



The City of Seattle

# Pike Place Market Historical Commission

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## MINUTES

MHC 108/08

Wednesday, July 23, 2008

4:30 p.m.

PDA Meeting Room, 85 Pike Street, Room 500

## COMMISSIONERS

Howard Aller, Vice Chair

Marilyn Bierman

Valerie Bystrom

Joanne Herron

Spencer Howard

Susan Lane

Karin Link, Chair

Sara Patton

Alex Rolluda

## STAFF

Heather McAuliffe

Melinda Bloom

## Absent:

Sharron Shinbo

Allyn Stellmacher

Susan Zuege

4:30 PM A quorum was present and the meeting was called to order by Karin Link, Chair.

## **072308.1 APPLICATIONS FOR CERTIFICATES OF USE APPROVAL \***

070908.11 Athenian Inn  
1517 Pike Place, Fairley Building  
Scott Rogel

Change in ownership. Scott Rogel added as a 50% owner. *(Postponed from July 9 meeting)*

Staff Report: Ms. McAuliffe stated that no change in use is proposed. The proposed ownership structure is a corporation, Catering Advisers, Inc. Applicant stated that it may become an LLC instead. Existing owner Louise Cromwell and new owner Scott Rogel will each own 50% of the business. Scott Rogel does not

have a financial affiliation with another business. Both owners will be onsite regularly. Exhibits reviewed included a site plan, written statement of ownership interest and role in the business operation, and information from the purchase agreement. The relevant guideline was 2.10.

URC Report: Ms. McAuliffe said the Committee cited Guidelines 2.10.1, 2.10.2, 2.10.3, 2.10.4 and recommended approval.

Applicant Comment:

Owner Louise Cromwell said she wished to add Scott Rogel as a 50% partner.

Landlord: There was no landlord comment.

Public Comment: There was no public comment.

Commission Discussion:

Mr. Bystrom asked if the new partner were to gain a greater percentage would he have to come back to the Commission.

Ms. McAuliffe concurred.

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

MM/SC.SP/HA 7:0:0 Motion approved.

*Mr. Rolluda arrived at 4:38 pm.*

*Ms. Lane arrived at 4:40 pm.*

072308.12

Michou  
1904 Pike Place, Stewart House  
Ralph & Noriko Castellino

Change of ownership and change of use for an Italian deli specializing in selling prepared foods such as sandwiches, salads, lasagnas, entrée items, soups, pizza, and desserts as well as bulk food items such as fresh and frozen pasta, ravioli, meats and cheeses. Supplemental items such as breads and condiments (including olive oils, vinegars, jarred olives and tapenades) and beverages consisting of Italian sodas, water, lemonade and fruit juices.

**Application withdrawn at the landlord's request.**

072308.12

Victor Steinbrueck Park  
Jennifer Delker

Staff Report: Ms. McAuliffe explained the application for temporary use approval for the following events to be scheduled through September 2008:

- Two dance performances 4-6 p.m. held in August and September
- Four story telling performances 5-6 p.m. every other week August – September
- Six poetry readings 4-6 p.m. every other Sunday late July through September
- Four marimba band performances 3-6 p.m. every other Thursday, August – September

Ms. McAuliffe stated that the applicant had reduced the number of marimba performances from four to two, both to take place in September. She explained that the park is located in Zone 3, at street level where all uses permitted. She noted that the Downtown Seattle Association was applying on behalf of Seattle Parks Dept. The events will feature tents only, no stages. The tents will be set up/taken down each day. Exhibits reviewed included a map of proposed locations for activities, supplemental written information from the applicant, and the updated schedule. Guidelines that applied to this application included 2.9 and 2.11.

URC Report: Ms. McAuliffe said the Committee cited guidelines 2.9 and 2.11.5 and recommended approval.

Applicant Comment:

Jennifer Delker from the Downtown Seattle Association stated that this is an attempt to activate the park with various activities.

Victoria Schoenberg, Parks Department, explained their mission to activate the park and said that many activities would be silent or quiet with the marimba band being noisier although the number of marimba band concerts was reduced to two. She acknowledged there have been concerns about the noise and they are trying to keep it low; it is hard to activate a park in the evening without occasionally employing music and she has asked the Commission for guidance.

Public Comment:

John Mason, nearby resident, said he sent a letter and also one was sent from resident Phil Frederick. Mr. Mason only opposes the marimba band; he said everything else sounds great. There are lots of non-intrusive musical options as demonstrated by the buskers. He said that Mayor Nickels' task force's conclusion was that the 10 downtown destination parks are all very different – like apples and oranges. Victor Steinbrueck Park is different from all the others and its character specifically quoted in the task force document, “this great urban space is located adjacent to the Pike Place Market and serves as an open space for Market workers and visitors; it is also the only open space in the Market area where one can sit

and enjoy the water view. It should be a beautiful and tranquil place to complement the Market's energy and activity and should serve as an amenity for residents of the Market and Belltown". Mr. Mason said the descriptions of the characteristics of the other parks are things like "Westlake Park, large scale events and programs, vibrant and active place, musical street performers", "Freeway Park, Summer in the Park programs, music performances", "Occidental Park, opportunities for music".

Mr. Mason stated he lives in Park Place North where there are 86 condos and townhouses; it is located just across the street (from Victor Steinbrueck Park). He said the task force's conclusion was that parks are very different, treat them differently and don't lump them all together. Victor Steinbrueck Park is different from Westlake but too often it gets seen as another Westlake. Since that task force report in 2006, there have been a number of concerts programs proposed; in 2007 there was a pilot program and at the Commission's meeting on June 27, 2007, Ms. Schoenberg stated that it was only a pilot program and if they received feedback they would stop. The pilot project was supported by four other people who live in his building; now every one of those people opposes the concerts because they don't want to live with intrusive noise.

Mr. Mason stated marimbas are very loud and responded to a comment made by Commissioner Aller at an earlier meeting that people shouldn't expect to move into the City and be close to nature or have babbling brooks. Mr. Mason said for residents, the noise from 99 and the bustle of the Market is a babbling brook; it is a solid, continuous background noise almost like white noise. A loud concert is like someone in a campsite in the wood has someone come in with a boom box. The distance from his place to the totem poles in the park is 148 yards or 444 feet. The park has hosted marimba concerts in the past and he could hear them easily with his windows closed. If you can hear a car stereo or boom box from 75' away you are breaking the law. He asked the Commission that alternatives be found to intrusive noise and demand the marimba band be withdrawn.

Dale Wittner, resident, reported over the past weekend the Church of Scientology had tents, a truck, and amplification at the park cluttering the park. It is a very congested part of the park, without being policed; there are trucks, amplified music all going on there.

#### Commission Discussion:

Ms. Link reminded the Commission that Guideline 2.6.9 has been cited in the past, but the City of Seattle Hearing Examiner determined during a recent appeal that it is not relevant because the 2.6 Styles and Methods section governs businesses, not events in the park. The two sections that are relevant are 2.9 and 2.11.5; the Commission is not responsible for enforcing the noise ordinance.

Ms. Patton stated given 2.6.9 doesn't apply per the Hearing Examiner's decision there is nothing in the guidelines that would lead to not approving the application

because the events will be over by 6:00, limited to three hours, and not amplified. This is one of the subjects the Guideline Review Committee is going to bring up for potential changes in the Guidelines.

Ms. Lane asked how large the (marimba) band is.

Ms. Delker believed it was four to six performers.

Ms. Lane said it is four to six people as opposed to 20.

Ms. Delker concurred.

Mr. Aller stated that as a resident of the Market he accepts loud music three to four times a year as part of living in the Market, in downtown; sometimes it is sirens and today it was Seafair pirates. It is the price one pays for living downtown; it is not 24 hours a day and is relatively daylight hours. He said next year he'll be sure not to be home when they have the party outside his window.

Ms. Bystrom asked what the motion would be made for.

Ms. McAuliffe stated there are no guidelines to prohibit this; it would be "as submitted".

Mr. Aller made a motion to adopt a resolution approving the application as presented.

MM/SC/HA/AR 9:0:0 Motion approved.

## **072308.2 APPLICATIONS FOR CERTIFICATES OF USE/DESIGN APPROVAL**

070908.21 PDA – street banner  
James Haydu

**Use:** Temporary street use approval for a banner to be installed across Pike Street through October 31, 2008. **Design:** approval for banner design. (*Postponed from July 9 meeting*)

Staff Report: Ms. McAuliffe reviewed the relevant background and said the banner is currently installed, strung across the entry of the Market at Pike St. She said that it advertises the farm season at Pike Place Market. She was not able to find an earlier Certificate of Approval for this type of sign, so this may be the first. Exhibits reviewed included a site plan, photos, and a rendering of sign. The relevant guideline was 2.1.

URC Report: Ms. McAuliffe said that the Committee cited Guideline 2.1, which talks about the Commission's function to promote the sale of farm products, and recommended approval.

Applicant Comment:

James Haydu, PDA, explained the banners were part of the annual marketing campaign for the farm program which is the first thing the Pike Place Market is here to do. He said there is no precedent for this type of banner. The banner is straightforward, relevant to the design for the campaign for farm this year; lettering is clear; it doesn't obstruct any of the iconographic things in the area such as the clock and sign, the farmer's market sign below that. He said it is a big banner but nothing is impeded from view.

Landlord Comment: Cecilia Hall, Landlord, said the landlord supports the application.

Public Comment:

Dale Wittner stated he is a tenant in the Leland Building and thinks the banners are terrific; it does not block his view.

Commission Discussion:

Ms. Patton mentioned that 2.9 should be cited.

Ms. Bystrom made a motion to adopt a resolution approving the application as presented.

MM/SC/VB/AR                      9:0:0   Motion approved.

**DESIGN:**  
design.

Staff Report: Ms. McAuliffe explained the application for approval for banner design. Exhibits reviewed included a site plan, photos, and a rendering of sign. Guidelines that applied to this application included 3.6 and 3.8.

DRC Report: Ms. McAuliffe said the Committee cited Guidelines 3.6.1, 3.6.2, 3.6.7, and 3.8.7. The Committee recommended discussion of the application by the full Commission and noted that other banners are installed during the year advertising festivals and special events.

Applicant Comment:

James Haydu explained the means of attachment. He said there are wires that are strung from different buildings; this banner is attached to a wire that extends from the Corner Market and the Economy Market. The wires have been there since at least 1984. He cited 3.6.1 and said the sign is simple and clear; he thinks that compared to what is around it, the sign is modest in size.

Landlord Comment: Cecilia Hall stated the landlord supports.

Commission Discussion:

Mr. Aller stated the Guidelines are full of words like “simple” and “vernacular” and said banners and signs are part of the Market. They add to the controlled chaos and color and visual noise and what the Market is all about, especially since it promotes the farm program.

Mr. Howard cited 3.8.7 and expressed concerned about obstruction of the view corridor into the Market and the Public Market sign and clock and Farmer’s Market sign. He thought the banner was redundant because there is already a sign for “Farmers’ Market” that is historic. He thought there might be other ways to advertise but the precedent of having multiple banners across there gets into cluttering. He is also concerned about the attachment on the north side of the wire and said that it something that ordinarily would not be approved because of the way it mounts into the building.

Ms. McAuliffe showed a photo and asked if the Commission thought it was representative of the view from 1<sup>st</sup> and Pike.

Mr. Haydu clarified the photo she held was taken from the corner of 1<sup>st</sup> and Pike.

Mr. Howard thought it did partially block the view from some perspectives.

Ms. Link thought that the photos made it look as though the sign obstructs more than it actually does and the wind tends to blow it up. It is a temporary sign. To attach cabling now would not be allowed but the cabling is already there.

Mr. Howard stated waiting for the wind to blow up to see through is not in the Guidelines. Even though this sign is temporary, there are other signs that are also temporary that would be hung from the same cable. He is concerned about repeated/constant use of that wire for hanging banners.

Ms. Link stated the Commission is only approving this sign, not others.

Mr. Aller pointed out that when the tent in Victor Steinbrueck Park for the concerts was brought before the Commission, he pointed out that it was in contravention of the Guidelines to have the views blocked. The Commission voted that down specifically because although the tent did block a little bit of the view, most of the view was still available from most of the park. He related that to this application and said that one could find a spot on the sidewalk where the banner blocks the Public Market sign but in general the whole sweep of the Public Market sign is still there.

Ms. Lane agreed the heart of the Market is the farm program. She is not disturbed by the view issue as it is temporary and it does add energy.

Ms. Bystrom asked about the iconography on the banner and said at some point, what kind of iconography do we want to use to promote produce, in view of global warming.

Mr. Aller cited 3.3 stated older technologies are part of the Market, even though they may be inefficient.

Ms. Lane made a motion to adopt a resolution approving this application as presented.

MM/SC/SL/JH 8:1:0 Mr. Howard opposed.

**072308.4 APPROVAL OF MINUTES:**

June 25, 2008

Mr. Aller made a motion to accept the minutes as amended.

MM/SC/HA/SH 7:0:2 Ms. Herron and Ms. Bierman abstained.

July 9, 2008 Deferred.

**072308.5 REPORT OF THE CHAIR:** There was no report.

**072308.6 REPORT OF STANDING COMMITTEES:** There was no report.

**072308.7 STAFF REPORT:** There was no report.

**072308.8 NEW BUSINESS**

070908.81 PDA Briefing  
Joe Paar, Rhoda Lawrence

Briefing on proposed capital renovations: Pike Hillclimb

Bruce Lorig, Chairman of the PDA Capital Renovations Committee, stated he understood the Commission had a discussion about the Hillclimb Elevator at the last meeting and the Commission had asked the PDA to go back and take a look at putting the elevator partially in the existing shaft of the elevator in the Leland Building.

Ms. McAuliffe stated the Commission gave a little feedback on each of the options that were presented but she didn't know that specific direction was given.

Mr. Lorig said he understood the Commission wanted some analysis of that.

Ms. Link said the Commission does but not just the Leland, there were other spots and the Commission talked about it more generally.

Mr. Lorig asked the Commission to summarize where it is.

Ms. Link stated the Commission has not taken a vote so it is not fair for her to summarize.

Mr. Lorig said it is very difficult for them to proceed without knowing something about where you (the Commission) are.

Ms. Link said this has not been voted on yet but there were two Commissioners who spoke in support of the elevator in Flower Row; this was not voted on, so they may change their mind. The rest of the Commission had firm feelings that putting an elevator through Flower Row was really a bad idea and have enumerated them at many meetings. The problems they had include: people arriving at a ramp that is not ADA accessible, the congestion in the general region of the view point area, the bottle neck on each side of Flower Row, the fact that this is an historic piece of infrastructure that is having an elevator stuck through in a way that is very insensitive, view blockage. Even though the elevator is glazed, it blocks views. There were a number of things that were mentioned numerous times by the Commission at three or four meetings. The suggestion was before there were meetings with Mr. Paar and others that we go back and look at other elevators that are available in the general area. She summarized that the Leland and Fairley elevators looked more promising than putting an elevator through Flower Row; there was one suggestion that the Leland Building be looked at more carefully to see if there is a spot where the elevator could go. No one voted for any particular solution. The Commissioners simply felt the Flower Row solution was a problem.

Mr. Lorig stated it is clear that they need to come to some resolution because they can't continue design without having resolution where the elevator is. It is important to work together to get a resolution of where the elevator is. They need a process to do that and the Commission is a major part of the process.

Mr. Howard asked what the role of City staff is in terms of laying out this process and setting up that mechanism.

Ms. McAuliffe said an application has been received for the Hillclimb changes; it was not yet complete and the PDA was currently briefing the Commission and no action could be taken by the Commission at this time. No formal action, a straw vote or formal motion can be taken.

Ms. Lane asked at what point could they (take action).

Ms. McAuliffe responded when the application is complete and is set on an agenda and the public notice is sent out. The application is not complete therefore it cannot be scheduled.

Mr. Lorig thought a formal application had not been done.

Ms. McAuliffe stated she had received an application but it is not complete.

Mr. Lorig said it is important to get to a point where there can be an application that will be accepted; otherwise they will be in limbo the rest of their lives.

Ms. Link stated there are a lot of things being done in the Market. It seems the applicant is making it sound as though the elevator is holding up the whole thing.

Mr. Lorig said the Hillclimb area includes transformer vaults and work on the mechanical central plant system that will go through will be the first thing they will do. They need to have the mechanical system in place before they do anything else. The transformer vault for this part of the Market has to be in place before the renovations can take place; this is the first step.

Ms. Link stated that no one has complained about the transformer vault or about the courtyard.

Mr. Lorig said they can't do the transformer vault until they know where the elevator will go because it affects the location.

Ms. Lane asked when the Commission can expect to have an application as the Commission can't act until the application is in.

Ms. McAuliffe said the application has been received but it has to be completed before it can be scheduled.

Ms. Lane asked if the applicant was clear about what they need to do to make it complete.

Mr. Lorig said they are; they are concerned they will make an application that will be turned down and that process will delay them, so they want to know they have a good chance of being successful before they make the application.

Mr. Aller said it has been proven that the opinion of the majority of the Commission is against an elevator in Flower Row. The Commission is not the designers; the applicant needs to tell the Commission where they want the elevator and the Commission will approve it or not. He said the applicant did come to the Commission and asked its opinion about the Flower Row idea and the large plurality of the Commissioners said no elevator in Flower Row for a large variety of reasons. The applicant should know at least one place not to put the elevator.

Mr. Lorig stated they are convinced that the best place to put the elevator is in Flower Row and they want to convince the Commission of that.

Mr. Aller stated the Commission is convinced it is not.

Ms. Patton said if there is new information or evidence but to redo the conversation that was had at the last Commission meeting seems inappropriate.

Mr. Lorig wanted to discuss the information and said both groups have governance of the Market and have two different roles. (For the Commission) to not listen to them would be inappropriate and the Commission might not believe them. The arguments that talk about the confusion on Flower Row and having more people there is a spurious argument, as there won't be that many people who will be impacting Flower Row. He stated that he knew the Commission had heard from people on Flower Row who preferred the elevator not be there but there are only two other choices; one is to put it out in the middle, which also impacts Flower Row and the original design which both thought was not the right solution takes it out of Flower Row but the other solution is to put in the Leland Building which they think is not the right answer. He asked the Commission to listen to their arguments; since he wasn't at the meeting he didn't understand what was discussed.

Mr. Lorig stated that one objective is to improve the circulation from Western Avenue all the way through the Market and not just the arcade level and that will be even more important when the viaduct comes down. Mr. Lorig said they would like an inviting front door to the Market at what is now the back door; they believe the proposed stair is a good part of that but there are a number of people who cannot/do not want to come up 65 feet and could use an elevator. He said they want the elevator to also improve the access to the DownUnder and to make it much more visible because it isn't working very well right now; there are tenants that struggle down there and many people don't realize it is there. He said it would make it somewhat easier for handicapped people though it is not ideal. There is a solution for handicapped people; it would be possible to connect the arcade level with a bridge to the elevator to make it absolutely handicapped accessible and that is a fairly expensive operation but is possible. It is not more expensive than putting the elevator in the Leland which is an expensive thing but possible to do; it is probably another half a million dollars more cost because the Leland elevator doesn't go down to Western now. There is a 3' slab at the bottom of the elevator that has to be taken out; structural work for the shaft is a structural support for the Market and it would have to be torn down and re-done. Mr. Lorig stated the Market is now accommodating many more people than it was designed for; there aren't adequate restrooms, there aren't adequate vertical circulation and this is an attempt to do that better. He said they think that in some ways it improves the look of the Market; the Hillclimb has been re-done two to three times in history so in terms of historic perspective it is not the way it was when it started and it is not the way it has been before.

Mr. Lorig stated they think there are three choices available: the elevator in the Leland Building which involves rebuilding the shaft; the one in Flower Row and the one outside Flower Row which he thinks is intrusive into the Hillclimb. He said he didn't think anyone would want that and he thinks it affects Flower Row just as badly as the one in Flower Row does. If the Leland elevator is used, there are security problems; it now serves the residential tenants in the Leland Building and mixing public with tenants in the building is not a great idea. It isn't the end of the world but it isn't the greatest idea. They would have to have security, which probably means the Leland Building people will not have access to the elevator

except on a very occasional basis, during moving in and out probably, but not on a day to day basis. When you are in the Leland Building and call the elevator, whoever is on it comes and if that is the public there could be security problems.

Mr. Lorig said they think the cost of the Leland Building elevator (renovation) is about ½ million dollars to go into the Leland from going from Flower Row. He thought the worst problem is the visibility of the DownUnder. If one uses the Leland elevator one ends up in the DownUnder floors in the middle of a corridor where you don't know where you are; you end up in a very tight space. He suspects it will not serve the DownUnder very well. On the Western Avenue level the Leland elevator will work fine - it will be visible and it could be made very inviting, but as you go up the floors, all of a sudden the elevator door opens and you end up in a very narrow corridor and you aren't sure where you are. One of their main objectives has been to help the DownUnder and this doesn't help it particularly well.

Mr. Lorig asked what is being preserved, the functions or the architecture. He argued the functions of the Market are its core; the buildings have changed considerably over time and this is an accommodation to make it function well. They would put more emphasis on the function of the Market rather than the architecture. He said they would like to have a discussion about this because this is a key point for them and this is the first step in their renovation process. The Commission has a function which is very important in preserving the Market; he said it is a very important thing, but unfortunately it isn't black and white. There are a number of grays and the question is what is the appropriate thing to do; before they make an application they want to understand it better. He said Mr. Aller mentioned that a number of the Commissioners are set on not having the elevator in Flower Row; Mr. Lorig stated they want to convince the Commission that they (PDA) think it is better there but they may not.

Ms. Patton stated that this is not new information; Mr. Lorig was not at the meeting so she will attempt to summarize but she asked Mr. Rolluda to speak first.

Mr. Rolluda stated he is in favor of the elevator in Flower Row. He cited 3.2.1, which states, "Market buildings, structures and other architectural elements, individually and collectively, are a physical expression of the activities and function of the Market. Many buildings are utilitarian and vernacular in style." He said he saw the elevator as presented, glass and steel. The Market is concrete, it is glass, it is slabs and columns, all exposed and the Guidelines say that we want to preserve those and keep those visible. In looking at the elevator puncturing Flower Row one will see steel and glass, the skeleton of an elevator. Circulation is one of the things talked about in the Guidelines, horizontal as well as vertical from the Pier back to the Market, from Downtown to the Market. He understands the applicant's argument and because of those reasons he can support this. He also looked at the other locations the design team studied and concurred with the analysis that it would be very difficult to get something to hit all floors; it would take some major reconstruction of the core of the Market. The Market is at different levels, half levels, mezzanines, whole floors, half floors. In lieu of doing that, is this a

compromise? He said yes. When one gets to the top of the elevator can a handicapped person take that ramp? Maybe, if motorized. Can someone help a wheelchair up that? He hoped so. Is there a way to get to the top of the Market? Yes there is; there is another pathway that can be taken. For those reasons, he supported the location. He also looked at visibility from within the Market, outside the Market through. It is a glass structure so you will see through it.

Ms. Patton offered a summarization of the discussion from prior meetings and stated all Commissioners who have issues with the Flower Row placement are very sympathetic to the need for vertical transport and agree that 3.8.6 and 3.8.8 in the Guidelines do say when there are changes you should enhance pedestrian movement, accessibility whenever remodeling. In general, 3.8.8 says that pedestrian connections to and from the Market are integral to the relationship of the Market with the City. The Commission is sympathetic to that need for vertical transportation and that it should be emphasized in a remodel such as this one. They are definitely sympathetic to the goal of opening up the DownUnder and would like to see that, too, and they are definitely sympathetic to the fact that by being opposed to the Flower Row one it might be looking at a situation with a higher cost. She stated that in the context of that sympathy their reading of Guideline 3.1.1, it is “better to preserve than to repair, and repair than to restore, and restore than construct” is one Guideline that applies.

Ms. Patton said Mr. Rolluda had also cited (at the July 9 meeting) Guideline 3.1.2, “any changes that need to maintain the character of the Market.” She said that Guideline 3.2.1 states that, “significant architectural elements of building elements must not be altered, disguised or concealed”. She noted that Guideline 3.2.7 states, “additions to historic building or structure shall be prohibited unless the Commission determines that extenuating circumstances justify”. She said there may be extenuating circumstances but so far the Commissioners who have concerns have not felt that was presented. She cited Guideline 3.2.13 where it says, “Exterior building surfaces are key components in preserving the historical quality of design in the Market.”, Guideline 3.2.14, “Exteriors of historical buildings should be carefully restored and maintained in accordance with the Secretary of Interior Standards for rehab”, which leads in to 3.9.2, “historical character of the property shall be maintained and preserved, removal of historic materials or alterations to features and spaces that characterize the property shall be avoided”; 3.9.5, “distinctive features, finishes and construction techniques or examples of craftsmanship that characterize the property shall be preserved”; 3.9.9, “new additions, exterior alterations or new construction shall not destroy historic material, the characteristic of the property, new work shall be differentiated from old”; 3.9.10, “new additions and 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”. All of those plus the view in public ways and amenities, 3.8.7 which states “views into and from the Market are a cherished public amenity and shall not be diminished”.

Ms. Patton explained that the large number of guidelines that she cited relate to changes in what everybody understands would be a major change in the Western Avenue face of the Market. All of the guidelines lead the Commission to resist that pretty hard if the guidelines are to be followed. She said to look hard at how big a change that would be and whether there would be any extenuating circumstances. She noted that some guidelines provide the Commission with discretion to approve or not approve, whereas the guidelines related to the views state that views “shall not be diminished”, which is an order. She said these are the guidelines that most of the Commission members were finding the proposal to put the elevator through Flower Row seemed to be in serious conflict with. She asked the Commission if that was a fair summary.

The Commission concurred.

Mr. Lorig said they would argue that what they are trying to do is change the outlook from the west, to make it more of a front door than a back door, and that it is a valuable thing because it will increase traffic by getting people up. That is the basic conflict and the question is from the Commission’s standpoint is whether the architectural integrity is more important than the functional integrity.

Ms. Lane said they would both effectively move people in, increase circulation so in her opinion it comes down to whether it blocks views, whether it interferes with the area in Flower Row and whether they can get circulation, movement and still open the back door but do it in a way that is less intrusive into the building itself.

Ms. Link stated the Commission has guidelines which the Commission follows pretty carefully. When that many sets of guidelines tell you that there is something wrong with this the Commission has to pay attention and can’t just say “we want to make it the front door instead of the back door”. The guidelines are very carefully set out and they are based on the Secretary of Interior standards; also, the Commission looks at the Preservation Briefs. The Commission has to follow them and it isn’t a matter of deciding that use is more important in the Market and that the buildings do not matter and that “we can put a big hole in them and we don’t care.” This is part of the Commission’s charge and we have to do this.

Mr. Rolluda cited the 2<sup>nd</sup> paragraph of 3.1, “the Commission is responsible those judgments of design which assure the character of the Market is preserved and that the architectural, cultural, economic and historical qualities of the District are maintained. Many of the elements that establish the character and quality of the District must adopt harmoniously with the changing Market activities”. Circulation is a Market activity. Will this, as Ms. Lane said, disturb the architectural character of the Market? Mr. Rolluda said “Yes, but to what extent?” They’re cutting holes in the slab; the structural system is still there, the columns are still there; they are putting glass elevator – you can see through glass. The structural system of the elevator is exposed.

Ms. Link said, per 3.2.7, “Additions to historic buildings and structures shall be prohibited unless the Commission determines that extenuating circumstances justify otherwise”. She said they have to find extenuating circumstances; at this point she has not.

Mr. Howard clarified that he sees the level of impacts in the physical intrusion into Flower Row and the cutting through of the ceiling area in proximity to the columns. The ceiling area has historic lighting, the historic metal soffit, structural but decorative component, the columns – the elevator would have to cut through all of that original fabric; it also hasn’t been completely clear on the drawings as to how that shaft is going to impact those columns. On some later revisions we are seeing the shaft opening overlap some of the plan view of the columns, he said.

Mr. Lorig said it does not impact the columns but it certainly impacts the ability to see the columns.

Mr. Aller said the Mr. Lorig accused the Commission of not listening to him; he asked Mr. Lorig to listen to the Commission. He said they have had this discussion, the Commission brought up the points and then Mr. Lorig asked to try to convince the Commission of something else. He said Mr. Lorig has had his option and doesn’t believe he has changed many minds; it is up to the applicant to bring a design that the Commission will approve.

Mr. Lorig asked if he had some suggestions about what that may be.

Mr. Aller responded he had several suggestions but he is not an architect or a designer. He likes the Leland elevator concept for a number of reasons. The Commission is not here to design it, just to approve or disapprove the design according to the guidelines. He said the applicant already knows what the Commission doesn’t like; what a majority of the Commission doesn’t like. He said if the applicant thinks they have changed the minds of the Commissioners, present it again but don’t be surprised if it is shot down again for the same reasons.

Mr. Lorig thought it would be useful at this point to have some further discussions about are there things they can do to the other two elevator locations to make them more acceptable.

Ms. McAuliffe asked for clarification on the two locations Mr. Lorig was talking about.

Mr. Lorig said one is in Flower Row and the other is in the middle of the space.

Mr. Aller said the Commission was told the one out in the middle of the space was no longer viable and was not going to be in any of the discussions so no body here gave it much thought because the Commission was told the applicant “was not going to do this”.

Mr. Lorig said he doesn't like it particularly either but the question is, there are some disadvantages to the Leland elevator, the biggest one is of visibility.

Mr. Aller said the applicant hasn't presented a proposal for the Leland elevator; the applicant hasn't even really presented a proposal for the Flower Row elevator. No formal proposal has been presented any proposal at all but during the preliminary discussions, the applicant proposed an elevator on Flower Row and the majority of the Commissioners said it is a bad idea. He said the applicant came today to convince the Commission it was a good idea; if the applicant thinks they have convinced the Commission it is a good idea, he asked them to make the presentation again and they will take a vote on it.

Ms. Lane said she is just hearing that there may be a third option, it might be additional information and it might be worthwhile to hear. The Commission was told it was ruled out because of the vault.

Mr. Lorig thought it is probably a solvable problem; most problems are solvable by throwing money at them.

Ms. Lane reiterated Mr. Aller's point that not much time was spent on that because the Commission was under the impression that it was not a viable option.

Mr. Lorig said they don't think it is the best option. He said the problem with the Leland elevator is that it works well on Western Avenue but does not well on the other floors and it works worse at the Arcade level because it will be in the Rotary Grocery Store and they will have to disrupt the grocery store and at least one other tenant, widen it out so people will know it is there. It is possible to do – it is back in a hole.

Mr. Aller stated the Flower Row elevator will also be down a long dark hallway.

Mr. Lorig said the Flower Row elevator will be more visible to more people.

Mr. Aller added down a long, dark, steep hallway.

Mr. Lorig said they have some intention of opening up the steep hallway so it is not quite as dark.

Mr. Aller asked "Or steep?"

Mr. Lorig said no, they can't change the steepness on Flower Row although it is possible to have a bridge.

Patrick Kerr, a Market business owner and member of the PDA Council, said what their committee tried to do was to create goals. Their goal was to take the Hillclimb area and make it more inviting from the waterfront and on Western Ave up to the Market. They want to make it more inviting, more interesting and easier for

everyone. He said they looked at an elevator at every square inch of the LaSalle Building over to (pointed to area on plan); he said they looked at a hundred different options, up against the eastern wall, every time they put it somewhere, they found conflict. They still wanted to keep the elevator in because they thought it important to get the flow of traffic going back out. He said they know they have an elevator in the Leland Building and they know they have an elevator in the Fairley Building but if you come in on the weekend there are 1000 people trying to get from Western up to the top and you'll see a line out of the Fairley Building because it only holds 10 people. They came up with an elevator that will hold twice as many people and they looked at every option. One of the original options was outside because they knew they didn't want to interfere with Flower Row, or we knew it would have some kind of effect, and they knew they might have problems with the Historical Commission. They did put it out there but the problem was, they had no childcare area and couldn't figure out how to save that. They questioned if they should get rid of the childcare just for an elevator or come up with some other solution so they thought about shifting it over more toward the LaSalle Building, but they were able to create what he thought was a really nice access with the stairs. They looked at a lot of designs; they had to incorporate stairs, they wanted to incorporate a nice landscaping and also they wanted to keep the elevator. They knew they had problems with handicapped when they got to the Flower Row and talked about it and thought that it is either that or no elevator and keep what they have. He said this is the best they could come up with.

Ms. McAuliffe asked him to clarify for the Commission that what he was showing was a brand new drawing that has never been shown to the Commission.

Mr. Kerr clarified that it was one of the original ideas that had been talked about.

Ms. Link said the Commission would like to see it.

Mr. Kerr said there is flexibility as to where it can be put it but it eliminates the childcare and they couldn't figure out a place to put the childcare.

Mr. Lorig said licensing laws prevent them from putting it across the street.

Ms. McAuliffe asked if this was a new drawing that had been made since they found they have to keep the playground adjacent to it.

Mr. Kerr said they could do that if they wanted to displace the children and figured they came first. They decided on what they did because it kept the childcare area and was the best they could come up with.

Ms. Link said she has been coming to the Market for 31 years and has never used an elevator except for this study; there are plenty of people who never do. The people who you are really trying to help are the people who really can't get around very easily, so it is very unfair to bring people all the way to an elevator to Flower Row to a ramp that is heavily inclined. You can't rely on the fact that everyone has a

motorized wheelchair or friends to push them. She asked if they will put up a sign that says “Sorry, you’re in a wheelchair, go somewhere else”.

Mr. Lorig said the solution is to create a bridge at the Arcade level to the elevator; there is a solution to that problem.

Mr. Aller said no one has shown that to the Commission.

Mr. Lorig said they can’t show 100 different things; they need to talk about what would satisfy the Commission’s requirements. If it is very important to have absolutely handicapped access to the Arcade level, that is possible to do and they will figure out a way of doing it. He asked to hear Commission concerns so they can respond to them.

Ms. Link stated that one of the concerns is direct and pedestrian access and that the route should be the same for everybody, whether they are in a wheelchair or not. It shouldn’t be something special for the wheelchair people and then someone who’s lazy and doesn’t want to walk up the stairs takes some other elevator and some other route. It should be tucked away somehow; it shouldn’t be this element that is stuck out in the middle of everywhere, if possible.

Mr. Lorig asked how does that help the DownUnder spaces; one of the fundamental disagreements is whether it should be tucked away or whether it should be obvious. He said they believe it should be very obvious so that it helps the DownUnder space. He said he thinks the Commission believes it should be tucked away so it doesn’t impact the look.

Mr. Aller asked if Mr. Lorig is telling the Commission that the Leland elevator plan does not hit every level of the DownUnder; he said it does hit every level of the DownUnder and the Arcade level and Western.

Mr. Lorig said that is correct.

Mr. Aller said it was the only plan that was presented to the Commission that did hit every single level equally.

Mr. Lorig said that is correct.

Mr. Aller said it is important to the Commission.

Mr. Lorig said it is important to all.

Mr. Aller said not to say it is not going to help the DownUnder; it hits every level.

Mr. Lorig said it hits every level but when you get in that elevator and punch -3 Level, you are confronted by a very tight space and you do not see any of the

DownUnder when you get there. It is not obvious; he thinks it is not the best way of presenting the DownUnder. It does hit every level; that is correct.

Mr. Kerr said he is on the DownUnder and the elevator will not help them.

Mr. Aller asked if the elevator which destroys the playground shows every level of the DownUnder.

Mr. Lorig said because they come up to essentially the open area you can see the DownUnder.

Mr. Aller stated let's destroy the playground or let's show off the DownUnder.

Mr. Lorig stated they were not enthusiastic about destroying the playground; they will not destroy the playground.

Ms. Patton said this drawing of that option would have at least as much or more impact on the exterior of the building and all of those issues as Option D.

Mr. Lorig agreed and said it was obtrusive.

Mr. Kerr said he didn't like it at all and that is why they eliminated it early and why we moved it.

Mr. Aller said it guts Flower Row instead.

Mr. Kerr said they have to shoot through it. He wished there was a better solution but he can't come up with one.

Ms. Link said she was sorry about the Rotary Grocery but in her view elevator option B inside the Leland is probably the preferred.

Mr. Lorig said there are five tenants that would be disrupted.

Ms. Link said that it is not ideal so maybe they just shouldn't do an elevator.

Mr. Lorig said not doing an elevator is not an option. He said they have to do an elevator.

Ms. Bystrom asked about an escalator.

Mr. Kerr said an escalator takes up more space.

Mr. Aller said they are not handicapped accessible.

Ms. Bierman said it would free up the elevators for handicapped.

Mr. Lorig said the Fairley elevator will be used mostly for trash and service.

Ms. Link said the courtyard thing is fine, everything else is fine it is just we're stumped on the elevator.

Ms. Patton said it is beginning to sound repetitious.

Ms. Link asked if anyone had constructive comments and that it looked as though the discussion would just go round and around and she didn't know how fruitful this would be.

Mr. Lorig said it is important to understand which things could be done to make the elevator acceptable or make changes in the Leland elevator to make that serve more of their concerns.

Ms. McAuliffe suggested that discussion happen at a Design Review Committee meeting. If design advice is desired, she suggested coming to that meeting; the next one is August 6.

Ms. Bierman said it seems like there is a difference of philosophy, function versus architecture; it is a no win situation until you iron that problem out. She said we can have as many plans laid out but until we decide, form follows function and what do we do. This was pointed out very clearly in the banner demonstration, that the whole object was what was the function of the Market, not what the banner looks like. She asked whether function as being the most important aspect of the Market or the architecture.

Mr. Lorig said they are responsible for the function.

Ms. Bierman said then that is what they should concentrate on.

Ms. McAuliffe said the Commission does not get involved in the designing.

Ms. Bierman said it is not the design she is talking about; she said she is talking about a basic value that you attach to what you are doing.

Mr. Lorig stated they have a requirement to run the Market.

Ms. Bierman said that is function.

Mr. Lorig said they are finding that the Market is not functioning particularly well because there are many more people here than it was designed for and they are trying to make some accommodation for that with more restrooms, add air conditioning.

Ms. Bierman said try to drive through in a car without hitting a pedestrian.

Mr. Rolluda asked if in looking at the handicapped accessibility if they looked at a Garaventa chair lift from the bottom up.

Mr. Lorig said there are certainly solutions to that problem but he doesn't know how intrusive it is.

Mr. Aller said that is only part of the problem; a great deal of it is the destruction of the architecture and the blocking of the view.

Public Comment:

Dale Wittner, resident, said all the talk about the elevator is focused on handicapped access; a couple weeks ago he counted people over an hour (1,034 people) that walked up. Not one person was handicapped and used a walker or wheelchair. People who get to the Western Avenue base there are not people who are disabled. Disabled people by and large can't get to the Western Avenue level of the Market. They don't come up from the waterfront because there are steps to get there. The desirability of moving those thousand people more quickly up and down is debatable but the idea that it is being done for disabled persons – the disabled persons can't get to the foot of the elevator and if they get to the top of the elevator they are confronted with the ramp that is becoming notorious.

Ms. Link stated she would close the discussion because it is going around and around; the applicant has gotten a pretty good sense of what the Commission's concerns are.

Mr. Lorig clarified that they would go to the Design Review Committee next meeting to see if we have further ideas. They need some additional dialog with the Commission over time and they have to figure out how to do that in some productive way and whether it is through the Committee as a whole or the Committee itself he thought there are a number of issues. He said three or four months have been spent worrying about the elevator and they need to get the Commission involved sooner.

Ms. McAuliffe said this has all been addressed and the she and Karen Gordon had met with Duncan, Rhoda and Terry Plumb and talked about how to do that and the advice has been to meet with the Commission to brief and to also meet with the Design Review Committee to get some specific feedback on design elements.

Mr. Lorig asked if it would be possible to have somebody from the Commission sit in on their committee meetings.

Ms. McAuliffe said no; the Commission is a regulatory authority and cannot act as a participant and it would be playing applicant as well as being a Commissioner. An application has been received for this; at this point the Commission can only be briefed and cannot take a straw vote or any formal action on the application.

Mr. Lorig said in the past when the Market was being redone there was a committee that met that had both the staff as well as commission people on it so there has been some precedent for having meetings. He thanked the Commission and said they would come back.

Ms. Patton gave a summary of the Guideline Revision Committee's current work. She said because the elevator discussion was taken first she didn't have the time to do what the Guideline Review Committee had proposed for this meeting. They had proposed to ask the Commission for advice because they need to put together proposed rules. Since there isn't time to adequately discuss what the Committee had done, they will most likely cancel Friday's Guideline because they were hoping to take Commission advice and turn it in a draft of proposed rules. This discussion does not exhaust the changes they are looking at. One change they are considering is a change to 2.9 which gives the Commission very broad authority to approve temporary uses for less than twelve months with no following any of the guidelines; it seems too broad and it is something they are working on. The other set of amendments that Mr. Aller is going through and looking for anachronisms and other things and they are not looking at those today either. Today, primarily look at the regulations that apply to Victor Steinbrueck Park and there are some that are listed as issues that are fairly simple: 2.11.1 – 2.11.4. What they are looking at in 2.11.5 is the potential to delete the entire first paragraph which is very confusing and because it brings in confusing exceptions and counter exceptions. It also says you need a use permit; you need a Certificate of Approval for use for anything in the Market so that seems implicit. If they do that it is important to confront the issue of noise here; as Ms. McAuliffe has pointed out, 2.6.9 which is the general restriction on noise in the Market, the Hearing Examiner said that does not apply if not talking about a business because it is in a section called "styles and methods of business operation". She thinks it would be appropriate to look at the potential for noise reduction and they came to three different versions: no amplification at all; no amplification but only with special permission; or possible amplification with a time restriction. In the second paragraph they thought of deleting the entire paragraph.

Ms. McAuliffe said that section came out of Parks Use Guidelines out of the 1970s.

Ms. Patton said "views shall not be diminished or obstructed" is one of the issues for the whole Market and they think it is possible to make it clear it applies to the park as well as the rest of the Market.

Ms. Link asked about autos and trucks in the Market.

Ms. Patton said it is under discussion. She said the park is now in Zone 3 and Zone 3 is the area of the Market in which all permitted uses are permitted. They looked at some options to potentially making a special park zone that is clear. They thought about all 2.5.1, food related uses seem to be appropriate; housing and social services probably not; retail uses, perhaps all or perhaps all or none and then 2.5.5, the other uses section which is Performing Arts and Cinema; it is possible they could restrict that as well. See handout provided by Ms. Patton.

Ms. McAuliffe stated she should get feedback on should the park be treated as an extension of the Market or its own zone.

Ms. Patton said it is implicit in the discussion point. The way a Guideline Revision process works is that they make a proposed change, send it to the Law Department for review, and put it out to the public, public comment period at a meeting; if in public comment period it is decided we don't want to adopt the rule as proposed, then can start all over again.

Ms. Lane asked how Ms. Patton would like feedback.

Mr. Aller said they wanted Commission discussion.

Ms. Patton said if they can have that at the next Commission meeting it would be great, if not they may have to consider comments by email.

Ms. Link said to make this a priority at a future meeting.

Ms. Link made a motion to adjourn.

MM/SC/KL/SH

9:0:0 Meeting adjourned.

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