



The City of Seattle

Pike Place Market Historical Commission

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MINUTES

MHC 117/08

Wednesday, August 13, 2008

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

Susan Zuege

STAFF

Heather McAuliffe

Melinda Bloom

Absent:

Marilyn Bierman

Allyn Stellmacher

4:31 PM A quorum was present and the meeting was called to order by Karin Link, Chair.

081308.1 APPLICATIONS FOR CERTIFICATES OF USE APPROVAL

081308.11 Taj Mahal Varendra K. Dhingra, Rani Dhingra
1501 Pike Place #513, Leland Building

Change of ownership and clarification of use.

Application postponed until August 27 MHC meeting.

081308.12 Matt's in the Market
94 Pike Street, Corner Market

Dan Bugge

Application: Change of ownership.

Staff Report: Ms. McAuliffe explained that no change in use is proposed. Existing approved use: food and beverage business with onsite dining, with approval for a class H license and live music one night/week from 7:30 to 9:30 p.m. Proposed ownership structure: Limited Liability Company. Applicant owns 100% of the company. Applicant currently operates the business and will continue to be onsite regularly. He does not have a financial affiliation with another existing business. Exhibits reviewed included a site plan, written statement of ownership interest and role in the business operation, Limited Liability Company agreement of Bugomat, LLC, and existing use approvals. The relevant guidelines were 2.10 and 2.6.

URC Report: Ms. McAuliffe said the Committee cited guidelines 2.10.1, 2.10.3, 2.10.4, 2.6 all sections and recommended approval.

Applicant Comment:

Dan Bugge explained he has been involved with the Market for 14 years and is happy to continue that.

Ms. Bystrom arrived at 4:35 p.m.

Landlord Comment: Cecilia Hall stated the landlord approves of application.

Public Comment: There was no public comment.

Commission Discussion:

The Commission determined they had enough information to make a decision.

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

MM/SC/SP/HA 8:0:1 Motion approved. Ms. Bystrom abstained due to late arrival.

Mr. Rolluda arrived at 4:36 p.m.

081308.13

PDA – Capital Renovations Office Space

Terry Plumb

Application: Change of use at 93 Pike Street #317 (former Pike Place Ministry) for Pike Place Market PDA Renovation staff office space during renovation of the Market.

Staff Report: Ms. McAuliffe explained the request for change of use and said the space is Zone 2, above street level, all uses permitted. Former use was 2.5.3,

Social Services. New use would be Other Uses c. Space is approximately 1000 square feet. Space is vacant. To be converted to open concept office and conferencing space. Tenancy would be approximately 4 ½ years. Other tenants on the upper level of the Economy Market include offices and a catering business. Exhibits reviewed included a site plan for upper floor, Economy Market. Guidelines that applied to this application included 2.1, 2.4, 2.5, and 2.7.

URC Report: Ms. McAuliffe said that the Committee cited guidelines 2.1, that it does not comply but is okay due to extenuating circumstances; 2.4, Zone 2 above street level, 2.5.5c, and 2.7.1 and recommended approval.

Applicant Comment:

Joe Paar, PDA, had no comment.

Landlord Comment:

Cecilia Hall expressed landlord approval.

Public Comment:

Dale Wittner asked if other spaces were being used by the Capital Renovation staff in the Market.

Cecilia Hall, PDA explained that a small space in the Corner Market is being used currently; they will move out of that space and into the proposed space.

Commission Discussion:

The Commission determined it had enough information to make a decision.

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

MM/SC/HA/SL

10:0:0 Motion approved.

081308.2 APPLICATIONS FOR CERTIFICATES OF USE/DESIGN APPROVAL

081308.21 Uli's Famous Sausage Uli Lengenber
1511 Pike Place, Fairley Building

USE: Application: Change of use for a German biergarten to serve traditional German food and beer. Menu to include but not be limited to: bratwursts, sausages, sauerkraut and hot dogs. Accompanying German side items to include potato salad, cucumber salad and pommes frites.

Staff Report: Ms. McAuliffe explained the request for change of use and said the space is Zone 1, street level, Food a-b and Retail b uses permitted. Existing use approval: A sausage production factory and retail shop with approval to sell potato chips, soda, and including on-premise seating (bar stools along counter facing Main Arcade). Approved uses: Food a, b, c & e. New use would be Food e (food and beverage business offering on-premise dining). Space is 600 square feet. In proposed plan, back of house space = 225 sq. feet and commercial area = 350 sq. feet. Sale of beer and wine is also requested. Business owner will be onsite regularly. Exhibits reviewed included a site plan, proposed floor plan (square footage noted to delineate commercial/back of house), letter from the applicant, existing use approvals, MHC 48/00, MHC 211/01 and MHC 233/05, and proposed menu. Guidelines that applied to this application included 2.8, 2.4, 2.5, 2.6 and 2.7.

URC Recommendation: Ms. McAuliffe said that the Committee determined it would be a major change in use per 2.8.2. The URC recommended discussion per guidelines 2.7.2; 2.4, 2.5.1e, 2.6, 2.7.2 b, c and d.

Applicant comment:

Uli Lengenber, owner, explained the changes were to allow people eat onsite and to have side dishes and a beer.

Landlord Comment: Matt Holland, PDA, approved of the application.

Public Comment:

Dale Wittner spoke in favor of the beer and sausage and asked if alcohol would be served at the open arcade or only behind closed door.

Mr. Lengenber confirmed alcohol would be consumed only in the enclosed area.

Bo Novak asked if there was a restroom nearby.

Mr. Lengenber confirmed there was.

Paul Dunn asked if they planned to stay open later.

Mr. Lengenber replied he did not.

Commission Discussion:

Ms. Zuege clarified they would still be selling sausages and that this was just adding service and expanded menu items.

Mr. Rolluda cited 2.7.2 c and asked if they would be altering the façade at all.

Mr. Lengenbergsaid no.

Ms. Link thought the hallway would look just the same but this would be discussed in the design section.

Mr. Aller said the URC was concerned that the sale of product continue; that not only will the façade not change, the case holding the sausage will remain and they will continue to sell homemade sausage items.

Ms. Lane thought because it was removed from the pedestrian area it could be approved under 2.7.2 c and didn't see this as a significant change.

Ms. Patton clarified that the Commission has nothing to do with Liquor Control or Sanitation laws.

Mr. Rolluda made a motion to adopt a resolution to approve the application as presented.

MM/SC/AR/SH 10:0:0 Motion approved.

DESIGN: Application: Convert existing manufacturing area to new café; alterations to existing kitchen.

Staff Report: Ms. McAuliffe explained the application to convert existing manufacturing area to new café and alterations to existing kitchen. Exhibits reviewed included an existing floor plan, proposed floor plan, photos, and photo/specifications for furnishings. Items reviewed included:

- Kitchen area: Remove office equipment and storage.
Remove swinging door.
Repaint with existing colors.
Install new kitchen equipment below hood – fryer, warmer, sausage grills, two burners and prep table.
- Café area: Remove manufacturing equipment and sink.
Repaint with existing colors.
Lower lights.
Install tables and chairs.
Install serving area for soda and beer.

Guidelines that applied to this application included 3.1, 3.4 and 3.5.

DRC Report: Ms. McAuliffe said that the Committee cited guidelines 3.4.2 a, 3.4.3 b & e and 3.5, existing incandescent lights are being lowered, and recommended approval.

Applicant Comment: Mr. Lengenbergsaid they were mainly cleaning up and painting using existing colors. Matt Holland, PDA, and Mr. Lengenbergsaid went

through the plans and explained the layout. The changes will be on the south side of the space and will put in 3 – 5 wood tables with chairs once the existing equipment is removed, the area is painted and the floor is coated.

Landlord Comment:

Matt Holland, PDA, said it is nothing fancy and just very basic.

Mr. Lengenber explained the current refrigerator case will remain although he hopes to get a smaller one. He stated they will be manufacturing at another nearby facility.

Mr. Aller asked if the entrance is ADA accessible and asked if code would require them to change the swing to exit out.

Mr. Lengenber said it would be very easy to change.

Public Comment: There was no public comment.

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

MM/SC/HA/SP 10:0:0 Motion approved.

081308.3 APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL

081308.31 Café Campagne Tran Nguyen, Adatto
Construction

1600 Post Alley, Inn at the Market

Revised design for expansion of outdoor seating area.
Application postponed by the applicant

081308.32 PDA – new neon sign in DownUnder
James Haydu

Install neon “Public Market” sign above Market Coins storefront.

Application postponed by the applicant

081308.4 APPROVAL OF MINUTES:

July 9, 2008

Mr. Aller made a motion to approve the minutes as written.

MM/SC/HA/KL 10:0:0 Minutes approved.

July 23, 2008

Ms. Herron made a motion to approve the minutes as written.

MM/SC/JH/KL

8:0:2 Minutes approved. Ms. Shinbo and Ms.

Zuege abstained.

081308.5

REPORT OF THE CHAIR

081308.6

REPORT OF STANDING COMMITTEES:

Ms. Patton provided a general summary of the Guideline Revisions. She described the process and went through a memo she had emailed and passed out to the Commission. They are looking at a number of different changes and have grouped them; at this meeting they would discuss the ones that would apply to Victor Steinbrueck Park. The Guideline Revisions Committee (GRC) wants the changes to reflect the consensus of the Commission and will then go to the Law Department for review.

The GRC looked at 2.11.1 with very minor changes to the first three. 2.11.1 doesn't really apply to the park. 2.11.2, Street Vendors: the GRC thought that needed no changes and didn't apply to the park; Street Performers doesn't apply to the park but the GRC will suggest that the italicization and underlining be removed.

Ms. Link asked if it should be made clear that these don't apply to the park.

Ms. McAuliffe agreed; 2.11.1 says you don't need to come before the Commission if your event in the street is three days or less but that is not true in the park. It would be good to have a sentence that says "this does not apply to the park".

Mr. Howard recommended taking 2.11.5 out and make it 2.12.

Ms. Patton noted to make "non-applicability to Victor Steinbrueck Park" explicit.

Mr. Howard asked if there would be benefit to oversight of performers regarding 2.11.3.

Ms. Patton cited 2.11.4 and asked why it would be needed.

Ms. McAuliffe confirmed that it was referencing 2.11.1 that they have to get approval.

Ms. Patton agreed it was just emphasizing the fact that sidewalk cafes have to conform to all the normal things that any other business has to conform to and it is odd we don't call out any other particular ones that say they have to conform; the GRC thought it superfluous.

The Commission discussed sidewalk cafes and how explicit the wording in the Guidelines should be and how they are defined. Cutters was used as an example of an existing business that might want to expand to an outdoor café; they would have to come before the Commission for approval. Having windows put in for ventilation

would come before the Commission for design approval; having a window put in so they can sell food or coffee would be considered expansion into the Market and would require use approval as well. Existing guidelines provide control.

Ms. Link recommended having something explicit that says sidewalk cafes are approved; it would be helpful for a new commissioner or people who don't know. Perhaps we state that it doesn't apply to the park.

Ms. Patton took it under advisement.

Ms. Patton said 2.11.5 was divided into 1st paragraph and 2nd paragraph; the 1st paragraph was long and confusing. She asked if the phrase that begins with the words "provided that" applies to all events or uses in the park or just to special events.

Ms. McAuliffe said the Hearing Examiner ruled that it did but it was never clear and a different Hearing Examiner might not agree.

Ms. Patton said it isn't clear and GRC wanted to clarify what they were talking about. They propose to delete the 1st paragraph and to amend 2.6.9 "noise as a part of normal business" to apply to the park; the reason it does not apply to the park right now is because it is in the section "styles and methods of business operations" and it specifically says "noise as a part of normal business" and the park is not a business. It would have to be made explicit that it applies not only to business but also to Victor Steinbrueck Park. The GRC asked for conditions on noise restrictions in the park: no amplification, amplification with special permission, and amplification with a time restriction.

Mr. Aller suggested no amplification because it is simple to understand.

Ms. McAuliffe stated the Commission does not have jurisdiction over 1st Amendment events.

Ms. Patton said the 1st Amendment doesn't deal with time, place and manner.

Ms. Link thought the guidelines should be a little looser and suggested "amplification will not be permitted except where special permission is granted; musical performances that last more than three hours during the hours from 12 noon – 6 are discouraged."

The Commission discussed the value of not cutting off amplification totally and locking the Commission into inflexibility but also maintaining control; a temporary permit can be approved. Having events at the park is the Parks Department's effort to activate the park and displace crime.

Ms. Link recommended keeping language in the guidelines that makes it clear that we don't have jurisdiction over small community functions, fundraisers and 1st Amendment events.

Ms. Bystrom recommended mentioning the park in the guidelines and the guidelines under the park so they are cross-referenced.

Ms. Patton confirmed there was consensus for requiring special permission and a discouragement of amplified events of more than three hours or outside the 12 – 6 pm timeframe.

Ms. Patton explained making the park an explicit zone to talk about permitted uses. She cited 3.8.7 about views through the park being a cherished public amenity that “shall not be diminished”. She asked if the guidelines need to be explicit about views in the park and if so, where.

Mr. Howard cited 5.7 and said it defines the Market as the Pike Place Market Historical District and thought that would cover the park and thought that particular view corridors might be identified; he thought the blanket “district” would be adequate.

Ms. Link asked if vehicles should be allowed in the park at all.

Ms. McAuliffe said the current guidelines were straight out of parks use guidelines drafted in the 1980s. Her concern about eliminating the section regarding protection of views from the park and letting it be inherent as part of public ways and amenities in the definition is that somebody might miss that.

Ms. Lane thought the guidelines should be explicit and saw the issues as noise, views and uses.

Ms. Herron added the parks most cherished asset is the view and that special attention to that would be warranted.

Ms. Patton explained with regard to concessions and street vending the zoning map shows the park is in zone 3, all uses allowed the discussed and talked about what changes to permitted uses might be appropriate and should there be a separate park zone.

Ms. Zuege asked whether there was any available written information on the original intent of Victor Steinbruek and his plans for the park.

Ms. Lane asked Commission members to think about the purpose of a park in an historic district and the purpose of this park in particular so what the Commission is regulating for and to what end.

Paul Dunn said the original plans are probably with the City Clerk's office; Richard Haag, who is still an active landscape architect, would be a good source of information about the park.

Ms. Lane said there is question of the original intent versus what is the intent today.

Mr. Aller stated the original park was in a different location; there is a building at the original location. The park today is not the original park and Victor Steinbrueck wouldn't recognize it.

The Commission questioned the role MHC should have in regulating the use; the Commission should determine the park's role, considering its evolution, and have specific guidelines. The Commission needs to be clear what its role is. A briefing by Richard Haag would be helpful.

081308.7 STAFF REPORT

Ms. McAuliffe reported back on the Commission's request for a letter to SDOT about maintenance issues on the Hillclimb footbridge. She said she contacted the city's Bridge Crew Chief who explained to her that there is a division of responsibility between the city and the PDA with regard to structural and minor maintenance. The documents SDOT has provided to her point to the PDA for minor maintenance on the foot bridge whereas the City is responsible for structural maintenance. Via inspection reports and discussion with City personnel she learned there is nothing structurally wrong with the bridge and there are no plans to remove the bridge in the immediate future; she plans a site visit with the immediate supervisor next week to make sure he understands the maintenance issues the Commission had noted. She wants him to look at the hole where the water runs through to make sure it is not structural. She explained there are broken window panes and graffiti etched on the windows.

Ms. Shinbo asked if the PDA is aware this is their responsibility.

Ms. McAuliffe didn't know; she wanted to review with SDOT and to finish getting the background information to determine exactly who is responsible for what. Because there is no current Memorandum of Agreement it might make sense for the PDA and SDOT to get together; she would help facilitate that if appropriate.

Ms. McAuliffe obtained 10 years of statistics on crimes in Victor Steinbrueck Park; she received 54 pages and asked Commission members if they would like to have this information for review.

Ms. McAuliffe said she received a call from a community member who lives in the condos north of the Market who complained about the sandwich boards on 1st Avenue in front of the Economy Market and in front of the Sanitary Market. They are approved sandwich boards. She also received a complaint about the flower baskets hung in Victor Steinbrueck Park as of a couple years ago. She noticed there

are a lot of flower baskets strung along the Soames Dunn and Stewart House and doesn't know if they are approved. The approvals she has include the flower planters along the tops of the arcade and along Pike; she asked if the Commission wanted to deal with this.

Mr. Dunn asked who would be against flowers.

Ms. McAuliffe asked if he knew why there might be a complaint about this.

Mr. Dunn thought it might be that it wasn't part of the original design of the park.

Ms. McAuliffe agreed that it was not part of the original design but her opinion is these are seasonal decorations, just like Christmas lights, so she is not inclined to take it further.

The Commission indicated agreement with Ms. McAuliffe.

Ms. Patton cited 3.8.1 which says they are a great idea but should be balanced against need for pedestrian movement and accessibility.

Ms. McAuliffe stated they are all up above.

Ms. McAuliffe reported the PDA requested to present to the DRC about proposed changes to the Fairley and Leland windows. She said it is just a briefing.

081308.8 NEW BUSINESS

6:15 PM Meeting adjourned.
MM/SC/SL/SH

Heather McAuliffe
Commission Coordinator