



Occidental Square Park Renovation November 20, 2007

Status of Litigation

On April 11 2007, Superior Court Judge John Erlick issued his Findings of Facts and Conclusions of Law (Findings) in the matter of Brigman, et. al. v. the City of Seattle No. 05-2-37936-7 SEA. In the Findings, the Judge agreed with the City of Seattle Hearings Examiner's ruling that Parks and DON had made procedural errors concerning the Parks' issued Determination of Non-significance (DNS) and DON's Certificate of Approval. However, the Judge found Hearing Examiner errored when these issues were not remained back to the City for correction. In the Findings, the Judge corrected this error and remanded both the DNS and Certificate of Approval back to their respective Departments for correction.

Based on the Findings, the City had two courses of action it could pursue. The City could appeal the Judge's ruling or the City could accept remands. On May 7, 2007, the City chose to accept both remands. The City took the following steps to correct these procedural errors:

1. On June 26, 2007, the Pioneer Square Preservation Board reviewed and approved a Certificate of Approval Revised On Remand (attached) for the renovation of Occidental Square Park. Under this Revised Certificate of Approval Parks was granted the authority demolish the 1972 shelter as provided under SMC 23.66.115(B). After the required public appeal period past with not appeals filed this issue was closed.
2. Parks is in the process of amending or revising the existing DNS issued for the renovation of Occidental Square Park. Parks has hired an outside consultant to review the design and all other pertinent information regarding the Occidental Square Park renovation design and construction practices as they pertain to the health and survivability of 43 London Plain trees remaining in the park. The final draft of the Consultant analysis and recommendations (Report) for the 43 remaining trees, if any, will be published on or before November 30, 2007. Parks will then submit a revised Environmental Checklist, incorporating the Report to the Seattle Department of Planning and Development for review and issuance of a revised with the required public comment period. Should no appeals be filed against the revised DNS then this matter will be closed.