



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 324/19

MINUTES for Wednesday November 6, 2019

Board Members

Lynda Collie
Kianoush Curran
Alise Kuwahara Day
Brendan Donckers
Carol O'Donnell
Audrey Hoyt
Alex Rolluda, Chair

Staff

Genna Nashem
Melinda Bloom

Absent

Adam Alsobrook, Vice Chair
Felicia Salcedo

Chair Alex Rolluda called the meeting to order at 9:00 a.m.

110619.1 APPROVAL OF MINUTES:

August 7, 2019

MM/SC/AH/AK 5:0:2 Minutes approved. Mmes. Collie and O'Donnell abstained.

Mr. Donckers arrived at 9:02 am.

110619.2 APPLICATIONS FOR CERTIFICATES OF APPROVAL

110619.21 Streets and sidewalk

Near 542 1st Ave S

Installation of conduit and vault and restoration of street and sidewalk

Bill Folks, ATT, explained they are installing a new 4 inch conduit to the building and will repair the sidewalk.

ARC report: Ms. Kuwahara Day reported that ARC reviewed the plans and photos provided and thought that the sidewalk repair complied with the District Rules and did not disturb historic materials. The bike rack will be removed and reinstalled in this location. ARC recommended approval.

Staff report: There are no areaways in this location. Typically, the Lamp Black is not used today but it is an equivalent dye.

Public Comment: There was no public comment.

Board Discussion:

Mr. Rolluda said there is no impact to historic materials and all work is underground. He said he had no issue with what was proposed.

Mr. Folks said they had no start date yet but will set it as soon as they have permit; start will likely be in 2020.

Action: I move to recommend granting a Certificate of Approval Installation of conduit and vault and restoration of street and sidewalk.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the *November 6, 2019* 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

- A. Street Paving. Streets within the District are to be paved according to standard Engineering Department practices with a weaving coat of asphalt concrete.

- B. Curbs. Where granite curbing presently exists, it will be the required replacement material. In other instances, the same concrete and lampblack mixture used for the sidewalk will be used.

XVII. SIDEWALK TREATMENT

A. Standards

Sidewalk paving and improvements shall be completed with one-pound lamp-black per cubic yard of concrete, scored at two-foot intervals. This material shall be used for all projects of 1/4 block or greater size. On small projects, if it is feasible, sidewalk material may be selected as for all projects of 1/4 block or

greater size. On small projects, if it is feasible, sidewalk material may be selected to match adjacent sidewalks in color, pattern and texture.

Secretary of Interior's Standards

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

9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

MM/SC/CO/KC 8:0:0 Motion carried.

110619.11

Corona Building

Legacy Group
608 2nd Ave

Installation of signage and painting cross bracing

Jaclyn Cochran, Legacy Interiors, proposed interior vinyl decals on window: text, logo for transom, and hours. She said lettering is less than 10". The support beams will be painted the company logo color similar to how their neighbors painted their beams to match their logo. She said the Vermillion red matches their logo.

ARC report: Ms. Kuwahara Day reported that ARC reviewed the plans and samples provided. ARC thought that the signage complied with the Rules for letter size but were considering if there was over-proliferation of signage. They discussed that there was signage in the transoms above and repeated in the signage in the transom above the door. However, ARC noted that the signage above the door was in a recessed entry. It was suggested that the applicant provide an additional copy of the signage without the letter size notated in case that notation made the appearance seem cluttered. ARC thought there was transparency. ARC thought the proposed color for the cross beams was bright and suggested exploring either matching the red of the beams in the neighboring storefront or using a more subdued color of red in their proposed signage. The applicant agreed. ARC did not make a recommendation pending the additional information requested.

Staff report: Ms. Nashem said the letter height complies with the regulations. The Board will need to make a determination about proliferation. It is common for storefronts to have a band at the base with signage. The neighbor storefront was approved to paint their cross beams in red. There are a variety of colors of cross beams in the District include green, white and black and leaving the steel natural.

Public Comment: There was no public comment.

Mr. Rolluda said the actual color is Vermillion of which Aztec Red is a gradient; 'Group' will be in the gradient.

Ms. O'Donnell said what is proposed works collaboratively and complies with the guidelines. She said she appreciated the complete sign package but that it borders on proliferation. She was OK with what was proposed with the caveat there will be no additional signage.

Mr. Rolluda asked if the blade sign is theirs.

Ms. Cochran said it belongs to a neighbor and they don't propose a blade sign.

Mr. Rolluda said what is proposed meets the guidelines and he supported the brace color; he noted the adjacent firm did the same. He said what is proposed works as a full package with no more signage.

Mr. Donckers asked if any neighbors have 10" letters on top.

Ms. Cochran said they are the only two firms there; the other firm doesn't have 10" letters on top but has a blade sign. She said the Corona Building has a sign.

Mr. Donckers said it is a close call and that it is a lot of signage for a small space.

Ms. Curran asked the white bands shown on photo image.

Ms. Cochran said they could remove those – they were trying to match building detail for a cleaner look.

Ms. Hoyt said it is OK as it is, but this is the maximum signage.

Mr. Rolluda concurred.

Ms. O'Donnell asked if an A-board is included.

Ms. Cochran said no; they see clients by appointment only. She said it is a showroom / gallery setting.

Ms. Curran supported the proposal as long as there is no more; any further signage would be denied.

Action: I move to recommend granting a Certificate of Approval for installation of signage and painting the cross bracing.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the *November 6, 2019* public meeting and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC 23.66.030 Certificates of Approval required

SMC 23.66.160 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;
- 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

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.

The following architectural elements are typical throughout the District and will be used by the Board in the evaluation of requests for design approval:

- C. 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)

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)

A. Transparency Regulations

1. To provide street level interest that enhances the pedestrian environment and promotes public safety, street level uses shall have highly visible linkages with the street. Windows at street level shall permit visibility into the business, and visibility shall not be obscured by tinting, frosting, etching, window coverings including but not limited to window film, draperies, shades, or screens, extensive signage, or other means. (8/93, 7/99, 7/03)
2. Window darkening and/or reflective film in ground or upper floor windows on primary building facades is not permitted. (8/93, 7/99, 7/03)

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. Sign bands. A sign band is an area located on some buildings in the zone above storefront windows and below second floor windows designed to display signage. (7/99) Letter size in sign bands shall be permitted to a maximum of 12 inches. Letters shall be painted or applied and shall not be neon. (12/94)

Secretary of Interior's Standards 9 and 10

MM/SC/KC/AH 8:0:0 Motion carried.

110619.21

Squire Building

On the Field
901 B Occidental Ave S

Installation of wall sign on the south façade - Verizon

Corey Shumway, On the Field Signs, said there are two signs they have been managing for a while; these signs have been there for decades. They are legal permitted signs and have been operated as such. He said that previously accounts like Apple, T-Mobile, and Verizon and Pepsi have had signs approved. He said they have two designs being proposed for approval that he thinks are congruent with District Rules for Pioneer Square. The south-facing sign for Pepsi has been taken down. The north face of the current display has been previously approved under Verizon. The south facing design is designed in the same spirit and color and context as the north face; they look very similar. He said the only difference between the two displays that we're presenting is the custom Pioneer Square background photo. They look very similar in appearance. The north-facing display says 'Best where it

matters'; Verizon wants to change that to 'Best in Seattle". He said they were able to work with Verizon to remove any references to the trademark. He thought the two copies they are presenting are in spirit of previous approvals and the colors same, style same, removed disclaimer verbiage that was of concern to the board. So they are seeking board approval for both.

Ken Kataroff, Schwabe Wyatt stated that Aaron Laing from his office spoke with ARC last week and sent letter the board (in DON file). He said he had additional information. He explained that he has been in Bend Oregon since 2011. He is telling that only because he worked mostly in Central Oregon. He said he worked on historic nominations of canals. He said he values what the board does when looking at what is historic and what is not, and what is integrity. He thought that the Board might be mistaken as to what property the sign is on. He said the agenda lists the correct address but list the building as the Squire building rather than Squire Center Building. He said there is another building that is called the Squire building at 317 1st Ave S that is a contributing resource in the National Register Nomination and that the Squire Center Building is not listed in the National Register Nomination. Although it is part of the Pioneer Square District it is not identified in National Register or anywhere else as having anything of particular value or contribution to the district. He said he wanted to clarify that for the record because he said he thinks it is important when starting to talk about what we are actually doing here.

Mr. Donckers said that whether it is a contributing building to the National Register District or not, is irrelevant to the determination of whether it is on or off premises.

Mr. Kataroff said that is correct. He said but also irrelevant to whether it is in the district or not or is the definition of on or off premise signage. He said there is only two definitions in the Municipal Code of Seattle for what is a sign: either an on-premise or an off-premise. Everything including building identification signs still have to qualified as on-premise sign.

Ms. O'Donnell said it was her understanding that when the sign was grandfathered as an on-premise sign; no changes are permitted to that signage in terms of size and it must continue to be on-premise sign.

Mr. Kataroff said correct. Regarding what actually defines an on-premise sign he said he thought there were some potential confusion about what meets the Code. He said the Code doesn't texts in terms of what is an on-premise sign except that there are goods and or services sold on the premises. He said in this case there are thousands of dollars of Verizon products that are being sold on the premises.

Ms. O'Donnell pointed out that the code says "primary" services offered.

Mr. Kataroff said the Code has never been interpreted in over twenty years of litigation on this particular provision to say it has to be primary only. For example, although this board has not been bound to previous approvals, these signs in particular as Mr. Shumway has already mentioned have been T-Mobile, Pepsi, Apple, etc., none of which have been the primary thing that was being sold in that

building. All that is required is to have a transaction for business or a good or service sold on the site.

Mr. Donckers asked if it is the applicant's position to read the term "primary" out or if they suggest it is applied in a different way.

Mr. Shumway said that his interpretation of primary is one part of primary or goods or services; it's not listed as primary product.

Mr. Kataroff said that is how it has been interpreted by both Washington State courts and federal courts.

Mr. Rolluda said that actually the language is "principal" services not "primary".

Mr. Shumway said it elaborates that it is a number of different things.

Mr. Kataroff said principal services rendered, goods sold on the premise, name of the business, name of the person etc. etc. etc. How this Code has always been applied with regard to these particular signs is as long as there is a business transaction happens on premises it qualifies as an on-premise sign. He said that Mr. Laing last week mentioned the stadium sign; there were questions about whether or not those are different kinds of signs. He said that they still had to be qualified as an on-premises sign. He said he included one piece of the Qwest Field original approval applicant for those signs to the extent you may care with regard to what test may be in the Code and in that case, the applicant – the Stadium - amended to their Master Use to include 110 square foot retail space. He said that is it in the entire 900,000 square footprint of the stadium. The test is pretty low. And whether or not the transaction in regards to that goods or services is on the premises.

Mr. Shumway said for the duration of the Code they have been in compliance.

Mr. Kataroff said the applicant's position is the only test in the code as it has been applied ever has been applied in Washington courts and federal courts is that as long as there is a transaction is for a good or service on the premise this sign qualifies for on-premises signage. He said he had nothing further to add but would reserve some time at the end of the decision this board wants to make to make some additional comments.

ARC report: Ms. Kuwahara Day reported ARC reviewed the sign proposed. The applicant showed a photo of 6 phones available for purchase at On the Field. He said the phones are activated with prepaid Verizon Service. He said that Verizon is both goods and services. ARC indicated that they thought the sign advertised Verizon the company and not a service or good at the store. Mr. Shumway said he thought they have already received determination that the sign is an on-premise sign. The ARC asked questions such as if the staff there could troubleshoot issues with a phone, if they were an authorized Verizon dealer, and if the customer walks out of the store with Verizon service on their phone. ARC said that they were

considering what principal means and it didn't seem that Verizon service on six phones would qualify as principal service rendered.

Mr. Shumway and Pacific Outdoors, attorney Aaron Laing, Schwabe Williamson and Wyatt responded that they thought that the sign was an on-premise sign. They said that if a person was to purchase a phone it had prepaid service. They claimed the stadiums had a sign because they had a kiosk inside.

The ARC did not make a recommendation pending more information.

Staff report: Ms. Nashem said this sign was deemed in a lawsuit to be legally non-conforming as to sign size (area) and, so long as the sign remains on-premise, it can remain because the sign had been in use before the code prohibiting this size of sign was adopted. However, the size of the sign cannot expand, and cannot be relocated as the current non-conforming size. It is still required to be an on-premise sign consistent with the definition of on-premise signage below.

Definition of on-premise sign in the land use code: "Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For the purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition does not include signs located within a structure except those signs oriented so as to be visible through a window.

This proposed sign copy is similar to a revised application for the north side of the building, that application was tabled in August.

A similar design sign was approved in Dec 2017, in error, before DON consulted with SDCI, who issues sign permits and interprets the City's sign code; at that time, DON understood that filling out an application for wireless cell service at a particular location was insufficient to meet the definition of "on-premise sign" contained at SMC 23.84A.036.

The Board is not required to approve a sign as on-premise just because they have done so in the past. A replacement sign was approved in 2018 that included a large image of a phone that was sold at the store. According to the information the applicant has provided, that sign was not installed.

The SDCI sign inspector has reviewed the proposal and concluded it was a generic advertisement for Verizon that was part of their local advertising campaign. He thought nothing distinguished this sign proposal from any of Verizon's off-premises advertising/billboards around the city. Verizon is not an on-premises business establishment at 901 Occidental. There is no clear product or service displayed on that sign for the business on site (On The Field), nor is the sign proposal for a principal service rendered, goods sold or produced on the premises. Verizon is not the name of the business or name of the person, firm or corporation occupying the premises. Nor does the sign contain a noncommercial message.

The applicants' argument about the stadiums is not persuasive. I will now address some misinformation given at the ARC meeting. The stadium signs are building identification signs using generic fonts and logos created specifically for those facilities and not used for any other purpose than to identify those stadiums. Building identification meets the code definition for "Sign, on-premises". This information was shared with the applicant, when the applicant contacted the sign inspector about why those signs exist.

Because off-premise signs are prohibited, the sign must qualify as an on-premise sign in order for the Board to recommend approval. The Board should consider the commercial message of this sign. Is the advertisement for phones, a phone service or a brand or company? We know from the photos provided that there are approximately 6 phones for sale amongst a store full of sports teams merchandise. Does the Board agree that the sign is advertising phones for sale? The definition for an on-premise sign does not provide that a sign advertising a brand qualifies as on-premise signage. The sign must advertise "*the business transacted, principal services rendered, goods sold or produced on the premises.*" If the Board agrees that the sign is advertising a phone service, does selling six phones with prepaid service constitute the principal services rendered on the premises? When the code doesn't define a term then it is typical to use the dictionary definition of "principal" - first or highest in rank, importance, value, etc.; chief; foremost. In order for the Board to recommend approval of an on-premise sign, the applicant must demonstrate sufficient information to demonstrate the proposal qualifies as on-premise signage, So if the applicant is saying that they are providing a service, they need to demonstrate that the service shown on the sign is the principal service rendered at the store. Has the applicant provided the Board with any information that would lead you to understand that selling Verizon service is the principal service rendered at On the Field business establishment?

Is Verizon located in the store? Is there a Verizon employee on site? Is it listed as an Authorized Verizon retailer? Does this store primarily sell sport team items or Verizon services? How much of the store's income is from the sale of the Verizon service on the phones? Has the business owner provided any information that On the Field's first, highest ranked, most important, most valued product is selling Verizon services?

Does the sign advertise Verizon and is Verizon a tenant in the building or specifically located within On the Field; the actual business applicant?

Definition of on-premise sign in the land use code:

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For the purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition does not include signs located within a structure except those signs oriented so as to be visible through a window.

Ms. Nashem said the local preservation district code gives the board authority; the National Register District is different and that does give information when it is available but 901 Occidental is not within the National Register District boundaries so it has not been evaluated as contributing or not the National Register District. The building is within the local Pioneer Square Preservation District. Board members have to make up their minds if a building is historically significant to the district but even if it is not, the Rules and code for signage still apply to the building the same as if historically significant.

Mr. Donckers said notes discuss review by sign inspector, are any of their determinations entitled to deference or do we conduct de novo or new review.

Ms. Nashem said the Board use the same code as reviewed by the sign inspector.

Mr. Donckers said so we can take into account their review, but we are applying plain language to the facts the applicant has presented.

Ms. Nashem agreed.

Ms. O'Donnell said she visited the store on November 5, 2019. It is a large retail space with sport clothing. There was a small shelf by the front door with six phones for sale. She said she asked the salesperson if she could set up service if she bought a phone. She reported that salesperson said she would have to go to a Verizon store to set up service.

Public Comment: There was no public comment.

Mr. Shumway provided handouts. He said they asked for the email from sign department and didn't get it. He said that regarding goods and services Code interpretation, principal refers to one of many alternatives, so it is not required to be the principal service.

Ms. O'Donnell stated there is no comma there, it is principal service; it is a modifier.

Ms. Kuwahara Day said if applicant is saying advertisement is for goods sold in store then the board needs to determine if this sign appears to be advertising the phones sold in store.

Mr. Rolluda concurred.

Mr. Shumway said nowhere in the code does it say what signage looks like, whether you need an authorized agent, what the imagery needs to be on the sign....

Mr. Katzaroff interjected ... the amount of income that is required, whether they are an employee of Verizon, none of those things. It does say whether or not a good is in the store. He said the store has multiple phones; they are all connected to Verizon services people are using. You want to use an example of a good; yes it is a retail store thousands of dollars of which are devoted to Verizon products. It is our understanding that they are fully activated for use by someone who walks out that day.

Ms. O'Donnell stated she just relayed what the salesperson told her.

Mr. Rolluda said the photo they just showed of a Verizon store was an example of where Verizon service would be the principle service offered.

Mr. Katzaroff said the point Mr. Shumway made was this is closer to national advertising campaign. He said they are modifying to use a unique piece of art being used by Verizon. He said it is an overlay of Pioneer Square picture of people using phones. He said it is not part of a national ad campaign; it is not just Verizon's logo. He said it is distinguished for this particular location.

Mr. Donckers asked where the Pioneer Square image referred to is.

Mr. Katzaroff said the picture is from the historic district.

Mr. Donckers and Ms. O'Donnell said it is not a picture of Pioneer Square.

Mr. Donckers said the question before the board is whether the advertisement to a reasonable person seems to be suggesting phones are for sale. He said one of the things that is a little concerning to him is getting a letter with legal analysis the day of this consideration. It would have been welcome prior to so we could have an opportunity to look at it. He said the cases cited are not provided for them to take a quick look at. He said he was skeptical if they have any direct application to fact and without review of those he would certainly want the City to have an opportunity to

look at that to the extent that they were relevant. He said he is suspicious about that. He said also missing is the on-premises sign definition and what is specifically excluded. He read from the land use code, "for purposes of this definition "business transacted, principal services rendered, goods sold or produced on the premises" does not include...sub b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered'. He said he is skeptical this gives support to the on-site premises analysis by applicant.

Ms. O'Donnell agreed. She said in order to qualify as an on-premises sign for a product for sale the sign would need to show the product for sale and she recalled reviewing applications in the past that actually featured the phone for sale.

Ms. Hoyt asked how long phones with Verizon service have been available.

Mr. Shumway said for the duration of this client campaign for sure. Prior to that was T-Mobile which was approved by the board.

Ms. Hoyt asked the number of phones sold.

Mr. Shumway said that is not his part of it; he just works on the signage.

Mr. Donckers said he thought he heard that six phones are available.

Ms. Nashem said that is what they said previously.

Ms. Price wondered if we can base it on the number of transactions because the term principal applies to services rendered not goods available.

Mr. Rolluda said that goes to his question, is Verizon located in the store? Is a Verizon employee on site for service?

Mr. Shumway said no and asked where the code would require that.

Mr. Rolluda said it goes to determining if it is a principal service. He said these are just questions he would like answered. Is it listed as an authorized Verizon retailer?

Mr. Katzaroff said they sell Verizon products; it sells Verizon-branded products worth thousands of dollars in that store and our Verizon products. There is no text in Code that says there has to be a Verizon employee inside just like there is no text for Nike to say there has to be a Nike employee there if we happen to come with a Nike ad. It is simply not part of the definition of the Code.

Mr. Rolluda asked if the store sells as variety of products or Verizon services

Mr. Katzaroff said it is a retail store; it sells a variety of products.

Mr. Rolluda asked what the primary product is; is it six phones? Seven phones? With the rest sporting goods? He said in his opinion that would be the primary business.

Mr. Katzaroff said beverages other sundries.

Ms. Kuwahara Day said it doesn't seem that the principal is attached to goods sold. She said is attached only to the service rendered. She asked the applicant they were make the case that a service is rendered or good sold.

Mr. Katzaroff said he thought it met both. He said business transacted is people purchasing phones – Verizon branded and locked phones that also then use Verizon's network. He said he thought it met both prongs of that definition.

Ms. Kuwahara Day: if true, do people actually go there to buy a phone or are they just available?

Ms. Hoyt said what she was trying to get at was she thought the intention of on-premise signage Code was to differentiate something that was a sign with information that relates to what is happening in the business versus advertisement. She said that she did not think that the code intended that anything could be put in in a store and hope for it to be a qualifier for a advertisement which she thought was the applicants definition. She said her opinion was the sign proposed is a direct advertisement for brand of a company, not for any sort of product.

Ms. Kuwarhara Day said that the applicant seems to be pointing to fact that some there are some phones in the image on the sign. She said if they were to focus on the "goods sold" part of the code to meet the definition of on-premises sign, she said it would be hard for anyone to discern looking at the sign that there phone in the image. She said even enlarged it is hard to tell it is phone, or discern it is a Verizon phone.

Mr. Shumway said like Nike, Verizon is a globally recognized brand recognized for both phones and service. He said like Nike a store that carries their product among other shoes might want to launch an new product and advertise the Nike image or logo. He said Verizon is recognized as a phone and service company. He said if you go to Walmart or Target you can buy almost any type phone and service including prepaid and preprogramed phones. In order to run them long term one would have to go to a Verizon to get them activated long-term. He said their position is this is about a new product scope that they are carrying that they are making folks aware they are carrying in their store. He said that on-premises doesn't determine what percentage of their business that has to be just that it is part of the product scope.

Ms. O'Donnell said the board is bound by on-premises definition in the Land Code. She said she felt it is an advertisement for Verizon rather than phones.

Mr. Rolluda said that for him the applicant has not demonstrated it is the principal service rendered in the space. He said because of that he could not recommend approval.

Ms. Collie said looking at the definition it is not principal services. It gets back to the goods available for sale. Six - Seven phones available on site. She said she didn't see how that links to this sign because the advertisement is for brand or company but not for phone. She said that does not connect her to how this becomes on premises signage given the phone or phones available at this site. She said she sees advertisement for a brand but not a phone; she sees a skateboarder but not the phones that were for sale.

Mr. Shumway said that is why he handed out the photo of the Verizon stores. He said you want in and there is a huge selection of phones.

Ms. Collie said this location is not a Verizon store. She said if she was walking by, she would think there should be a Verizon store there. She said it is not a principal service at his location. Yes, there are seven phones for sale, but she said she didn't know how that is conveyed in the sign for a reasonable person walking down the street to see that message in the signage.

Ms. Hoyt said if the store was Verizon retailer, she could see the brand message would be tied to that, but this is a sporting goods store and the sign lacks that connection to a good being sold there.

Ms. Kuwahara Day said she agreed with Ms. Collie. She said if the sign advertised Verizon phones that would more directly speak to the goods being offered for sale in the store.

Ms. O'Donnell agreed.

Ms. Price agreed.

Ms. Curran agreed.

Mr. Donckers pointed out 'sub b)' where it appears to contemplate the scenario where you are using the phone or another device to allow the product or good in question and is specifically excluded from all of the terms... "access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered..." That along with the comments others have made; he said he is not satisfied this proposal qualifies.

Ms. Salcedo arrived at 9:55 am

Mr. Rolluda offered the applicant an opportunity to make comments prior to the vote.

Mr. Katzaroff said in regards to the question about the sub part b definition, it is his understanding that the sign department has to satisfy companies like Amazon. He said that was the goal of that. That section still allows that there are goods being

sold on the premises. In this case we do. Getting to the point to have this letter potentially in advance he said he would say here there have been a number of due process issues that have been implicated. He said that staff has failed to provide them with the question asked to the sign department or the correspondence she read to the ARC committee last week. He said they have a number of questions as to what is happening from an internal staff perspective that raise some due process issues. He said this particular sign has been litigated all the way through the 9th Circuit before and the outcome of that is that on-premise sign was allowed for a company that had no products on premise. He said in this case we have a proposal for Verizon who sells thousands of dollars of goods in a store that sells other kinds of goods. He said there are not other additional tests in the Code and to the extent that they have to look at some of the other record issues and how long it has taken for this application to be processed, half of this board's terms have expired could potentially mean any decision this board makes is outside the scope and powers granted to it because you can't have a quorum. He said he is confused as to what is going on here.

Mr. Rolluda said thank you and asked if there were further board comments.

Mr. Donckers said to take the vote. He asked if both north and south application could be done together.

Ms. Nashem suggested separate motions. Specify north and south. She said to refer to building as Squire Center Building.

Action: I move to recommend denying a Certificate of Approval for installation of a sign on the south façade that does not comply with the definition of on-premise signage. *The proposal is not for a sign used solely by On the Field that displays a commercial messages that is strictly applicable only to a use of the premises on which it is located, because the sign does not indicate the business transacted, principal services rendered, goods sold or produced on the premises.* There is no clear product or service displayed on that sign for the business on that site (On The Field), applicant has not demonstrated Verizon cellular service is available on site, let alone that it is the principal service rendered on site, nor is the proposal of a good sold or produced on the premises, for the name of the business or name of the person, firm or corporation occupying the premises, and it does not contain a non-commercial messages, as outlined in our Land Use Code [definition](#) for "Sign, on-premises" *The Board directs staff to prepare a written recommendation of denial based on considering the application submittal and Board discussion at the November 6, 2019 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;

"Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For the purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition does not include signs located within a structure except those signs oriented so as to be visible through a window.

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

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)

- 8. Wall Signs. The Board recommends that wall signs be painted on a wood or metal backing and attached in such a manner that the building surface is not damaged. Colors and graphics of wall signs shall be compatible with the character of the District, and letter sizes shall be appropriately scaled to fit the overall design and dimensions of the sign. (7/99, 7/03)

Secretary of Interior's Standards 5

Including all comments made by board and applicants today

MM/SC/BD/CO 8:0:1 Motion carried. Ms. Salcedo abstained

110619.21

Squire Building

On the Field

901 B Occidental Ave S

Installation of wall sign on the north façade - Verizon

Included with discussion of south façade sign.

ARC report: The Board reviewed a similar application at the July 31st ARC and Aug 7th full Board meeting. The Board and ARC had concerns that the sign did not meet the definition of an on-premise sign, noting that what is advertised on the sign has to be for sale at the store. The Board and ARC thought that the addition of a disclaimer statement that referred to other trademarked companies was even more off-premise advertising.

Staff report: The applicant has requested to only have this sign copy change reviewed at the Full Board meeting and has waived the opportunity for ARC feedback at the October 30th ARC meeting. However, the ARC did discuss the sign on the south façade at that meeting and the discussion would apply to this similar sign on the north façade.

This sign was deemed in a lawsuit to be legally non-conforming as to sign size (area) and, so long as the sign remains on-premise, it can remain because the sign had been in use before the code prohibiting this size of sign was adopted. However, the size of the sign cannot expand, and cannot be relocated as the current non-conforming size. It is still required to be an on-premise sign consistent with the definition of on-premise signage below.

Definition of on-premise sign in the land use code: "Sign, on-premises" means a sign or sign device used solely by a business establishment on the lot where the sign is located that displays either: (1) commercial messages that are strictly applicable only to a use of the premises on which it is located, including signs or sign devices indicating the business transacted, principal services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises; or (2) noncommercial messages. For the purposes of this definition, "business transacted, principal services rendered, goods sold or produced on the premises" does not include: (a) the sale or donation of a gift card, gift certificate, coupon or other document that can be exchanged in part or whole for an item or good that is not directly sold or produced or a service rendered where the gift card, gift certificate, coupon or other document is sold or donated; or (b) access by phone, computer or any other device to allow a person to obtain an item or good that is not directly sold or produced or a service rendered where the access by phone, computer or other device is offered. This definition does not include signs located within a structure except those signs oriented so as to be visible through a window.

This proposed sign copy is similar to a revised application for the north side of the building from a sign application that was tabled in August. However, it does not contain the disclaimer language that was also a concern at the last review.

A similar design sign was approved in Dec 2017, in error, before DON consulted with SDCl, who issues sign permits and interprets the City's sign code; at that time, DON understood that filling out an application for wireless cell service at a particular location was insufficient to meet the definition of "on-premise sign" contained at SMC 23.84A.036.

The Board is not required to approve a sign as on-premise just because they have done so in the past. A replacement sign was approved in 2018 that included a large image of a phone that was sold at the store. According to the information the applicant has provided, that sign was not installed.

The SDCl sign inspector has reviewed the proposal and concluded it was a generic advertisement for Verizon that was part of their local advertising campaign. He thought nothing distinguished this sign proposal from any of Verizon's off-premises advertising/billboards around the City. Verizon is not an on-premises business establishment at 901 Occidental. There is no clear product or service displayed on that sign for the business on site (On The Field), nor is the sign proposal for a principal service rendered, goods sold or produced on the premises. Verizon is not the name of the business or name of the person, firm or corporation occupying the premises. Nor does the sign contain a noncommercial message.

The applicants' argument made at the Oct 30 ARC review of the south facing wall sign proposal about the stadiums is not persuasive. I will now address some misinformation given at the ARC meeting. The stadium signs are building identification signs using generic fonts and logos created specifically for those facilities and not used for any other purpose than to identify those stadiums. Building identification meets the code definition for "Sign, on-premises". This information was shared with the applicant, when the applicant contacted the sign inspector about why those signs exist.

Because off-premise signs are prohibited, the sign must qualify as an on-premise sign in order for the Board to recommend approval. The Board should consider the commercial message of this sign. Is the advertisement for phones, a phone service or a brand or company? We know from the photos provided that there are approximately 6 phones for sale amongst a store full of sports team merchandise. Does the Board agree that the sign is advertising phones for sale? The definition for an on-premise sign does not provide that a sign advertising a brand qualifies as on-premise signage. The sign must advertise "*the business transacted, principal services rendered, goods sold or produced on the premises.*" If the Board agrees that the sign is advertising a phone service, does selling six phones with prepaid service constitute the principal services rendered on the premises? When the code doesn't define a term then it is typical to use the dictionary definition of "principal" - first or highest in rank, importance, value, etc.; chief; foremost. In order for the Board to

recommend approval of an on-premise sign, the applicant must demonstrate sufficient information to demonstrate the proposal qualifies as on-premise signage, So if the applicant is saying that they are providing a service, they need to demonstrate that the service shown on the sign is the principal service rendered at the store. Has the applicant provided the Board with any information that would lead you to understand that selling Verizon service is the principal service rendered at On the Field business establishment?

Is Verizon located in the store? Is there a Verizon employee on site? Is it listed as an Authorized Verizon retailer? Does this store primarily sell sport team items or Verizon services? How much of the store's income is from the sale of the Verizon service on the phones? Has the business owner provided any information that On the Field's first, highest ranked, most important, most valued product is selling Verizon services?

Does the sign advertise Verizon and is Verizon a tenant in the building or specifically located within On the Field; the actual business applicant?

Definition of on-premise sign in the land use code:

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Action: I move to recommend denying a Certificate of Approval for installation of a sign on the north façade that does not comply with the definition of on-premise signage. The proposal is not for a sign used solely by On the Field that displays a commercial messages that is strictly applicable only to a use of the premises on which it is located, because the sign does not indicate the business transacted, principal services rendered, goods sold or produced on the premises. There is no clear product or service displayed on that sign for the business on that site (On The Field), applicant has not demonstrated Verizon cellular service is available on site, let alone that it is the principal service rendered on site, nor is the proposal of a good sold or produced on the premises, for the name of the business or name of the person, firm or corporation occupying the premises, and it does not contain a non-commercial messages, as outlined in our Land Use Code [definition](#) for "Sign, on-premises" The Board directs staff to prepare a written recommendation of denial based on considering the application submittal and Board discussion at the November 6, 2019

public meeting and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

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character of the District, and letter sizes shall be appropriately scaled to fit the overall design and dimensions of the sign. (7/99, 7/03)

Secretary of Interior's Standards 5

MM/SC/BD/AH 8:0:1 Motion carried. Ms. Salcedo abstained.

Mr. Katzaroff asked if the Secretary of Interior Standards apply or not if building is not part of National Register?

Ms. Nashem said yes; because if it is in the local preservation district.

110619.21 60 Yesler Way

Final design for new construction of a 100-foot, 10-story hotel, with streetscape improvements, and signage. Departures are requested.

Uses:

Hotel - floors 2-10

Eating and drinking - 2,391 square feet on ground level

Hotel lobby 2,405 square feet on ground level

Remaining ground floor is hotel back of house and utilities

Materials will be grey brick, metal window, spandrel glass and metal canopies

Case Creal provided information on public engagement / outreach which included residents, businesses, and groups throughout the district. He provided context of the site and noted its encumbrances. He said the site is an awkward shape, one portion of the land is not controlled, and the site is cantilevered over a tunnel. He said the looked toward a warehouse typology and the hotel function is well-suited to the space. The building expresses its function. He said there will be a 10' setback along Alaskan Way to get glazing and 5' set in further at ground for street front connection. He said there will be entries on both Western and Alaskan with the one on Western being double height space that will house check in, bar and café. He said back of house will be housed on first floor. There will be only one type of guest room, no suites. He proposed a lot of art.

He said Seattle City Light vault, gas meter, and building exhaust are on Western Avenue elevation; the rest is left transparent and a second entry and canopy were added to that side. He said there will be a large artwork on exterior elevation that will signal to entry. He explained the façade development and articulation and cornicing, soldier coursing used for texture. They did studies with views of stepbacks to minimize impacts of screening on rooftop penthouse. He proposed a dark ironspot brick; 50% in velour texture, 50% in smooth texture. Signage is a 4' x 4' tombstone, recessed on property and one on corner of Alaskan Way and Yesler.

Departures requested:

- Discussed street level uses; they are over the allowable 3000 square feet. Front of house is below 3000 square feet. The back of house is 4800 square feet because of encumbrances. Visible area through glazing is below 3000 square feet.
- Setback for technical room on roof is at 25', closer than the 30' allowed; room is 13' high.
- Eliminate two loading berths. Street level use on Western is 50% mechanical uses.
- Space on Western and Yesler elevation is a placeholder for art; art process is ongoing, and artist has been identified.

Mr. Rolluda asked about street level uses and the restaurant space.

Mr. Creal said the restaurant is just under 2400 square feet, including pantry portion.

Mr. Rolluda asked for clarification on departure requested for roof penthouse.

Mr. Creal said it is 25' from edge of building to the enclosure; on the Alaskan side it is set back 10'. He said they are at the property line and because it is so open the board asked them to study visibility.

ARC report: Ms. Kuwahara Day reported that ARC reviewed the plans, renderings and samples provided. ARC requested that the applicant present the overview of the project first and then go over the departures and to provide more thorough information on the departures.

The applicant provided an update on the process for selecting art for the blank wall and said they would be back for that approval soon. They reminded the Board that they agreed that they would consider the application of the art separately but that any approval of the building would be conditioned on there being art proposed for the blank wall. They revised the departures requested. The ARC noted that they needed to provide a rendering that accurately reflected the proposed color of the rooftop mechanical screen. The applicant said it will be dark grey to blend in with the building and make it less visible however the renderings show it in white. Therefore, the Board was not able to determine what was less visible for this departure of the set back. The applicant said they have coordinated with the Waterfront project for widening their sidewalks on Yesler Way. Pending the rooftop mechanical renderings, the ARC recommends approval.

Staff report: Ms. Nashem provided for discussion, but not limited to these points:

The applicant has briefed the Board on several times and is applying for final design now that SEPA has been published.

Height, bulk and scale. The Board should also discuss height, bulk and scale including how it compares to other buildings within a block and the specific design elements create a scale compatible to the surrounding structures and to the District. The maximum height limit on this lot is 100 feet. The applicant is proposing 100 feet for the pending application. The Board should refer to SMC 23.66.180, which relates to “Exterior building design” and the definition of “scale” at SMC 23.84A.036.

SMC 23.66.180 provides in relevant part:

To complement and enhance the historic character of the District and to retain the quality and continuity of existing buildings, the following requirements shall apply to exterior building design:

B. Scale. Exterior building facades shall be of a scale compatible with surrounding structures. Window proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the buildings in the immediate area.

SMC 23.84A.036

"Scale" means the spatial relationship among structures along a street or block front, including height, bulk and yard relationships.

Materials and colors. The Board should also discuss materials and colors of the structure. Please refer to SMC 23.66.180 and the District Rules for guidance on materials and colors.

SMC 23.66.180.A provides:

A. Materials. Unless an alternative material is approved by the Department of Neighborhoods Director following Board review and recommendation, exterior building facades shall be brick, concrete tinted a subdued or earthen color, sandstone or similar stone facing material commonly used in the District. Aluminum, painted metal, wood and other materials may be used for signs, window and door sashes and trim, and for similar purposes when approved by the Department of Neighborhoods Director as compatible with adjacent or original uses, following Board review and recommendation.

The Board should also refer to Secretary of Interior’s Standard 9 which seeks new development to be “differentiated from the old and compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment” and Preservation Brief 14 because the application involves a new building being an addition to a Historic District The article provided by the Secretary of Interior on revising Brief 14 talks about how to apply Brief 14 to new construction in a historic district.

“Another topic that is not included in the brief because it is not an addition is new construction on the site of a historic building or adjacent to a historic property. New construction as it relates to historic buildings may sometimes also be considered infill. It is reviewed in rehabilitation projects from the standpoint of how it impacts the character of the historic building and, when applicable, the historic district in which it is located. The historic property must remain predominant and its historic character must be retained. Generally the same recommendations for compatible new additions apply equally to new construction. “

Uses: The Code breaks down street level uses into preferred uses and discouraged uses. Discouraged uses can be approved if they are compatible with preferred uses; highly visible and pedestrian oriented and promotes activity of the area, and/or promote residential uses. By specifying the eating and drinking portion of the space on the plans the eating and drinking use complies with street level preferred uses. While the rest of the ground floor is lodging use over 3000 square feet making it a discouraged use, 2,405 square feet is lobby. The Board may consider that design intent that the lobby is a more common space than just a check in area if that makes the lodging use over 3000 square feet compatible with the preferred uses. In addition the Board had asked for an entrance on Western to mitigate the opaque walls at the Seattle City Light vault.

Land Use Departures. While the Board has expressed support for departures, departures are finally approved in final design. Specifically, The Board should express how departure would result in a development that better meets the requirements of this [Chapter 23.66](#), the district use and development standards, and the purpose for creating the district.

Public Comment:

Karen True, Alliance for Pioneer Square spoke in support of the project and said she appreciated the outreach done.

Pat Foley, Lake Union Partners, said he was impressed with the project and spoke in support.

Board Discussion:

Mr. Rolluda thanked the design team for the numerous briefings and noted they were helpful in the development of the project. He said the team addressed board concerns and noted the visibility of the mechanical penthouse. He said the departure related to trash pickup is necessary and the size is related to function. He appreciated the team listening to the board on creating an active corner at Western and Yesler. He noted the horizontal mullion to divide windows, and said the height, bulk and scale meet the District Rules and Code. He said the building complements the character of the neighborhood. He appreciated the options for material color and restaurant use is preferred. He supported the project.

Ms. O'Donnell concurred. She cited SOI 9 and said the building is differentiated but maintains visible characteristics of the district. She said the lot is an awkward shape and the design team has done an excellent job of fitting into the space and working with the Waterfront development. She supported the project.

Mr. Donckers said the board reviewed the project several times. The departures are reasonable due to the circumstances. He was interested in the art portion.

Ms. O'Donnell commented on the restaurant and lobby departure and said the space is all open and there is an area to sit. She said it doesn't feel like a check in area; it flows into a common area that all can use. She said approval should be conditional on artwork being installed on designated wall.

Action: I move to recommend granting a Certificate of Approval for:

Final design for new construction of a 100-foot, 10-story hotel, with streetscape improvements, and signage.

Uses:

Hotel - floors 2-10

Eating and drinking - 2,391 square feet on ground level

Hotel lobby 2,405 square feet on ground level

Remaining ground floor is hotel back of house and utilities

Materials will be grey brick, metal window, spandrel glass and metal canopies

Departures for approval of a use over 3000 square feet, modification or the setback of mechanical equipment, setbacks from the property line on the west façade and seismic setback from the neighbor building, waived loading requirements, and the reduction of street level uses along the building façade on Western are approved.

The Board directs staff to prepare a written recommendation of approval based on considering the application submittal and Board discussion at the *November 6, 2019* public meeting and forward this written recommendation to the Department of Neighborhoods Director.

Code Citations:

SMC

23.66.030 Certificates of Approval required

23.66.050 - Departure from Land Use Code requirements

A. An applicant seeking a certificate of approval for new multifamily, commercial or major institution development, that is not otherwise subject to design review pursuant to [Section 23.41.004](#), may also seek land use code departures from the Special Review Board. A Special Review Board may

recommend granting a departure where an applicant demonstrates that departure would result in a development that better meets the requirements of this [Chapter 23.66](#), the district use and development standards, and the purpose for creating the district.

23.66.100 - Creation of district, legislative findings and purpose

A. During the City of Seattle's relatively brief history, it has had little time in which to develop areas of consistent historical or architectural character. It is recognized that the Pioneer Square area of Seattle contains many of these rare attributes and consequently is an area of great historical and cultural significance. Further, the regional sports stadiums, constructed in and near the Pioneer Square area, and the traffic and activities that they generate have resulted in adverse impacts upon the social, cultural, historic and ethnic values of the Pioneer Square area. To preserve, protect, and enhance the historic character of the Pioneer Square area and the buildings therein; to return unproductive structures to useful purposes; to attract visitors to the City; to avoid a proliferation of vehicular parking and vehicular-oriented uses; to provide regulations for existing on-street and off-street parking; to stabilize existing housing, and encourage a variety of new and rehabilitated housing types for all income groups; to encourage the use of transportation modes other than the private automobile; to protect existing commercial vehicle access; to improve visual and urban relationships between existing and future buildings and structures, parking spaces and public improvements within the area; and to encourage pedestrian uses, there is established as a special review district, the Pioneer Square Preservation District. The boundaries of the District are shown on Map A for [23.66.100](#) ^[22] and on the Official Land Use Map.

23.66.120 - Permitted uses

A. All uses are permitted outright except those that are specifically prohibited by [Section 23.66.122](#) and those that are subject to special review as provided in Section 23.66.124.

23.66.122 - Prohibited uses

A. The following uses are prohibited in the Pioneer Square Preservation District as both principal and accessory uses:

1. Retail ice dispensaries;
2. Plant nurseries;
3. Frozen food lockers;
4. Animal shelters and kennels;
5. Pet daycare, except as permitted as a street-level use in subsection 23.49.180.F if an applicant elects to use added height under the provisions of [Section 23.49.180](#);

6. Automotive sales and service, except gas stations located in parking garages;
7. Marine sales and service;
8. Heavy commercial services;
9. Heavy commercial sales;
10. Adult motion picture theaters;
11. Adult panorams;
12. Bowling alleys;
13. Skating rinks;
14. Major communication utilities;
15. Advertising signs and off-premises directional signs;
16. Transportation facilities, except passenger terminals, rail transit facilities, parking garages, and streetcar maintenance bases;
17. Outdoor storage;
18. Jails;
19. Work-release centers;
20. General and heavy manufacturing uses;
21. Solid waste management;
22. Recycling uses;
23. Major marijuana activity; and
24. High-impact uses.

23.66.130 - Street-level uses

A.

1. Uses at street level in the area designated on Map B for [23.66.130](#) require the approval of the Department of Neighborhoods Director after review and recommendation by the Preservation Board.

B. Preferred Street-level Uses.

1. Preferred uses at street level must be highly visible and pedestrian oriented. Preferred street-level uses either display merchandise in a manner that contributes to the character and activity of the area, and/or promote residential uses, including but not limited to the following uses:

- a. Any of the following uses under 3,000 square feet in size: art galleries and other general sales and service uses, restaurants and other eating and drinking establishment uses, and lodging uses;

C. Discouraged Street-level Uses.

1. The following are discouraged at street level in the area designated on Map B for [23.66.130](#):

- a. Any use occupying more than 50 percent of any block front;
- b. Any of the following with gross floor area over 3,000 square feet: general sales and services uses, eating and drinking establishment uses, and lodging uses;

2. Discouraged uses may be approved by the Department of Neighborhoods Director after review and recommendation by the Preservation Board if an applicant demonstrates that the proposed use is compatible with uses preferred at street level.

23.66.140 – Height

- A. Maximum Height. Maximum structure height is regulated by [Section 23.49.178](#) Pioneer Square Mixed, structure height.
- C. Rooftop features and additions to structures
 - 1. The height limits established for the rooftop features described in this [Section 23.66.140](#) may be increased by the average height of the existing street parapet or a historically substantiated reconstructed parapet on the building on which the rooftop feature is proposed.
 - 4. Height limits for rooftop features
 - b. For existing structures, open railings, planters, clerestories, skylights, play equipment, parapets, and firewalls may extend up to 4 feet above the roof of the structure or the maximum height limit, whichever is less. For new structures, such features may extend up to 4 feet above the maximum height limit. No rooftop coverage limits apply to such features regardless of whether the structure is existing or new.
 - c. Solar collectors, excluding greenhouses, may extend up to 7 feet above the roof of the structure or the maximum height limit, whichever is less, with unlimited rooftop coverage, provided they are a minimum of 10 feet from all lot lines. For new structures, solar collectors may extend up to 7 feet above the maximum height limit, except as provided in subsection 23.66.140.C.4.j.1, and provided that they are a minimum of 10 feet from all lot lines.
 - d. The following rooftop features may extend up to 8 feet above the roof or maximum height limit, whichever is less, if they are set back a minimum of 15 feet from the street and 3 feet from an alley. They may extend up to 15 feet above the roof if set back a minimum of 30 feet from the street. A setback may not be required at common wall lines subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The combined coverage of the following listed rooftop features shall not exceed 15 percent of the roof area:
 - 1) solar collectors, excluding greenhouses;
 - 2) stair and elevator penthouses;
 - 3) mechanical equipment;
 - e. Screening of rooftop features. Measures may be taken to screen rooftop features from public view subject to review by the Preservation Board and approval by the Department of Neighborhoods Director. The amount of rooftop area enclosed by rooftop screening may exceed the maximum percentage of the combined coverage of rooftop features listed in subsection 23.66.140.C.4.d. In no circumstances shall the height of rooftop screening exceed 15 feet above the maximum height limit or height of an addition permitted according to subsection 23.66.140.C.4.i or otherwise, whichever is higher.

D. New Structures. When new structures are proposed in the District, the Preservation Board shall review the proposed height of the structure and make recommendations to the Department of Neighborhoods Director who may require design changes to assure reasonable protection of views from Kobe Terrace Park.

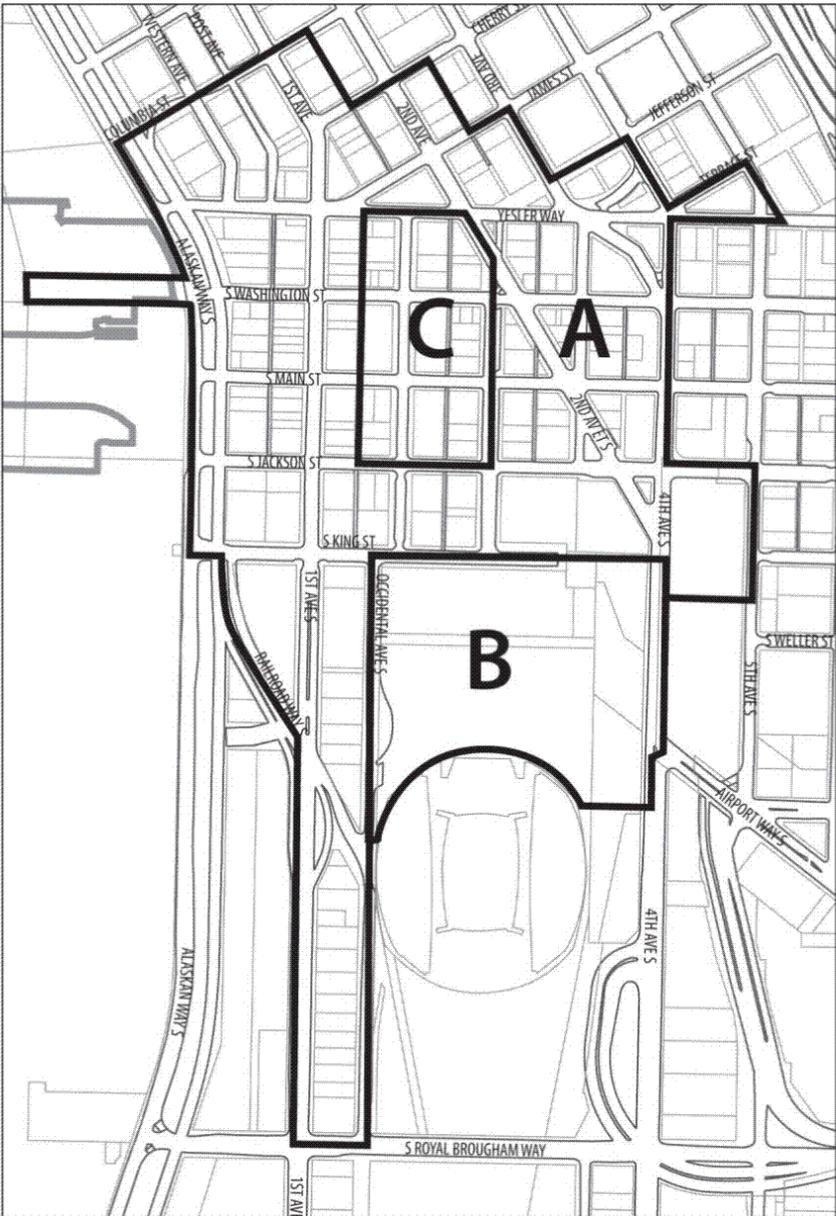
23.66.150 - Structure setbacks

A. Structures located within Subarea A on Map C for [23.66.122](#) and [23.66.150](#) shall cover the full width of the lot along street lot lines and have street-facing facades that abut street lot lines for the full width of portions of a structure that are up to 100 feet in height.

D. For all Subareas, modifications to setback standards may be permitted by the Director of Neighborhoods following review and recommendation by the Preservation Board if the following criteria are met:

1. A larger or smaller setback will be compatible with and not adversely affect the streetscape or publicly-owned open space; and
2. A larger or smaller setback will be compatible with other design elements, such as bulk, size and profile, of the proposed building.

Map C for 23.66.122 and 23.66.150



Pioneer Square

Areas for Structure Setbacks

A Subarea A

B Subarea B

C Subarea C

Map C

23.66.122 and 23.66.150

Pioneer Square

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including accuracy,
fitness or merchantability
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23.66.160 - 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:

Permanently affixed, freestanding signs (except those used to identify areas such as parks and those authorized for surface parking lots under subsection 23.66.160.C.7);

3. The Preservation Board and the Director of Neighborhoods may delegate to the Director the determination whether a proposed sign is a sign prohibited under subsection 23.66.160.A. If the Director determines a proposed sign is a sign prohibited under subsection 23.66.160.A, the Director of Neighborhoods shall not send the application to the Board and shall deny the application.

4. Each owner of an existing off-premises sign that is lawfully authorized in the District shall comply with the requirements in subsection 23.55.014.F to register the sign, pay the registration fee, and display the sign registration number, and is subject to the penalty provisions of that subsection 23.55.014.F.

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.
2. Wall signs painted on or affixed to a building shall not exceed ten percent of the total area of the façade or 240 square feet, whichever is less. Area of original building finish visible within the exterior dimensions of the sign (e.g., unpainted brick) shall not be considered when computing the sign's area.
3. Signs not attached to structures shall be compatible with adjacent structures and with the District generally.
4. When determining the appropriate size of a sign the Board and the Director of Neighborhoods shall also consider the function of the sign and the character and scale of buildings in the immediate vicinity, the character and scale of the building for which the sign is proposed, the proposed location of the sign on the building's exterior, and the total number and size of signs proposed or existing on the building.

23.66.180 - Exterior building design.

To complement and enhance the historic character of the District and to retain the quality and continuity of existing buildings, the following requirements shall apply to exterior building design:

A. Materials. Unless an alternative material is approved by the Department of Neighborhoods Director following Board review and recommendation, exterior building facades shall be brick, concrete tinted a subdued or earthen color, sandstone or similar stone facing material commonly used in the District. Aluminum, painted metal, wood and other materials may be used for signs, window and door sashes and trim, and for similar purposes when approved by the Department of Neighborhoods Director as compatible with adjacent or original uses, following Board review and recommendation.

B. Scale. Exterior building facades shall be of a scale compatible with surrounding structures. Window proportions, floor height, cornice line, street elevations and other elements of the building facades shall relate to the scale of the buildings in the immediate area.

SMC23.84A.036

"Scale" means the spatial relationship among structures along a street or block front, including height, bulk and yard relationships.

C. Awnings. Awnings shall be functional, serving as weather protection for pedestrians at street level, and shall overhang the sidewalk a minimum of five

feet (5'). Awnings may be permitted on upper floors for the purpose of climate control. All awnings shall be of a design compatible with the architecture of buildings in the area.

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)

New construction must be visually compatible with the predominant architectural styles, building materials and inherent historic character of the District. (7/99) Although new projects need not attempt to duplicate original facades, the design process ought to involve serious consideration of the typical historic building character and detail within the District.

The following architectural elements are typical throughout the District and will be used by the Board in the evaluation of requests for design approval:

- D. Site. The property line is the line of the building mass. Street facades are uniformly located at the front property lines, thus there is a strong street edge definition. Building cornices, bay windows and ornament project beyond the main wall surface of some facades.
- E. Design. Building design is generally typified by horizontal divisions which create distinctive base and cap levels. Facades may also be divided vertically by pilasters or wide piers which form repetitive window bays. Street facades are also distinguished by heavy terminal cornices and parapets, ornamental storefronts and entrance bays and repetitive window sizes and placement.
- F. Building materials. The most common facing materials are brick masonry and cut or rusticated sandstone, with limited use of terra cotta and tile. Wooden window sash, ornamental sheet metal, carved stone and wooden or cast iron storefronts are also typically used throughout the District. Synthetic stucco siding materials are generally not permitted. (7/99)
- G. 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)

- H. Building Base. Buildings are allowed a base of approximately 18-24 inches. Base materials should be concrete, sandstone, or granite, and may be poured, cut to fit or unit-paved. The color relationship between the sidewalk and building must be considered. Brick or tile materials should not be used except when existing walks are of the same material.
- G. Street Paving. Streets within the District are to be paved according to standard Engineering Department practices with a weaving coat of asphalt concrete.
- H. Curbs. Where granite curbing presently exists, it will be the required replacement material. In other instances the same concrete and lampblack mixture used for the sidewalk will be used.

VII. STREETWALLS AND SETBACKS

With the exception of the eastern edge of Occidental Avenue from South King Street to the intersection of Railroad Avenue South, upper level setbacks are discouraged and will generally not be permitted. Continuous streetwalls with little or no ground level setbacks are the historical precedent and any variation will require Board review and approval.

VIII. MECHANICAL SYSTEMS

The preferred location for mechanical systems is in the building interior. In cases where locating systems in the interior is not possible, exterior mechanical systems equipment, including but not limited to air conditioning units, compressors, boilers, generators, ductwork, louvers, wiring and pipes, shall be installed on non-primary building facades and/or roof tops. Mechanical equipment shall be installed in such a manner that character-defining features of the building are not radically changed, damaged, obscured, or destroyed. Screening and/or painting of equipment may be required to diminish negative visual impacts. (7/99)

XIV. STREET TREES AND VEGETATION

London Plane is the preferred street tree in Pioneer Square, and the required street planting in Occidental Mall, its future extension, and all north/south Avenues. Throughout the rest of the District's street right of ways, if physical site constraints preclude use of London Planes, a tree similar in habit and form may be substituted, subject to City Arborist approval. For individual small parks and spaces, a different, complementary tree may be proposed as a signature tree for that area. (7/99)

Median strips and permanent plant beds shall contain plants approved for urban conditions, combining evergreen shrubs with ground cover and, where appropriate, flowers. Hanging baskets with seasonal flowers are recommended. Given the maintenance required to keep plant material lush and full, temporary ground-level planters are not recommended. (7/99)

XVII. SIDEWALK TREATMENT

A. Standards

Sidewalk paving and improvements shall be completed with one pound lamp-black per cubic yard of concrete, scored at two-foot intervals. This material shall be used for all projects of 1/4 block or greater size. On small projects, if it is feasible, sidewalk material may be selected as for all projects of 1/4 block or greater size. On small projects, if it is feasible, sidewalk material may be selected to match adjacent sidewalks in color, pattern and texture.

XX. RULES FOR TRANSPARENCY, SIGNS, AWNINGS AND CANOPIES

E. AWNINGS AND CANOPIES

Awnings and canopies are structures attached to buildings above storefront windows and entrances to provide weather protection. Awnings are light-weight structures constructed of metal framing with fabric or vinyl covering. Canopies are heavier, more permanent structures constructed of rigid materials such as metal or metal framing with glass. (7/99) Those buildings wishing to use awnings or canopies shall adhere to the following requirements:

...

3. Canopies that are compatible in design, scale, materials, color, details, and method of attachment with the building and that do not display a false historical appearance are permitted. (7/03)

...

5. Awnings and canopies must serve a functional purpose, and therefore shall project a minimum of five (5) feet horizontally. (7/03)

Secretary of Interior's Standards

...

9. New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

Preservation Brief 14 <https://www.nps.gov/tps/how-to-preserve/briefs/14-exterior-additions.htm>

Revising Brief 14 <https://www.nps.gov/tps/how-to-preserve/revisingPB14.htm>
(See page 2, paragraphs 2 and 3)

With condition artwork be installed on designated wall.
Include a departure for non-continuous canopies.

MM/SC/CO/BD 9:0:0 Motion carried.

110619.31

Lowman and Hanford Printing and Binding/Washington Park Building

76 S Washington St

Rehabilitation of the existing building and construct a rooftop penthouse

Ms. Collie recused herself.

Matt Aalfs introduced the first briefing on building renovation with addition of penthouse. He said the façade is in good shape. A non-original mezzanine was added; parapets were removed in 1955. He provided a historic photo of the building and what they want to bring it back to. He said there is a hodge podge of windows, but the façade is in good shape. He said the new penthouse will be set back. They will keep and restore the original windows. Non-original finishes and windows will be replaced. They will remove the non-original mezzanine and restore the tall windows and store front system. He said they will re-establish the entrance on the west elevation and add a new opening for egress on the east elevation. He provided three dimensional studies showing visibility of penthouse from various perspectives.

Ms. O'Donnell asked if fire escape would be removed.

Mr. Aalfs said they propose to remove two fire escapes. He said they have not determined if they are original or not.

Mr. Donckers asked if the parapet deteriorated.

Mr. Aalfs said in 1955 it was cheaper to just remove it and it was probably because of earthquake damage. He proposed to rebuild it in brick.

Mr. Donckers said how the architectural elements play out with penthouse is important.

Mr. Aalfs said this is an opportunity for exterior visibility with large terrace; probably operable walls, overhang, and the material will likely be integral color concrete rainscreen.

Mr. Kuwahara Day asked if they will request a departure for the penthouse.

Mr. Aalfs said they have to develop a response to that. They will likely seek a departure.

Ms. Nashem said height can be adjusted by height of rebuilt parapet.

Mr. Donckers left at 11:00 am.

Mr. Rolluda asked the penthouse use.

Mr. Aalfs said it will be commercial / office. Street level will be restaurant and retail. There is a Seattle City Light vault in the basement.

Mr. Rolluda said he would like to see findings about fire escapes.

Ms. Nashem said they are probably not original, but they have been there a long time. The District Rules state that retention is important to the character of the district, especially in the alley. She said there was one case where the fire escape was retained on the alley and removed from the front of the building. Another case where both fire escapes were required to be retained.

Mr. Aalfs noted maintenance and hazards of fire escapes on a primary façade and said they want to remove the fire escape and re-establish primary entry. The other one fire escape is on Washington.

Ms. Nashem said the board reviews alterations to make it an architectural feature rather than a functional one.

Ms. O'Donnell appreciated the restoration of the windows.

Mr. Aalfs said they are in decent shape; they need some restoration, but they know how to do that.

Mr. Rolluda said the approach is good.

Ms. O'Donnell concurred. She supported departure for setback given what they are up against on the other side.

Ms. Kuwahara Day asked if they propose activation of alley façade.

Mr. Aalfs said there is an exit stair and no windows; it is the service side of the building. He said they are not increasing activation, but the building will have a high level of occupants.

Ms. O'Donnell said a photo of the alley will be useful.

110619.4 BOARD BUSINESS

110619.5 REPORT OF THE CHAIR: Alex Rolluda, Chair

110619.6 STAFF REPORT: Genna Nashem

Genna Nashem
Pioneer Square Preservation Board Coordinator
206.684.0227