



The City of Seattle

# Pike Place Market Historical Commission

Mailing Address: PO Box 94649 Seattle WA 98124-4649  
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## MINUTES

MHC 154/09

Wednesday, September 23, 2009

4:30 p.m.

PDA Meeting Room, 85 Pike Street, Room 500

## COMMISSIONERS

Valerie Bystrom  
Spencer Howard  
Karin Link, Vice Chair  
Sara Patton, Chair  
Stephanie Pure  
Alex Rolluda  
Sharron Shinbo  
Susan Zuege

## STAFF

Heather McAuliffe  
Melinda Bloom

## Absent

Colleen Bowman  
David Guthrie  
Joanne Herron  
Donald Horn

4:30 p.m. Chair Sara Patton called the meeting to order and reminded Commissioners to report any ex parte contact or conflict of interest.

## **092309.1 APPLICATIONS FOR CERTIFICATES OF USE/DESIGN APPROVAL**

092309.11 Falafel King  
1509 First Avenue, Corner Market  
Yacob Yemane

Use: Street use/right-of-way approval and expansion of use to add a seating area with a railing, 102.5 square feet total. Design: Approval for changes to design of outdoor seating area.

Staff Report, Use: Ms. McAuliffe explained the application for street use/right-of-way approval and expansion of use to add a seating area with a railing, 102.5 square

feet total. She noted that the applicant would also like to play music in the outdoor seating area. The space is Zone 2, street level, Food a-e and Retail a-d uses permitted. Space is 225 square feet. Existing use approval: Food e – a takeout delicatessen specializing in Mediterranean foods. Business currently has approval to set out three tables with chairs adjacent to the storefront, without a railing. The outdoor seating was originally approved in 1997 per MHC142/07 for an earlier business, Kosher Deli. When Falafel King took over the space in 2005, street use approval for the same seating area was granted by the Commission, with no changes to use or design. These existing use and design approvals remain in effect now. Existing approval is seasonal – March 21-November 1. Applicant proposes to enlarge the seating area and install a railing. The seating area would increase the overall commercial area for the business to 327.5 square feet. There will be six tables and 12 chairs. The proposed location for the railing is 6’ from the building, same as approved for two sidewalk cafes north along the block, Pan Africa Market and Bayou on First. Music will be amplified, played via a small speaker during business hours, 11 a.m. to 7 p.m. Exhibits reviewed included a site plan, photos and seating plans. Guidelines that applied to this application included: 2.6, 2.8 and 2.11.

*Mr. Rolluda arrived at 4:34 p.m.*

URC Report: Ms. McAuliffe said that the Committee cited guidelines 2.6.9, 2.6.10, 2.8.1, and 2.11.4 and recommended approval with discussion of proposal to add amplification.

Yacob Yemane, owner, had no comment.

Matt Holland, PDA, supported the application saying it is a great use of the sidewalk space, promotes activity and will attract the lunch crowd.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Bystrom explained that Use Review Committee was concerned about allowing amplified music. It was arranged with the applicant to have the amplified music playing so that Commissioners could make a site visit. She said that she did a site visit and noticed that the street traffic was loud. The owner turned the music up and down and said he would keep it at 22 – 23 decibels, which she thought was okay because it didn’t impinge on adjacent shops. She explained Mr. Yemane wanted to put a small speaker outside and noted music from inside comes out anyway if the door is open. She said it is not an enormous change and doesn’t alter the character much.

Ms. Shinbo stated that being noisy is not a special circumstance and adding additional noise is not necessary.

Ms. Zuege agreed with Ms. Bystrom that there was no infringement on adjacent businesses and that because of all the traffic it is a special circumstance. She said the music added to the ambience.

Ms. Link noted that she could hardly hear the music.

Ms. Pure stated that while she did not attend the site visit she has eaten in the area and noted the high level of truck and bus noise.

Ms. Zuege cited 2.6.9 where it states that “The babble of sounds which characterize the Market is an important part of the Market,” and said she thought that using appropriate music helps contribute to the babble of sounds.

Ms. Bowman asked if this would set a precedent on First Avenue.

Ms. Patton said she did not think that there were special circumstances present that would allow amplification, adding that the babble of sounds includes buses, trucks etc. She cited Guideline 2.6.9 where it says “Applications for electronic amplification of sound in public areas will be denied except in special circumstances” and noted the use of “will be denied” unless there are special circumstances.

Mr. Rolluda asked if applicant could use different types of methods to get message across. He expressed concern with setting a precedent.

Ms. McAuliffe noted with regard to setting precedent that all decisions are made on a case by case basis; each application is looked at separately.

Ms. Pure asked what would constitute “special circumstances”.

The Commission discussed this question and whether or not the traffic noise constituted a “special circumstance.” Ms. Patton conducted a straw poll; six Commissioners indicated that they would vote in support of the application.

With regard to the seating portion of the application Ms. Link said it was straightforward.

Ms. Bystrom expressed concern about the impact of seating on the narrow passage-way.

Ms. McAuliffe recommended that the motion include a condition that the specific details on the volume (22-23 decibels) and the equipment be included. She explained that if a different sound system were to be used in the future, the applicant would need to come back for a new approval.

Ms. Bystrom made a motion to adopt a resolution approving the application as presented with the condition that the amplification be held at 22 or 23 volume





*Ms. Bystrom and Ms. Bowman left at 5:52 p.m.*

The Commission discussed the location of the elevator in the the Economy Market atrium.

Mr. Turnbull said that the placement would allow the theater to stay open, provides access to all levels, and does not go into any tenant spaces.

Ms. Patton said that some thought the Economy atrium was historically used as stable.

Paul Dunn, a community member, noted that the building was built as an office building.

Ms. McAuliffe suggested that the PDA brief the DRC with more detailed drawings.

Respectfully submitted,

Heather McAuliffe  
Commission Coordinator