



The City of Seattle

Pioneer Square Preservation Board

Mailing Address: PO Box 94649 Seattle WA 98124-4649
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MINUTES OF MEETING

PSB 154/07

DATE: June 20, 2007
PLACE: City Hall, Room L280
TIME: 9:00 a.m.

Board Members Present:

David Strauss
Sara-Jane Bellanca
Sonja Sokol Furesz
Doug Ito
John De Lanoy
Alex Bennett
Rick Friedhoff

Staff:

Genna Nashem
Joanne Walby

Absent:

Lorne McConachie
Adam Hasson
Tina Bueche

062007.1 EXECUTIVE SESSION (CLOSED SESSION)

Karen Gordon, Judy Barbour, Genna Nashem

062007.2 APPROVAL OF MINUTES: Draft Minutes of June 6, 2007

Moved to adopt the minutes as presented.

MM/SC/DS/SB 5:0:2 Messrs. Bennett and Freidhoff abstained.

062007.3 APPLICATIONS FOR CERTIFICATES OF APPROVAL

062007.31 Occidental Park

Karen Gordon, Judy Barbour

Demolition of shelter structure in Occidental Park on remand from the Superior Court.

Board Discussion: Judy Barbour of the City's Law Department reported that the Parks Department must respond to a remand from the Superior Court to provide additional environmental analysis to determine the effect that the new paving may have on the remaining trees. She said that the portion of the Department of Neighborhoods and the Board's action on the Occidental Park improvements related

**Administered by The Historic Preservation Program
The Seattle Department of Neighborhoods**

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to the demolition of the shelter structure, also known as the pergola, was also remanded. She said according to the Ordinance, demolition is allowed under SMC 23.66.115 A or B and previously the Board approved the demolition under section A and its five criteria. She said the judge found that there was not enough in the record to determine how the Director and Board made this determination under subsection A. She read section 4.12 from the court's order. Ms. Barbour said that while the Board had believed the application had met the requirements of subsection A, the judge's ruling was a very literal interpretation of SMC 23.66.115 A. She said the ruling faulted the fact that permanent funding was not demonstrated by the City, as required in the ordinance. She explained that since the City does not fund projects the same way as private projects are funded, The Director and Board considered a promise from the Mayor to include the shelter replacement design in the next year's budget to be adequate assurance. Also, she said because there was no funding allocated at the time of Board approval, the design of the permanent structure had not been done. She explained that the Board felt they had dealt with this issue by approving an interim use, that is, they would allow the information kiosk to be moved into the space left by the shelter until the new structure design could be approved and built. She said the court's order said that it was undisputed that neither a permanent replacement nor funding for it was provided under the criteria of subsection A and sent the Board's decision back to the DON Director and the Board to provide for compliance under subsection A or to rely on SMC 23.66.115 B. This subsection states, *"...when demolition or removal of a building or other structure in the District is essential to protect health, safety or welfare, or when the purpose of this ordinance will be furthered by demolition or removal, then the Director of the Department of Neighborhoods, following review recommendation of the Board, may authorize such demolition, whether the prerequisites of this section are met or not."*

Ms. Barbour said her recommendation to the Board is to make the determination regarding the demolition on remand of the already-demolished pergola under Section B. She said she does not see how they could re-approve the demolition under section A, given the court's literal interpretation of the ordinance, and the fact that because of the litigation delays, the replacement structure is still not designed. She introduced the Parks Department Project Manager for Occidental Park, Mr. Donahue, and encouraged the Board to ask him any questions. She said the purposes of the ordinance for the Board to consider under subsection B are found in section 23.66.100.

Board Questions:

Mr. Ito read from ordinance 23.66.100 and suggested that the Board discuss how the removal of the pergola furthers the goals of the District.

Ms. Barbour explained that the Board initially determined that the pergola itself was not contributing to the architectural and historic significance of the Pioneer Square District.

Mr. Ito agreed that the park and pergola did not meet these requirements to be considered historic and contributing to the District.

Mr. Donahue asked the Board to approve this change so he can go ahead with this project. He said the new pergola will make the Park more user-friendly and attract more visitors.

Public Comment:

Sean Jezerizac, Facilities Manager for the Pioneer Building, said he was there to read a statement from Pioneer Building owner, Dick Sikora. The letter expressed dismay that the pergola had already been destroyed because Mr. Sikora stated that he had been told that the pergola would be put back in the Park along with the kiosk. He said this was shocking and had hoped that at the very least, he said, it could have been reused or resold with funds going back into public coffers. He said his main concern is the loss of the pergola to the Park and the District in general. He noted a similar situation when a truck smashed in the pergola in Pioneer Square but it was restored to its original condition. Mr. Sikora stated that he was told that there would be more public meetings on this issue, but now he said he has been told that there will be no more meetings. He said he cannot help but think this reflects the City's desire to move ahead with their plan without any public opposition. He said he hopes he is mistaken and further meetings will occur. Mr. Sikora suggested they avoid a fight and sit down and talk.

Board Discussion:

Ms. Bellanca said this demolition was approved in good faith under section A, but if the judge decided that this is not applicable, they could approve it under section B.

Messrs. Freidhoff and De Lanoy said they agreed, noting that under section B, pedestrian uses and public safety would be improved. Mr. De Lanoy said that the structure has no historical significance and the Board is tasked with promoting vitality in Pioneer Square and the pergola did not promote this vitality. The rest of the Board agreed. Mr. De Lanoy added that the structure's removal allowed the Park to promote pedestrian purposes and increase the pedestrian experience. He said the structure didn't promote the public's use of the Park and furthermore, it did not contribute to the historic character of the District.

Action:

I move that the application for a Certificate of Approval for the demolition of the non-historic, non-contributing shelter structure in Occidental Park be granted on remand pursuant to SMC 23. 66115(B), for the reason that the purposes of the Pioneer Square Preservation Ordinance are furthered by the demolition.

MM/SC/DS/SB 7:0:0 Motion carried.

062007.32

Palmer Court
1000 First Ave

Brenda Barnes

Application Tabled: Façade Alteration: Install new seismic bracing and alter two storefronts on the east elevation.

062007.33

Jimmy's on First
Silver Cloud Building
1046 1st Ave

Shawn Bowen

Application: Signage for new business.

ARC Report: The applicants explained that they knew that the blade sign part of their application did not meet the rules for the number of projecting elements but that they felt that an exception should be made because of their location and the need for visible

concrete evidence of its visibility from the street. Mr. Strauss also expressed doubts that the railing would be not visible especially if the trees are gone.

Applicant Comment: Mr. Grinke said the line of sight on the rendering is taken from a location west across First Avenue. He said the fence is measured at 2' 6". He said it would be visible "a few inches" above the roof line.

Mr. Bennett stated that the applicant should provide evidence that the railing would not be visible, or at least "minimally visible", per the code.

Mr. Grinke said he thought the top-third of the railing could be visible.

Mr. Bennett said that "top-third" visible approval was contingent on the applicant proposing the simple railing design. He said if the applicant proposes to use the more elaborate design, it can only be "minimally visible". Mr. Bennett said that he thought that "minimally visible" was a maximum of 3 inches.

The Board requested that the applicant provide a geometric drawing of the fence from across the street showing how much of the railing would be visible above the parapet. Another board member suggested that alternatively, a section drawing could be done, or the applicant could simply put a mock-up of the railing at the proposed height and take a photograph of it from across the street.

Public Comment: There was no public comment.

Action:

I move to approve a Certificate of Approval for the project on the condition that a sight line review be conducted by staff and if visible above the roof parapet then it will be moved back until it is "minimally visible", per:

Code Citations:

District Rules III General Guidelines for Rehabilitation and New Construction

B. Design

SMC 23.66.140 Height C. Rooftop Features. 2. Open Railings

SMC 23.66.180 Exterior Building Design

Secretary of Interior's Standards for Rehabilitation 2, 3, 9 and 10

MM/SC/AB/SB 7:0:0 Motion carried.

062007.35

Seattle Plumbing Building
589 Occidental Ave S

Krista Appleby, Mark Blatter

Application Tabled: Application for amendment to final design approval for renovation of existing building and new addition to include one additional floor of loft residential units, for a total of seven floors with a total height of 109' 10."

062007.4

BOARD BUSINESS

062007.5

REPORT OF THE CHAIR: Tina Bueche, Chair

062007.6

STAFF REPORT: Genna Nashem

Ms. Nashem reported that the next Board meeting will be held in this same room on Tuesday July 3, 2007.

Ms. Nashem said Catherine Person of Catherine Person Gallery, was appointed by the Mayor to the retail position on the Board, pending City Council approval. A date for the confirmation has not been scheduled.

Issued: July 2, 2007

Genna Nashem
Pioneer Square Preservation Board Coordinator
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