



The City of Seattle

Pike Place Market Historical Commission

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

MHC 30/09

Wednesday, January 14, 2009

4:30 p.m.

PDA Meeting Room, 85 Pike Street, Room 500

COMMISSIONERS

Howard Aller, Vice Chair

Valerie Bystrom

Joanne Herron

Spencer Howard

Susan Lane

Karin Link, Chair

Sara Patton

Alex Rolluda

Sharron Shinbo

Allyn Stellmacher

Susan Zuege

STAFF

Heather McAuliffe

Melinda Bloom

ABSENT

4:34 p.m. A quorum was present and the meeting was called to order by Karin Link, Chair.

011409.1 APPLICATIONS FOR CERTIFICATES OF USE APPROVAL *

011409.11 Maximilien's Bistro

Axel Mace

81A Pike Street, LaSalle Hotel

Postponed by the landlord.

011409.12 Pike Place Gifts

Young Sun Kim

1501 Pike Place #429, Fairley Building

Application: Clarification of use: Retail business specializing in Sandoval, Pacific Northwest and Seattle themed shirts, aprons, caps and tote bags (no more than 75% of space). Balance of space to include Sandoval, Pacific Northwest and Seattle

Administered by the Historic Preservation Program Seattle Department of Neighborhoods

"Printed on Recycled Paper"

themed items such as mugs, postcards, calendars, ornaments, magnets, shot glasses, frames and licensed sports merchandise.

Staff Report: Ms. McAuliffe reviewed the relevant background: The space is in Zone 1, below street level, where Food a-e and Retail a-b uses permitted. The former use was Retail e: Retail business specializing in shirts, aprons, caps and tote bags (no more than 75% of floor space). Balance of display space to include mugs, postcards, calendars, stickers, buttons and coloring books. All posters, graphics and sculpture items shall be exclusively of Sandoval design; at least 75% of the T-shirt inventory shall be of Sandoval design and no more than 25% of the T-shirt inventory shall be of other unique design. She said the earlier use approval required that at least 75% of the T-shirt inventory be designed by Rudolph Sandoval, the original owner of the business. Mr. Sandoval is retiring and Pike Place Gifts is not able to meet the requirement in the use approval to include 75% from his design. They are therefore requesting to mix the inventory between Mr. Sandoval's and other Seattle/Pacific Northwest designers. She clarified that the use would also be Retail e. Exhibits reviewed included a site plan, existing use approval, MHC 145/06 and a letter from Rudolph Sandoval. Guidelines that applied to this application included 2.6.

URC Report: Ms. McAuliffe said the Committee cited guideline 2.6.4 and recommended approval, with discussion per Guideline 2.6.4.

Ms. Lane arrived at 4:48 p.m.

Applicant Comment:

Ms. Kim explained Mr. Sandoval has retired, so won't be providing anymore artwork. This necessitated a clarification of use.

Landlord Comment:

Matt Holland, PDA, supported the application and stated that this mainly deals with the percentages. They are not trying to get into novelty t-shirts, it is strictly as Ms. Kim described.

Public Comment: There was no public comment.

Commission Discussion:

In response to clarifying questions from the Commission, Ms. Kim explained the items they will carry and, while not specifically designed for them, the items would have a Seattle/Northwest theme.

Action: Ms. Patton made a motion to adopt a resolution approving the application as presented.

MM/SC/SP/HA 10:0:1 Motion carried. Ms. Lane abstained as she arrived late.

011409.13 Matt's in the Market
Dan Bugge
94 Pike St. #30, Corner Market

Temporary increase in business area to occupy 94 Pike St. #32 (currently vacant) as an office from January 15, 2009 to January 14, 2010.

Staff Report: Ms. McAuliffe explained the application for a temporary increase in business area to occupy 94 Pike St. #32 (currently vacant) as an office from January 15, 2009 to January 14, 2010. The space is in Zone 2, above street level, where all uses are permitted. The space has been vacant since September 2008. It was last used as a professional office for Gehl Design. New use would be Other Uses c. Matt's in the Market's existing size: 1,278 sq. feet. New office space: 685 sq. feet. Total sq. feet with addition of office space: 1,963. Exhibits reviewed included a site plan. Guidelines that applied to this application included 2.4, 2.5, 2.6, 2.7, and 2.9.

URC Report: Ms. McAuliffe said that the Committee cited guidelines 2.4, 2.5.5 c, 2.6.6, 2.6.10, 2.7.1 and 2.9, and recommended approval.

Applicant Comment:

Dan Bugge explained the need to temporarily move his office until the building changes are done.

Landlord Comment:

Matt Holland supported the application.

Public Comment:

Dale Wittner, a Market resident, asked how long the space has been vacant and if it was advertised to the public.

Mr. Holland stated they were only able to offer a nine month lease, which limits who would be interested. It was not held for Matt's.

Commission Discussion:

Ms. Patton asked if temporary uses would allow the Commission to approve this application; her interpretation of 2.6.6 is one of the guidelines that states a strong preference and includes discretion.

Ms. Herron concurred and stated they are just moving their space from one place to another as opposed to creating a new space to occupy.

Ms. Patton noted it interesting what can be done with a temporary approval and this is well within what is allowed but wanted to articulate that it is discretionary as opposed to non-discretionary.

Mr. Stellmacher clarified if this was part of the ongoing renovation plans which was why it was difficult to lock in a long term tenant.

Mr. Holland projected work to begin in that area in August.

Action: Mr. Stellmacher made a motion to adopt a resolution to approve the application as presented.

MM/SC/AS/JH 11:0:0 Motion carried.

011409.14

Pike Market Child Care and Preschool

Ellen von Wandruszka

1501 Pike Place #313, Fairley and Leland buildings

Change of location from second and third floors of Fairley and Leland buildings and expansion of business area to occupy space on second floor of Fairley and Leland buildings, currently occupied by Pike Place Bakery support space, market rate residential units, tenant storage space, restrooms and common circulation space.

Staff Report: Ms. McAuliffe provided relevant background information. The daycare is currently located on Level 2 and Level 3 of the DownUnder in the Fairley and Leland buildings. The applicant proposes to combine the space on Level 2 by vacating Level 3 and expanding north into Level 2. The proposed space for expansion is not open to the public. Five market rate residential units will be lost. The residents are being offered available space in other Market buildings. Pike Place Bakery wants to move its operation offsite. The Commission approved relocation of the daycare's playground in Autumn 2008 as part of the changes to the Hillclimb. The business received approval from the Commission in 2003 to expand its services to include infant care; the expansion would allow the daycare to offer this service. Additional space is needed to bring daycare up to licensing requirements (to add enough bathrooms, for example). The proposed space is in Zone 1, below street level, where Food a-e and Retail a-b uses are permitted. Current uses in the proposed space include: Food f (2.5.1 f), Housing b (2.5.2 b) and Other Uses c (2.5.5 c). New use would be Social Services (2.5.3) and Other Uses b (2.5.5 b).

Existing square footage:

Level 3: 3,405 sq. feet
Level 2: 1,782 sq. feet
Playground (Level 1 and Level 2): approx. 1,515 sq. feet
Total: 6,702 sq. feet

Proposed square footage:

Level 2: 10,062 sq. feet
Playground (Level 2 only): approx. 1,722 sq. feet
Total: 11,784 sq. feet

Exhibits reviewed included floor plans and photos. Guidelines that applied to this application included 2.1, 2.4, 2.5, 2.6, and 2.7.

URC Report: Ms. McAuliffe said that the Committee cited Guidelines 2.1.3, 2.4, 2.5.3, 2.5.5 b, 2.6.10 and 2.7.2 a & d. The Committee recommended discussion by the full Commission.

Applicant Comment:

Cecilia Hall clarified that only the bakery prep space would be moved off site.

Ellen von Wandruszka, Director of Pike Market Child Care and Preschool, explained the services they provide in the Market and said their services are affordable with a sliding scale with a priority for the low-income. The upgrade is needed to meet licensing requirements; they need more bathrooms, the kitchen needs upgrading and it is difficult to operate on two levels. The upgrade will allow them to expand service and increase capacity by 20% and also add service to infants. They will also be adding a private space in which to talk as well as teacher prep space.

Landlord Comment:

Cecilia Hall, PDA, spoke in support of the application.

Carol Binder supported the proposal and noted that social service agencies are important to meeting their mandate. She talked about the housing and other services the PDA provides. Reiterating Ms. Von Wandruszka's comment about the need to be on one floor Ms. Binder said the vacating of the apartments and the storage is the only way to do this; five apartments will be vacated for this project. They will work with the tenants to find alternate apartments. She noted that this application is an important use and a priority in the Market.

Public Comment:

Teagan McDonough stated that child care is essential and while she wished housing wouldn't be lost she did support this application.

Lidia Ekasi, owner of Lamplight Books, supported expansion. Her daughter goes to the pre-school and the service is invaluable.

Joe Leboeuf, Sous Chef at Etta's, spoke in support of the application and stated his children have gone to the school and hoped the school would be able to expand care to infants.

Commission Discussion:

Karin Link reminded Mr. Aller of the need to announce ex-parte contact since he had a tour of the new space. Mr. Aller confirmed that he had taken the tour

In response to questions Ms. Binder explained people losing their housing will be offered comparable priced/comparable sized housing. None of the units are Section 8, all are market rate. They are aware this will happen and will be given notice as soon as this application is approved, and then they will receive an official notice.

Mr. Stellmacher said it is sensitive with the housing issue but it is a balance of providing necessary services for the community as well; these contribute to the overall success of the Market. He said he was supportive of the application.

Ms. Link concurred with Mr. Stellmacher.

Ms. Lane asked if the people who will be moving would get assistance with the move.

Ms. Binder said generally they have but it is not required. If they want to stay in the Market they will do the moving for them. It is also subject to other relocation requirements.

Ms. Patton asked if the space the childcare is vacating would be used for any other purposes.

Ms. Binder said the Hillclimb part of the space will be used for the Childcare playground and some for the new vaults. She said there are no other changes to the Hillclimb other than what the Commission has already approved. As far as the retail spaces they will be vacating on the 3rd floor, those will come back to the Commission for approval (of future uses).

Mr. Aller stated the Use Review Committee had some problems with this application. He cited Guideline 2.5, which he said ranks Market uses: 1) food related uses, 2) housing, 3) social services, 4) retail, 5) other uses. He stated that nothing outranks the food uses, and that housing outranks social services. He expressed concern as a resident that he could find himself out of a home because another of another use.

Action: Mr. Aller made a motion to adopt a resolution to approve this application as presented.

MM/SC/HA/SP 9:1:0 Motion carried. Mr. Aller opposed.

011409.15 Pike Place Corn Roaster
Cajetan Mendonca
Victor Steinbrueck Park

Temporary use approval from January 15, 2009 to December 31, 2009. Per Commission approvals in 2008: Business specializing in the sale of roasted corn and potatoes, with approval to sell packaged kettle corn made onsite (20% of product line) and drinks. No change in ownership. Locations within park may vary. Hours: 10 a.m. to 7 p.m. Applicant proposes to set up wood umbrella instead of canopy.

Staff Report: Ms. McAuliffe explained the application for temporary use approval from January 15, 2009 to December 31, 2009. She read off the previous Commission use approvals for this business in 2008: Business specializing in the sale of roasted corn and potatoes, with approval to sell packaged kettle corn made onsite (20% of product line) and drinks.

No change in ownership is proposed. Locations within park may vary. Hours: 10 a.m. to 7 p.m. The applicant proposes to set up a wood umbrella instead of a canopy. The location is Zone 3, at street level, where all uses are permitted; the new use would be Food f (fast food). Ownership/ownership structure remains the same: a partnership. Cajetan Mendonca owns 51% and Mat Chaudry owns 49%. Status of financial affiliations remains the same: Cajetan does not have a financial affiliation with another business. Mat Chaudry owns a pizza delivery business on Aurora, I Five Pizza.

Owners' responsibilities have not changed: Cajetan will be responsible for running the day-to-day operation of the business. Mat will be responsible for bookkeeping, buying supplies and working at the booth part-time. Hours will be 10:00 a.m. to 7:00 p.m. The corn and potatoes will be roasted onsite.

Exhibits reviewed included a site plan, photos, additional information supplied by the applicant, and 2008 use approvals, MHC 127/08 and MHC 72/08. Guidelines that applied to this application included 2.1, 2.4, 2.5, 2.6, 2.7, 2.9, 2.11 and 5.0.

URC Report: Ms. McAuliffe said that the Committee cited Guidelines 2.1, 2.4, 2.5.1, 2.6, 2.7.1, 2.9, 2.11.5, and 5.4 and recommended approval, based on the same guidelines cited last year by the URC since no changes were proposed by the applicant.

Applicant Comment:

Mat Chaudry thanked the Commission for the opportunity to sell in the park and said people have enjoyed his product.

Adrienne Caver-Hall, Seattle Parks Department, supported the application and appreciated having “eyes” on the park.

Moshe Hecht, a Park Ranger, supported the application and said that Victor Steinbrueck Park has the most drug arrests of any City park; activating the park with vendors such as the Corn Roaster helps to reinvigorate it.

Public Comment:

Dale Wittner, Market resident, spoke in support of the application.

Paul Dunn asked the Commission to follow its guidelines and said concessions in the park is not appropriate. He believes this is not allowed in the guidelines and encouraged the Commission deny the application.

Dave Martin, owner of the Champion Building and Taxi Dogs, said he thought the Park Rangers is a great program. He believed food in the park is against the guidelines, however. He thought the Corn Roaster is not working out and said that they show up only in nice weather when business is good. He said they adjust prices based on who is in the park.

Francisco Tello, Seattle Police Department, spoke in support of the comments made by Ms. Caver-Hall and Mr. Hecht.

Responding to Mr. Martin’s comment that the vendor shows up only on busy days, Mr. Hecht explained that a busy day is not just busy with tourists but also drugs, drinking, mentally unstable people; the Corn Roaster has been very helpful and is there when they are needed the most.

Mr. Chaudry explained the price for corn is \$3.00; if they are very slow or at the end of the day they will drop the price to move the inventory. During the summer they are there at least five days a week. When it is rainy they are not obliged to come per the Parks Department; it is their living and they won’t make a living if they aren’t there.

Ms. Caver-Hall explained that during bad weather there is zero activity in the parks; that having the vendor there when it is busy is the procedure for activation in all parks.

Commission Discussion:

Ms. Patton stated the application turns on the definition of concession because the temporary nature of it doesn't allow us to relieve any application from a non-discretionary guideline. "No concessions" is non-discretionary, so if it is a concession, it could not be allowed, even though it is temporary. The definition of concession in the guidelines is not what this application represents, however.

Ms. Zuege explained that since the time this was approved last year, Mr. Haag came and spoke about his concerns of privatization and commercialization of the park. She expressed concern with this application in light of Mr. Haag's comments, particularly regarding precedent – how many would we permit? She cited Guidelines 1.3, which has to do with preserving the historic quality of the Market and Park.

Mr. Stellmacher commented that this could help someone generate some income as well as help generate traffic in the Market during this rough time. He thought it wouldn't be damaging to experiment with this another year.

Ms. Bystrom said that appreciating the history is important but that activation may help in preserving its serenity away from the bustle of business.

Ms. Zuege reiterated that the Corn Roaster's job is to sell corn and not prevent crime.

Ms. Shinbo said she lives across from the park and sees lines of people at the business. She stated it brings positive business to the park and to the Market. She supported the application.

Ms. Link supported the application; stating that it is a temporary use.

Action: Mr. Stellmacher made a motion to adopt a resolution to approve this application as presented.

MM/SC/AS/SH 8:3:0 Motion carried. Ms. Zuege, Mr. Aller and Ms. Lane opposed.

011409.2 APPLICATIONS FOR CERTIFICATES OF USE/DESIGN APPROVAL *

011409.21 Solstice Designs by Locals
Amy Harris
1501 Pike Place #316, Fairley Building

Use: Change of location from 1501 Pike Place #316, Fairley Building, to 1501 Pike Place #409, Leland Building (Pike Discount Electronics). No change in use. **Design:** Paint walls and ceiling; install furnishings at 1501 Pike Place #409.

USE: Staff Report: Ms. McAuliffe provided the relevant background and said the space is in Zone 1, below street level, where Food a-d and Retail a-b uses permitted. The space is vacant; former use was Retail a (Pike Discount Camera). New use would be Retail d. Space is 220 square feet. Exhibits reviewed included a site plan. Guidelines that applied to this application included: 2.1, 2.4, 2.5, 2.6, and 2.7.

URC Report: Ms. McAuliffe said that the Committee cited Guidelines 2.1.4, 2.4, 2.5.4 d, 2.6 and 2.7.2 c, and recommended approval.

Applicant Comment:

Ms. Harris stated this is a good opportunity to move up one floor and see more foot traffic.

Landlord Comment:

Matt Holland supported the application and said it was a unique shop perfect for the space.

Public Comment: There was no public comment.

Commission Discussion: Commissioners determined they had enough information to make a decision.

Action: Ms. Patton made a motion to adopt a resolution to approve the application as presented.

MM/SC/SP/AR 11:0:0 Motion carried.

DESIGN: Staff Report: Ms. McAuliffe explained the request to paint walls and ceiling; install furnishings at 1501 Pike Place #409. Exhibits reviewed included: site plans, catalog cuts, photos, sign drawings, and color samples. Guidelines that applied to this application included 3.4 and 3.6.

Action: Ms. Link made a motion adding the application for the signage to the application; one is in the public notice.

MM/SC/KL/AR 11:0:0 Motion carried.

DRC Report: Ms. McAuliffe said that the Committee cited guidelines 3.4.1 a; 3.4.2 a, b & c; 3.4.3 e and recommended approval.

Applicant Comment:

Amy Harris stated it was straightforward.

Landlord Comment:

Mr. Holland supported the application.

Public Comment: There was no public comment.

Commission Discussion:

Ms. Link stated the application was clear, straightforward and meets the guidelines.

Mr. Stellmacher agreed.

Action: Ms. Herron made a motion to adopt a resolution to approve the application as presented.

MM/SC/JH/KL 11:0:0 Motion carried.

011409.3 APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL *

011409.31 PDA – Triangle Building window screens
Tyler Jamison

Approval for installation of exterior half window screens on upper stories.

Staff Report: Ms. McAuliffe explained the request. Exhibits reviewed included photos, and the Commission’s design approval issued for the new Triangle Building windows, MHC 39/08. Guideline 3.9 applied to this application.

DRC Report: Ms. McAuliffe said that the Committee cited guidelines 3.9.1 and 3.9.10, and recommended discussion by the full Commission.

Ms. Link didn’t think screens are the ideal solution but said they are reversible and don’t mar the building. The profile is not the same as original but there is nothing in the guidelines that addresses this directly.

Applicant Comment:

Tyler Jamison brought material sample and color and explained the brown frame hides well. He showed photos of makeshift screens that had been up. He said tenants are happy with the new screens. The screens keep the bugs and birds out.

Public Comment: Mr. Jamison distributed copies of comments from the tenants, supporting the application.

Commission Discussion:

Mr. Aller asked if other Market buildings will get screens.

Mr. Jamison explained the bakery in the Triangle building attracts flies. He said there is no intention to put screens in other buildings.

Mr. Stellmacher cited 3.9.1 and said that the screen application seems to fit. It is a simple application.

Ms. Link expressed concern about precedent.

Mr. Stellmacher said he didn't think the Commission was sanctioning violating covenants, and stated that it is a case by case issue.

Action: Mr. Stellmacher made a motion to adopt a resolution to approve the application as presented.

MM/SC/AS/JH 11:0:0 Motion carried.

011409.4 APPROVAL OF MINUTES: December 10, 2008
MM/SC/JH/KL 9/0/2 Minutes approved. Ms. Lane and Mr. Stellmacher abstained.

011409.5 REPORT OF THE CHAIR

011409.6 REPORT OF STANDING COMMITTEES
Ms. Patton shared that a meeting of the Guidelines Review Committee needs to be set. Ms. McAuliffe said she would schedule the meeting.

011409.7 STAFF REPORT

Ms. McAuliffe said she had a conversation with a Seattle Department of Transportation contact to understand more about the Viaduct replacement options. One scenario that has come up a number of times includes a connecting park to Victor Steinbrueck Park. The contact has clarified that this scenario is now no longer an option, but that there could be a stair that gets connected the park from the surface area below. It is not in design development for another year, however.

011409.8 NEW BUSINESS

011409.81 Adoption of 2009 meeting calendar

Ms. McAuliffe explained that the meeting in November would be shifted to November 18 due to the Veteran's Day holiday on the second Wednesday.

Action: Ms. Link made a motion to approve the 2009 meeting calendar as presented.

MM/SC/KL/VB 11:0:0 Motion carried.

011409.82 Election of 2009 Commission Officers

Action: Ms. Link endorsed Sara Patton for Chair. Ms. Patton agreed to serve if elected.

MM/SC/KL/JH 11:0:0 Motion carried.

Action: Ms. Lane moved unanimous approval of Sara Patton as Chair of the Commission.

MM/SC/SL/JH 11:0:0 Motion carried.

Ms. Herron nominated Karin Link for Vice Chair. Ms. Link agreed to serve if elected.

MM/SC/JH/SP 11:0:0 Motion carried.

011409.83 Alaskan Way Viaduct
WSDOT, SDOT representatives

Canceled.

In response to a Commission member's comment about ex parte communication, Ms. Link explained that there is a legal precedent about ex parte communication which the Commission has been informed of multiple times. It was legally necessary to bring it up at this meeting.

Ms. Link moved to adjourn the meeting; there was unanimous approval.

Respectfully submitted,

Heather McAuliffe
Commission Coordinator