



The City of Seattle

Ballard Avenue Landmark District Board

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BLD 33/08

MINUTES OF THE April 3, 2008 MEETING

TIME: 9:00 A.M.
PLACE: Ballard Neighborhood Service Center
5604 22nd Avenue NW

BOARD MEMBERS

John Bureson
Linda Day
Steven Mako
Marnie McGrath, Vice Chair
Jim Riggle
Elaine Wine, Chair

STAFF

Heather McAuliffe

Absent:

John Widell

As a quorum was present, the meeting was called to order at 9:04 a.m. by Board Chair, Elaine Wine.

040308.1 APPLICATIONS FOR CERTIFICATES OF APPROVAL

040308.11 Ballard Loft
5105 Ballard Ave NW
Dan Murphy

Application: Approval for proposed design of patio tables and chairs.

Staff Report: Heather McAuliffe provided a verbal and written summary of the proposal and distributed materials from the application. The relevant guidelines were 3. Scale of Buildings and Structures and 4. Building Materials and Fixtures.

Applicant Comment: Dan Murphy explained that he chose the furniture to fit with the railing design.

Public Comment: There were no comments from the public.

Board Discussion: Board members concurred that the proposed furniture was consistent with the district and met Guidelines 3 and 4.

Motion: Steve Mako made a motion to approve the application as presented.

MM/SC/SM/JB
6-0-0

040308.12 Olympic Athletic Club
5301 Leary Ave NW
James Riggle, Mark Durall

Application: Demolish building at 5214 Ballard Ave NW and replace with six parking stalls; install landscaping along front of property facing Ballard Avenue.

Jim Riggle recused himself from participation in the Board's review of this application.

Staff Report:

- The building proposed for demolition is on the site where the Board previously approved a new construction building, "The Olympic Hotel", in March 2007.
- During an early briefing about the Olympic Hotel project in 2006, the applicant proposed to demolish the building that is before the Board in this application and replace it with a parking lot until the Olympic Hotel building could be built, citing the need for parking in the district and for the Olympic Athletic Club, which is located adjacent to the site. Board members expressed opposition to the proposal and cited Guideline 11 where it states that "any new off-street parking space allowed within the District shall be integrated into the structure" and said that it removed the possibility of having off-street parking without it being part of the new building. The Board also cited concerns that the integrity of the District would be harmed by removal of the smaller building in advance of the new construction. The Board suggested using the existing buildings until the new building could be built.
- The Board imposed conditions on its approval for demolition of the 5214 Ballard Ave. building and the adjacent building at 5216 Ballard Ave. in order to assure that the new building would definitely replace the demolished structures and a hole would not be left in the district. To provide this reassurance, the Board adopted conditions that included proof of financing for the new building and replacement with the new building within two years of the demolition.
- Olympic Athletic Club is currently using the inside of the 5216 Ballard Ave. building and the adjacent existing parking areas for customer parking.

- As of October 2007, all of the conditions had been met except for proof of interim and long-term financing for the new construction building. To date, the applicant has not submitted proof of interim and long-term financing, therefore the building permit for the new construction building cannot be issued.

ADDITIONAL BACKGROUND/ISSUES:

- In October 2007, the applicant's architect contacted staff about appearing before the Board at the next meeting with a request to modify the condition for interim and long term financing so that the applicant would only have to get interim financing. He mentioned that they wanted also to discuss demolition phasing to allow for site conditions that are becoming apparent. Staff answered that she would work with the applicant and his bank to satisfy the requirement and that it did not need to go before the Board again.

Staff asks about the apparent conditions, to which the architect replied that an oil tank had been discovered under the larger building, and that the bank wants the pollution cleaned up before committing to financing. He said also that the applicant wanted to remove the smaller building to make the cleanup easier. (Board previously told the applicant that removal of the smaller building would not be acceptable if there was no confirmation of financing). The architect confirmed that the site was used for petrol storage and has to be cleaned up, including removing the 5214 Ballard Ave. building, because it was messing up the financing letter. Subsequent discussion then occurred between staff and the architect about the fact that soil sampling has not been done and should be before more steps are taken with the Board.

November 2007: Letter received from Ken Walkky at Viking Bank for proof of financing. Staff reviewed the letter and determined it is not a commitment to financing because specific information that constitutes a commitment was absent. Staff notified the applicant of the specific information needed for the letter.

- January 2008: Heather McAuliffe met with Ken Walkky at Viking Bank, at his request. He explains that there are sources of pollution adjacent and near to the project site, and that based on an environmental assessment that showed there was still pollution in those areas, the bank is not willing to commit to financing the new building until the project site is cleaned up. He confirmed that no soil testing has been done on the site itself. In follow-up to the meeting, staff sent an email to Jim Riggle and Ken Walkky with suggested steps on resolving the pollution/demolition/proof of financing issue. Specifically we asked for more information: (1) Why they think the site is polluted; (2) What pollution has been found on the site and how it was found; and (3) What remedial alternatives had been evaluated to resolve the issue and what were the related costs of the alternatives. Ken Walkky replied that soil testing seemed to be the best option to satisfy the City and the bank.

- Jim Riggle asks to meet with staff to resolve the issue. Staff, having determined that enough time had been spent on explaining the situation to Jim Riggle, instead emailed back that he should do some drilling and testing without demolition, and if there were contamination, we could discuss going back to the Board to discuss the conditions of the Certificate of Approval. Jim Riggle did not follow up with us.
- February 2008: Application received from Jim Riggle with the manager of the Olympic Athletic Club, Mark Durall, as his representative for demolition of the smaller building at 5214 Ballard Ave. to restore a previously existing parking lot.
- The applicant has stated that the reason for this new application is the economy for financing the Olympic Hotel has changed drastically.
- The applicant still wishes to pursue a hotel project, however it is not known when or if that project would be financed during the lifetime of the Master Use Permit (MUP) for the hotel. In the interim, the applicant is proposing to demolish 5214 Ballard Ave and use that land for additional Olympic Athletic Club parking.
- The MUP for the new building was issued by the Department of Planning & Development in March 2007. The permit is good for three years and may be renewed for two more years.
- Period of significance for the District: 1890s to 1940s.
- Building proposed to be demolished was built in 1954.
- If the Board approves the application as presented, the 5214 Ballard Ave building could be demolished without guarantee of replacement with the Olympic Hotel building.
- Board may adopt the condition from the earlier Certificate of Approval that proof of financing for the new building be submitted prior to demolition of the building at 5214 Ballard Ave.

Exhibits Reviewed:

- Photos
- Site plan
- Elevation drawing
- Catalog cut
- Approval issued earlier for the demolition/replacement, BLD 20/07
- Background information on existing parking lots in Ballard Avenue Landmark District – list and photos

Relevant Guidelines:

Guideline Title	Page #	Specific citations
Preamble	3	2 nd paragraph: "...it is the purpose of the District Guidelines to assure maintenance of existing integrity, unity and coherency of the District and/or to re-emphasize intrinsic qualities of a small, relatively self-

		contained community.”
Purpose/Goals	4	Sections 1-5
Guidelines/General	5	Sections 1-4
2. Secretary of the Interior’s Standards for Rehabilitation	5	a. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive features, spaces, and spatial relationships.
11. Parking	7	To mitigate the potential impacts of required accessory parking and loading on the District, the District Board strongly discourages the addition of new off-street parking spaces within the District. The Board may write a letter of support to the Department of Planning and Development for a reduction in required parking or loading for a specific building rehabilitation project, new construction or change of use in an existing building if the Board finds that reasonable application of the parking or loading standards will adversely affect the character of the District or will not further District goals. Any new off-street parking space allowed within the District shall be integrated into the structure. The parking portion of the structure shall be architecturally compatible with the rest of the structure and the streetscape. If parking is provided at street level, such parking shall be separated from the front façade by an intervening use such as a commercial storefront or building entrance or lobby, a minimum of 12 feet in depth.

Applicant Comment: Mark Durall, manager at the Olympic Athletic Club, explained that the proposal was to demolish the existing building on the site in order to restore the parking lot to its original dimensions. He distributed a photograph that showed an aerial view of Ballard in 1946. The photo showed that there was no building on the site at that time. He also pointed to marks on the adjacent walls for previous parking stalls and said the marks continued behind the building.

Roger Pearce, attorney for the applicants, stated that this was a separate proposal from the earlier application for demolition to allow a new building on the site. He said it was not linked to the new building proposal and would “rise and fall on its own merits”. He said the new hotel is not financially feasible at this time but that parking lot would be hopefully an interim use. When, if the market turns around, the applicant can build the hotel on the site, they are not certain, but hopefully at the end of the year.

Public Comment: Sara Chapman from the Deep Sea Fishermens’ Union asked about access from Ballard Avenue and 20th Ave NW. Mark Durall confirmed that

there would be two-way access from Ballard Avenue and also access from 20th NW.

Board Discussion:

John Bureson asked if there would be space for two cars to go past each other in the 20' wide driveway on Ballard Avenue. Mark Durall confirmed that there would be.

John Bureson said that per District Purpose/Goals section, the proposal would help the district socially and economically. He said that #2 in Guidelines/General says the district "shall be pedestrian oriented". The proposal will change the parking so that drivers are no longer backing over the sidewalk, improving the safety of pedestrians. He said he did not think the demolition of the building would be much of a loss.

Elaine Wine said that there were two issues for discussion: demolition of the building and the addition of parking. She said she sympathized with the applicant that they are trying to make it an interim use. She said that she could not support it, however, because she thinks it does not conform to the Board's guidelines. Regarding the proposal to demolish the building, there is nothing in the guidelines that addresses demolition. There was precedent in the case of the Sunset Hotel, which was demolished, but it was under a different set of circumstances.

She said that previously the Board looked at the demolition of the buildings at 5214 and 5216 Ballard Avenue as creating "missing teeth" if they not replaced with the new building. As a result, the Board adopted conditions to assure that they would not be demolished without a replacement structure built soon after. The Guidelines talk about the pedestrian experience as it relates to shops, transparency, looking at goods. A parking lot does not do that. She acknowledged that it would improve safety, but that guidelines focus on business, not safety. She said that tertiary structures may not add value to the district, but are subject to the ordinance and the Board's guidelines just like the other buildings.

She addressed the addition of the new parking. She pointed out that Guideline 11 says that new off-street parking has to be integrated into a structure and screened by an intervening use. She explained that this part of the guideline was added in 2005 and was not designed to address interim situations, but rather, long-term. She said that landscaping might be nice to look at, but the Guidelines don't support it. She said the applicant is not sure when the new building will be built and the Board does not have control over when it gets built.

Linda Day said that Guideline 2 a. states that "a property will be used as it was historically". She said she does not support tearing down buildings but in this particular situation, it had a historic use as a parking lot. It is not increasing the parking lot by much. She does not think it affects the spatial relationships. All the early parking lots are typical of parking lots in this area. She thinks Guideline 2 a.

supports it because of the percentage the tertiary structure takes up, it does not affect the “personality” or portion of the street. If the building took up a greater percentage of the lot, there might be a greater impact. The landscaping would soften it. She said that Guideline 11 speaks to new parking and to not creating adverse character in a new building.

Elaine Wine said that she is concerned about the long-term impact to the district.

Linda Day said the property will have the same use as it always had. She said she likes the exposed building walls. It opens up the district. The building is a small percentage of a lot that is historical.

Elaine Wine stated that #3 in Purpose/Goals states that purpose and goals of the district are to stabilize the district. This does not support demolition of the building. She reiterated that the guidelines discourage new off-street parking. She believes it means the district wants buildings, not parking.

Linda Day asked the applicant about the size of the building. Jim Riggle answered that it covers 28% of the lot.

Linda Day said she agreed with Elaine’s comments that we should not be tearing down buildings and establishing parking lots. However, only six spaces are being added and she doesn’t think it affects the character of the district.

Staff directed the Board to review the application per Purpose/Goals 1-5 and Guidelines/General 1-4.

Elaine Wine cited Guideline 4 in Guidelines/General where it states that the existing buildings and spaces are to be respected and maintained. She said a building contributes more to the district than the proposed screening (landscaping).

Steve Mako said it is a tertiary structure and has no value.

Elaine Wine said that per Guideline 2 a., she does not see the value of preserving a historic parking lot. She said that Guideline 11. states that “any new off-street parking shall be integrated into the structure”.

John Burreson stated that he did not interpret it as new parking.

Linda Day said she thinks it speaks to a new building or a rehabilitation project, not this situation. She cited the example of another lot in the district, where the Board discussed the impact of a large entrance into the building’s underground parking on the small street.

Marnie McGrath asked if removing the building will make it easier to monitor the pollution in the area. Jim Riggle answered that there will be monitors placed in

the ground but they will not be noticeable. Roger Pearce added that the small building did not have to be removed to perform cleanup of the site.

Elaine Wine conducted a straw poll of Board members on their support of the application as presented, with the proposed screening. Only John Burreson and Linda Day supported the application as presented. Board members advised the applicants that the arbor vitae hedge was not compatible with the district. Elaine Wine conducted a second straw poll, this time for the application with a screening change. Board members were nearly unanimous in support.

Linda Day advised the applicants to consider low bushes, not a wall.

The applicants agreed to withdraw the application for the screening at this time and return with a different proposal later.

Motion: Steve Mako made a motion to approve the application with the condition that the applicants return with a revised landscape proposal.

MM/SC/SM/MM

4-1-1 (Elaine Wine against; Jim Riggle recused)

040308.2 BOARD BUSINESS

John Burreson asked about the positions that would be open for election in June. Staff answered that the property owner and property/owner positions that Linda Day and Jim Riggle currently occupy would be open for election. Jim Riggle stated that he was interested in running again, except for the property owner position instead of the property owner/business owner position.

040308.3 APPROVAL OF MINUTES

The Board members reviewed the minutes of the March 6, 2008 meeting. Elaine Wine asked for a clarification in the minutes.

Motion: John Burreson made a motion to approve the minutes as amended.

MM/SC/JB/SM

4-0-2 (Marnie McGrath and Linda Day abstained)

040308.4 REPORT OF THE CHAIR

Elaine Wine encouraged the Board to continue to review its guidelines to identify where they should be clarified. She said that there could be more pressure in the future to demolish tertiary structures since the Board guidelines do not currently include them as contributing buildings.

040308.5 STAFF REPORT

Heather McAuliffe said that the city is currently considering extending streetcar lines from downtown into Ballard, and that there would be a briefing at the next meeting.

Steve Mako made a motion to adjourn the meeting. Linda Day seconded the motion.

10:50 a.m. The meeting was adjourned.

Respectfully submitted,

Heather McAuliffe
Board Coordinator