

Reference #: DONH-COA-01146

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Appeal Details

Address: 2001 Western Avenue
Decision Elements: Certificate of Approval;

Interest: David Graves is the authorized representative of Seattle Parks and Recreation (SPR), a department of the City of Seattle (together, the "Applicant" or "Appellant") and applicant who applied for an amendment to an existing certificate of approval to make improvements to Victor Steinbrueck Park. Victor Steinbrueck Park is a public park, operated and maintained by Seattle Parks and Recreation which serves a very diverse population including urban Natives, unhoused individuals, Seattle residents and visitors. The park sits partially on property owned by SPR and partially as a leasehold on top of a parking garage currently owned by UNICO Properties. The park is located within the Pike Place Market Historic District. The Commission conducted a public meeting on December 14, 2023 to consider SPR's application for an amendment to the certificate of approval to permanently, rather than temporarily, remove the two totem poles from the park. During that meeting, six commissioners were opposed to the proposal and three abstained from the vote to deny the amendment request to permanently remove the two totem poles. On January 9, 2024, the Commission issued a written decision denying the application for an amendment to the Certificate of Approval to permanently, rather than temporarily, remove the two totem poles from the park (the "Decision")

Objections: The Commission denied the Appellant's application under the authority granted to it under SMC Chapter 25.24 because the application did not conform to the Pike Place Market Historical Commission's Guidelines (the "Guidelines"). In the Decision, the Commission relied on guidelines 2.12.6 and 3.6.4 to deny the application. Below is a summary of the errors committed by the Commission, but it is not intended to be an exhaustive or complete list of all errors committed. Appellant reserves its right to raise any additional legal and factual issues at the appeal hearing as appropriate. A. The Commission has broad discretion in implementing the guidelines and should have exercised that discretion when they issued the Decision. While the existing totem poles are specifically identified as "character defining features" of the park as outlined in Guideline 2.12.6 and their removal is prohibited, totem poles in general are not permanent and a pole's disintegration is recognized as a natural part of a pole's life cycle. The Guidelines for Victor Steinbrueck Park in Sec 2.12 make no allowance or accommodation for the ultimate disintegration and removal of the existing totem poles. The permanent removal of the totem poles provides an opportunity for SPR and the Commission to plan for their replacement. "[T]he Commission has discretionary powers to interpret these Guidelines as they may apply to individual applications. The Guidelines should stimulate harmonious and orderly development, while allowing gradual adjustment to varying and changing Market activities. They are intended to be of value to Historical District property owners, merchants, tenants, residents, governmental agencies and the general public regarding the use of space and physical appearance within the District." The existing totem poles were designed in the late 1970's with the intention that the park be welcoming to Native peoples. However, no thought was given to the art and customs of the local Indigenous community. Coast Salish Tribes in the Puget Sound region did not carve totem poles. Totem poles are created by British Columbia First Nations and Alaska Natives such as the Haida and Tlingit peoples. If we were designing the park today, we would ask the local Tribes to include their art and culture as way to make the park welcoming to Native peoples. The Commission should have exercised their discretionary power and allowed the permanent removal of the existing poles so SPR could work with the local Tribes and the Commission to install in their place art that is representative of the local Tribes and their culture.

Desired Relief: The Appellant requests that the Hearing Examiner reverse the Commission's Decision and direct it to issue an Amendment to the Certificate of Approval to allow the permanent, rather than temporary, removal of the two totem poles from Victor Steinbrueck Park.

Contacts

- Appellant**
Name: Seattle Parks and Recreation
Email: david.graves@seattle.gov
Phone: (206) 684-7048
Fax:
Address: 300 Elliott Avenue West Suite 100, Seattle, WA, 98119
- Authorized Representative**
Name: David Graves
Email: david.graves@seattle.gov
Phone: (206) 684-7048
Fax:

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