



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



March 7, 2020

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

PROPERTY: **Fisher Building, 115 South Jackson Street, Seattle, WA**
PROJECT NUMBER: **37978**

Dear [REDACTED]

I have concluded my review of your appeal of the February 14, 2019 Decision of Technical Preservation Services (TPS), National Park Service, denying certification of the rehabilitation of the property cited above. The appeal was initiated and conducted in accordance with Department of the Interior regulations [36 C.F.R. part 67] governing certifications for federal income tax incentives for historic preservation as specified in the Internal Revenue Code. I thank you, [REDACTED], for meeting with me on May 22, 2019, and for providing a detailed account of the project.

After careful review of the complete record for this project, including the materials presented as part of your appeal, and the additional photographs submitted by [REDACTED] after our appeal meeting, I have determined that the proposed rehabilitation of the Fisher Building is not consistent with the historic character of the property and that the project does not meet the Secretary of the Interior's Standards for Rehabilitation (the Standards). I hereby affirm the denial of certification of the Part 2 – Description of Rehabilitation application issued by TPS on February 14, 2019.

The Fisher Building was originally two separate buildings. The western Brawley Building was constructed in 1898, with a second story added in 1900. The eastern Simmonds Building was constructed in 1900, with a second story added in 1905. They had brick bearing walls and party wall, with each basement bisected by a row of heavy-timber posts and beams. Their original uses were for retail and warehouse spaces. Rautman Brothers Plumbing and Heating acquired both buildings in 1929 and added a unified Art Deco street façade that returns one bay on Nord Alley, replacing the original building facades and visually unifying the two buildings. The property was acquired by the Fisher Inventory Company in 1959, and most recently has been retail on the first floor and office space on the second floor. TPS determined the building to be a certified historic structure that contributes to the significance of the Pioneer Square-Skid Road National Historic District on March 5, 2018.

The proposed rehabilitation calls for the conversion of the interior into retail use on the first floor and in the basement, with residential on the second floor and in a new rooftop addition. TPS determined that the proposed work does not meet the Standards owing to 1) the proposed rooftop addition, 2) removing substantial portions of the interior structure, and 3) changing the fenestration of the west (Nord Alley) elevation to introduce new retail use, citing Standards 1, 2, 9, and 10. Standard 1 states, "*A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*" Standard 2 states, "*The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*" Standard 9 states, "*New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*" Standard 10 states, "*New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*"

In my review, I assessed the impact of the three individual denial issues TPS identified and then their cumulative impact on the historic character of the Fisher Building.

With regard to the proposed rooftop addition, it would require removing the historic roof and roof framing (which defines the historic interior spaces on the second floor), then adding a new third floor with an irregular roofline clad in metal panels. From directly across South Jackson Street, the rooftop addition would not be visible. However, when viewed from the east, across the intersection with Occidental Avenue, the trapezoidal roof form is clearly visible. And, although it is seen above a non-historic rooftop addition on the corner building next door, its metal-clad irregular form is incongruous among the surrounding historic buildings in the district. When viewed from Jackson Street, and from various points along Nord Alley above the proposed new retail entrances, the addition's roofline has a sawtooth appearance because of the diagonally-cut balconies of the rooftop residential units. This design sharply contrasts with the straight rooflines of adjacent buildings in the district. I have determined that, although the rooftop addition is minimally visible when viewed from directly across the street, it is substantially visible from other important nearby viewpoints. This does not meet the Standards and fails to follow TPS guidance on rooftop additions, which encourages the consideration of views from multiple critical vantage points. I have further determined that the rooftop addition's sawtooth form is not compatible with the massing and architectural features of both the Fisher Building and the other historic buildings in the district. Consequently, I find that the proposed rooftop addition contravenes Standard 9, cited above.

With regard to the Nord Alley facade, five first floor openings will be cut down to grade to accommodate new retail entrances, and three new window openings will be cut into the second floor. I have determined that the cumulative impact of cutting down window openings, and inserting new openings is substantial. In addition, the new rooftop addition will be prominently visible above the historic parapet. Further, the changes proposed to the alley façade, historically a secondary elevation, become significant when reviewed in consideration of the fact that the new uses will enliven the alley as a retail corridor. Consequently, I find that the proposed changes to the Nord Alley facade contravene Standard 2, cited above.

With regard to the cumulative impact of the demolition proposed to accommodate the new use, approximately half of the first floor of the former Brawley Building will be removed to accommodate the new basement-level retail uses entered from Nord Alley, severely compromising the original spatial characteristics of the historic first-floor retail space. Similarly, approximately one quarter of the first floor of the former Simmonds Building will be removed. On the second floor, all of the ceiling, the roof framing that defines that ceiling, and the roof will be removed, along with cutting the party wall down to

the level of the new third floor. I have determined that these demolitions will remove a significant amount of historic fabric and will substantially alter historic interior spaces. Consequently, although TPS only cited Standard 1, I find that the cumulative impact of the proposed interior demolitions contravenes Standard 2. The regulations state, “*The Chief Appeals Officer may base his decision in whole or part on matters or factors not discussed in the decision appealed from.*” [36 C.F.R. 67.10(c)].

Regarding Standard 1, I have also determined that the denial issues regarding the irregular configuration of the rooftop addition, the loss of historic fabric, the compromising of the original spatial characteristics of the historic first floor retail spaces, and the alterations to the alley façade, were all proposed in order to facilitate the new programmatic uses for the building at the expense of the building’s historic character-defining features. Thus, I concur with TPS that the proposed new uses are not compliant with Standard 1, cited above.

Finally, with regard to Standard 10, cited by TPS in the denial decision, I have determined that, although the changes to the property described above may be technically reversible, the fact that the new work incorporates necessary seismic strengthening makes returning the building to its historic, unreinforced masonry, condition an impossibility. Thus, I have determined that in this instance Standard 10 is less relevant as a denial issue than Standards 1, 2 and 9. Consequently, I have not considered Standard 10 in my review.

Although I am affirming the Part 2 denial of certification issued by TPS on February 14, 2019, please note that you have the option of submitting—through the normal process—an amendment to the Part 2 application resolving the issues that were cited in the TPS denial determination.

As the Department of the Interior regulations state, my decision is the final administrative decision with respect to the February 14, 2019 Denial that TPS issued regarding rehabilitation certification. A copy of this decision will be provided to the Internal Revenue Service. Questions concerning specific tax consequences of this decision or interpretations of the Internal Revenue Code should be addressed to the appropriate office of the Internal Revenue Service.

Sincerely,



John A. Burns, FAIA, FAPT
Chief Appeals Officer
Cultural Resources

cc: WA SHPO
IRS

