



The City of Seattle

Pike Place Market Historical Commission

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MINUTES

MHC 139/08

Wednesday, September 10, 2008

4:30 p.m.

PDA Meeting Room, 85 Pike Street, Room 500

COMMISSIONERS

Howard Aller, Vice Chair

Valerie Bystrom

Joanne Herron

Susan Lane

Karin Link, Chair

Sara Patton

Alex Rolluda

Sharron Shinbo

Allyn Stellmacher

Susan Zuege

STAFF

Heather McAuliffe

Melinda Bloom

Absent:

Marilyn Bierman

Spencer Howard

Chair Karin Link called the meeting to order at 4:34 p.m.

091008.1 APPLICATIONS FOR CERTIFICATES OF USE APPROVAL

091008.11 Michou
1904 Pike Place, Stewart House
Ralph & Noriko Castellino

Application postponed at the request of the landlord.

091008.12 Ageless Acupuncture (currently Yong Kang Chinese Medicine Clinic)
1515 First Avenue, Sanitary Market
Bridgette Kinder

Application: Change of ownership and change of use for a business to specialize in Chinese Medicinal services, including facial renewal, acupuncture, cupping, gua

Administered by the Historic Preservation Program Seattle Department of Neighborhoods

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sha, moxa, Oriental medical lifestyle guidance, herbal consultations, Ayurveda and yoga. Business may also provide complimentary services such as massage therapy, reflexology, energy healing sessions, nutritional counseling, transpersonal counseling, meditation, pranayama, self help workshops, facial waxing, and facials. Chinese herbs, Ayurvedic skin care products, health supplements and other products that compliment the services offered may also be sold.

Staff Report, Use: Ms. McAuliffe explained that the business is located in Zone 2, street level, where Food a-e and Retail a-d uses are permitted. The former use (Yong Kang Chinese Medicine Clinic) was Retail d and Other Uses b: a business specializing in acupuncture and supplemental products such as Chinese herbs, first aid products, teas, tea utensils and teapots. The new use would be Retail d and Other Uses b. The space is 574 square feet. The proposed ownership structure: Limited Liability Company. Bridgette Kinder owns 100% of the company, Ageless Acupuncture, LLC. She does not have a financial affiliation with another business. She will be onsite regularly. Exhibits reviewed included a site plan; written description of ownership interest and role in the business operation; the application for State of WA Master Business License; and, a business plan - percentages of product lines and services. The guidelines that applied to this application included: 2.10, 2.1, 2.4, 2.5, 2.6, and 2.7.

Mr. Rolluda arrived at 4:37 p.m.

URC Report: Ms. McAuliffe said that the Committee determined the application was in conformance with Guidelines 2.10.1, 1, 2.10.3, 2.10.4, 2.5.4 d – permitted uses; 2.5.5 b – non-permitted uses, determined that the Commission should discuss the specialty per 2.6.4 but that the application was in conformance with all other sections of 2.6; in conformance with 2.7.1. The non-permitted uses would be in conformance with Guidelines 2.7.2 b, c and d. The Committee recommended approval with further discussion of the business’s specialty nature per 2.6.4.

Applicant Comment:

Bridgette Kinder distributed an information sheet that provided the percentage of the different services to be offered. 90 – 100% of the work that she will be doing out of this space will be Chinese medicine oriented which includes acupuncture; 0 – 5% would be Indian medicine based which includes meditation, breathing practices and ayurveda; and another 5% may include medical massage, transpersonal psychology and some kind of reflexology. She said another business in the area was interested because they also practice reflexology.

Landlord Comment: There were no comments from the landlord.

Public Comment:

Paul Dunn, a resident in the Market, asked if the Commission had asked the applicant if she is licensed with the state for the specialties.

Ms. McAuliffe explained that determining compliance to the state regulations is not within Commission purview.

Bo Novak, owner of Bohemia, asked why applicant would offer reflexology and massage when they are offered next door.

Ms. Kinder stated there may be practitioners operating from her space who although they do not specialize in those practices may provide it as an adjunct.

Commission Discussion:

Ms. Bystrom said she was happy to see the service percentages; it seemed like they are taking in a lot and if each were given equal value it would be too much. 90% suffices as specialty.

The Commission indicated agreement.

Ms. Patton asked if the massage was listed under miscellaneous services which along with other items are less than 5%.

The applicant concurred.

Ms. Zuege asked if it would be clear that massage would be part of the other services provided or will people come in just for a massage.

Ms. Kinder stated she would add medical massage if she felt her patients needed it. It won't be advertised. She wanted to cover any future possibilities in her proposal but right now it will be strictly acupuncture related and Chinese medicine related.

Ms. Zuege wanted to be clear since there already is another massage place that is nearby.

Ms. Kinder noted that multiple places offering the same services sometimes thrive on each other and doesn't think it is a negative thing.

Mr. Aller expressed concern with the enormous list of extras being offered. 5% is not a problem but was concerned that another practitioner may start practicing with regularity and said the Commission needs to know and it must be clarified. He expressed concern about what "in the future" means. 5% means very occasionally, not with any regularity; if the percentage goes up that would be a change of use and would require Commission approval.

Ms. Kinder stated she understood and that is why she provided the percentages.

Ms. McAuliffe advised the applicant if she thought she would exceed those percentages to put in another application.

Ms. Kinder said she would.

Mr. Stellmacher made a motion to adopt a resolution approving this application as presented.

MM/SC/AS/SP 9:0:0 Motion approved.

091008.13 Pike Place Corn Roaster (currently “Cowboy’s Roaster)
Victor Steinbrueck Park
Mat Chaudry

Application: Change in ownership structure and expansion of use for business specializing in the sale of roasted corn and potatoes, approved to operate in Victor Steinbrueck Park per MHC 72/08 through December 31, 2008. Change in ownership structure: Cajetan Mendonca to be added as a 51% owner. Expansion of use for packaged kettle corn, to be 20% of product lines.

Staff Report: Ms. McAuliffe explained that the business is located in Zone 3, at street level, where all uses are permitted. The former use was Food f. The new use is Food f. The proposed ownership structure: Partnership. Cajetan Mendonca will own 51% and Mat Chaudry will own 49%. Cajetan does not have a financial affiliation with another business. He will be responsible for running the day-to-day operation of the business. Mat Chaudry will be responsible for bookkeeping, buying supplies and working at the booth part-time. The packaged kettle corn will be made onsite. The business will take extra precautions for droppings or leftover food in the park by customers. Exhibits reviewed included existing approval for Cowboy’s Roaster, MHC 72/08, City of Seattle application for business license, and supplemental written information from Cajetan Mendonca. Guidelines that applied to this application included: 2.8, 2.10, 2.6, and 2.7.

URC Report: Ms. McAuliffe said that the Committee cited Guidelines 2.8.1 a, b & c; 2.10.1, 2.10.2, 2.10.3, and 2.10.4. The Committee determined that the application met all parts of Guideline 2.6 and was in conformance with Guideline 2.7.1. The Committee recommended approval, with the condition that the kettle corn is made onsite. Applicant originally proposed to sell packaged kettle corn bought wholesale. The Committee thought that it was not a good fit for the Market. The applicant agreed to make the product onsite.

Landlord Comment: There were no comments from the landlord.

Public Comment:

Paul Dunn noted this was the first change of ownership that he knows of under a temporary Certificate of Use. He said it is appropriate the Commission is discussing a food vendor in Victor Steinbrueck Park since the guidelines in that area are being revised. He thought it inappropriate to have a food vendor in the park with many food vendors so close in the Market and he expressed concern about the corn roaster and signage blocking views in the middle of the park.

Dale Wittner provided photos of the roaster set up.

Ms. McAuliffe stated they could be passed around as informational but the issue of view blockage is not on the table at this time.

Mr. Mendonca said the existing sign is a small one that reads “Roasted Corn”, not the one shown in the photographs.

Commission Discussion:

Ms. Patton said the change to sell kettle corn that is made on site satisfies the questions the Use Committee had.

Ms. Zuege asked if the making kettle corn requires an additional cooker.

Mr. Mendonca said the kettle will fit within the same space they now occupy. They will make the kettle corn and package it there.

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

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

091008.2 APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL

091008.21 Emerald Kettle
1514 Pike Place #8, Sanitary Market
Chok Chea

Application: Replace four existing approved on and off-premise signs; install one new hanging sign over business entry.

Staff Report: Ms. McAuliffe explained the application for four existing approved on and off-premise signs; and to install one new hanging sign over business entry. The applicant proposes also to remove a former kitchen hood (currently covered with wood and painted to match the walls) and install drywall in its place, painted to match the existing approved interior color. Exhibits reviewed included site plans, photos, and renderings. Guidelines that applied to this application included: 3.1, 3.4, and 3.6.

DRC Report: Ms. McAuliffe said that the Committee cited Guidelines 3.1, 3.4.2 a, 3.6.1, 3.6.2, and 3.6.6 (a) (2) and recommended approval.

Ms. Shinbo arrived at 5:08 p.m.

Applicant Comment:

Mr. Chea explained the name change will be more reflective of what they serve.

Public Comment: There was no public comment.

Commission Discussion:

Commissioners determined they had enough information to make a decision.

Ms. Lane made a motion to adopt a resolution approving the application as presentation.

MM/SC/SL/JH 9:0:1 Motion approved. Ms. Shinbo abstained.

091008.22

Pike Market Medical Clinic

1930 Post Alley, Livingston-Baker Building

Annette Neilson

Staff Report Design: Ms. McAuliffe explained the application for change in design of three existing approved exterior signs. Exhibits provided were sign renderings and method of attachment. The guideline that applied to this application was 3.6.

DRC Report: Ms. McAuliffe said that the Committee cited guidelines 3.6.1, 3.6.2, 3.6.3 and recommended approval.

Applicant Comment:

Ms. Neilson stated the name and logo will be the same. The parent company, Puget Sound Neighborhood Health Centers, is rebranding and making the main logo a little larger.

Landlord Comment: Landlord indicated approval.

Public Comment: There was no public comment.

Commission Discussion:

Mr. Aller noted he had no idea there was corporate health care operations in the Market; he thought it was run by, for, and in the Market and felt this was a bit “Starbuckian”.

Ms. McAuliffe stated there was a change of ownership a couple years ago and the Commission approved it.

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

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

091008.3 APPROVAL OF MINUTES:

August 27, 2008

Ms. Herron made a motion to adopt a resolution approving the minutes as presented.

MM/SC/JH/KL 8:0:2 Minutes approved. Mr. Stellmacher and Ms. Shinbo abstained.

091008.4 REPORT OF THE CHAIR

091008.5 REPORT OF STANDING COMMITTEES:

Guidelines Revision Committee: Ms. Patton explained the expected timeline for revisions to the Guidelines. She said that Ms. McAuliffe has written up the consensus on Victor Steinbrueck Park changes. The other batch of revisions which were throughout the guidelines will be brought back for discussion to reach consensus from the Commission and then be written up; she hopes to have it at the October 8, 2008 meeting. Once consensus is reached, it will go to Law Department, after which there will be a public comment period and hearing.

The Commission agreed to informally review the second set of amendments that had been sent out.

Mr. Aller stated they have already dealt with the individual comments from the Use Committee on the Use Guidelines and the Design Committee on the Design Guidelines. The versions out reflect those changes. Mr. Aller explained that taking into consideration the reflections of the specialized committees; these are now what are being proposed. Those that didn’t like them before may still not like them which is acceptable. Mr. Aller went through the options for revisions. The Commission briefly discussed them. The Committee will continue to work on the revisions.

091008.6 STAFF REPORT: There was no report.

091008.7 NEW BUSINESS

091008.71 Victor Steinbrueck Park
Richard Haag

Briefing on history of the design of Victor Steinbrueck Park.

Ms. Link stated the Commission was interested in hearing about the history of the design of Victor Steinbrueck Park and the original intent of the design.

Ms. Patton stated the Commission has received a couple requests for different uses in the park and granted a temporary one for the Corn Roaster and there have also been requests for concerts and events that usually have issue with duration and amount of amplified music. She explained that when the Commission looked at the guidelines, the guidelines appeared to have been xeroxed from the Park Department's standard operating procedures. The guidelines now say that "no event shall be scheduled in the park that requires equipment on site that exceeds the structural load capacity of the park". She said it is not Historical Commission business to worry about structural load capacity. She explained that the guidelines state that concessions are prohibited in the park, "street vending in conjunction with special events is prohibited". The Commission didn't understand when looking at the guidelines whether they were still appropriate or not especially given the strong interest in making the park more user friendly and less criminal friendly. She noted the Commission didn't have a good sense of the historic plan for the park.

Mr. Haag said he went to some meetings at Seattle Center and they were saying "we don't have adequate wording for special events, let's find out what the Parks Department says"; he went on to explain that he then went to a meeting at the Parks Department and they said "our special events legislation is out of date, let's check with Seattle Center". He said there were some special events scheduled for Steinbrueck Park and he tried to find out exactly when they were going to be so he could attend but never got a reply. He said he thought we would all be for those kinds of events. He said he would be opposed to privatization, commercialization of the park, as would have Victor Steinbrueck.

Mr. Aller asked Mr. Haag to be more specific about privatization and commercialization and what would be objectionable about them.

Mr. Haag said there have been three or four threats on the park that he is aware of and that he fended off: Cutters Bayhouse wanted to cordon off an area and have outdoor dining and he thought that was a clear case of taking public property for private gain so they fought that off; there was a man who wanted to use the park for a waterfront gondola landing pad and that one was fought off; and, there was the high rise apartments which was a whole different ball game but they capped off.

Mr. Aller asked if Mr. Haag thought the use of businesses in the park - that someone is buying and selling in the park - defines commercialization and is antithetical to Mr. Steinbrueck's design.

Mr. Haag responded that yes, he did. Commercialization, private gain in a public park; the park is just a huge draw for people; any business entrepreneur would love it. Unfortunately Fred Kent of People for Public Places goes around the country and says "you should energize your parks so that we get a higher class of clientele and also let's put the boutique-y coffee shops and things like that in the parks". Victor was always for the underdog, the common man and the idea that public parks are the highest and most prized symbol of democracy that we have. He said he was always an understudy of Victor; the park is a memorial to him.

Mr. Aller stated that the Parks Department says that increased activity in the park would be good for the park and would keep some of the criminal element out of the park.

Mr. Haag said why would you put cameras, lights, police dogs when the clientele in the park, the very people that need it the most are the people that have the least say and the least defense against these kind of "clean it up, make it more "genteel" (measures). This is a social problem and a police problem not a park or design problem. Trees do not increase crime in parks. There is a very large issue here and it all started with one of the Presidents who emptied the halfway houses and treatment centers and institutions and said "we'll mainstream this unfortunate part of our society". We pay for that mainstreaming. You pay one way or the other. You drive this element out of the park, and he said he isn't saying it is criminal element, but you just push it over somewhere else. It is a social, treatment problem and the design of the park has very little to do with it. He talked about the design of the shelter and area around it: there are low walls that separate the area that is south westernmost element and that was done purposefully. The first people, the Native Americans, need a social place to gather and converse and that was purposefully designed that way so they would have a place that they felt was their outdoor room. He said he hears criticism even from David Steinbrueck who said "that is a problem down there in the corner we ought to take those walls out and make that more of a park". And the Parks Department says "promenade, artworks, all kinds of activities" which they very seldom program but sound nice, "mix it up, stir it up and that will make it safer".

Mr. Aller asked Mr. Haag to discuss the berms and the landscaping.

Mr. Haag said the Parks Department doesn't have control of this park; he thinks what happens down there is in the hands of the Market Historical Commission. He said at public meetings held by the Parks Department, the Parks Department said they should lower that "mound". Mr. Haag said it is not a "mound" it is just a slight berm and is a very important design element of the park. Other schemes have said "we'll have to lower it because the police driving by can't see what is happening at the water's edge". Mr. Haag said they can get out of their cars, they can ride horses

or bicycles. Why do you have to always feel there are eyes on you? Why can't we have a little visual, spatial separation? The "mound" serves a lot of things; it helps to keep the noise of the Alaskan Way Viaduct from coming up to the street although the genius of our design was to get the private garage under there. The floor of the park is the ceiling of the garage and that was carefully engineered; very lightweight soils were used and benches and low wall span. The furniture is not bolted into the slab and is epoxied on the top instead. If you followed some of the Parks Department's ideas about changing the walls and so on, they could damage the roof structure of the garage; so far he has been down there to talk to the people and it doesn't leak. There is a careful balance of factors there.

Ms. Patton explained that the Commission has struggled with whether or not concessions should be allowed there. Right now there is the Roasted Corn guy on a temporary basis.

Mr. Haag said he is glad it is temporary and will be glad when the frost comes and the corn goes away.

Ms. Patton asked Mr. Haag to for confirmation on whether or not he thought maintaining a prohibition of what we would think as concessions, whether they are food stands or baseballs cap, is a good idea.

Mr. Haag replied there is a whole Market full of concessions.

Ms. Patton asked if free events, special events should be restricted and if so, how much; and she asked about the amplification of sound. She said the Commission thinks the protection of views is important and that the Commission wants to have protection of views through the park. She asked for Mr. Haag's comments.

Ms. Herron asked if a distinction had ever been made that the park should be a quiet, thoughtful, gathering place or should it be a vibrant community with music would be a very inviting part of that.

Ms. Bystrom added if the issue of food is that someone is making money and asked what Mr. Haag's would think if it were a non-profit.

Mr. Haag stated he is shocked by the corn business because the Parks Department at all their meetings says they want to widen the entrance to the park and then here comes a merchant that is taking up half of that entrance. He said the questions are tough. He said he has been to some great political rallies at the park. He said he thought a one-of-a-kind event is fine. He asked if the music concerts took place; he imagined it was great.

Mr. Aller said they had some mid-day concerts and the residents didn't like it.

Mr. Haag said the Market has been in existence for 101 years; when people moved here they must have known they were coming here and that was probably one of the magnets that brought them here. He said there are always trade offs.

Ms. Patton stated the Commission is looking at a couple versions of amplification one being no amplification at all, and the other being amplification only from 12:00 pm to 6:00 pm time period for only a three hour duration.

Mr. Haag said he thought that sounded reasonable. Developers have certain restrictions on jackhammers. Noise pollution is a problem but with the viaduct there the park is serving a great acoustical benefit.

Mr. Stellmacher asked about view blockage due to festivals and events being held in the park and wondered if thought had been given to the view shed in the original design intentions for the park.

Mr. Haag said the park was built in 1981; it wasn't built up on the east side then. He worked on Market Place North Housing and buildings to the north. He said there are regulations about noise, dust abatement, light pollution. He has heard complaints that the park isn't lighted and on the other hand he said if it wasn't done skillfully people would complain that it is competing with lights in the bay.

Ms. Bystrom asked about the language used when the park was created about calm, serenity and keeping this quiet spot.

Mr. Haag said he has access to some of the handwritten notes and memos from Victor Steinbrueck and they are mainly about the totem poles and artwork; he can't answer the question directly.

Ms. Lane asked what the vision was that he and Mr. Steinbrueck had for the park.

Mr. Haag stated the main thing was that the public, the people on the street, had no open 24-hour a day view to the mountains and the bay so it was a view park. He referred to it as a belvedere, or promontory. He said if you go to the Yesler and Occidental parks, they are cut off from views of the water. He said the territorial view and the view of the water is a very grounding thing; that was the window to the world with ships and ferries coming and going. There was a congregation of Indian people around this area for a long time. Another threat on this park was the plan to put a tunnel through; there were three or four schemes that were going to build on the last vacant lot and some of those schemes had a ramp from the park down to developments. They were going to knock out the southwest corner and dislocate those people.

Ms. Lane clarified that part of the vision was the great view of the mountains and to have a living room for people to congregate.

Mr. Haag said there are lots of benches and tables; he noted that the retaining walls are seat-height. William S. White studied social spaces – places to sit, to eat. Unfortunately People in Public Places turned it around; he said he hoped the Commission wouldn't do that here.

Ms. Lane asked for his advice as the Commission looks at the park in terms of the MHC guidelines and what would be the most important things to consider.

Mr. Haag stated he would like to replant the 40 blueberry bushes that were planted over by Cutters. The plants were chosen to ripen at different times in the season. If you are an alcoholic and aren't eating regularly, blueberries are a good source of vitamins and antioxidants so it was intended to be a nutritional planting. The Parks Department ripped those out and put in (a type of) Laurel. He would like to see the park maintained really well. There used to be seven Aspen trees in the north end and he said he knows this will be very controversial with people who think that the trees will block their view; he said he would like to tell them "trees are your view" to reverse that kind of thinking. He said the leaves of the Aspen vibrate and make a wonderful white sound. It just needs care; the soil is sunken down, there is trash in the area that is a planting area on the south side. He said there are shrubs but color could be added; he said he did not want to have the hanging baskets and that Victor is turning over in his grave. He said to think of the care that goes into the hanging baskets and we could spend it to improve the lawn and replace the wood which is rotting after 30 years. He recommended replacing the wood with wood and not with plastic. Wood is nice to touch and you can carve in it, maybe initials or a heart or "love wins" to humanize it.

Mr. Aller clarified that Mr. Haag thinks we should be providing for rather than eliminating street people.

Mr. Haag said he is not saying we design parks like Gasworks Parks; if he was saying that he would put big sewer tiles in so people could sleep – he isn't saying that. Let's be democratic about how public space is used.

Ms. Bystrom asked if he would prefer a maintenance person on site rather than a roaster if the park wants eyes.

Mr. Haag said he thought there were quite a few eyes around; he said a park warden kind of idea is good although he doesn't know what he thinks about the Park Rangers. He said he hopes they speak Spanish; it would be nice if they spoke two or three languages and it would be nice if they knew something about the history of the park and they could tell the tourists about it. He said the jury is out on the Rangers but it is probably good.

Mr. Aller thanked Mr. Haag for the good news and good thoughts.

Mr. Haag expressed appreciation for being able to brief the Commission.

Ms. Lane announced that September 21 there will be a poetry reading in the park and she would be one of the poets reading and invited Commission members.

6:06 p.m. The meeting was adjourned.

Respectfully submitted,

Heather McAuliffe
Commission Coordinator