

GENERAL APPEAL FORM

It is not required that this form be used to file an appeal. However, whether you use the form or not, please make sure that your appeal includes all the information/responses requested in this form. An appeal, along with any required filing fee, must be received by the Office of Hearing Examiner, not later than 5:00 p.m. on the last day of the appeal period or it cannot be considered. Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.

APPELLANT INFORMATION (Person or group making appeal)

1. Appellant:

If several individuals are appealing together, list the additional names, addresses, and numbers on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate the group's name, addresses, and numbers here and identify a representative in #2 below.

Name Cederstrand Rentals LLC c/o Ken Cederstrand

Address 7621 Rainier Avenue South; Seattle, WA 98118

Phone: Work: (206) 725-5545 Home: N/A

office@cederstrandrentalsllc.com; kcederstrand25@gmail.com;

Email Address: lisabonifant@gmail.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: ☐ *U.S. Mail* ☒ *Email Attachment*

2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name Isaac Patterson, Tharsis Law PS; R. Shawn Griggs, Attorney at Law

Address 323 26th Avenue; Seattle, WA 98122

Phone: Work: (206) 445-8342; (206) 745-3805 Home: N/A

Email Address: isaac@tharsis.land; shawn@griggs-law.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: ☐ *U.S. Mail* ☒ *Email Attachment*

DECISION BEING APPEALED

1. Decision appealed (Departmental File or Reference #.): DONH-COA-02024

2. Address (if any) connected to decision being appealed:

201 South Washington Street; 800 1st Avenue South; 820 1st Avenue South

3. Type of issue/decision being appealed if known (ask for assistance if unknown):

Compliance with approval criteria for Historic Preservation Certificate of Approval

APPEAL INFORMATION

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

1. What is your interest in this appeal? (State how you are involved or affected by it)

(see attached Notice of Appeal)

2. What are your objections to the issue being appealed? (List and describe what you believe to be the errors, omissions, or other problems and issues involved.)

(see attached Notice of Appeal)

3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

(See attached Notice of Appeal)

Signature  Date April 2, 2026

Deliver or mail appeal and appeal fee to:

MAILING ADDRESS: City of Seattle
Office of Hearing Examiner
P.O. Box 94729
Seattle, WA 98124-4729

PHYSICAL ADDRESS:	SEATTLE MUNICIPAL TOWER 700 5 th Avenue, Suite 4000 40 th Floor Seattle, WA 98104
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Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).

Phone: (206) 684-0521

www.seattle.gov/examiner

BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In Re: Appeal by

CEDERSTRAND RENTALS LLC,

from the decision to approve Historic
Preservation Certificate of Approval DONH-
COA-02024 by the Director of the Seattle
Department of Neighborhoods

NOTICE OF APPEAL

Pursuant to SMC 23.66.030.E, Cederstrand Rentals, LLC, a Washington limited liability
company ("Appellant"), through the undersigned counsel of record, submits this notice of appeal.

I. APPELLANT INFORMATION

1. Appellant:

Name: Cederstrand Rentals LLC c/o Ken Cederstrand
Address: 7621 Rainier Avenue South; Seattle, WA 98118
Phone: (206) 725-5545
Email: office@cederstrandrentalsllc.com
kcederstrand25@gmail.com
lisabonifant@gmail.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: ☐ U.S. Mail ☒ Email Attachment

2. Authorized Representatives:

Name: Isaac Patterson, Tharsis Law PS
R. Shawn Griggs, Attorney at Law
Address: 323 26th Avenue; Seattle, WA 98122
130 Nickerson Street, Suite 201, Seattle, WA 98109
Phone: (206) 445-8342
(206) 745-3805
Email: isaac@tharsis.land
shawn@griggs-law.com

In what format do you wish to receive documents from the Office of Hearing Examiner?
Check One: ___ U.S. Mail X Email Attachment

II. DECISION BEING APPEALED

1. Decision appealed:

Decision of the Seattle Department of Neighborhoods (the “Department”) dated March 20, 2026, issuing Historic Preservation Certificate of Approval DONH-COA-02024 (the “Decision”). A copy of the Decision is attached to this appeal.

2. Addresses connected to the decision being appealed:

201 South Washington Street; 800 1st Avenue South; 820 1st Avenue South.

3. Elements of decision being appealed Check one or more as appropriate:

☐ Adequacy of conditions	☐ Adequacy of EIS
☐ Design Review and Departure	☐ Interpretation (See SMC
☐ Conditional Use	23.88.020)
☐ EIS not required	☐ Short Plat
☐ Major Institution Master Plan	☐ Rezone
☐ Variance (Departures)	
☒ Other (specify: <u>Compliance with approval criteria for Historic Preservation Certificate of Approval</u>)	

III. APPEAL INFORMATION

1. What is your interest in this decision (State how you are affected by it)

Appellant owns property at 820 First Avenue South, Seattle, Washington 98101 (King County Assessor Nos. 7666206630 and 7666206631), that is immediately adjacent to the situs of a public toilet construction project that is the subject of the Decision (the “Project”). Both Appellant’s property and the Project are within the Pioneer Square Preservation District (the “Preservation District”) and are subject to supplemental land use restrictions set forth in SMC 23.66.100. The Project does not comply with design requirements imposed by SMC 23.66.100 and will interfere with Appellant’s use and enjoyment of its adjacent property. Appellant is

1 therefore an interested party, as contemplated by SMC 23.66.030.E.1, and has standing to appeal
2 the Decision.

3 **2. What are your objections to the decision (List and describe what you believe to be**
4 **the errors, omissions, or other problems and issues involved.)**

5
6 The Decision is a Certificate of Approval issued by the Department that authorizes the
7 development of public toilet structures in the right of way between Appellant's property and
8 First Avenue South at South Charles Street in the Preservation District. The facilities in question
9 are Throne Labs prefabricated public restroom structures that will be installed on site and may
10 be connected directly to City electrical infrastructure. Each of the two structures proposed for
11 820 First Avenue South will have a footprint of approximately fifty-six square feet, be connected
12 by a twenty-five square foot access platform, and be accessed via a twelve square foot ramp.
13

14 Development of structures in the Preservation District is subject to supplemental land
15 use regulations articulated in SMC 23.66.100—190. The purpose of these regulations is to
16 preserve the Preservation District's historic architectural character. Consequently, SMC
17 23.66.030.A provides that no person may "alter, demolish, construct, reconstruct, restore,
18 remodel, make any visible change to the exterior appearance of any structure, or to the public
19 rights-of-way or other public spaces in a special review district" without a certificate of approval.
20 The Pioneer Square Preservation Board (the "Board") is charged with reviewing and
21 recommending approval of applications for certificates of approval in the Preservation District.
22 Ultimate approval authority for certificates of approval lies with the Director of the Department.
23
24

25 Appellant's objections to the Decision are as follows:

- 26 A. The Decision fails to address criteria of SMC 23.66.100—190, SMC 23.66.050,
27 and other standards applicable to development and uses in the Preservation
28 District.

1 The Decision fails to include a single example or assertion how the Project satisfies the
2 approval criteria articulated in SMC 23.66.100—190, SMC 23.66.050, and/or the Rules for the
3 Pioneer Square Preservation District (the “Rules”). Instead, the Decision contains (a) a
4 statement that the Board recommended approval subject to three conditions, (b) recitations of
5 Seattle Municipal Code provisions pertaining to the approval process, and (c) reference to an
6 inapplicable Preservation District guideline regarding street furniture.
7

8 The Decision’s lack of factual analysis is particularly significant because at the Board’s
9 meeting on March 18, 2026, several Board members articulated concerns that the Project does
10 not meet relevant approval criteria. The Decision contains no assertion to the contrary and fails
11 to reconcile the failure to conform to applicable standards with the requirements of SMC
12 23.66.030. Moreover, the absence of rationale in the Decision prevents meaningful review and
13 renders it arbitrary and capricious as a matter of law.
14

15 B. The Project is incompatible with applicable requirements of SMC 23.66.100—
16 190 and other standards applicable to development and uses in the Preservation
17 District.

18 The Project does not comply with the requirements of SMC 23.66.100—190 and/or the
19 Rules, and there is no lawful basis for noncompliance or otherwise excepting the Project from
20 these requirements. For example, the structures contemplated by the Project do not conform to
21 applicable restrictions on exterior building design (*see* SMC 23.66.180.A; *see also* Rule III).
22 The signs affixed to the structures are similarly non-compliant (*see* SMC 23.66.160.C.1.g). Nor
23 do the structures comply with the Rules applicable to street furniture (*see e.g.*, Rule XI). Indeed,
24 there is no provision of SMC 23.66.100—190 or the Rules with which the Project is consistent
25 (and the Decision does not assert otherwise). The Decision is therefore arbitrary and capricious
26 and should be reversed pursuant to SMC 23.66.030.E.4.
27
28

1 C. The Decision is premised on inaccurate information provided to the Board in
2 contravention of SMC 23.66.030.C.2.i.1.

3 SMC 23.66.030.C.2.i.1 requires submission of a site plan that is drawn to scale and
4 includes all dimensions and existing conditions and shows adjacent streets and buildings. That
5 same provision requires site plans that illustrate the proposed changes to the existing conditions.
6 Upon information and belief, the site plans submitted to the Board in connection with the Project
7 application contained inaccurate dimensions that materially misrepresent the proximity of the
8 proposed structures to adjacent properties. That erroneous information corrupted the Board's
9 consideration of the Project and renders the Decision voidable pursuant to SMC 23.66.030.F.
10

11 **3. Additional Procedural Requirement**

12 Appellant has reviewed the SDCI Project Portal for pending land use permits associated
13 with the Project and determined that no such permits have been applied for or are under review
14 by the Seattle Department of Construction and Inspections ("SDCI"). Prior to filing, Appellant
15 confirmed this to be the case with Seattle Department of Transportation, which is the Project
16 applicant. Nonetheless, in an abundance of caution, notice of this appeal has been provided to
17 SDCI as contemplated under SMC 23.66.030.E.1 for projects that require a permit from SDCI.
18
19

20 **IV. RELIEF REQUESTED**

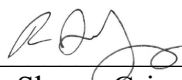
21 Appellant requests that the Hearing Examiner declare that the Decision is arbitrary and
22 capricious and should therefore be reversed in accordance with SMC 23.66.030.E.4.
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2 RESPECTFULLY SUBMITTED this 2nd day of April 2026.
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4

5 THARSIS LAW, P.S.

6 

7 By: Isaac Patterson, WSBA No. 60255

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9 

10 R. Shawn Griggs, WSBA No. 30710

11 *Attorneys for Cederstrand Rentals, LLC*
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ATTACHMENT A



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 6526

Notice of Decision Certificate of Approval

Record Number: DONH-COA 2024

Applicant: Lauren Corn SDOT

Summary of Project: Public bathrooms

Address: Application address 210 S Washington
1st Ave (1st Ave S and S Charles St)
and
2nd Ave (2nd and Washington St)

On March 18, 2026 the Pioneer Square Preservation Board recommended approval for for installation of public bathrooms (2 per location) in the public right of way as shown on the site plan for one year as a pilot program All per the applicant's submittal.

- *The rack will be image number three all per the applicant's most recent submittal.*
- *The applicant will report back to the board no later than four months from launch of the restrooms with the report to include data on the distribution and utilization of the tap cards.*
- *If bathroom facilities are considered for a long term installation beyond the pilot, the applicant must begin discussions with the board with adequate time to explore data and feedback from the pilot potential improvements and potential design improvements, but NO less than three months in advance of a desired extension or replacement.*

Public Disclosure/Disclaimer Statement

Consistent with the Public Records Act, Chapter 42.56 RCW, all records within the possession of the City may be subject to a public disclosure request and may be distributed or copied. Records include and are not limited to sign-in sheets, contracts, emails, notes, correspondence, etc. Use of lists of individuals or directory information (including address, phone or E-mail) may not be used for commercial purposes.

**Administered by The Historic Preservation Program
The Seattle Department of Neighborhoods**

The Pioneer Square Preservation Board considered the following District Rules, Seattle Municipal Codes and Secretary of the Interior's Standards when making the recommendation:

Code Citations:

Seattle Municipal Code

23.66.030 Certificates of Approval required

Certificate of approval required. No person shall alter, demolish, construct, reconstruct, restore, remodel, make any visible change to the exterior appearance of any structure, or to the public rights-of-way or other public spaces in a special review district, and no one shall remove or substantially alter any existing sign or erect or place any new sign or change the principal use of any building, or any portion of a building, structure or lot in a special review district, and no permit for such activity shall be issued unless a certificate of approval has been issued by the Department of Neighborhoods Director.

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 23.66.100¹ and on the Official Land Use Map.

23.66.180 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.

Rules for the Pioneer Square Preservation District

XI. Street Furniture

The cast iron and wood benches located in Pioneer Place Park and Occidental Park are the standard for the District. Approval to install benches will be determined by need and availability. All other elements of street furniture will be reviewed by the Board as to their specific compatibility within the Preservation District. This review will be extended to all bus shelters, bollards, signal boxes, mailboxes, pay phones, trash receptacles, newspaper stands, and vending carts which are both permanent and mobile. Pay phones, mail boxes, trash receptacles, and newspaper stands shall be located in the sidewalk zone adjacent to the curb, in line with street trees and light standards to reduce impediments to pedestrian flow and to avoid obscuring visibility into street level retail storefronts. (7/99, 7/03)

Quynh Pham, Director
Department of Neighborhoods

Decision Issued: March 20, 2026



Genna Nashem
Pioneer Square Preservation Board Coordinator

Cc:

Lauren Corn, SDOT

Eric Tweit, SDOT

Maureen Elenga, Chair

File

IMPORTANT INFORMATION FOR ISSUANCE OF YOUR CERTIFICATE OF APPROVAL:

Work must occur exactly according to approved plans and specifications. ANY revisions, omissions and/or additions to plans and specifications must be reviewed and approved by the Preservation Board prior to implementation.

EXPIRATION OF CERTIFICATES OF APPROVAL

Certificates of Approval shall expire eighteen months from the date of issuance unless the Department of Neighborhoods Director determines that extenuating circumstances justify extension of the expiration date.

APPEAL PROCEDURE

The appealable decision on your Certificate of Approval application has now been published. At the conclusion of the appeal period, your Certificate of Approval will be issued, and you will be notified at that time.

Any interested person may appeal the above decision to the City Hearing Examiner. The appeal and a copy of this decision must be filed with the Hearing Examiner, PO Box 94729, Seattle Municipal Tower, 700 5th Ave., Suite 4000, Seattle, WA, 98124-4729, before 5:00 p.m. on the fourteenth (14th) day following the date of issuance of this certificate, and must be accompanied

by a \$85.00 filing fee in the form of a check payable to the City Treasurer. Appeals must be in writing and must clearly state objections to the decision.

A copy of the appeal shall also be served upon the Department of Neighborhoods Director, PO Box 94649, Seattle City Hall, 600 4th Ave. 4th floor, Seattle, WA 98124-4649.

Questions regarding the issuance and expiration of your Certificate of Approval may be addressed to the Board Coordinator, Genna Nashem, genna.nashem@seattle.gov and 206 684-0227