



The City of Seattle

## Pioneer Square Preservation Board

Mailing Address: PO Box 94649, Seattle WA 98124-4649  
Street Address: 600 4th Avenue, 4th Floor

PSB 58/16

**MINUTES** for Wednesday, March 2, 2016

### Board Members

Mark Astor  
Ann Brown  
Ryan Hester, Chair  
Dean Kralios, Vice Chair  
Kyle Kiser  
Willie Parish  
Tija Petrovich

### Staff

Genna Nashem  
Melinda Bloom

### Absent

Chair Ryan Hester called the meeting to order at 9:00 a.m.

**030216.1 APPROVAL OF MINUTES:**  
February 3, 2016      Deferred.

### **030216.2 APPLICATIONS FOR CERTIFICATES OF APPROVAL**

030216.21 **Terry Denny Building**  
Michael Thompson  
109 1<sup>st</sup> Ave S

Change of use from retail to personal service/barbershop in a 2,180 square foot space

Michael Thompson explained the proposed use as a barber shop; he said it will change from Mercantile to Barbershop. He went over the proposed interior layout of stations, shampoo area, shared restroom and upstairs 'mezzanine'. He said he will come back to apply for a sign.

Public Comment: There was no public comment.

Board Discussion:

Mr. Hester went over District Rules and noted that it is under 3,000 square feet and the use is not discouraged.

Mr. Kralios read from SMC23.66130 B; he noted it is a highly visible and pedestrian business and falls under preferred use. He said it is under 3,000 square feet and meets the District Rules.

Action: I move to recommend granting a Certificate of Approval for change of use from retail to personal service/barber shop in 2,180 square foot space as identified on the plans.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the March 2, 2016 public meeting, and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC 23.66.030 Certificates of Approval required

SMC 23.66.120 Permitted uses

SMC23.66.130 Street Level uses

MM/SC/DK/TP            7:0:0    Motion carried.

030216.22

**Norton Building**

Ray Wilson

206 3<sup>rd</sup>

New roofing, new siding on rooftop penthouses, new gutter and downspout

ARC Report: Mr. Kralios said that ARC reviewed the before and after photos and the sample colors. This is an approval after the fact. ARC agreed that if the applicant had brought the application before the ARC ahead of time that they would have advised them to use a darker color than a bright white. The bright white brings a lot of attention to the rooftop features and distracts from the building character. ARC was also concerned that it would be attractive to taggers. ARC agreed that if the white downspout could be painted or replaced with a color that blended in with the red brick that would make a big difference. The applicant agreed to look into an alternative.

Ray Wilson said the replacement was an emergency and he didn't know about this process. Responding to ARC recommendations he provided color sample for new downspout.

Mr. Kralios said that most components are visible because it abuts the open space of the railroad running through.

Mr. Hester asked if the penthouse were painted.

Mr. Wilson said it is new metal siding.

Mr. Hester noted that there are no impacts to ornamental features.

Public Comment: There was no public comment.

Board Discussion:

Mr. Hester went over District Rules.

Mr. Kralios said that if ARC had reviewed this before it had been installed a darker color would have been recommended. None of the roof features are character defining features and mitigating the downspout with red is a good effort.

Mr. Hester said the color will be Colonial Red compatible.

Action: I move to recommend granting a Certificate of Approval for new roofing, new siding on rooftop penthouses, new gutter and downspout with the down spout painted Colonial Red.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the March 2, 2016 public meeting, and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC 23.66.030 Certificates of Approval required

Pioneer Square Preservation District Rules

### III. GENERAL GUIDELINES FOR REHABILITATION AND NEW CONSTRUCTION

In addition to the Pioneer Square Preservation District Ordinance and Rules, The Secretary of the Interior's Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings, and the complete series of Historic Buildings Preservation Briefs developed by the National Park Service shall serve as guidelines for proposed exterior alterations and treatments, rehabilitation projects, and new construction. (7/99)

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. (7/99) In considering rehabilitation projects, what is critical is the stabilization of significant historical detailing, respect for the original architectural style, and compatibility of scale and materials.

D. Color. Building facades are primarily composed of varied tones of red brick masonry or gray sandstone. Unfinished brick, stone, or concrete masonry unit surfaces may not be painted. Painted color is typically applied to wooden window sash, sheet metal ornament and wooden or cast iron storefronts. Paint colors shall be appropriate to ensure compatibility within the District. (7/99)

The Secretary of Interiors Standards for Rehabilitation

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

MM/SC/DK/TP 7:0:0 Motion carried.

030216.23

**Nolo**

Jessie Culbert  
Gridiron leasing office  
510 Occidental Ave S

Installation of an A-Board Sign

ARC Report: Mr. Kralios said that ARC reviewed the drawings and sample provided. ARC found the letter height and size to comply with the regulations. ARC reminded the applicant that the sign is only allowed in front of the business, next to the building or next to the curb. It was discussed that they could apply for signage on the Plumbing Building for the Gridiron project but likely they could not put an A board sign for the leasing office there because the office is not located there.

Staff Report: A Boards can only be placed in front of the business, at the curb or next to the building. They cannot be placed at other locations around Pioneer Square as they would then be Off-Premise signage which is prohibited by code.

Action: I move to recommend granting a Certificate of Approval for installation of an A-Board Sign in front of the leasing office either next to the building or next to the curb; only one A-board sign is permitted per District Rules.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the March 2, 2016 public meeting, and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC 23.66.030 Certificates of Approval required

SMC23.66.160 Signs

A. Signs.

1. On-premises signs that comply with the provisions of this [Section 23.66.160](#) are allowed.

2. The following signs are prohibited throughout the Pioneer Square Preservation District:

Off-premises signs;

Pioneer Square Preservation District Rules

XX. RULES FOR TRANSPARENCY, SIGNS, AWNINGS AND CANOPIES

F. SANDWICH BOARD SIGNS (A-frame signs) shall follow adopted Pioneer Square sandwich board signs regulations:

Sandwich board signs shall be located directly in front of the business frontage either next to the building face or at the street side of the sidewalk by newsstands, street lights or other amenities. Signs shall not impair pedestrian flow. (12/94)

Sandwich board signs shall be limited to one per address. When multiple businesses, including upper floor businesses, share a common entrance, a single shared sign shall be used, rather than multiple, individual signs. Such signs shall be limited to one per entrance to the shared location. (7/03)

Sandwich board signs shall:

1. Comply with all other regulations for signs in Pioneer Square. (12/94)
2. Be a minimum of two feet high and a maximum of four feet high. (12/94)
3. Be a maximum of two and one half feet wide; (12/94)
4. Be a free-standing A-frame type sign to allow a horizontal component (e.g. chain or bar) between 3 to 8 inches above the ground on all four sides. This chain or bar accommodates high winds and sight impaired persons. (12/94)
5. Be prohibited from containing neon in any form. (12/94)
6. Have letter size restricted to 10 inches in height. (7/03)
7. Have the consent of the property owner prior to submittal to the Pioneer Square Preservation Board. (12/94)

MM/SC/DK/TP 7:0:0 Motion carried as amended.

030216.24

**Union Trust Building**

Mark Ward

Estates Tasting Room

307 Occidental Ave S

Sidewalk café with railing

ARC Report: Mr. Kralios said that ARC reviewed the plans and samples provided. The applicant noted that they are proposing black rope instead of the burgundy rope noted in their application and provided a sample. The applicant noted that the stanchions are free standing and will be painted to match the metal of the chairs. ARC noted that the materials are durable and of good quality and compatible with the building. ARC recommended approval.

Mark Ward explained four tables and chairs will be brought in each night; he said they were chosen for durability and compatibility with area. He said 42" tall stanchions – painted gray to match tables and chairs - with black rope will be used.

Mr. Kiser asked if all were mobile.

Mr. Ward said they are.

Public Comment: There was no public comment.

Mr. Hester went over District Rules.

Mr. Kiser complimented the applicant on the design and the choices made; they are compatible and nice. He noted the activation of the space as beneficial to the mall and street.

Mr. Hester said it is one of the most important areas. He noted the sensitive choice of materials and colors.

Action: I move to recommend granting a Certificate of Approval for sidewalk café with railing. The furniture is bronze metal with grey wood, the free standing stanchions will be painted to match the metal on the chairs, and a black rope will hang between the stanchions.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the March 2, 2016 public meeting, and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC 23.66.030 Certificates of Approval required

Pioneer Square Preservation District Rules

### XIII. SIDEWALK CAFES

Sidewalk cafes may not impede the flow of pedestrian traffic. Movable structural elements that can be brought back against the building wall or elements that can be removed when not in use will generally be required if some structural element is necessary. No walls or roofs of any kind are permitted to enclose sidewalk cafes. Free-standing and table umbrellas are permitted, however, the Board may limit their number and placement to ensure compatibility with transparency and signage regulations. (7/03) Planter boxes are discouraged and will be permitted only in exceptional circumstances.

Materials for any structural elements on the sidewalk should be of durable, weatherproof, and vandal-proof quality. The Board will consider the compatibility of the color and design of structural elements with the building facade and the character of the District. The maximum allowable height of structural elements, including fencing, is 42". (7/03)

030216.25

**Seattle Plumbing/ Johnson Plumbing**

Trevina Wang  
Gridiron  
589 Occidental Ave S

Mr. Astor recused himself.

Installation of lighting, street lighting and signage

ARC Report: Mr. Kralios said that ARC reviewed the plans and the product information. It was noted that the "Café" is intended to be the name of the restaurant yet to be determined. ARC agreed that as long as the letter height and signage method is the same, they would not need to review the specific name. The poured concrete could easily be replaced with a new sign if the business changes.

David Hewitt presented. He went over proposed changes to lighting and paving. He said that two 3-bulb lights and one cobra light are sited on plan and will be installed with the construction of the building. He said lighting will be installed at entryways to building, garage entry, residential entries, retail entries and service entries. He said that to illuminate the space in the garage uplights will be installed 2' back to create a light well; lights will be on all the time. He said the lights will illuminate the edge and give a little relief to the wall.

He said there is a 4" thick precast panel as trim piece at the residential entry; it is demountable. He said signage will be incised letters. A strip light covered by small fascia washes the panel. He said signage at the café is the same idea – precast panel, incised letters. He said at the notch a thin metal canopy comes out about 5'; strip lighting will be surrounded by a metal lip not shown on the current plans. He said that retail entry has a deeper recess and lighting will be hidden behind elevated plane behind masonry.

Mr. Hewitt said that seven new doors will be set back with light source above and coming through from outside. He said they will discuss alcove / safety. He said the commercial north entry will have 589 in grill above door, storefront system and ambient lighting. He said there will be sconces at courtyard. He said on the roof there are three types of lighting: recessed, sconce and LED strip. He said lighting in the roof soffit will not be visible. He said there will be passive lighting at the deck with dense landscaping. He said there will be LED strip under wood bend that provides glow on floor plane.

Mr. Hester asked why the cobra head light.

Trevina Wang said the cobra is already in; the three-globe lights were selected to adhere to District Rules.

Mr. Hester asked about integration of light with precast concrete and potential tinting.

Mr. Hewitt said it will be high quality gray with a little green but no tinting.

Ms. Petrovich said the notch corner seems dark at night.

Mr. Hewitt said there will be light coming out from the interior commercial space.

Mr. Kralios said that when the retail is closed it will be dark there.

Mr. Hewitt said they could put in low LED under the canopy.

Ms. Petrovich said it would make the area safer.

Mr. Kralios asked about the font type proposed.

Mr. Hewitt said it is Bold Helvetica, 10" high.

Public Comment:

Carl Leighty, Alliance for Pioneer Square, said that there is no cobra light there now and encouraged use of three-globe instead. He asked for a light on the Railroad Way side.

Ms. Wang said they are still waiting on SDOT to finalize plans on Railroad Way.

Ms. Nashem said the board has approved plans but SDOT has implemented. If plans have changes then the Railroad Way proposal would have to come back to the Board.

Board Discussion:

Mr. Hester went over District Rules.

There was question about addressing for the building: Occidental side, Railroad Way side, commercial, residential. Applicant said that "A", "B", or "1/2" could be used. Ms. Nashem noted that is not on the application and anything different from what is proposed would need to come back for board review.

Mr. Kralios said the lighting is subtly integrated into the building; he said it is compatible.

Mr. Hester said the font, size, and placement are compatible and consistent. He said as signs evolve there should be a future review for final design.

Mr. Kralios said the signage concept is strong and the residential sign band above entrance is consistent with the district.

Action: I move to recommend granting a Certificate of Approval for installation of lighting, street lighting and signage. The signage for the café is approved with the actual name of the café rather than café provided the letter size, materials and methods and location are as depicted in the application.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the March 2, 2016 public meeting, and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC 23.66.030 Certificates of Approval required

SMC23.66.160 Signs

B. To ensure that flags, banners and signs are of a scale, color, shape and type compatible with the Pioneer Square Preservation District objectives stated in [Section 23.66.100](#) and with the character of the District and the buildings in the District, to reduce driver distraction and visual blight, to ensure that the messages of signs are not lost through undue proliferation, and to enhance views and sight lines into and down streets, the overall design of a sign, flag, or banner, including size, shape, typeface, texture, method of attachment, color, graphics and lighting, and the number and location of signs, flags, and banners, shall be reviewed by the Board and are regulated as set out in this [Section 23.66.160](#).

Building owners are encouraged to develop an overall signage plan for their buildings.

C. In determining the appropriateness of signs, including flags and banners used as signs as defined in [Section 23.84A.036](#), the Preservation Board shall consider the following:

1. Signs Attached or Applied to Structures.

- a. The relationship of the shape of the proposed sign to the architecture of the building and with the shape of other approved signs located on the building or in proximity to the proposed sign;
- b. The relationship of the texture of the proposed sign to the building for which it is proposed, and with other approved signs located on the building or in proximity to the proposed sign;
- c. The possibility of physical damage to the structure and the degree to which the method of attachment would conceal or disfigure desirable architectural features or details of the structure (the method of attachment shall be approved by the Director);
- d. The relationship of the proposed colors and graphics with the colors of the building and with other approved signs on the building or in proximity to the proposed sign;
- e. The relationship of the proposed sign with existing lights and lighting standards, and with the architectural and design motifs of the building;
- f. Whether the proposed sign lighting will detract from the character of the building; and
- g. The compatibility of the colors and graphics of the proposed sign with the character of the District.

Pioneer Square Preservation District Rules

III. GENERAL GUIDELINES FOR REHABILITATION AND NEW CONSTRUCTION

In addition to the Pioneer Square Preservation District Ordinance and Rules, The Secretary of the Interior's Standards for Rehabilitation with Guidelines for Rehabilitating Historic Buildings, and the complete series of Historic Buildings Preservation Briefs developed by the National Park Service shall serve as guidelines for proposed exterior alterations and treatments, rehabilitation projects, and new construction. (7/99)

Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. (7/99) In considering rehabilitation projects, what is critical is the stabilization of significant historical detailing, respect for the original architectural style, and compatibility of scale and materials.

#### XV. STREET LIGHTING

The three-globe Chief Seattle bronze base light fixture currently used in the District will be the approved street lighting standard. Additional alternative lighting standards and fixtures that are compatible with the historic character of the District may be approved by the Board for installation in conjunction with three-globe fixtures as needed to improve pedestrian-level lighting and public safety. (7/03)

#### XX. RULES FOR TRANSPARENCY, SIGNS, AWNINGS AND CANOPIES

The Pioneer Square Preservation Ordinance reflects a policy to focus on structures, individually and collectively, so that they can be seen and appreciated. Sign proliferation or inconsistent paint colors, for example, are incompatible with this focus, and are expressly to be avoided. (8/93)

#### B. General Signage Regulations

All signs on or hanging from buildings, in windows, or applied to windows, are subject to review and approval by the Pioneer Square Preservation Board. (8/93) Locations for signs shall be in accordance with all other regulations for signage. (12/94)

The intent of sign regulations is to ensure that signs relate physically and visually to their location; that signs not hide, damage or obscure the architectural elements of the building; that signs be oriented toward and promote a pedestrian environment; and that the products or services offered be the focus, rather than signs. (8/93)

Sign Materials: Wood or wood products are the preferred materials for rigid hanging and projecting (blade) signs and individual signage letters applied to building facades. (7/99)

#### C. Specific Signage Regulations

1. Letter Size. Letter size in windows, awnings and hanging signs shall be consistent with the scale of the architectural elements of the building (as per SMC

23.66.160), but shall not exceed a maximum height of 10 inches unless an exception has been approved as set forth in this paragraph. Exceptions to the 10-inch height limitation will be considered for individual letters in the business name (subject to a limit of no more than three letters) only if both of the following conditions are satisfied: a) the exception is sought as part of a reduced overall sign package or plan for the business; and b) the size of the letters for which an exception is requested is consistent with the scale and character of the building, the frontage of the business, the transparency requirements of the regulations, and all other conditions under SMC 23.66.160. An overall sign package or plan will be considered reduced for purposes of the exception if it calls for approval of signage that is substantially less than what would otherwise be allowable under the regulations. (12/94)

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

MM/SC/DK/TP 6:0:1 Motion carried. Mr. Astor recused himself.

### **030216.3 PRELIMINARY PROJECT REVIEW**

#### **030216.31 Mandatory Housing Affordability (MHA) program**

Brennon Staley

Brennon Staley, Office of Planning and Community Development, explained the broad long range planning throughout the City regards housing affordability and livability.

Seattle Housing reality:

- 3000 people without shelter
- Over 45,000 households pay over half of their income on housing
- Average rent for 1-bedroom apartment has increased 29% in last five years

Vision is a multi-pronged approach to deliver more housing choices through shared commitment between developers, residents, businesses and non-profits to support construction and preservation of affordable housing. He said the Housing Affordability and Livability Advisory (HALA) Committee has 28 members, 50+ stakeholders involved in subcommittees, and has received input from community members. Housing action plan was released by the Mayor in 2015; community conversations will take place from 2015 to 2017. He said the goal is to have 50,000 housing units over the next 10 years; 30,000 new market rate units and 20,000 new or preserved affordable housing units.

He said the Mandatory Housing Affordability Program is a new program to create affordable housing units as City grows. All new multi-family residential and commercial development contributes to affordable housing. Provides additional development capacity to offset the cost of these requirements. Utilize state approved approach used by other local cities.

Mr. Kralios asked if this is different from inclusionary zoning.

Mr. Staley said it is a form of that.

Ms. Nashem asked Mr. Staley to confirm it won't be applied in National Register District or local historic districts.

Mr. Staley said they are exempt and noted the area has recently gone through a re-look at zoning.

Mr. Kralios said that it comes with additional height and asked if that could be retroactively applied.

Mr. Staley said it would not; the code in place at the time project came in applies. He said that the program will apply broadly with exception in National Register Historic Districts, Pike Place Market, Piers, Waterfront and South Lake Union. He said it would vary from place to place and noted that lots of zones already have incentive zoning. He said that every project would have access to increased development capacity and would have to contribute. He said that participation is mandatory and cost will be proportional to development.

Responding to board questions Mr. Staley said it would sunset in 50 years. At this time if a developer wants more height they have to provide affordable housing. It was noted that in 2008 Pioneer Square was saturated with subsidized housing not counting shelters. The Historic District is exempt from additional height as part of this plan. Different rules apply to different sites.

Mr. Staley said that increased development capacity could be a floor, additional FAR.

Ms. Nashem said that the board should comment on changes to Land Use Code.

Mr. Astor said to forego height in Pioneer Square; there is enough pressure on the historic district as it is.

Ms. Brown and Mr. Kiser agreed. Mr. Kiser said that it is a shame it is not inclusionary requirement built in. He worried that with more housing development in the near future there will be more displaced equity.

Mr. Kralios said until 2008 no one was developing; the land was more affordable to non-profits for affordable housing. He said the North Lot could have been a good opportunity. He said another tower is going there – it is another opportunity. He said to look at individual projects and to know where a tower is going.

Ms. Petrovich said to protect the intrinsic value of the historic district but there are spots where there is an opportunity for affordable housing.

Mr. Astor said preservation and additional height are mutually exclusive. He said the value to building in Pioneer Square is because it is maintained and managed the way it is. He said he is not a fan of developers coming in and pushing the envelope and then

complaining about the historic district requirement; he said they can go elsewhere. He said the district has had decades of protection and he is not in support of additional height to entice development. He said there are plenty of benefits in the district that speak for itself.

Mr. Kralios agreed with Mr. Astor.

Mr. Kiser said no additional height in Pioneer Square.

Public Comment:

Carl Leighty, Alliance for Pioneer Square, said there are only 2500 – 2600 full time residents.

Mr. Kralios asked about outreach and inclusivity.

Mr. Staley said they have included the Alliance for Pioneer Square board, Pioneer Square Resident council, CID and they are working to get word out via social and electronic media.

Board members supported having a secondary presentation.

Mr. Staley said he will come back with feedback before any changes are made and before SEPA and Council.

#### **030216.4**

#### **BOARD BUSINESS**

Mr. Astor said it was important to go on record regarding the Hearing Examiner ruling. He suggested sending a letter to the Mayor requesting that the City not join in appeal of the Hearing Examiner decision. He said the Director of Department of Neighborhoods' decision was arbitrary and capricious and not appropriate; this board serves a function on behalf of the City. He urged that the City allow the process to play. He suggested sending a letter to Mayor's Office and to City Council to make changes to the RCW (SMC). He said that various overlays have been put on the district with unintended consequences. He said that code provisions have been stricken or watered down and rendered ineffective in stopping development that will be harmful to the district.

Mr. Hester supported Mr. Astor's comments. He said there should be a limit for City of Seattle involvement. He said the review process and Hearing Examiner decision were complete and appropriate. He agreed with Mr. Astor that there should be no further participation in appeal of the Hearing Examiner ruling. He said the District Rules and RCW (SMC) language is at times vague. He supported more clarification in language so they can be applied more clearly. Some are intentionally vague and flexible.

Ms. Nashem asked for clarification on SMC or RCW. Mr. Astor clarified he meant the Seattle Municipal code.

Mr. Astor cited SMC 23.49.178 'no structure shall exceed by 15' was removed after the 120' overlay was applied. He said that will destroy the continuity of the block. He asked that the language be put back in. He said that 23.66.150 D language should be changed from "may be permitted" should be "may be required". The board can use setbacks to mitigate height. He cited 22.66.150 and said we should be able to require setbacks to buildings over 100'. He said clarification should be added to 23.66.140 that a building needs to be in scale with surrounding buildings.

Mr. Hester noted that 23.66.180 has language 'should be in scale compatible with surrounding...'

Mr. Astor said it should be added to 23.66.140. Mr. Kralios said 23.66.180B needs to be clarified. He said that 450 is under appeal now. He said it is contextual with different circumstances. He said changes would help provide clarity.

Mr. Kiser said some clarification is needed to increase the toolset. He said the committee is hamstrung on scale and what it is referencing. He said more specificity is needed: scale as in height, as an element, in relation to other buildings.

Mr. Kralios said more clarity is desired for 23.66.180 A – materials. It was determined that material would be a further discussion at an upcoming work session.

Action: I move that in response to the Hearing Examiner's recent ruling on February 24, 2016 to overturn the July 30, 2015 decision of the Director of the Department of Neighborhoods granting a Certificate of Approval for the project known as 316 Alaskan Way, that a letter be sent asking Mayor Murray and the City of Seattle not appeal or join in any appeal of the Hearing Examiner's decision on 316 Alaskan Way for the following reasons:

1. The hearing examiner found that the Director of the Department of Neighborhood's decision was arbitrary and capricious.
2. The Hearing Examiner's decision states that it is the **FINAL decision** from the City of Seattle.
3. The Hearing Examiner's reversal of the DON's decision reaffirmed the decision by this board whose members painstakingly reviewed this project and voted 7-1 to deny such certificate of approval.
4. An appeal of the Hearing Examiner's decision would effectively be an appeal of this board's decision as well.

We also respectfully request that the City Council make the following changes to the Seattle Municipal Code:

- Reinstigate language that was removed from 23.49.178 that previously included the language that "no structure shall exceed by more than 15 feet the height of the tallest structure on the block or adjacent block front."

- Change the language of 23.66.150D to “may be required” rather than “may be permitted” so that it is clear that the Board can use setbacks as a tool to help mitigate height in all sub areas as stated in subsection D2.
- Require that a setback be required of all buildings over 100 feet in all sub areas as was added to 22.66.150C knowing that any applicant would then have the ability to request a departure from that.
- Add clarification to 23.66.140 that the building needs to be in scale with the surrounding buildings.

Mr. Kralios added to the motion that 23.66.180 B – scale be clarified to encompass both façade height and façade components as being compatible. Mr. Astor agreed.

MM/SC/MA/TP 7:0:0 Motion carried.

Mr. Kralios asked if Mr. Astor was asking that height up-zones be undone.

Mr. Astor said that these protections provide the board with the latitude to do the job that the board is tasked with doing irrespective of the height zoned. It may render the height moot in the actual playing out of future decisions but he said he can’t predict how any particular application is going to be perceived or received. He said he is not asking that height limits be undone although if someone else wants to do a motion he would be happy to entertain it.

Mr. Hester agreed that the suggested protections will provide the necessary latitude.

Mr. Kralios said that the stronger tools to review applications but it also provides prospective applicants a better understanding of what they are going to be asked to provide.

**030216.5**      **REPORT OF THE CHAIR:** Ryan Hester, Chair

**030216.6**      **STAFF REPORT:** Genna Nashem

Genna Nashem  
Pioneer Square Preservation Board Coordinator  
206.684.0227