inner harbor line and
21 thence south 48°49'51" east 42.48 feet along said inner harbor line to said point of
22 beginning.

23 All as shown upon the supplemental maps of Seattle tidelands on file in the office
24 of the commission or public lands at Olympia, Washington.

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

26 25.12.660.A.2, the following specific features and/or characteristics of Pier 59 are designated: the
27 pier pilings from the west edge of the right-of-way of Alaskan Way (the seawall) to the outer
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1 harbor line, and from the north edge of the pier pilings to the south edge of the pilings; the
2 exterior pier shed; and the exposed interior truss system as it existed at the time of designation;
3 excluding the existing parking area on the west end of Pier 59. Any portions of Waterfront Park
4 (Pier 58) and Pier 60 that lie within the site as described in Section 1.A. are excluded from the
5 designation.

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7 C. Basis of Designation. The designation was made because Pier 59 is more than 25
8 years old and has significant character, interest or value as a part of the development, heritage or
9 cultural characteristics of the City, state or nation, it has integrity or the ability to convey its
10 significance, and because it satisfies the following from SMC 25.12.350:

- 11 1. It is associated in a significant way with a significant aspect of the cultural,
12 political, or economic heritage of the community, City, state, or nation (SMC
13 25.12.350.C);
- 14 2. It embodies the distinctive visible characteristics of an architectural style, period,
15 or of a method of construction (SMC 25.12.350.D); and
- 16 3. Because of its prominence of spatial location, contrast of siting, age, or scale, it is
17 an easily identifiable visual feature of the neighborhood or the city and contributes
18 to the distinctive quality or identity of such neighborhood or city (SMC
19 25.12.350.F).

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22 Section 2. CONTROLS: The following controls are hereby imposed on the features and
23 characteristics of Pier 59 that were designated by the Board for preservation:

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25 A. Certificate of Approval Process.



- 1 1. Except as provided in Section 2.A.2 or Section 2.B of this ordinance, the owner
2 must obtain a Certificate of Approval issued by the Board pursuant to SMC
3 Chapter 25.12 and the Central Waterfront Piers Design Guidelines (LPB 176/08),
4 or the time for denying a Certificate of Approval must have expired, before the
5 owner may make alterations or significant changes to the following specific
6 features or characteristics: the pier pilings from the west edge of the right-of-way
7 of Alaskan Way (the seawall) to the outer harbor line, and from the north edge of
8 the pier pilings to the south edge of the pilings; the exterior pier shed; and the
9 exposed interior truss system as it existed at the time of designation; excluding the
10 existing parking area on the west end of Pier 59. Any portions of Waterfront Park
11 (Pier 58) and Pier 60 that lie within the site as described in Section 1.A. are
12 excluded from the designation.
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15 2. No Certificate of Approval or approval by CHPO is required for the following:
16 a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
17 b. The removal and/or addition of the following landscape elements: small trees
18 under 6 inches in caliper, shrubs, perennials and annuals.
19 c. The addition of safety and security lighting and cameras on the south, north,
20 east, and west elevations of the pier.
21 d. The addition of street furniture, umbrellas, vendor carts, tents for temporary
22 events and bicycle racks that are not permanently affixed to the designated
23 features.
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1 B. CHPO Approval Process.

- 2 1. The CHPO may review and approve the items listed in Section 2.B.3 of this
3 ordinance according to the following procedure:
- 4 a. The owner shall submit to the CHPO a written request for the alterations,
5 including applicable drawings and/or specifications.
- 6 b. If the CHPO, upon examination of submitted plans and specifications,
7 determines that the alterations are consistent with the purposes of SMC
8 Chapter 25.12 and the Central Waterfront Piers Design Guidelines, the
9 alterations shall be approved without further action by the Board.
- 10 c. If the CHPO does not approve the alterations, the owner may submit revised
11 materials to the CHPO, or apply to the Board for a Certificate of Approval
12 under SMC Chapter 25.12, as provided in Section 2.A.
- 13 2. The CHPO shall transmit a written decision on the owner's request to the owner
14 within 14 business days of receipt of the request. Failure of the CHPO to approve
15 or disapprove the request shall constitute approval of the request.
- 16 3. CHPO approval for changes or alterations to the designated features or
17 characteristics of the landmark described in Section 1.B of this ordinance, is
18 available for the following:
- 19 a. For the specified features and characteristics of the building, the addition or
20 elimination of duct conduits, HVAC vents, grilles, fire escapes, pipes, and
21 other similar wiring or mechanical elements necessary for the normal
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1 operation of the building; and changes that encourage energy efficiency and
2 renewable energy efforts including but not limited to solar panels and sky
3 lights.

4 b. The replacement of deteriorated wood pier pilings and decking with other
5 materials as necessary to meet requirements of applicable environmental
6 regulations. The Board and the CHPO recognize the unique maintenance
7 challenges of the saltwater environment, and that state and federal regulations
8 make it no longer possible to replace existing wood pier pilings and wood
9 decking in-kind, but that it is important that the replacement be sympathetic.
10 Specifically, the DNR does not authorize the use of treated wood for pilings or
11 decking replacement of deteriorated wood. Treated wood includes wood
12 treated with creosote, AZCA (Ammoniacal Copper Arsenate), and CCA Type
13 C (Chromated Copper Arsenate). Acceptable alternative wood replacement
14 products for pier pilings and decking are steel, concrete, and recycled plastic,
15 as well as other materials that allow for light penetration through decking.
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17 c. New building signage where there is an approved signage plan in place.

18 d. Replacement of existing awnings, if not in-kind.

19 Section 3. INCENTIVES. The following incentives are hereby granted on the features
20 and characteristics of Pier 59 that were designated by the Board for preservation:
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22 A. Uses not otherwise permitted in a zone may be authorized in a designated
23 Landmark by means of an administrative conditional use permit issued pursuant to Seattle
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1 Municipal Code Title 23.

2 B. Exceptions to certain requirements of the Seattle Building Code, SMC Chapter
3 22.100, and the Energy Code of the City, SMC Chapter 22.700, may be authorized pursuant to
4 the applicable provisions thereof.

5 C. Special tax valuation for historic preservation may be available under Chapter
6 84.26 RCW upon application and compliance with the requirements of that statute.

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

10 Section 5. Pier 59 is hereby added alphabetically to Section II, Buildings, of the Table of
11 Historical Landmarks contained in SMC Chapter 25.32.

12 Section 6. Ordinance 121270 is repealed.

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14 Section 7. The City Clerk is directed to record a certified copy of this ordinance with the
15 King County Director of Records and Elections, deliver two certified copies to the CHPO, and
16 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
17 directed to provide a certified copy of the ordinance to the owner of the landmark.
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1 Section 8. 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 ____ day of _____, 2012.

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9 _____
10 President _____ of the City Council

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12 Approved by me this ____ day of _____, 2012.

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14 _____
15 Michael McGinn, Mayor

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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 59, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code, and repealing Ordinance No. 121270.

Summary of the Legislation:

The attached legislation acknowledges the designation of Pier 59 as a historic landmark by the Landmarks Preservation Board (the Board), imposes controls, grants incentives, and adds Pier 59 to the Table of Historical Landmarks contained in SMC Chapter 25.32. The legislation does not have a financial impact.

Background:

Pier 59 was built in 1904 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. The existing parking area on the west end of Pier 59 is 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.

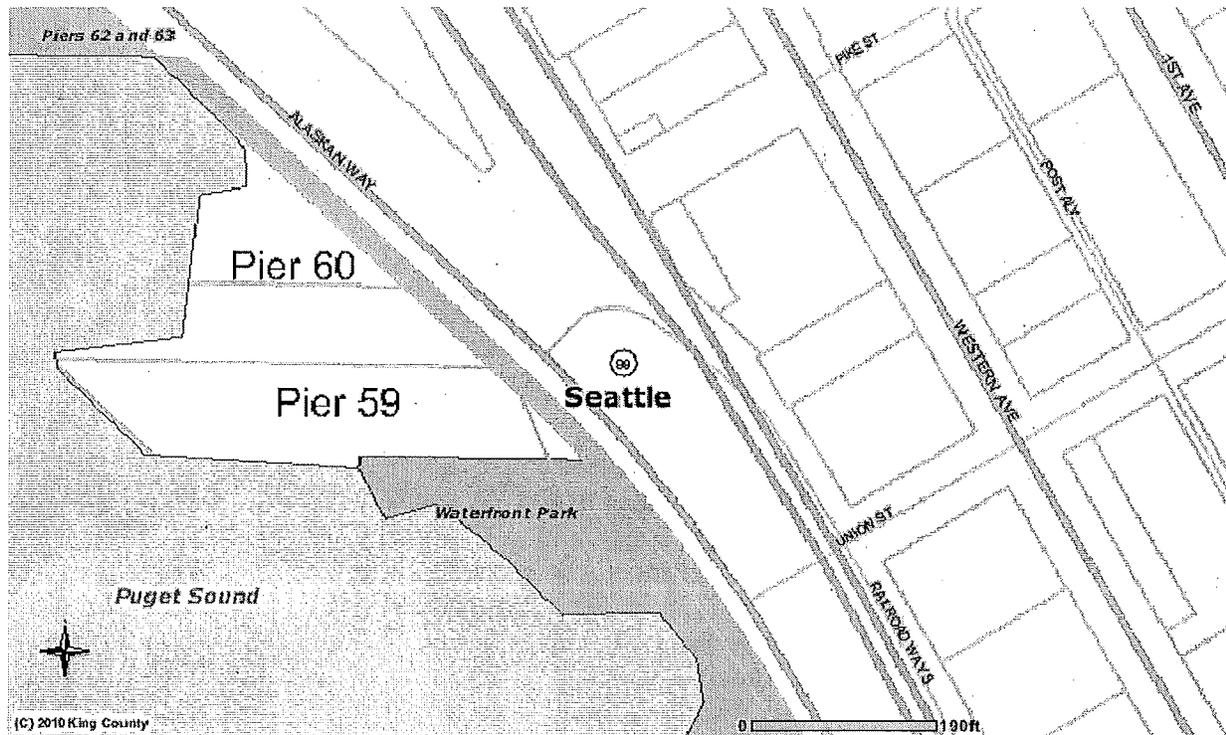


- b) **What is the financial cost of not implementing the legislation?**
None.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**
None.
- e) **Is 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 59



Sarah Sodt/jom
DON Pier 59 FISC Exhibit A
September 23, 2011
Version #2



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 59 as a historic landmark, imposes controls, grants incentives, adds Pier 59 to the Table of Historical Landmarks in the Seattle Municipal Code and repeals Ordinance No. 121270.

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 the designation, but do not apply to any in-kind maintenance or repairs of the designated features. The existing parking area on the west end of Pier 59 is 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

Michael McGinn, Mayor
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